



Education Committee

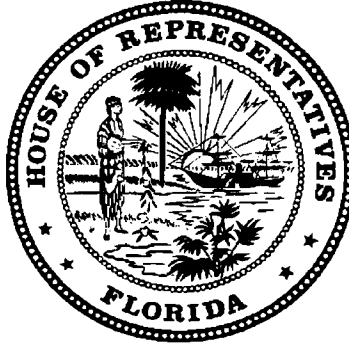
**Thursday, March 12, 2015
1:00 p.m. – 3:00 p.m.**

102 HOB

Meeting Packet

**Steve Crisafulli
Speaker**

**H. Marlene O'Toole
Chair**



AGENDA

“Our number one priority in education is to ensure that our schools are focused on student success”

Education Committee
Thursday, March 12, 2015
1:00 p.m. – 3:00 p.m.
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- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following bill:
 - HB 7057 School Administration by K-12 Subcommittee, Raulerson
- IV. Draft language relating to personal learning scholarship accounts
- V. Draft language relating to extracurricular activities
- VI. Closing Remarks and Adjournment

27 | amending s. 1003.57, F.S.; revising definitions;
 28 | revising the requirements for certain notices to
 29 | parents of exceptional students; amending s.
 30 | 1003.5715, F.S.; making technical changes; amending s.
 31 | 1006.09, F.S.; requiring the department to
 32 | periodically review the collection and classification
 33 | of school incidents with stakeholders; amending s.
 34 | 1006.283, F.S.; requiring school districts to notify
 35 | parents of their ability to access homework
 36 | assignments through a certain system; amending s.
 37 | 1008.212; authorizing rather than requiring
 38 | extraordinary exemptions be given to students;
 39 | amending s. 1002.20, F.S.; providing parents and
 40 | students the right to access student education
 41 | records; amending s. 1006.147, F.S.; requiring school
 42 | districts to revise bullying and harassment policies
 43 | within a specified timeframe; deleting provisions
 44 | relating to safe schools funds and reporting
 45 | requirements; amending s. 1011.62, F.S.; creating a
 46 | safe schools allocation to provide funding to school
 47 | districts for certain safe schools activities;
 48 | amending s. 1012.23, F.S.; revising school district
 49 | personnel policies relating to principals and
 50 | employees of the district school board; amending s.
 51 | 1012.42, F.S.; providing that a parent of a student in
 52 | certain classes may request his or her student be

53 transferred to a classroom with an in-field teacher;
 54 requiring the school to respond to a parent's request
 55 within a specified timeframe and provide the parent
 56 with certain notifications; amending s. 1012.795,
 57 F.S.; revising causes for suspension of educator
 58 certificates; amending s. 1012.98, F.S.; requiring a
 59 school district's professional development system to
 60 provide access to suicide prevention educational
 61 resources; amending s. 112.3144, F.S.; revising
 62 provisions for the notification of unpaid automatic
 63 fines for certain disclosure failures; providing an
 64 effective date.

65
 66 Be It Enacted by the Legislature of the State of Florida:

67
 68 Section 1. Subsection (1) of section 984.151, Florida
 69 Statutes, is amended to read:

70 984.151 Truancy petition; prosecution; disposition.—

71 (1) If the school determines that a student subject to
 72 compulsory school attendance has had at least five unexcused
 73 absences, or absences for which the reasons are unknown, within
 74 a calendar month or 10 unexcused absences, or absences for which
 75 the reasons are unknown, within a 90-calendar-day period
 76 pursuant to s. 1003.26(2)(a)2. ~~1003.26(1)(b)~~, or has had more
 77 than 15 unexcused absences in a 90-calendar-day period, the
 78 superintendent of schools or his or her designee may file a

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79 truancy petition.

80 Section 2. Subsection (8) is added to section 1001.41,
81 Florida Statutes, to read:

82 1001.41 General powers of district school board.—The
83 district school board, after considering recommendations
84 submitted by the district school superintendent, shall exercise
85 the following general powers:

86 (8) Adopt a strategic plan that aligns financial resources
87 and academic performance with the school board's mission and
88 long-term goals.

89 Section 3. Subsection (6) and paragraphs (a) and (b) of
90 subsection (18) of section 1001.42, Florida Statutes, are
91 amended to read:

92 1001.42 Powers and duties of district school board.—The
93 district school board, acting as a board, shall exercise all
94 powers and perform all duties listed below:

95 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
96 PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS
97 ADMINISTRATORS.—Adopt policies establishing standards of ethical
98 conduct for instructional personnel, administrative personnel,
99 and school officers ~~administrators~~. The policies must require
100 all instructional personnel, administrative personnel, and
101 school officers ~~administrators~~, as defined in s. 1012.01, to
102 complete training on the standards; establish the duty of
103 instructional personnel, administrative personnel, and school
104 officers ~~administrators~~ to report, and procedures for reporting,

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105 | alleged misconduct by other instructional or administrative
106 | personnel and school officers ~~school administrators~~ which
107 | affects the health, safety, or welfare of a student; and include
108 | an explanation of the liability protections provided under ss.
109 | 39.203 and 768.095. A district school board, or any of its
110 | employees, may not enter into a confidentiality agreement
111 | regarding terminated or dismissed instructional or
112 | administrative personnel or school officers ~~administrators, or~~
113 | ~~personnel or administrators~~ who resign in lieu of termination,
114 | based in whole or in part on misconduct that affects the health,
115 | safety, or welfare of a student, and may not provide
116 | instructional personnel, administrative personnel, or school
117 | officers ~~administrators~~ with employment references or discuss
118 | the personnel's or officers' ~~administrators'~~ performance with
119 | prospective employers in another educational setting, without
120 | disclosing the personnel's or officers' ~~administrators'~~
121 | misconduct. Any part of an agreement or contract that has the
122 | purpose or effect of concealing misconduct by instructional
123 | personnel, administrative personnel, or school officers
124 | ~~administrators~~ which affects the health, safety, or welfare of a
125 | student is void, is contrary to public policy, and may not be
126 | enforced.

127 | (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
128 | Maintain a system of school improvement and education
129 | accountability as provided by statute and State Board of
130 | Education rule. This system of school improvement and education

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131 accountability shall be consistent with, and implemented
132 through, the district's continuing system of planning and
133 budgeting required by this section and ss. 1008.385, 1010.01,
134 and 1011.01. This system of school improvement and education
135 accountability shall comply with the provisions of ss. 1008.33,
136 1008.34, 1008.345, and 1008.385 and include the following:

137 (a) School improvement plans.—

138 1. The district school board shall annually approve and require
139 implementation of a new, amended, or continuation school
140 improvement plan for each school in the district. If a school
141 has a significant gap in achievement on statewide, standardized
142 assessments administered pursuant to s. 1008.22 by one or more
143 student subgroups, as defined in the federal Elementary and
144 Secondary Education Act (ESEA), 20 U.S.C. s.
145 6311(b)(2)(C)(v)(II); has not significantly increased the
146 percentage of students passing statewide, standardized
147 assessments; has not significantly increased the percentage of
148 students demonstrating Learning Gains, as defined in s. 1008.34
149 and as calculated under s. 1008.34(3)(b), who passed statewide,
150 standardized assessments; or has significantly lower graduation
151 rates for a subgroup when compared to the state's graduation
152 rate, that school's improvement plan shall include strategies
153 for improving these results. The state board shall adopt rules
154 establishing thresholds and for determining compliance with this
155 subparagraph.

156 2. A school that includes any of grades 6, 7, or 8 shall

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157 include annually in its school improvement plan information and
158 data on the school's early warning system required under
159 paragraph (b), including a list of the early warning indicators
160 used in the system, the number of students identified by the
161 system as exhibiting two or more early warning indicators, the
162 number of students by grade level that exhibit each early
163 warning indicator, and a description of all intervention
164 strategies employed by the school to improve the academic
165 performance of students identified by the early warning system.
166 In addition, a school that includes any of grades 6, 7, or 8
167 shall describe in its school improvement plan the strategies
168 used by the school to implement and evaluate the instructional
169 practices for middle grades emphasized by the district's
170 professional development system pursuant to s. 1012.98(4)(b)9.

171 (b) Early warning system.—

172 1. A school that includes any of grades 6, 7, or 8 shall
173 implement an early warning system to identify students in grades
174 6, 7, and 8 who need additional support to improve academic
175 performance and stay engaged in school. The early warning system
176 must include the following early warning indicators:

- 177 a. Attendance below 90 percent, regardless of whether
178 absence is excused or a result of out-of-school suspension.
- 179 b. One or more suspensions, whether in school or out of
180 school.
- 181 c. Course failure in English Language Arts or mathematics.
- 182 d. A Level 1 score on the statewide, standardized

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183 assessments in English Language Arts or mathematics.

184

185 A school district may identify additional early warning
186 indicators for use in a school's early warning system.

187 2. A school-based team responsible for implementing the
188 requirements of this paragraph shall monitor the data from the
189 early warning system in subparagraph (a)2. When a student
190 exhibits two or more early warning indicators, the team must ~~the~~
191 ~~school's child study team under s. 1003.02 or a school-based~~
192 ~~team formed for the purpose of implementing the requirements of~~
193 ~~this paragraph shall~~ convene to determine appropriate
194 intervention strategies for the student unless the student is
195 already being served by an intervention program. The school
196 shall provide at least 10 days' written notice of the meeting to
197 the student's parent, indicating the meeting's purpose, time,
198 and location, and provide the parent the opportunity to
199 participate. Data and information relating to the indicators
200 must be used to inform any intervention strategies provided to a
201 student identified under this paragraph.

202 Section 4. Section 1002.205, Florida Statutes, is amended
203 to read:

204 1002.205 Guidelines on religious expression;
205 distribution.—The Department of Education shall each year
206 distribute for informational purposes to all district school
207 board members, district school superintendents, school
208 principals, and teachers the entire guidelines on "Religious

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209 Expression in Public Schools" published by the United States
 210 Department of Education, as updated from time to time, and
 211 provide notice of the requirements of the Religious Freedom
 212 Restoration Act of 1998 and s. 1003.4505, relating to protection
 213 of school speech.

214 Section 5. Subsection (13) of section 1003.01, Florida
 215 Statutes, is amended, and subsection (17) is added to that
 216 section, to read:

217 1003.01 Definitions.—As used in this chapter, the term:

218 (13) "Regular school attendance" means the actual
 219 attendance of a student during the school day as defined by law
 220 and rules of the State Board of Education. Regular attendance
 221 within the intent of s. 1003.21 may be achieved by attendance
 222 in:

223 (a) A public school supported by public funds;

224 ~~(b) A parochial, religious, or denominational school;~~

225 (b)(e) A private school, including a parochial, religious,
 226 or denominational school supported in whole or in part by
 227 tuition charges or by endowments or gifts;

228 (c)(d) A home education program that meets the
 229 requirements of chapter 1002; or

230 (d)(e) A private tutoring program that meets the
 231 requirements of chapter 1002.

232 (17) "Chronic absenteeism" means a student who has been
 233 absent from school for ten percent or more of a school year for
 234 any reason.

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235 Section 6. Paragraph (b) of subsection (1) of section
236 1003.02, Florida Statutes, is amended to read:

237 1003.02 District school board operation and control of
238 public K-12 education within the school district.—As provided in
239 part II of chapter 1001, district school boards are
240 constitutionally and statutorily charged with the operation and
241 control of public K-12 education within their school district.
242 The district school boards must establish, organize, and operate
243 their public K-12 schools and educational programs, employees,
244 and facilities. Their responsibilities include staff
245 development, public K-12 school student education including
246 education for exceptional students and students in juvenile
247 justice programs, special programs, adult education programs,
248 and career education programs. Additionally, district school
249 boards must:

250 (1) Provide for the proper accounting for all students of
251 school age, for the attendance and control of students at
252 school, and for proper attention to health, safety, and other
253 matters relating to the welfare of students in the following
254 areas:

255 (b) Enforcement of attendance laws.—Provide for the
256 enforcement of all laws and rules relating to the attendance of
257 students at school. District school boards are authorized to
258 establish policies that allow accumulated unexcused tardies,
259 regardless of when they occur during the school day, and early
260 departures from school to be recorded as unexcused absences.

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261 District school boards are also authorized to establish policies
262 that require referral to a school's child study team for
263 students who have fewer absences than the number required by s.
264 1003.26(2)(a)2. ~~1003.26(1)(b).~~

265 Section 7. Section 1003.23, Florida Statutes, is amended
266 to read:

267 1003.23 Attendance records and reports.-

268 (1) PUBLIC SCHOOLS.-

269 (a) The attendance of all public K-12 school students
270 shall be checked each school day in the manner prescribed by
271 rules of the State Board of Education and recorded in the
272 teacher's register or by some approved system of recording
273 attendance. Students may be counted in attendance only if they
274 are ~~actually~~ present at school or are away from school on a
275 school day and are engaged in an educational activity which
276 constitutes a part of the school-approved instructional program
277 for the student.

278 (b) Instructional personnel and administrative personnel
279 in a public school shall keep all records and shall prepare and
280 submit promptly all reports that may be required by law and by
281 rules of the State Board of Education and district school
282 boards. Such records shall include a register of enrollment and
283 attendance that shows each student's enrollment and records his
284 or her absence or attendance for each school day of the school
285 year. The register shall be open for inspection by a designated
286 school representative or the district school superintendent.

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287 (2) PRIVATE SCHOOLS.~~Each All officials, teachers, and~~
288 ~~other employees in public, parochial, religious, denominational,~~
289 ~~and private school as defined in s. 1002.01 K-12 schools,~~
290 ~~including private tutors,~~ shall record each student's attendance
291 or absence for each school day of the school year in keep all
292 ~~records and shall prepare and submit promptly all reports that~~
293 ~~may be required by law and by rules of the State Board of~~
294 ~~Education and district school boards. Such records shall include~~
295 a register of enrollment and attendance that documents the
296 student's attendance in the school and compliance with its
297 attendance policy and ~~all persons described above shall make~~
298 ~~these reports therefrom as may be required by the State Board of~~
299 ~~Education. The enrollment register shall show the absence or~~
300 ~~attendance of each student enrolled for each school day of the~~
301 ~~year in a manner prescribed by the State Board of Education.~~
302 Students may be counted in attendance only if they are present
303 at school or are away from school on a school day and are
304 engaged in an educational activity that constitutes a part of
305 the school-approved instructional program for the student. The
306 register shall be open for ~~the~~ inspection by a ~~the~~ designated
307 private school representative or the district school
308 superintendent of the district in which the private school is
309 located, or his or her designee, for the purpose of confirming
310 that a student is in attendance at the school and in compliance
311 with the private school's attendance policy.

312 (3) Violation of the provisions of this section shall be a

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313 misdemeanor of the second degree, punishable as provided by law.

314 (4) This section shall not apply to home education
315 programs provided in s. 1002.41.

316 Section 8. Section 1003.24, Florida Statutes, is amended
317 to read:

318 1003.24 Parents responsible for attendance of children;
319 attendance policy.—Each parent of a child within the compulsory
320 attendance age is responsible for the child's school attendance
321 as required by law. ~~The absence of a student from school is~~
322 ~~prima facie evidence of a violation of this section; however,~~
323 ~~criminal prosecution under this chapter may not be brought~~
324 ~~against a parent until the provisions of s. 1003.26 have been~~
325 ~~complied with.~~ A parent of a student is not responsible for the
326 student's nonattendance at school under any of the following
327 conditions:

328 (1) WITH PERMISSION.—The absence was with permission of
329 the head of the school;

330 (2) WITHOUT KNOWLEDGE.—The absence was without the
331 parent's knowledge, consent, or connivance, in which case the
332 student shall be dealt with as a dependent child;

333 (3) FINANCIAL INABILITY.—The parent was unable financially
334 to provide necessary clothes for the student, which inability
335 was reported in writing to the superintendent prior to the
336 opening of school or immediately after the beginning of such
337 inability, provided that the validity of any claim for exemption
338 under this subsection shall be determined by the district school

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339 superintendent subject to appeal to the district school board;
340 or

341 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—
342 Attendance was impracticable or inadvisable on account of
343 sickness or injury, attested to by a written statement of a
344 licensed practicing physician, or was impracticable because of
345 some other stated insurmountable condition as defined by rules
346 of the State Board of Education. If a student is continually
347 sick and repeatedly absent from school, he or she must be under
348 the supervision of a physician in order to receive an excuse
349 from attendance. Such excuse provides that a student's condition
350 justifies absence for more than the number of days permitted by
351 the district school board.

352
353 Each district school board shall establish an attendance policy
354 that includes, but is not limited to, the required number of
355 days each school year that a student must be in attendance and
356 the number of absences and tardinesses after which a statement
357 explaining such absences and tardinesses must be on file at the
358 school. Each school in the district must determine if an absence
359 or tardiness is excused or unexcused according to criteria
360 established by the district school board.

361 Section 9. Section 1003.26, Florida Statutes, is amended
362 to read:

363 1003.26 Enforcement of school attendance.—The Legislature
364 finds that poor academic performance is associated with

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365 nonattendance and that school districts must take an active role
366 in promoting and enforcing attendance as a means of improving
367 student performance. Early intervention in school attendance is
368 the most effective way of producing good attendance habits that
369 will lead to improved student learning and achievement.

370 (1) DISTRICT RESPONSIBILITIES.~~Each It is the policy of~~
371 ~~the state that each~~ district school superintendent is be
372 responsible for enforcing school attendance of all students
373 subject to the compulsory school age in the school district and
374 supporting enforcement of school attendance by local law
375 enforcement agencies. The responsibility includes recommending
376 policies and procedures to the district school board that
377 require public schools to respond in a timely manner to every
378 unexcused absence, ~~and every absence for which the reason is~~
379 ~~unknown,~~ of students enrolled in the schools and when the
380 student is at risk of chronic absenteeism. District school board
381 policies shall require:

382 (a) The parent of a student to justify each absence of the
383 student, and that justification will be evaluated based on
384 adopted district school board policies that define excused and
385 unexcused absences. ~~The policies must~~

386 (b) Early intervention for students at risk of becoming
387 chronically absent based upon prior attendance data.

388 (c) ~~provide that~~ Public schools to track excused and
389 unexcused absences and contact the parent ~~home~~ in the case of an
390 unexcused absence from school, ~~or an absence from school for~~

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391 ~~which the reason is unknown,~~ to prevent the development of
392 patterns of nonattendance. ~~The Legislature finds that early~~
393 ~~intervention in school attendance is the most effective way of~~
394 ~~producing good attendance habits that will lead to improved~~
395 ~~student learning and achievement.~~

396 (2) NONATTENDANCE AND NONENROLLMENT.—Each public school
397 shall implement the following steps to promote and enforce
398 regular school attendance:

399 (a) (1) CONTACT, REFER, AND ENFORCE.—

400 1.(a) Upon each unexcused absence, ~~or absence for which~~
401 ~~the reason is unknown,~~ the school principal or his or her
402 designee shall contact the student's parent to determine the
403 reason for the absence. If the absence is an excused absence, as
404 defined by district school board policy, the school shall
405 provide opportunities for the student to make up assigned work
406 and not receive an academic penalty unless the work is not made
407 up within a reasonable time.

408 2.(b) If a student has had at least five unexcused
409 absences, ~~or absences for which the reasons are unknown,~~ within
410 a calendar month or 10 ~~unexcused~~ absences, for any reason ~~or~~
411 ~~absences for which the reasons are unknown,~~ within a 90-
412 calendar-day period, the student's primary teacher shall report
413 to the school principal or his or her designee that the student
414 may be exhibiting a pattern of nonattendance. The principal
415 shall, unless there is clear evidence that the absences are not
416 a pattern of nonattendance, refer the case to the school's

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417 attendance child study team to determine if early patterns of
418 chronic absenteeism truancy are developing and impacting the
419 student's academic performance. If the attendance child study
420 team finds that a pattern of nonattendance is developing,
421 ~~whether the absences are excused or not,~~ a meeting with the
422 parent must be scheduled to identify and address the causes of
423 nonattendance. ~~potential remedies, and~~ The principal shall
424 notify the district school superintendent and the school
425 district contact for home education programs that the referred
426 student is exhibiting a pattern of nonattendance.

427 3.(e) If an initial meeting does not resolve the problem,
428 the attendance child study team shall ~~implement the following:~~

429 a.1. Make frequent attempts to at communicate with
430 ~~communication between the teacher and the family.~~

431 b.2. Evaluate the need ~~Evaluation~~ for alternative
432 education programs.

433 c.3. Attempt to enter into an attendance contract
434 ~~contracts.~~

435 d. Notify parents of the services available for parents
436 and children pursuant to s. 1002.23(2)(b).

437 e. Evaluate whether referral to other agencies for family
438 services is warranted.

439
440 The attendance child study team may, but is not required to,
441 implement other interventions, including a ~~referral to other~~
442 ~~agencies for family services or~~ recommendation for filing a

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443 truancy petition pursuant to s. 984.151.

444 4.(d) The attendance ~~child study~~ team shall be diligent in
445 facilitating intervention services and shall report the case to
446 the district school superintendent only when all reasonable
447 efforts to resolve the nonattendance behavior are exhausted.

448 5.(e) If the parent refuses to participate in the remedial
449 strategies because he or she believes that those strategies are
450 unnecessary or inappropriate, the parent may appeal to the
451 district school board. The district school board may provide a
452 hearing officer, and the hearing officer shall make a
453 recommendation for final action to the district school board. If
454 the district school board's final determination is that the
455 strategies of the attendance ~~child study~~ team are appropriate,
456 and the parent still refuses to participate or cooperate, the
457 district school superintendent may seek criminal prosecution for
458 noncompliance with compulsory school attendance.

459 6.a.(f)1. If the parent of a child who has been identified
460 as exhibiting a pattern of nonattendance enrolls the child in a
461 home education program pursuant to chapter 1002, the district
462 school superintendent shall provide the parent a copy of s.
463 1002.41 and the accountability requirements of this paragraph.
464 The district school superintendent shall also refer the parent
465 to a home education review committee composed of the district
466 contact for home education programs and at least two home
467 educators selected by the parent from a district list of all
468 home educators who have conducted a home education program for

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469 at least 3 years and who have indicated a willingness to serve
470 on the committee. The home education review committee shall
471 review the portfolio of the student, as defined by s. 1002.41,
472 every 30 days during the district's regular school terms until
473 the committee is satisfied that the home education program is in
474 compliance with s. 1002.41(1)(b). The first portfolio review
475 must occur within the first 30 calendar days of the
476 establishment of the program. The provisions of sub-subparagraph
477 b. ~~subparagraph 2.~~ do not apply once the committee determines
478 the home education program is in compliance with s.
479 1002.41(1)(b).

480 b.2. If the parent fails to provide a portfolio to the
481 committee, the committee shall notify the district school
482 superintendent. The district school superintendent shall then
483 terminate the home education program and require the parent to
484 enroll the child in an attendance option that meets the
485 definition of "regular school attendance" under s.
486 1003.01(13)(a), (b), ~~(e)~~, or (d) ~~(e)~~, within 3 days. Upon
487 termination of a home education program pursuant to this
488 subparagraph, the parent shall not be eligible to reenroll the
489 child in a home education program for 180 calendar days. Failure
490 of a parent to enroll the child in an attendance option as
491 required by this subparagraph after termination of the home
492 education program pursuant to this subparagraph shall constitute
493 noncompliance with the compulsory attendance requirements of s.
494 1003.21 and may result in criminal prosecution under s.

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495 1003.27(2). Nothing contained herein shall restrict the ability
496 of the district school superintendent, or the ability of his or
497 her designee, to review the portfolio pursuant to s.
498 1002.41(1)(b).

499 ~~7.(g)~~ If a student subject to compulsory school attendance
500 will not comply with attempts to enforce school attendance, the
501 parent or the district school superintendent or his or her
502 designee shall refer the case to the case staffing committee
503 pursuant to s. 984.12, and the district school superintendent or
504 his or her designee may file a truancy petition pursuant to the
505 procedures in s. 984.151.

506 8. If the activities required under this subsection do not
507 remedy the student's nonattendance, the district school
508 superintendent or his or her designee shall give written notice
509 in person or by return-receipt mail to the parent that criminal
510 prosecution is being sought for nonattendance. The district
511 school superintendent may file a truancy petition as defined in
512 s. 984.03 following the procedures outlined in s. 984.151.

513 ~~(b)(2) GIVE WRITTEN NOTICE.~~

514 ~~(a)~~ When a student subject to compulsory school attendance
515 is not enrolled in any educational option that meets the
516 definition of regular school attendance under s. 1003.01(13),
517 Under the direction of the district school superintendent, or
518 his or her designee, a designated school representative shall
519 give written notice in person or by return-receipt mail to the
520 student's parent that requires the student's enrollment in an

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521 attendance option defined under s. 1003.01(13) ~~or attendance~~
522 within 3 days after the receipt date of notice, ~~in person or by~~
523 ~~return-receipt mail, to the parent when no valid reason is found~~
524 ~~for a student's nonenrollment in school.~~ If the notice and
525 requirement are ignored, ~~the designated school representative~~
526 ~~shall report the case to the district school superintendent, or~~
527 his or her designee shall ~~and may~~ refer the case to the case
528 staffing committee under, ~~established pursuant to s. 984.12.~~ ~~The~~
529 ~~district school superintendent~~ and may shall take such steps as
530 are necessary to bring criminal prosecution against the parent.

531 ~~(b) Subsequent to the activities required under subsection~~
532 ~~(1), the district school superintendent or his or her designee~~
533 ~~shall give written notice in person or by return-receipt mail to~~
534 ~~the parent that criminal prosecution is being sought for~~
535 ~~nonattendance. The district school superintendent may file a~~
536 ~~truancy petition, as defined in s. 984.03, following the~~
537 ~~procedures outlined in s. 984.151.~~

538 (3) RETURN STUDENT TO PARENT.—A designated school
539 representative may visit the home or place of residence of a
540 student and any other place in which he or she is likely to find
541 any student who is required to attend school when the student is
542 not enrolled or is absent from school during school hours
543 without an excuse, and, when the student is found, shall return
544 the student to his or her parent or to the principal or teacher
545 in charge of the school, or to the private tutor from whom
546 absent, or to the juvenile assessment center or other location

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547 established by the district school board to receive students who
548 are absent from school. Upon receipt of the student, the parent
549 shall be immediately notified.

550 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school
551 representative shall report to the appropriate authority
552 designated by law to receive such notices, all violations of the
553 Child Labor Law that may come to his or her knowledge.

554 (5) RIGHT TO INSPECT.—A designated school representative
555 shall have the right of access to, and inspection of,
556 establishments where minors may be employed or detained only for
557 the purpose of ascertaining whether students of compulsory
558 school age are actually employed there and are actually working
559 there regularly. The designated school representative shall, if
560 he or she finds unsatisfactory working conditions or violations
561 of the Child Labor Law, report his or her findings to the
562 appropriate authority.

563 Section 10. Subsections (2) and (5) and paragraph (a) of
564 subsection (7) of section 1003.27, Florida Statutes, are amended
565 to read:

566 1003.27 Court procedure and penalties.—The court procedure
567 and penalties for the enforcement of the provisions of this
568 part, relating to compulsory school attendance, shall be as
569 follows:

570 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

571 (a) Once all reasonable efforts to resolve a student's
572 nonattendance under s. 1003.26(2)(a) or nonenrollment under s.

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573 1003.26(2)(b) are exhausted, ~~In each case of nonenrollment or of~~
574 ~~nonattendance upon the part of a student who is required to~~
575 ~~attend some school, when no valid reason for such nonenrollment~~
576 ~~or nonattendance is found,~~ the district school superintendent
577 shall institute a criminal prosecution against the student's
578 parent.

579 (b) Each public school principal or the principal's
580 designee shall notify the district school board of each minor
581 student under its jurisdiction who is habitually truant as
582 defined in s. 1003.01(8) ~~accumulates 15 unexcused absences in a~~
583 ~~period of 90 calendar days.~~ Each designee of the governing body
584 of each private school, and each parent whose child is enrolled
585 in a home education program, may provide the Department of
586 Highway Safety and Motor Vehicles with the legal name, sex, date
587 of birth, and social security number of each minor student under
588 his or her jurisdiction who fails to satisfy relevant attendance
589 requirements and who fails to otherwise satisfy the requirements
590 of s. 322.091. The district school superintendent must provide
591 the Department of Highway Safety and Motor Vehicles the legal
592 name, sex, date of birth, and social security number of each
593 minor student who has been reported under this paragraph and who
594 fails to otherwise satisfy the requirements of s. 322.091. The
595 Department of Highway Safety and Motor Vehicles may not issue a
596 driver license or learner's driver license to, and shall suspend
597 any previously issued driver license or learner's driver license
598 of, any such minor student, pursuant to the provisions of s.

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

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599 322.091.

600 (5) ATTENDANCE REGISTER AS EVIDENCE.—The register of
 601 enrollment and attendance of students at a public, ~~parochial,~~
 602 ~~religious, denominational,~~ or private school, or of students
 603 taught by a private tutor, kept in compliance with s. 1003.23
 604 ~~rules of the State Board of Education~~ is prima facie evidence
 605 that a student is enrolled in and attending the public school,
 606 private school, or private tutoring program ~~of the facts which~~
 607 ~~it is required to show. A certified copy of any rule and a~~
 608 ~~statement of the date of its adoption by the State Board of~~
 609 ~~Education is admissible as prima facie evidence of the~~
 610 ~~provisions of the rule and of the date of its adoption.~~

611 (7) PENALTIES.—The penalties for refusing or failing to
 612 comply with this chapter shall be as follows:

613 (a) The parent.—

614 1. A parent who refuses or fails to have a minor student
 615 who is under his or her control enroll in or attend school
 616 regularly, or who refuses or fails to comply with the
 617 requirements in subsection (3), commits a misdemeanor of the
 618 second degree, punishable as provided in s. 775.082 or s.
 619 775.083.

620 2. The continued or habitual absence of a minor student
 621 without the consent of the principal or teacher in charge of the
 622 school he or she attends or should attend, or of the tutor who
 623 instructs or should instruct him or her, is prima facie evidence
 624 of a violation of this chapter; however, a showing that the

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625 parent has made a bona fide and diligent effort to control and
626 keep the student in school shall be an affirmative defense to
627 any criminal or other liability under this subsection and the
628 court shall refer the parent and child for counseling, guidance,
629 or other needed services.

630 3. In addition to any other punishment, the court shall
631 order a parent who has violated this section to send the minor
632 student to school, and may also order the parent to participate
633 in an approved parent training class, attend school with the
634 student unless this would cause undue hardship, perform
635 community service hours at the school, or participate in
636 counseling or other services, as appropriate. If a parent is
637 ordered to attend school with a student, the school shall
638 provide for programming to educate the parent and student on the
639 importance of school attendance. It shall be unlawful to
640 terminate any employee solely because he or she is attending
641 school with his or her child pursuant to a court order.

642 Section 11. Subsection (4) of section 1003.435, Florida
643 Statutes, is amended to read:

644 1003.435 High school equivalency diploma program.—

645 (4) A candidate for a high school equivalency diploma
646 shall be at least 16 ~~18~~ years of age on the date of the
647 examination, ~~except that in extraordinary circumstances, as~~
648 ~~provided for in rules of the district school board of the~~
649 ~~district in which the candidate resides or attends school, a~~
650 ~~candidate may take the examination after reaching the age of 16.~~

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651 Section 12. Paragraphs (a), (c), and (j) of subsection (1)
652 of section 1003.57, Florida Statutes, are amended to read:

653 1003.57 Exceptional students instruction.-

654 (1)(a) For purposes of providing exceptional student
655 instruction under this section:

656 1. A school district shall use the following terms to
657 describe the instructional setting for a student with a
658 disability, 6 through 21 years of age, who is not educated in a
659 setting accessible to all children who are together at all
660 times:

661 a. "Exceptional student education center" or "special day
662 school" means a separate public school to which nondisabled
663 peers do not have access.

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

666 c. "Regular class placement" means ~~a class in which~~ a
667 student spends 80 percent or more of the school week with
668 nondisabled peers.

669 d. "Resource placement room " means ~~a classroom in which~~ a
670 student spends between 40 percent to 80 percent of the school
671 week with nondisabled peers.

672 e. "Separate class placement" means ~~a class in which~~ a
673 student spends less than 40 percent of the school week with
674 nondisabled peers.

675 2. A school district shall use the term "inclusion" to
676 mean that a student is receiving education in a general

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677 education regular class setting, reflecting natural proportions
678 and age-appropriate heterogeneous groups in core academic and
679 elective or special areas within the school community; a student
680 with a disability is a valued member of the classroom and school
681 community; the teachers and administrators support universal
682 education and have knowledge and support available to enable
683 them to effectively teach all children; and a teacher is
684 provided access to technical assistance in best practices,
685 instructional methods, and supports tailored to the student's
686 needs based on current research.

687 (c) A student may not be given special instruction or
688 services as an exceptional student until after he or she has
689 been properly evaluated and found eligible as an exceptional
690 student in the manner prescribed by rules of the State Board of
691 Education. The parent of an exceptional student evaluated and
692 found eligible or ineligible shall be notified of each such
693 evaluation and determination. Such notice shall contain a
694 statement informing the parent that he or she is entitled to a
695 due process hearing on the identification, evaluation, ~~and~~
696 eligibility determination, education placement, or the provision
697 of a free appropriate public education ~~lack thereof~~. Such
698 hearings are exempt from ss. 120.569, 120.57, and 286.011,
699 except to the extent that the State Board of Education adopts
700 rules establishing other procedures. Any records created as a
701 result of such hearings are confidential and exempt from s.
702 119.07(1). The hearing must be conducted by an administrative

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703 law judge from the Division of Administrative Hearings pursuant
704 to a contract between the Department of Education and the
705 Division of Administrative Hearings. The decision of the
706 administrative law judge is final, except that any party
707 aggrieved by the finding and decision rendered by the
708 administrative law judge has the right to bring a civil action
709 in the state circuit court. In such an action, the court shall
710 receive the records of the administrative hearing and shall hear
711 additional evidence at the request of either party. In the
712 alternative, in hearings conducted on behalf of a student who is
713 identified as gifted, any party aggrieved by the finding and
714 decision rendered by the administrative law judge has the right
715 to request a review of the administrative law judge's order by
716 the district court of appeal as provided in s. 120.68.

717 (j) The district school board shall provide each parent
718 with information regarding the amount that the school district
719 receives from the state appropriation for each of the five
720 exceptional student education support levels for a full-time
721 student. The school district shall provide this information at
722 the initial meeting of a student's individual education plan
723 team each school year.

724 Section 13. Subsection (4) of section 1003.5715, Florida
725 Statutes, is amended to read:

726 1003.5715 Parental consent; individual education plan.—

727 (4) Except for a change in placement described in s.
728 1003.57(1)(h), if a school district determines that there is a

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729 need to change an exceptional student's IEP as it relates to
730 actions described in subsection (1), the school must hold an IEP
731 Team meeting that includes the parent to discuss the reason for
732 the change. The school shall provide written notice of the
733 meeting to the parent at least 10 days before the meeting,
734 indicating the purpose, time, and location of the meeting and
735 who, by title or position, will attend the meeting. The 10-day
736 notice of the IEP Team meeting requirement may be waived by
737 informed consent of the parent after the parent receives the
738 written notice.

739 Section 14. Subsection (7) of section 1006.09, Florida
740 Statutes, is amended to read:

741 1006.09 Duties of school principal relating to student
742 discipline and school safety.—

743 (7) The State Board of Education shall adopt by rule a
744 standardized form to be used by each school principal to report
745 data concerning school safety and discipline. The department
746 shall periodically review the collection and classification of
747 school incidents with stakeholders to increase the accuracy and
748 transparency of school environment and safety incident
749 reporting.

750 Section 15. Paragraph (b) of subsection (2) of section
751 1006.283, Florida Statutes, is amended to read:

752 1006.283 District school board instructional materials
753 review process.—

754 (2)

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- 755 (b) District school board rules must also:
- 756 1. Identify, by subject area, a review cycle for
- 757 instructional materials.
- 758 2. Specify the qualifications for an instructional
- 759 materials reviewer and the process for selecting reviewers; list
- 760 a reviewer's duties and responsibilities, including compliance
- 761 with the requirements of s. 1006.31; and provide that all
- 762 instructional materials recommended by a reviewer be accompanied
- 763 by the reviewer's statement that the materials align with the
- 764 state standards pursuant to s. 1003.41 and the requirements of
- 765 s. 1006.31.
- 766 3. State the requirements for an affidavit to be made by
- 767 each district instructional materials reviewer which
- 768 substantially meet the requirements of s. 1006.30.
- 769 4. Comply with s. 1006.32, relating to prohibited acts.
- 770 5. Establish a process that certifies the accuracy of
- 771 instructional materials.
- 772 6. Incorporate applicable requirements of s. 1006.31,
- 773 which relates to the duties of instructional materials
- 774 reviewers.
- 775 7. Incorporate applicable requirements of s. 1006.38,
- 776 relating to the duties, responsibilities, and requirements of
- 777 publishers of instructional materials.
- 778 8. Establish the process by which instructional materials
- 779 are adopted by the district school board, which must include:
- 780 a. A process to allow student editions of recommended

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781 instructional materials to be accessed and viewed online by the
782 public at least 20 calendar days before the school board hearing
783 and public meeting as specified in this subparagraph. This
784 process must include reasonable safeguards against the
785 unauthorized use, reproduction, and distribution of
786 instructional materials considered for adoption.

787 b. An open, noticed school board hearing to receive public
788 comment on the recommended instructional materials.

789 c. An open, noticed public meeting to approve an annual
790 instructional materials plan to identify any instructional
791 materials that will be purchased through the district school
792 board instructional materials review process pursuant to this
793 section. This public meeting must be held on a different date
794 than the school board hearing.

795 d. Notice requirements for the school board hearing and
796 the public meeting that must specifically state which
797 instructional materials are being reviewed and the manner in
798 which the instructional materials can be accessed for public
799 review.

800 9. Establish the process by which the district school
801 board shall receive public comment on, and review, the
802 recommended instructional materials.

803 10. Establish the process by which instructional materials
804 will be purchased, including advertising, bidding, and
805 purchasing requirements.

806 11. Establish the process by which the school district

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807 will notify parents of their ability to access their children's
808 instructional materials and homework assignments through the
809 district's local instructional improvement system and by which
810 the school district will encourage parents to access the system.
811 This notification must be displayed prominently on the school
812 district's website and provided annually in written format to
813 all parents of enrolled students.

814 Section 16. Subsection (2) of section 1008.212, Florida
815 Statutes, is amended to read:

816 1008.212 Students with disabilities; extraordinary
817 exemption.—

818 (2) A student with a disability for whom the individual
819 education plan (IEP) team determines is prevented by a
820 circumstance or condition from physically demonstrating the
821 mastery of skills that have been acquired and are measured by
822 the statewide standardized assessment, a statewide standardized
823 end-of-course assessment, or an alternate assessment pursuant to
824 s. 1008.22(3)(c) may ~~shall~~ be granted an extraordinary exemption
825 from the administration of the assessment. A learning,
826 emotional, behavioral, or significant cognitive disability, or
827 the receipt of services through the homebound or hospitalized
828 program in accordance with rule 6A-6.03020, Florida
829 Administrative Code, is not, in and of itself, an adequate
830 criterion for the granting of an extraordinary exemption.

831 Section 17. Subsection (25) is added to section 1002.20,
832 Florida Statutes, to read:

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833 1002.20 K-12 student and parent rights.—Parents of public
834 school students must receive accurate and timely information
835 regarding their child's academic progress and must be informed
836 of ways they can help their child to succeed in school. K-12
837 students and their parents are afforded numerous statutory
838 rights including, but not limited to, the following:

839 (25) ACCESS TO EDUCATION RECORDS.—Students and their
840 parents have the right to inspect the student's education
841 records, in accordance with s. 1002.22(2), within a reasonable
842 time but no more than 14 days after the student or parent
843 requests access to the records. Students and their parents also
844 have the right to request and receive copies of the student's
845 education records within a reasonable time under reasonable
846 conditions, subject to a fee in accordance with s. 119.07(4).

847 Section 18. Subsections (4), (7), and (8) of section
848 1006.147, Florida Statutes, are amended to read:

849 1006.147 Bullying and harassment prohibited.—

850 (4) Each school district shall adopt and review at least
851 every 3 years a policy prohibiting bullying and harassment of a
852 student or employee of a public K-12 educational institution.
853 Each school district's policy shall be in substantial conformity
854 with the Department of Education's model policy. The school
855 district bullying and harassment policy shall afford all
856 students the same protection regardless of their status under
857 the law. The school district may establish separate
858 discrimination policies that include categories of students. The

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859 school district shall involve students, parents, teachers,
860 administrators, school staff, school volunteers, community
861 representatives, and local law enforcement agencies in the
862 process of adopting and reviewing the policy. The school
863 district policy must be implemented by each school principal in
864 a manner that is ongoing throughout the school year and
865 integrated with the a school's curriculum, bullying prevention
866 and intervention program, a school's discipline policies, and
867 other violence prevention efforts. The school district policy
868 must contain, at a minimum, the following components:

869 (a) A statement prohibiting bullying and harassment.

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

872 (c) A description of the type of behavior expected from
873 each student and employee of a public K-12 educational
874 institution.

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

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

882 (f) A procedure for receiving reports of ~~reporting~~ an
883 alleged act of bullying or harassment, including provisions that
884 permit a person to anonymously report such an act. However, this

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885 paragraph does not permit formal disciplinary action to be based
886 solely on an anonymous report.

887 (g) A procedure for the prompt investigation of a report
888 of bullying or harassment and the persons responsible for the
889 investigation. The investigation of a reported act of bullying
890 or harassment is deemed to be a school-related activity and
891 begins with a report of such an act. Incidents that require a
892 reasonable investigation when reported to appropriate school
893 authorities shall include alleged incidents of bullying or
894 harassment allegedly committed against a child while the child
895 is en route to school aboard a school bus or at a school bus
896 stop.

897 (h) A process to investigate whether a reported act of
898 bullying or harassment is within the scope of the district
899 school system and, if not, a process for referral of such an act
900 to the appropriate jurisdiction. Computers without web-filtering
901 software or computers with web-filtering software that is
902 disabled shall be used when complaints of cyberbullying are
903 investigated.

904 (i) A procedure for providing immediate notification to
905 the parents of a victim of bullying or harassment and the
906 parents of the perpetrator of an act of bullying or harassment,
907 as well as notification to all local agencies where criminal
908 charges may be pursued against the perpetrator.

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

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911 (k) A procedure for including incidents of bullying or
912 harassment in the school's report of data concerning school
913 safety and discipline required under s. 1006.09(6). The report
914 must include each incident of bullying or harassment and the
915 resulting consequences, including discipline and referrals. The
916 report must include in a separate section each alleged ~~reported~~
917 incident of bullying or harassment that does not meet the
918 criteria of a prohibited act under this section with
919 recommendations regarding such incidents. The Department of
920 Education shall aggregate information contained in the reports.

921 (l) A list of programs authorized by the school district
922 that provide ~~procedure for providing~~ instruction to students,
923 parents, teachers, school administrators, counseling staff, and
924 school volunteers on identifying, preventing, and responding to
925 bullying or harassment, including instruction on recognizing
926 behaviors that lead to bullying and harassment and taking
927 appropriate preventive action based on those observations.

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

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

933 ~~(7) Distribution of safe schools funds provided to a~~
934 ~~school district shall be contingent upon and payable to the~~
935 ~~school district upon the school district's compliance with all~~
936 ~~reporting procedures contained in this section.~~

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937 ~~(8) On or before January 1 of each year, the Commissioner~~
938 ~~of Education shall report to the Governor, the President of the~~
939 ~~Senate, and the Speaker of the House of Representatives on the~~
940 ~~implementation of this section. The report shall include data~~
941 ~~collected pursuant to paragraph (4)(k).~~

942 Section 19. Subsection (16) is added to section 1011.62,
943 Florida Statutes, to read:

944 1011.62 Funds for operation of schools.—If the annual
945 allocation from the Florida Education Finance Program to each
946 district for operation of schools is not determined in the
947 annual appropriations act or the substantive bill implementing
948 the annual appropriations act, it shall be determined as
949 follows:

950 (16) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is
951 created to provide funding for allowable safe schools
952 activities. Each school district shall receive a minimum safe
953 schools allocation in an amount provided in the General
954 Appropriations Act. Of the remaining funds provided in the
955 General Appropriations Act for safe schools activities, two-
956 thirds shall be allocated among the school districts based on
957 each district's proportionate share of Total Index Crime for
958 Florida by county reported by the Department of Law Enforcement
959 in its most recent Uniform Crime Reports offense data and one-
960 third shall be allocated based on each district's proportionate
961 share of the state's total unweighted full-time equivalent
962 student enrollment. Allowable safe schools activities shall be

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963 provided in the General Appropriations Act. The department shall
964 monitor compliance with the reporting procedures of ss. 1006.09
965 and 1006.147. If a district does not comply with the reporting
966 procedures, the district's funds from the safe schools
967 allocation shall be withheld and reallocated to other school
968 districts. Each school district shall report to the Department
969 of Education the amount of funds expended for each of the
970 allowable safe schools activities.

971 Section 20. Section 1012.23, Florida Statutes, is amended
972 to read:

973 1012.23 School district personnel policies.—

974 (1) Except as otherwise provided by law or the State
975 Constitution, district school boards may adopt rules governing
976 personnel matters, including the assignment of duties and
977 responsibilities for all district employees. District school
978 boards shall establish criteria to identify, recruit, train, and
979 mentor aspiring principals.

980 (2) Neither the superintendent nor a district school board
981 member may appoint or ~~not employ or appoint~~ a relative, as
982 defined in s. 112.3135, to work under the direct supervision of
983 that district school board member or superintendent. The
984 Commission on Ethics shall accept and investigate any alleged
985 violations of this section pursuant to the procedures contained
986 in ss. 112.322-112.3241.

987 Section 21. Subsection (2) of section 1012.42, Florida
988 Statutes, is amended to read:

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989 1012.42 Teacher teaching out-of-field.-

990 (2) NOTIFICATION REQUIREMENTS.-When a teacher in a
991 district school system is assigned teaching duties in a class
992 dealing with subject matter that is outside the field in which
993 the teacher is certified, outside the field that was the
994 applicant's minor field of study, or outside the field in which
995 the applicant has demonstrated sufficient subject area
996 expertise, as determined by district school board policy in the
997 subject area to be taught, the parents of all students in the
998 class shall be notified in writing of such assignment and
999 virtual instruction options. The parent of a student in the
1000 class may request the school to transfer the student to another
1001 class taught by an in-field teacher.

1002 Section 22. Paragraph (b) of subsection (1) of section
1003 1012.795, Florida Statutes, is amended to read:

1004 1012.795 Education Practices Commission; authority to
1005 discipline.-

1006 (1) The Education Practices Commission may suspend the
1007 educator certificate of any person as defined in s. 1012.01(2)
1008 or (3) for up to 5 years, thereby denying that person the right
1009 to teach or otherwise be employed by a district school board or
1010 public school in any capacity requiring direct contact with
1011 students for that period of time, after which the holder may
1012 return to teaching as provided in subsection (4); may revoke the
1013 educator certificate of any person, thereby denying that person
1014 the right to teach or otherwise be employed by a district school

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1015 board or public school in any capacity requiring direct contact
1016 with students for up to 10 years, with reinstatement subject to
1017 the provisions of subsection (4); may revoke permanently the
1018 educator certificate of any person thereby denying that person
1019 the right to teach or otherwise be employed by a district school
1020 board or public school in any capacity requiring direct contact
1021 with students; may suspend the educator certificate, upon an
1022 order of the court or notice by the Department of Revenue
1023 relating to the payment of child support; or may impose any
1024 other penalty provided by law, if the person:

1025 (b) Knowingly failed to report actual or suspected child
1026 abuse as required in s. 1006.061, an actual or suspected
1027 incident of bullying or harassment as required in 1006.147, an
1028 actual or suspected incident of hazing as required in 1006.135,
1029 or report alleged misconduct by instructional personnel or
1030 school administrators which affects the health, safety, or
1031 welfare of a student as required in s. 1012.796.

1032 Section 23. Paragraph (b) of subsection (4) of section
1033 1012.98, Florida Statutes, is amended to read:

1034 1012.98 School Community Professional Development Act.—

1035 (4) The Department of Education, school districts,
1036 schools, Florida College System institutions, and state
1037 universities share the responsibilities described in this
1038 section. These responsibilities include the following:

1039 (b) Each school district shall develop a professional
1040 development system as specified in subsection (3). The system

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1041 shall be developed in consultation with teachers, teacher-
1042 educators of Florida College System institutions and state
1043 universities, business and community representatives, and local
1044 education foundations, consortia, and professional
1045 organizations. The professional development system must:

1046 1. Be approved by the department. All substantial
1047 revisions to the system shall be submitted to the department for
1048 review for continued approval.

1049 2. Be based on analyses of student achievement data and
1050 instructional strategies and methods that support rigorous,
1051 relevant, and challenging curricula for all students. Schools
1052 and districts, in developing and refining the professional
1053 development system, shall also review and monitor school
1054 discipline data; school environment surveys; assessments of
1055 parental satisfaction; performance appraisal data of teachers,
1056 managers, and administrative personnel; and other performance
1057 indicators to identify school and student needs that can be met
1058 by improved professional performance.

1059 3. Provide inservice activities coupled with followup
1060 support appropriate to accomplish district-level and school-
1061 level improvement goals and standards. The inservice activities
1062 for instructional personnel shall focus on analysis of student
1063 achievement data, ongoing formal and informal assessments of
1064 student achievement, identification and use of enhanced and
1065 differentiated instructional strategies that emphasize rigor,
1066 relevance, and reading in the content areas, enhancement of

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1067 subject content expertise, integrated use of classroom
1068 technology that enhances teaching and learning, classroom
1069 management, parent involvement, and school safety.

1070 4. Include a master plan for inservice activities,
1071 pursuant to rules of the State Board of Education, for all
1072 district employees from all fund sources. The master plan shall
1073 be updated annually by September 1, must be based on input from
1074 teachers and district and school instructional leaders, and must
1075 use the latest available student achievement data and research
1076 to enhance rigor and relevance in the classroom. Each district
1077 inservice plan must be aligned to and support the school-based
1078 inservice plans and school improvement plans pursuant to s.
1079 1001.42(18). Each district inservice plan must provide a
1080 description of the training that middle grades instructional
1081 personnel and school administrators receive on the district's
1082 code of student conduct adopted pursuant to s. 1006.07;
1083 integrated digital instruction and competency-based instruction
1084 and CAPE Digital Tool certificates and CAPE industry
1085 certifications; classroom management; student behavior and
1086 interaction; extended learning opportunities for students; and
1087 instructional leadership. District plans must be approved by the
1088 district school board annually in order to ensure compliance
1089 with subsection (1) and to allow for dissemination of research-
1090 based best practices to other districts. District school boards
1091 must submit verification of their approval to the Commissioner
1092 of Education no later than October 1, annually. Each school

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1093 principal may establish and maintain an individual professional
1094 development plan for each instructional employee assigned to the
1095 school as a seamless component to the school improvement plans
1096 developed pursuant to s. 1001.42(18). An individual professional
1097 development plan must be related to specific performance data
1098 for the students to whom the teacher is assigned, define the
1099 inservice objectives and specific measurable improvements
1100 expected in student performance as a result of the inservice
1101 activity, and include an evaluation component that determines
1102 the effectiveness of the professional development plan.

1103 5. Include inservice activities for school administrative
1104 personnel that address updated skills necessary for
1105 instructional leadership and effective school management
1106 pursuant to s. 1012.986.

1107 6. Provide for systematic consultation with regional and
1108 state personnel designated to provide technical assistance and
1109 evaluation of local professional development programs.

1110 7. Provide for delivery of professional development by
1111 distance learning and other technology-based delivery systems to
1112 reach more educators at lower costs.

1113 8. Provide for the continuous evaluation of the quality
1114 and effectiveness of professional development programs in order
1115 to eliminate ineffective programs and strategies and to expand
1116 effective ones. Evaluations must consider the impact of such
1117 activities on the performance of participating educators and
1118 their students' achievement and behavior.

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- 1119 9. For middle grades, emphasize:
 1120 a. Interdisciplinary planning, collaboration, and
 1121 instruction.
 1122 b. Alignment of curriculum and instructional materials to
 1123 the state academic standards adopted pursuant to s. 1003.41.
 1124 c. Use of small learning communities; problem-solving,
 1125 inquiry-driven research and analytical approaches for students;
 1126 strategies and tools based on student needs; competency-based
 1127 instruction; integrated digital instruction; and project-based
 1128 instruction.

1129 10. Provide access to suicide prevention education
 1130 resources.

1131
 1132 Each school that includes any of grades 6, 7, or 8 must include
 1133 in its school improvement plan, required under s. 1001.42(18), a
 1134 description of the specific strategies used by the school to
 1135 implement each item listed in this subparagraph.

1136 Section 24. Subsection (1) of section 112.31455, Florida
 1137 Statutes, is amended to read:

1138 112.31455 Collection methods for unpaid automatic fines
 1139 for failure to timely file disclosure of financial interests.—

1140 (1) Before referring any unpaid fine accrued pursuant to
 1141 s. 112.3144(5) or s. 112.3145(6) to the Department of Financial
 1142 Services, the commission shall attempt to determine whether the
 1143 individual owing such a fine is a current public officer or
 1144 current public employee. If so, the commission may notify the

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1145 Chief Financial Officer or the governing body of the appropriate
1146 county, municipality, district school board, or special district
1147 of the total amount of any fine owed to the commission by such
1148 individual.

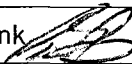

1149 (a) After receipt and verification of the notice from the
1150 commission, the Chief Financial Officer or the governing body of
1151 the county, municipality, district school board, or special
1152 district shall begin withholding the lesser of 10 percent or the
1153 maximum amount allowed under federal law from any salary-related
1154 payment. The withheld payments shall be remitted to the
1155 commission until the fine is satisfied.

1156 (b) The Chief Financial Officer or the governing body of
1157 the county, municipality, district school board, or special
1158 district may retain an amount of each withheld payment, as
1159 provided in s. 77.0305, to cover the administrative costs
1160 incurred under this section.

1161 Section 25. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7057 PCB KTS 15-03 School Administration
SPONSOR(S): K-12 Subcommittee, Raulerson
TIED BILLS: **IDEN./SIM. BILLS:**

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

SUMMARY ANALYSIS

The K-12 Subcommittee held four meetings to discuss efforts to increase academic outcomes for students. The discussions included the respective roles of district school boards, superintendents, and school principals. During these discussions educational leaders identified various factors that affect student outcomes such as attendance, discipline and academic intervention for students at risk of dropping out. A consistent theme from these discussions was the important role of a safe and supportive learning environment, sometimes referred to as school climate. Consistent with the testimony by educational experts and leaders before the subcommittee, the bill:

- Updates and streamlines provisions relating to compulsory attendance and enforcement for both public and private schools by:
 - Requiring districts to work with parents to find the cause of nonattendance.
 - Providing for consistent use of terms that describe students who are chronically absent.
 - Requiring districts to adopt a policy to provide early intervention for at risk students based upon prior attendance data.
 - Requiring districts to exhaust their responsibilities for addressing nonattendance or nonenrollment before the superintendent files a truancy petition.
- Revises requirements related to early warning systems (EWS) for middle schools by:
 - Clarifying that a school-based team must monitor EWS data and meet to discuss interventions only if an identified student is not already receiving services from an intervention program.
 - Requiring middle schools to evaluate their instructional practice professional development.
- Helps districts foster safe and supportive learning environments by:
 - Codifying the Safe Schools allocation and authorizing the State Board to withhold distribution of the funds to districts that do not comply with incident and bullying reporting requirements.
 - Requiring the Department of Education to periodically review transparency of school environment and safety incident reporting with stakeholders to increase the accuracy.
 - Requiring periodic review and consistent implementation of anti-bullying and authorizing discipline of teachers and administrators who knowingly do not report incidents.
 - Providing for professional development on suicide prevention.
 - Requiring DOE to notify districts of certain requirements related to protected school speech.
- Promotes transparency and strengthens ethical requirements for local school officials by:
 - Revising outdated terminology to make it clear that school boards must adopt standards of ethical conduct for administrative personnel and school officers.
 - Prohibiting superintendents from employing a relative under his or her direct supervision.
 - Authorizing district school boards to withhold unpaid fines owed to the Commission on Ethics.
 - Providing faster access to school records for parents and students.
 - Allowing parents of students in a class with an out-of-field teacher to request placement in a class with an in-field teacher.

The bill does not appear to have a fiscal impact on the state or local governments.
 The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Attendance, Dropout Prevention, and Early Warning Systems

Present Situation

Attendance

In Florida, children 6 to 16 years of age must regularly attend school.^{1,2} 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.³ 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.⁴

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.⁵

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.⁶ 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.⁷ 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.⁸

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.⁹

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.¹⁰

¹ 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).

² 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.

³ 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.*

⁴ *Id.*

⁵ Sections 1002.20(2)(b) and 1003.01(13), F.S.

⁶ Section 1003.24, F.S. (flush-left provisions at end of section).

⁷ Section 1003.26, F.S.

⁸ Section 1003.24(4), F.S.

⁹ Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; rule 6A-1.09514(1) and (2), F.A.C.

¹⁰ Section 1003.26(1)(a), F.S.

Refer: If a student exhibits a "pattern of nonattendance,"¹¹ 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 team to determine whether early patterns of truancy are developing.¹² 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.¹³

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.¹⁴

The child study team may also implement other interventions, including referral to other agencies for family services or recommendations for filing a truancy petition,¹⁵ and must report the case to the district superintendent only after all reasonable intervention efforts have been exhausted.¹⁶

Florida law holds parents responsible for their student's regular school attendance and for participating in the efforts of a child study team.¹⁷ 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.¹⁸ 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.^{19,20}

If a student is found by the court to be a habitual truant,²¹ 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.²² 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

¹¹ 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.

¹² Section 1003.26(1)(b), F.S.

¹³ *Id.*

¹⁴ Section 1003.26(1)(c), F.S.

¹⁵ "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.

¹⁶ Section 1003.26(1), F.S.

¹⁷ Section 1003.24, F.S.

¹⁸ Sections 1003.24, 1003.26(1)(e) and (f), and 1003.27(2) and (7)(a), F.S.

¹⁹ Section 1003.27(7)(a)3., F.S.

²⁰ 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.

²¹ "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.

²² Section 1003.27(7)(d)1., F.S.

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.²³

Dropout Prevention and Academic Intervention

Each district school board may establish dropout prevention and academic intervention programs at the elementary, middle, or high school level.²⁴ These programs must use instructional teaching methods appropriate to the specific needs of each student participating in the program.²⁵ Any school that establishes a dropout prevention and academic intervention program must reflect the program in its school improvement plan.²⁶

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.²⁷

Eligibility for participation in a dropout prevention and academic intervention program is limited to students in grades 1 through 12.²⁸ 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.²⁹ Student participation in a dropout prevention and academic intervention program is voluntary.³⁰

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.³¹ Such strategies and supports may include, but are not limited to, those services identified on a student's academic intervention plan.³² 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 FTE student membership in the FEFP.³³

District school boards that receive state funding for dropout prevention and academic intervention must submit an annual report to 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.³⁴ 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.³⁵

²³ Section 1003.27(7)(d)2., F.S.

²⁴ Section 1003.53(2)(a), F.S.

²⁵ *Id.*

²⁶ Section 1003.53(2)(b), F.S.

²⁷ Section 1003.53(1)(a), F.S.

²⁸ Section 1003.53(1)(b), F.S.

²⁹ 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.

³⁰ Section 1003.53(1)(a), F.S.

³¹ Section 1003.53(1)(b), F.S.

³² *Id.*

³³ Section 1011.62(1)(f)2., F.S.

³⁴ Section 1003.53(3), F.S.

³⁵ Section 1003.53(5), F.S.

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.³⁶ 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.³⁷

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.³⁸

High School Equivalency Diplomas

Florida law requires the state board to adopt rules to set standards and provide for comprehensive examinations for high school equivalency diplomas.³⁹ DOE may award high school equivalency diplomas to candidates who meet the standards, and each district school board must administer the high school equivalency diploma examinations and subject area examinations to all candidates.⁴⁰

Currently, a candidate who takes the General Educational Development (GED) exam and attains a minimum score in the Language Arts, Mathematical Reasoning, Science, and Social Studies GED subtests is awarded a State of Florida High School Diploma.⁴¹ In addition, a performance-based exit option, or "GED exit option," is available for students who are enrolled in high school courses but are not on track to graduate with their kindergarten cohort because they are overage, undercredit, or have a low grade point average (GPA).⁴² Such students may earn the Performance-Based Exit Option diploma by passing "required sections of the FCAT," passing the GED tests, continuing enrollment and attendance in high school courses that meet graduation requirements, and completing additional requirements established by the school district.⁴³

The K-12 Subcommittee received testimony from DOE staff that the performance-based exit option, using GED test scores, is an effective method of stemming student dropout rates.⁴⁴ Currently, absent extraordinary circumstances, students may not sit for the GED exam unless they are 18 years old.⁴⁵

Early Warning Systems

Florida law 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. Early warning systems are used to monitor middle grades students using attendance, behavior, and academic performance indicators shown by research to be reliable indicators of students at risk of dropping out.⁴⁶ 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.⁴⁷

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 1003.53(4), F.S.

³⁹ Section 1003.435(1), F.S.

⁴⁰ Section 1003.435(2) and (3), F.S.

⁴¹ Rules 6A-6.0201(1), F.A.C.

⁴² *See* Rule 6A-6.0212, F.A.C.

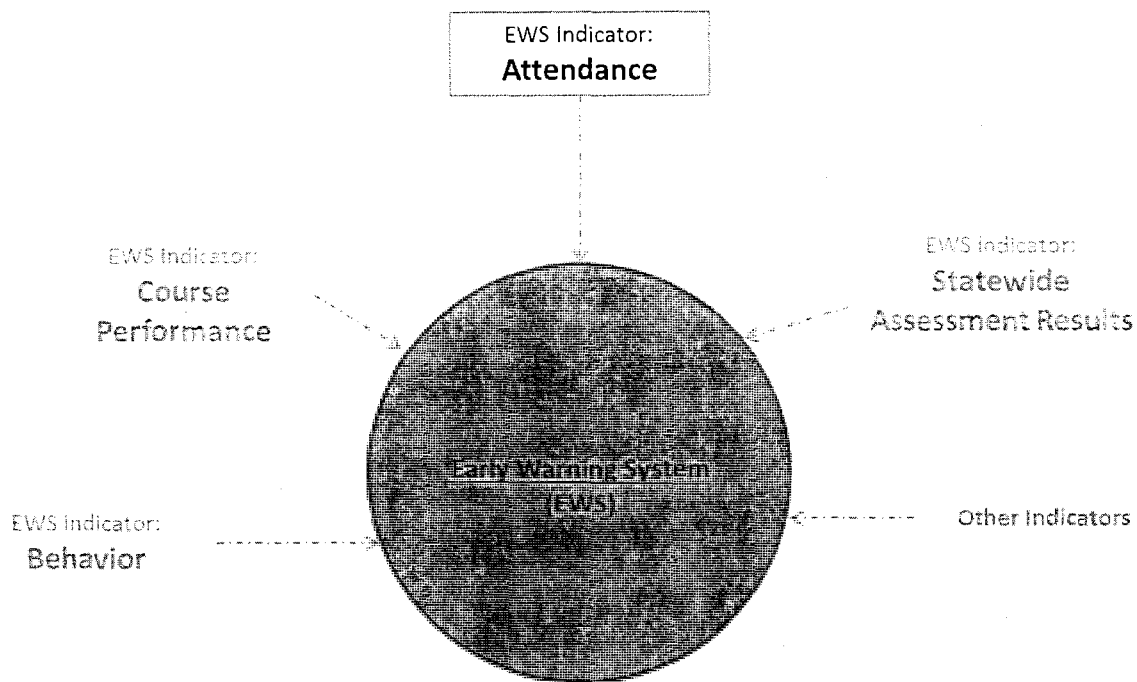
⁴³ Rule 6A-6.0212(4)(a), F.S. Students earning the performance-based diploma are not required to meet GPA requirements.

⁴⁴ Florida Department of Education, *Attendance, Academic Intervention, and Dropout Prevention: hearing before the House Education K-12 Subcommittee* (Jan. 20, 2015).

⁴⁵ Section 1003.435(4), F.S. In extraordinary circumstances, a candidate may take the exam after reaching the age of 16. *Id.*

⁴⁶ Section 1001.42(18)(b), F.S.

⁴⁷ 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).



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Research has reaffirmed the importance of utilizing early warning and intervention systems in improving student achievement in the middle grades.⁴⁹ 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.⁵⁰

In Florida, the following indicators must be used use to monitor middle grades 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.⁵¹

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,⁵² or a similar team established to implement the school's early warning system, to

⁴⁸ Florida Department of Education, *Safe and Supportive Environments: hearing before the House Education K-12 Subcommittee* (Feb. 4, 2015).

⁴⁹ 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>.

⁵⁰ 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>.

⁵¹ Districts may prescribe additional early warning indicators for schools to use. Section 1001.42(18)(b)1., F.S.

determine appropriate intervention strategies for the student.⁵³ 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, and the school must 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.

Students identified by a school's early warning system are eligible to receive services funded through the dropout prevention and academic intervention programs, subject to appropriation in the General Appropriations Act.⁵⁴

Effect of Proposed Changes

The bill updates and streamlines provisions relating to compulsory attendance and enforcement for both public and private schools by:

- Requiring districts to work with parents to find the cause of nonattendance rather than simply identify remedies.
- Providing for consistent use of terms that describe students who are chronically absent from school for ten percent or more of a school year for any reason.
- Requiring districts to adopt a policy to provide early intervention for students at risk of becoming chronically absent based upon prior attendance data.
- Shifting the burden of proving nonattendance to the school district.
- Requiring districts to exhaust their responsibilities for addressing a student's nonattendance or nonenrollment, including notifying parents of services available for parents and children under the Family and School Partnership for Student Achievement Act and evaluating whether referral to other agencies for family services is warranted,⁵⁵ before the superintendent institutes a criminal prosecution against the student's parent or files a truancy petition.

The bill revises requirements related to early warning systems for middle schools by clarifying that a school-based team must monitor early warning system data. To allow for more efficient use of time and resources, the bill requires the team to convene and determine appropriate intervention strategies for a student exhibiting two or more indicators only if the student is not already being served by an intervention program. The bill requires that data and information relating to the exhibited indicators must be used to inform any intervention strategies provided to a student identified by the early warning system.

To bolster dropout prevention and support diploma completion, the bill allows the GED exam to be administered to high school equivalency diploma candidates 16 years of age or older, regardless of whether extraordinary circumstances exist.

⁵² School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

⁵³ Section 1001.42(18)(b)2., F.S.

⁵⁴ Section 1003.53(1)(c)4., F.S.

⁵⁵ Section 1002.23(2)(b), F.S.

School Climate

Present Situation

The K-12 Subcommittee held four meetings to discuss efforts to increase academic outcomes for students. The discussions included the respective roles of district school boards, superintendents, and school principals. During these discussions educational leaders identified various factors that affect student outcomes such as attendance, discipline and academic intervention for students at risk of dropping out. A consistent theme from these discussions was the important role of a safe and supportive learning environment, sometimes referred to as school climate.⁵⁶

Florida law requires school boards to adopt rules, policies, and procedures for addressing disciplinary issues and providing for a safe and orderly school environment.⁵⁷ Each school board must adopt a code of student conduct that is based upon its rules governing student conduct and discipline.⁵⁸ At the beginning of each school year, the code of student conduct must be:

- Distributed to all teachers, school personnel, students, and parents;
- Made available in the school district's student handbook or similar publication; and
- Discussed in student classes, school advisory council meetings, and parent and teacher association or organization meetings at the beginning of the school year.⁵⁹

According to the school districts and other presenters, school responsiveness to incidents of bullying and harassment is critical to establishing a school climate that promotes student learning. Current law, among other things, prohibits bullying or harassment:

- Of any public K-12 student or employee during a public K-12 education program or activity;
- During a school-related or school-sponsored program or activity;
- On a public K-12 school bus;
- Using a computer, computer system, or computer network that is within the scope of a public K-12 educational institution,⁶⁰ or
- Using technology or electronic devices that are not owned or otherwise controlled by a school district or school, but only if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. The law does not require a school to staff or monitor any non-school related activity, function, or program in its efforts to prevent bullying and harassment.⁶¹

The terms "bullying" and "harassment" constitute the following behaviors:

- **Bullying:** Systematically and chronically inflicting physical hurt or psychological distress on one or more students, which may involve:
 - Teasing;
 - Social exclusion;

⁵⁶ Florida Department of education, *Safe and Supportive Environments: hearing before the House Education K-12 Subcommittee* (Feb. 4, 2015).

⁵⁷ Section 1006.07(1)(a), F.S.

⁵⁸ Section 1006.07(2), F.S.

⁵⁹ *Id.*

⁶⁰ "Within the scope of a public K-12 educational institution" means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. Section 1006.147(3)(d), F.S.

⁶¹ Section 1006.147(2), F.S.

- Threat;
 - Intimidation;
 - Stalking;
 - Physical violence;
 - Theft;
 - Sexual, religious, or racial harassment;
 - Public or private humiliation; or
 - Destruction of property.⁶²
- Cyberbullying: Bullying through the use of technology or electronic communication, e.g., email, postings on internet websites or social media, instant messages, text messages, or cell phone.⁶³
 - Harassment: Threatening, insulting, or dehumanizing gestures, use of computers, or written, verbal, or physical conduct directed against a student or school employee that causes reasonable fear of harm to person or property; substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of a school.⁶⁴

The law further specifies that bullying and harassment include:

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment, which reporting is not made in good faith;
- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by incitement or coercion; use of (or providing access to) a school district's computer, computer system, or computer network; or conduct substantially similar to bullying or harassment.⁶⁵

Each school district's bullying and harassment policy must, among other things:

- Prohibit, define, and describe the behaviors that constitute bullying and harassment;
- Establish procedures for reporting and investigating acts of bullying and harassment;
- Establish procedures for making referrals to law enforcement;
- Provide instruction to students, parents, teachers, and others on recognizing behavior that leads to bullying and harassment and taking preventative action;
- Establish procedures for including "incidents of bullying or harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6)"⁶⁶; and
- Procedures for referring victims and perpetrators to counseling.⁶⁷

Current law does not require school principals to review or implement the district school board policy.

Annually, the Commissioner of Education must submit a report on the statewide implementation of bullying and harassment policies to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must also include data regarding incidents of bullying and harassment. Distribution of safe schools funds to a school district is contingent upon the school

⁶² Section 1006.147(3)(a), F.S.

⁶³ See s. 1006.147(3)(b), F.S.

⁶⁴ Section 1006.147(3)(c), F.S.

⁶⁵ Section 1006.147(3)(f), F.S.

⁶⁶ Section 1006.147(4)(f), (h), (k), and (l), F.S. The School Environmental Safety Incident Reporting (SESIR) System is used by DOE to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited Feb. 26, 2015).

⁶⁷ *Id.*

district's compliance with required procedures for reporting bullying and harassment and reporting regarding policy implementation and incidents.⁶⁸

Protected Student Speech

Federal law requires the Secretary of the U.S. Department of Education (U.S. DOE) to issue guidance on constitutionally protected prayer in public schools.⁶⁹ Florida law requires the DOE to annually distribute these guidelines to district school board members, superintendents, school principals, and teachers.⁷⁰

Additionally, the Florida Religious Freedom Restoration Act prohibits government from substantially burdening acts (or refusals to act) that are "substantially motivated by a religious belief," unless there is a compelling governmental interest for burdening the person and the burden is the least restrictive means of accomplishing that interest.⁷¹ Section 1003.4505, F.S., prohibits district school boards, administrative personnel, and instructional personnel from "taking affirmative action . . . that infringes or waives the rights or freedoms afforded to instructional personnel, school staff, or students by the First Amendment to the United States Constitution, in the absence of the express written consent of any individual whose constitutional rights would be impacted by such infringement or waiver."

Effect of Proposed Changes

The bill revises current law related to district school board anti-bullying, anti-harassment policies by requiring each district school board to review its policy every three years with the involvement of community stakeholders. The policy must be integrated with each school's bullying prevention and intervention program. The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and requires the policy to include a list of programs authorized by the school district to provide bullying and harassment prevention instruction.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment prevention procedures established in its anti-harassment, anti-bullying policy. In addition, the bill provides the Education Practices Commission authority to discipline a teacher's or school administrator's certificate if he or she fails to report and actual or suspected incident of bullying, harassment, or hazing.⁷²

The bill requires DOE to periodically review the collection and classification of school incidents with stakeholders to increase the accuracy and transparency of school environment and safety incident reporting. In addition, the bill requires each school district professional development system to provide access to suicide prevention educational resources.

The bill codifies in statute the Safe Schools Allocation, which is currently only provided for in the General Appropriations Act. Along with reports of student discipline, the bill makes distribution of safe school funds to a school district contingent upon the district's compliance with reporting requirements for incidents of bullying and harassment.

The bill requires DOE to annually notify districts of the requirements of the Religious Freedom Restoration Act of 1998 and s. 1003.4505, relating to protection of school speech.

⁶⁸ Section 1006.147(7) and (9), F.S.

⁶⁹ 20 U.S.C. s. 7904(b).

⁷⁰ Section 1002.205, F.S.

⁷¹ Section 761.03, F.S.

⁷² Hazing is prohibited in schools that contain any of grades 6-12 under s. 1006.135, F.S.

Ethics Requirements for School Officials

Present Situation

Standards of Ethical Conduct

District school boards must adopt policies that establish standards of conduct for instructional personnel and school administrators. The policy must require:

- Require training on the standards;
- Establish a duty to report, and procedures for reporting, alleged misconduct by other instructional personnel or school administrators which affects the health, safety, or welfare of a student; and
- Include an explanation of certain protections from liability for reporting in good faith any instance of child abuse, abandonment, or neglect to the Department of Children and Families or law enforcement⁷³ or for disclosing information reporting former or current employees upon the request of a prospective employer.^{74, 75}

In addition, district school boards and their employees are prohibited from entering into a confidentiality agreement regarding terminated or dismissed instructional personnel or administrators who resign in lieu of termination based in part on misconduct affecting the health, safety, or welfare of a student. Districts may not provide instructional personnel or school administrators terminated for such conduct with employment references or discuss their performance with prospective employers. Further, any contract that has the purpose or effect of concealing such misconduct by instructional personnel or school administrators is void as contrary to public policy.⁷⁶

Hiring school district employees

Experts testifying before the K-12 Subcommittee emphasized that the decision to select and place principals and other school administrative leaders must be data-driven and take into consideration the unique skills and qualities of the individual and the unique needs of the school.

Decisions to place an administrator in a school based on other considerations, such as relation to a school board member or superintendent, may be inconsistent to what the experts expressed is best for improving student learning and promoting transparency. Current law prohibits district school board members from employing or appointing a relative under their direct supervision.⁷⁷ However, the prohibition on appointing or employing relatives as direct reporting employees does not extend to superintendents.

Penalties for Failure to Report Financial Interests

All elected constitutional officers, other public officers, candidates, and employees must file full and public disclosure of their financial interests, either with the Commission on Ethics or, for candidates for public office, the local Supervisor of Elections.⁷⁸ This requirement includes elected and appointed

⁷³ Section 39.203, F.S.

⁷⁴ Section 768.095, F.S.

⁷⁵ Section 1001.42(6), F.S.

⁷⁶ Section 1001.42(6), F.S.

⁷⁷ The term "relative" includes an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

⁷⁸ Art. II, s. 8(a), Fla. Const.; Rule 34-8.002(1), F.A.C. See also Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees* (2014), at 11-12, available at <http://www.ethics.state.fl.us/publications/2014%20Guide.pdf>.

superintendents and district school board members.⁷⁹ The Commission on Ethics administers automatic fines for public officers and employees who fail to timely file, by July 1 each year, the required annual financial disclosure.⁸⁰

If the individual owing an unpaid fine is currently a public officer or employee, the Commission on Ethics may notify the Chief Financial Officer or the local governing body,⁸¹ as applicable, that the individual has an unpaid fine. Upon notification, the Chief Financial Officer or local governing body must begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary-related payment to the individual and remit it to the commission until the fine is satisfied.⁸² District school boards are not specifically required to withhold salary payments for unpaid fines.

Effect of Proposed Changes

The bill revises outdated terminology to make it clear that school boards must adopt standards of ethical conduct for administrative personnel⁸³ and school officers⁸⁴ (currently identified as school administrators). The bill also establishes consistent school district hiring requirements by extending the prohibition on appointing or employing a relative for district school board members to district school superintendents. In addition, the bill authorizes district school boards, like other local governing bodies, to withhold unpaid fines that are owed to the Commission on Ethics.

School Transparency

Present Situation

Education Records

Federal and state law grants parents the right to inspect, review, and challenge the content of their child's education records.⁸⁵ Education records are records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.⁸⁶

The federal regulations implementing the Federal Education Records Privacy Act (FERPA) require that educational agencies comply with a parent's or student's request to access the student's education records within a reasonable period of time not to exceed 45 days.⁸⁷ Florida rule requires that a school district comply with a student or his or her parent's request to inspect and review the student's education records within a reasonable period of time not to exceed 30 days.⁸⁸

Strategic Planning

One method of effective, transparent, district-wide school administration identified by presenters before the K-12 Subcommittee is the use of a district-adopted, three- to five-year strategic plan. District strategic plans help school districts improve student learning by publicly establishing long-term goals, developing strategies and timelines to meet the goals, and measuring results of the strategies to

⁷⁹ See s. 112.3145(1)(a)1.-3., F.S.

⁸⁰ Section 112.3144(5)(e), F.S. A fine of \$25 per day for each day late, up to a maximum of \$1,500. *Id.*

⁸¹ i.e., a county, municipality, or special district. See s. 112.31455(1), F.S.

⁸² Section 112.31455(1), F.S.

⁸³ "Administrative personnel are generally high-level responsible personnel . . . such as district school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, career center directors, and others who perform management activities." Section 1012.01(3), F.S.

⁸⁴ The term "school officers" includes, for school districts, the district school superintendent and district school board members. Section 1012.01(1), F.S.

⁸⁵ 20 U.S.C. s. 1232g(a); 34 C.F.R. part 99; s. 1002.22(2), F.S.; rule 6A-1.0955(6)(b), F.A.C.

⁸⁶ 34 C.F.R. 99.3.

⁸⁷ 34 C.F.R. 99.10(b).

⁸⁸ Rule 6A-1.0955(6)(b), F.A.C.

determine where additional improvement can be made. For example, a strategic plan can set goals related to student mastery of academic standards, outline strategies to meet the goal (such as institutionalizing a process to promote the growth of leaders and developing and retaining high quality and enthusiastic instructional personnel), and then include updates indicating progress made towards meeting the goals.⁸⁹

Out-of-Field Teachers

Florida law requires that a parent be notified in writing if his or her child is in a class taught by a teacher without a certificate in the subject matter (i.e., out of field) for the class.⁹⁰ However, the law does not expressly provide for a parent to request that his or her child be transferred to a class to which an in-field certified teacher is assigned.

Effect of Proposed Changes

To increase transparency for parents, the bill provides students and their parents the right to inspect the student's education records within a reasonable time, but in no case longer than 14 days after the student or parent requests access to the records. In addition, the bill provides students and their parents the right to request and receive copies of the student's education records within a reasonable time under reasonable conditions, subject to a fee in accordance with public records request requirements. The bill requires each district to establish a process by which parents will be notified of their ability to access their children's homework assignments online.

The bill requires each district school board, after considering recommendations submitted by the district school superintendent, to adopt a strategic plan that aligns financial resources and academic performance with the school board's mission and long-term goals.

The bill also expressly allows the parent of a student in a class with an out-of-field teacher to request the school to transfer the student to another class taught by an in-field teacher.

Exceptional Students Instruction

The bill makes the following technical changes:

- Specifies definitions for "regular class placement," "resource placement," and "separate class placement."
- Indicates that education placement and the provision of a free appropriate public education are topics available for a due process hearing that students of exception students must be provided notice of.
- Specifies that the 10-day notice of an instructional education plan team meeting requirement concerning any change in placement of an exceptional student may be waived by informed consent.
- Clarifies that the extraordinary exemption from administration of a statewide, standardized assessment for certain students with disabilities⁹¹ may, instead of shall, be granted.

B. SECTION DIRECTORY:

Section 1. Amends s. 984.151, F.S.; conforming a cross-reference.

Section 2. Amends s. 1001.41, F.S.; requiring district school boards to adopt a strategic plan.

⁸⁹ See e.g., St. Johns County School District, *St. Johns County School District Strategic Plan 2010-2015*, available at http://www.stjohns.k12.fl.us/admin/plan/SP%20Final_2010_Bd%20Approved.pdf.

⁹⁰ Section 1012.42, F.S.

⁹¹ Section 1008.212, F.S.

- Section 3. Amends s. 1001.42, F.S.; providing for certain standards for administrative personnel and school officers; revising the early warning system for certain students.
- Section 4. Amends s. 1002.205, F.S.; requiring the Department of Education to annually provide notice of certain requirements and statutes.
- Section 5. Amends s. 1003.01, F.S.; revising and adding definitions.
- Section 6. Amends s. 1003.02, F.S.; conforming a cross-reference.
- Section 7. Amends s. 1003.23, F.S.; requiring certain public school personnel and private schools to maintain certain attendance records.
- Section 8. Amends s. 1003.24, F.S.; deleting a provision providing that the absence of a student from school is prima facie evidence for certain violations.
- Section 9. Amends s. 1003.26, F.S.; revising provisions relating district responsibilities to the enforcement of school attendance and nonattendance policies.
- Section 10. Amends s. 1003.27, F.S.; revising provisions for court procedures and penalties relating to compulsory school attendance.
- Section 11. Amends s. 1003.435, F.S.; revising the allowable age for candidates for a high school equivalency diploma; deleting an exception.
- Section 12. Amends s. 1003.57, F.S.; revising definitions; revising the requirements for certain notices to parents of exceptional students.
- Section 13. Amends s. 1003.5715, F.S.; making technical changes.
- Section 14. Amends s. 1006.09, F.S.; requiring the department to periodically review the collection and classification of school incidents with stakeholders.
- Section 15. Amends s. 1006.283, F.S.; requiring school districts to notify parents of their ability to access homework assignments through a certain system.
- Section 16. Amends s. 1008.212, F.S.; authorizing rather than requiring extraordinary exemptions be given to students.
- Section 17. Amends s. 1002.20, F.S.; providing parents and students the right to access student education records.
- Section 18. Amends s. 1006.147, F.S.; requiring school districts to revise bullying and harassment policies within a specified timeframe; deleting provisions relating to safe schools funds and reporting requirements.
- Section 19. Amends s. 1011.62, F.S.; creating a safe schools allocation to provide funding to school districts for certain safe schools activities.
- Section 20. Amends s. 1012.23, F.S.; revising school district personnel policies relating to principals and employees of the district school board.
- Section 21. Amends s. 1012.42, F.S.; providing that a parent of a student in certain classes may request his or her student be transferred to a classroom with an in-field teacher; requiring the school to

respond to a parent's request within a specified timeframe and provide the parent with certain notifications.

Section 22. Amends s. 1012.795, F.S.; revising causes for suspension of educator certificates.

Section 23. Amends s. 1012.98, F.S.; requiring a school district's professional development system to provide access to suicide prevention educational resources.

Section 24. Amends s. 112.3144, F.S.; revising provisions for the notification of unpaid automatic fines for certain disclosure failures; providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

**Personal Learning Scholarship Accounts
Draft Language**

Personal Learning Scholarship Accounts

Section	Issue	Change
1. 1002.385	Student Eligibility [Lines 63-73]	Expands the definition of “autism” to include all students on the autism spectrum disorder and include students with muscular dystrophy.
	Provider Eligibility [Lines 79-81]	Includes institutions that are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.
	Private School Eligibility [Lines 91-92]	Clarifies that a private school wishing to participate in the PLSA must meet the requirements of private schools that participate in the McKay Scholarship Program and the Florida Tax Credit Scholarship Program.
	Authorized Use of Funds [Lines 152- 205]	<p>Clarifies that funds must be used to meet the individual educational needs of the student. [Lines 151-153]</p> <p>Expands the types of services for which a PLSA may use, including:</p> <ul style="list-style-type: none"> • A program offered by an eligible postsecondary ed. institution. [Lines 174-175] • Tuition and fees for part-time tutoring services provided by qualified individuals (certified teacher, certified adjunct teacher, or person who has demonstrated a mastery of subject area knowledge). [Lines 194-201] • Fees for an annual evaluation of a home education student. [Lines 202-203] • Fees associated with use of an electronic payment system. [Lines 204-205]

Personal Learning Scholarship Accounts

Section	Issue	Change
	<p>Term of Program [Lines 214-252].</p>	<p>Specifies that payments to a PLSA account continue until:</p> <ul style="list-style-type: none"> • The parent does not renew program eligibility; • The SFO determines the student is not eligible for renewal; • The Commissioner of Education denies, suspends, or revokes program participation or the use of funds; • A student participates in any prohibited activities (see Lines 122-150); • A student returns to public school, graduates from high school, or turns 22, whichever occurs first; [Lines 216-227] <p>Specifies that a PLSA account will be closed and funds will revert if:</p> <ul style="list-style-type: none"> • The student’s program eligibility is denied or revoked; • The SFO denies the student’s application; • The student does not enroll in an eligible postsecondary educational institution within 4 years of high school graduation or completion; or • The student is no longer enrolled in an eligible postsecondary educational institution or a program offered by the institution. [Lines 235-248] <p>The SFO must notify the parent when a PLSA is closed. [Lines 250-252]</p>
	<p>Private School Requirements [Line 327]</p>	<p>Corrects a cross-reference to the agreed-upon procedures required of participating private schools.</p>
	<p>DOE Requirements [lines 345-364]</p>	<p>Requires DOE to:</p> <ul style="list-style-type: none"> • Require SFOs to review expenditures made for services after the <u>purchase</u> has been made, rather than after <u>payment</u> has been made. [Lines 349-351] • Compare the list of PLSA students to the list of students participating in the McKay Scholarship and Florida Tax Credit Scholarship program prior to each program payment. [Lines 360-364]

Personal Learning Scholarship Accounts

Section	Issue	Change
	<p>Commissioner of Education Authority & Obligations [Lines 373-414]</p>	<p>Clarifies the circumstances under which the commissioner may deny, suspend, or revoke the authorized use of program funds for failure to meet program requirements. [Lines 373-383]</p> <p>Expands the commissioner’s authority to deny, suspend or revoke, not only program participation, but the use of program funds by a student, private school, SFO, postsecondary institution, or other appropriate party for violation of program requirements. [Lines 384-390]</p> <p>Authorizes the commissioner to determine the length of a suspension or revocation and to determine the conditions for lifting a suspension or revocation. [Lines 390-392]</p> <p>Requires commissioner to deny or revoke a student’s participation if the parent engages in any activity (see Lines 415-506) that causes forfeiture of the program. [Lines 393-395]</p> <p>Authorizes the commissioner, when determining whether to deny, suspend, revoke, or lift a suspension or revocation, to also consider whether <u>a person</u> or entity had similar actions taken as a participant in any state or federal program. [Lines 396-414]</p>

Personal Learning Scholarship Accounts

Section	Issue	Change
	<p>Parent Responsibilities [Lines 425-489]</p>	<p>Specifies that the annual parent agreement with the SFO is not only required for enrollment, but is also required to maintain program eligibility. [Lines 425-428]</p> <p>Clarifies language used in the sworn compliance form to ensure funds are used for the student’s educational needs. [Lines 434-436]</p> <p>Provides a parent the opportunity to request a student participate in the statewide, standardized assessments, similar to students participating in the McKay or FTC Scholarship programs. [Lines 439-443]</p> <p>Requires that a high-risk child who reaches the age of 6, must provide documentation of one of the qualifying disabilities in order to continue in the program. [Lines 464-469]</p> <p>Clarifies that only students who opt to enroll in a home education program, under the PLSA, must comply with all the requirements of a home education program, i.e, maintenance of a portfolio. [Lines 475-489]</p>
	<p>Program Administration [Lines 518-545]</p>	<p>Removes language referencing reporting of students for funding. The scholarships are not based on FEFP, so students do not have to be reported. [Lines 518-520]</p> <p>Requires that eligible students who participated in the previous year are given priority for re-enrollment each year. [Lines 523-526]</p> <p>Requires SFO to maintain a record of accrued interest retained in each student’s account that is available for authorized expenditures. [Lines 767-1123]</p>
	<p>Funding and Payment [Lines 581-583]</p>	<p>Requires that 100% of the appropriated program funds be released to DOE at the beginning of the first quarter each fiscal year. This will prevent delays in reimbursements to parents.</p>

Personal Learning Scholarship Accounts

Section	Issue	Change
	Auditor General [Lines 611-614]	Clarifies that the Auditor General must provide a copy of each required annual operational audit to the commissioner within 10 days of the audit's completion.
	Program Implementation [Lines 637-642]	Removes obsolete language.
2. 1002.395	Florida Tax Credit Scholarship Program – Surety Bond [Lines 679-731]	<p>Clarifies that claims to a required surety bond held by an SFO may only be made by another eligible SFO to provide scholarships to eligible students. [Lines 679-684 & 691-696]</p> <p>Specifies that if an SFO is disapproved for participation, all remaining funds shall be transferred to other eligible SFOs to provide scholarships to eligible students. An SFO receiving transferred funds must be separately disclosed in the annual financial and compliance audit. [Lines 722-731]</p>
3. 1009.98	Florida Prepaid College Program [Lines 732-748]	<p>Requires the Florida Prepaid College Board to develop procedures, contracts, and other documentation required to allow parents to use PLSA funds, along with other funds, to purchase a Florida Prepaid College plan. PLSA contributions:</p> <ul style="list-style-type: none"> • Must be tracked and accounted for separately from other funds; • Must revert to the state if the PLSA account is closed; and • May be used only after private funds have been exhausted.
4.	Effective Date [Line 749]	The bill shall take effect July 1, 2015.

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1 A bill to be entitled
 2 An act relating to Florida personal learning
 3 scholarship accounts; amending s. 1002.385, F.S.,
 4 relating to the Florida Personal Learning Scholarship
 5 Accounts Program; revising definitions of the terms
 6 "disability" and "eligible postsecondary educational
 7 institution," to revise eligibility for the program;
 8 revising requirements for the authorized uses of
 9 program funds, including for the payment of specified
 10 fees; revising provisions relating to the term of the
 11 program; authorizing payments for program expenditures
 12 by a parent to continue until the account is closed;
 13 providing criteria for account closure; requiring
 14 remaining funds to revert to the state; requiring
 15 notice to a parent upon the closure of the account;
 16 revising requirements for the preapproval or review of
 17 program expenditures; revising authority of the
 18 Commissioner of Education to deny, suspend, or revoke
 19 program participation or use of program funds;
 20 revising parent responsibilities for program
 21 participation; requiring the provision of certain
 22 documentation for a high-risk child to remain eligible
 23 for program participation upon attaining a certain
 24 age; deleting a requirement for a parent to maintain
 25 certain records and materials for a specified period;

26 requiring priority to be given to certain students for
 27 participation in the program; requiring scholarship-
 28 funding organizations to maintain records of accrued
 29 interest in scholarship accounts; requiring program
 30 funds to be released during the first quarter of each
 31 fiscal year; deleting a requirement for a financial
 32 audit; requiring the Auditor General to provide the
 33 Commissioner of Education with certain information;
 34 deleting obsolete provisions; amending s. 1002.395,
 35 F.S., relating to the Florida Tax Credit Scholarship
 36 Program; revising the use of eligible contributions;
 37 amending s. 1009.98, F.S.; requiring the Florida
 38 Prepaid College Board to develop procedures and
 39 contracts to allow contributions from the Florida
 40 Personal Learning Scholarship Accounts Program to be
 41 used to purchase prepaid college plans; providing
 42 requirements for such funds; providing an effective
 43 date.

44

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

46

47 Section 1. Section 1002.385, Florida Statutes, is amended
 48 to read:

49 1002.385 Florida personal learning scholarship accounts.—

50 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal

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51 Learning Scholarship Accounts Program is established to provide
 52 the option for a parent to better meet the individual
 53 educational needs of his or her eligible child.

54 (2) DEFINITIONS.—As used in this section, the term:

55 (a) "Approved provider" means a provider approved by the
 56 Agency for Persons with Disabilities, a health care practitioner
 57 as defined in s. 456.001(4), or a provider approved by the
 58 department pursuant to s. 1002.66.

59 (b) "Curriculum" means a complete course of study for a
 60 particular content area or grade level, including any required
 61 supplemental materials.

62 (c) "Department" means the Department of Education.

63 (d) "Disability" means, for a student in kindergarten to
 64 grade 12, autism spectrum disorder, as defined in the fifth
 65 edition of the Diagnostic and Statistical Manual of Mental
 66 Disorders published by the American Psychiatric Association,
 67 Fifth Edition ~~s. 393.063(3)~~; cerebral palsy, as defined in s.
 68 393.063(4); Down syndrome, as defined in s. 393.063(13); an
 69 intellectual disability, as defined in s. 393.063(21); Prader-
 70 Willi syndrome, as defined in s. 393.063(25); ~~or~~ spina bifida,
 71 as defined in s. 393.063(36); for a student in kindergarten,
 72 being a high-risk child, as defined in s. 393.063(20)(a); ~~and~~
 73 Williams syndrome; or muscular dystrophy.

74 (e) "Eligible nonprofit scholarship-funding organization"
 75 or "organization" has the same meaning as in s. 1002.395.

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76 (f) "Eligible postsecondary educational institution" means
 77 a Florida College System institution, a state university, a
 78 school district technical center, a school district adult
 79 general education center, an institution that is eligible to
 80 participate in the William L. Boyd, IV, Florida Resident Access
 81 Grant Program under s. 1009.89, or an accredited independent
 82 ~~nonpublic~~ postsecondary educational institution, as defined in
 83 s. 1005.02, which is licensed to operate in the state pursuant
 84 to requirements specified in part III of chapter 1005.

85 (g) "Eligible private school" means a private school, as
 86 defined in s. 1002.01, which is located in this state, which
 87 offers an education to students in any grade from kindergarten
 88 to grade 12, and which meets requirements of:

- 89 1. Sections 1002.42 and 1002.421; and
- 90 2. A scholarship program under s. 1002.39 or s. 1002.395,
 91 ~~as applicable, if the private school participates in a~~
 92 ~~scholarship program under s. 1002.39 or s. 1002.395.~~

93 (h) "IEP" means individual education plan.

94 (i) "Parent" means a resident of this state who is a
 95 parent, as defined in s. 1000.21.

96 (j) "Program" means the Florida Personal Learning
 97 Scholarship Accounts Program established in this section.

98 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
 99 disability may request and receive from the state a Florida
 100 personal learning scholarship account for the purposes specified

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101 in subsection (5) if:

102 (a) The student:

103 1. Is a resident of this state;

104 2. Is eligible to enroll in kindergarten through grade 12
105 in a public school in this state;

106 3. Has a disability as defined in paragraph (2)(d); and

107 4. Is the subject of an IEP written in accordance with
108 rules of the State Board of Education or has received a
109 diagnosis of a disability as defined in subsection (2) from a
110 physician who is licensed under chapter 458 or chapter 459 or a
111 psychologist who is licensed under chapter 490 ~~in this state~~.

112 (b) Beginning January 2015, the parent has applied to an
113 eligible nonprofit scholarship-funding organization to
114 participate in the program by February 1 before the school year
115 in which the student will participate or an alternative date as
116 set by the organization for any vacant, funded slots. The
117 request must be communicated directly to the organization in a
118 manner that creates a written or electronic record of the
119 request and the date of receipt of the request. The organization
120 shall notify the district and the department of the parent's
121 intent upon receipt of the parent's request.

122 (4) PROGRAM PROHIBITIONS.—

123 (a) A student is not eligible for the program while he or
124 she is:

125 1. Enrolled in a public school, including, but not limited

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126 to, the Florida School for the Deaf and the Blind; the Florida
 127 Virtual School; the College-Preparatory Boarding Academy; a
 128 developmental research school authorized under s. 1002.32; a
 129 charter school authorized under s. 1002.33, s. 1002.331, or s.
 130 1002.332; or a virtual education program authorized under s.
 131 1002.45;

132 2. Enrolled in a school operating for the purpose of
 133 providing educational services to youth in the Department of
 134 Juvenile Justice commitment programs;

135 3. Receiving a scholarship pursuant to the Florida Tax
 136 Credit Scholarship Program under s. 1002.395 or the John M.
 137 McKay Scholarships for Students with Disabilities Program under
 138 s. 1002.39; or

139 4. Receiving any other educational scholarship pursuant to
 140 this chapter.

141 (b) A student is not eligible for the program if:

142 1. The student or student's parent has accepted any
 143 payment, refund, or rebate, in any manner, from a provider of
 144 any services received pursuant to subsection (5);

145 2. The student's participation in the program has been
 146 denied or revoked by the Commissioner of Education pursuant to
 147 subsection (10); or

148 3. The student's parent has forfeited participation in the
 149 program for failure to comply with requirements pursuant to
 150 subsection (11).

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151 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
 152 be used to meet the individual educational needs of an eligible
 153 student and may be spent for the following purposes:

154 (a) Instructional materials, including digital devices,
 155 digital periphery devices, and assistive technology devices that
 156 allow a student to access instruction or instructional content.

157 (b) Curriculum as defined in paragraph (2) (b).

158 (c) Specialized services by approved providers that are
 159 selected by the parent. These specialized services may include,
 160 but are not limited to:

161 1. Applied behavior analysis services as provided in ss.
 162 627.6686 and 641.31098.

163 2. Services provided by speech-language pathologists as
 164 defined in s. 468.1125.

165 3. Occupational therapy services as defined in s. 468.203.

166 4. Services provided by physical therapists as defined in
 167 s. 486.021.

168 5. Services provided by listening and spoken language
 169 specialists and an appropriate acoustical environment for a
 170 child who is deaf or hard of hearing and who has received an
 171 implant or assistive hearing device.

172 (d) Enrollment in, or tuition or fees associated with
 173 enrollment in, an eligible private school, an eligible
 174 postsecondary educational institution or a program offered by an
 175 eligible postsecondary educational institution, a private

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176 tutoring program authorized under s. 1002.43, a virtual program
 177 offered by a department-approved private online provider that
 178 meets the provider qualifications specified in s. 1002.45(2)(a),
 179 the Florida Virtual School as a private paying student, or an
 180 approved online course offered pursuant to s. 1003.499 or s.
 181 1004.0961.

182 (e) Fees for nationally standardized, norm-referenced
 183 achievement tests, Advanced Placement Examinations, industry
 184 certification examinations, assessments related to postsecondary
 185 education, or other assessments.

186 (f) Contributions to the Stanley G. Tate Florida Prepaid
 187 College Program pursuant to s. 1009.98, for the benefit of the
 188 eligible student.

189 (g) Contracted services provided by a public school or
 190 school district, including classes. A student who receives
 191 services under a contract under this paragraph is not considered
 192 enrolled in a public school for eligibility purposes as
 193 specified in subsection (4).

194 (h) Tuition and fees for part-time tutoring services
 195 provided by a person who holds a valid Florida educator's
 196 certificate pursuant to s. 1012.56, a person who holds an
 197 adjunct teaching certificate pursuant to s. 1012.57, or a person
 198 who has demonstrated a mastery of subject area knowledge
 199 pursuant to s. 1012.56(5). For purposes of this paragraph, the

200 term "part-time tutoring services" does not mean regular school
 201 attendance as defined in s. 1003.01(13)(e).

202 (i) Fees for an annual evaluation of educational progress
 203 under s. 1002.41(1)(c).

204 (j) Fees associated with the use of an electronic payment
 205 system under paragraph (13)(d).

206
 207 A specialized service provider, eligible private school,
 208 eligible postsecondary educational institution, private tutoring
 209 program provider, online or virtual program provider, public
 210 school, school district, or other entity receiving payments
 211 pursuant to this subsection may not share, refund, or rebate any
 212 moneys from the Florida Personal learning scholarship account
 213 with the parent or participating student in any manner.

214 (6) TERM OF THE PROGRAM.—For purposes of continuity of
 215 educational choice and program integrity:

216 (a) The program payments made by the state to an
 217 organization for a personal learning scholarship account under
 218 this section shall continue ~~remain in force~~ until the parent
 219 does not renew program eligibility; the scholarship funding
 220 organization determines a student is not eligible for program
 221 renewal; the Commissioner of Education denies, suspends, or
 222 revokes program participation or the use of funds; or a student
 223 participating in the program participates in any of the
 224 prohibited activities specified in subsection (4), ~~has funds~~

225 ~~revoked by the Commissioner of Education pursuant to subsection~~
 226 ~~(10), returns to a public school, graduates from high school, or~~
 227 ~~attains 22 years of age, whichever occurs first. A participating~~
 228 ~~student who enrolls in a public school or public school program~~
 229 ~~is considered to have returned to a public school for the~~
 230 ~~purpose of determining the end of the program's term.~~

231 (b) Payments for program expenditures by a parent from the
 232 personal learning scholarship account may continue until a
 233 student's personal learning scholarship account is closed
 234 pursuant to paragraph (c).

235 (c) A student's personal learning scholarship account
 236 shall be closed, and any remaining funds, including accrued
 237 interest or contributions made to the Stanley G. Tate Florida
 238 Prepaid College Program using program funds pursuant to
 239 paragraph (5)(f), shall revert to the state if:

240 1. The student's program eligibility is denied or revoked;

241 2. The scholarship funding organization denies the
 242 student's application;

243 3. The student does not enroll in an eligible
 244 postsecondary institution within 4 years of high school
 245 graduation or completion; or

246 4. The student is no longer enrolled in an eligible
 247 postsecondary educational institution or a program offered by
 248 the institution.

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250 The eligible nonprofit scholarship-funding organization must
 251 notify a parent when a personal learning scholarship account is
 252 closed.

253 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

254 (a)1. For a student with a disability who does not have a
 255 matrix of services under s. 1011.62(1)(e) and for whom the
 256 parent requests a matrix of services, the school district must
 257 complete a matrix that assigns the student to one of the levels
 258 of service as they existed before the 2000-2001 school year.

259 2.a. Within 10 school days after a school district
 260 receives notification of a parent's request for completion of a
 261 matrix of services, the school district must notify the
 262 student's parent if the matrix of services has not been
 263 completed and inform the parent that the district is required to
 264 complete the matrix within 30 days after receiving notice of the
 265 parent's request for the matrix of services. This notice must
 266 include the required completion date for the matrix.

267 b. The school district shall complete the matrix of
 268 services for a student whose parent has made a request. The
 269 school district must provide the student's parent with the
 270 student's matrix level within 10 school days after its
 271 completion.

272 c. The department shall notify the parent and the eligible
 273 nonprofit scholarship-funding organization of the amount of the
 274 funds awarded within 10 days after receiving the school

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275 district's notification of the student's matrix level.

276 d. A school district may change a matrix of services only
 277 if the change is to correct a technical, typographical, or
 278 calculation error.

279 (b) For each student participating in the program who
 280 chooses to participate in statewide, standardized assessments
 281 under s. 1008.22 or the Florida Alternate Assessment, the school
 282 district in which the student resides must notify the student
 283 and his or her parent about the locations and times to take all
 284 statewide, standardized assessments.

285 (c) For each student participating in the program, a
 286 school district shall notify the parent about the availability
 287 of a reevaluation at least every 3 years.

288 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 289 eligible private school may be sectarian or nonsectarian and
 290 shall:

291 (a) Comply with all requirements for private schools
 292 participating in state school choice scholarship programs
 293 pursuant to s. 1002.421.

294 (b) Provide to the eligible nonprofit scholarship-funding
 295 organization, upon request, all documentation required for the
 296 student's participation, including the private school's and
 297 student's fee schedules.

298 (c) Be academically accountable to the parent for meeting
 299 the educational needs of the student by:

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300 1. At a minimum, annually providing to the parent a
 301 written explanation of the student's progress.

302 2. Annually administering or making provision for students
 303 participating in the program in grades 3 through 10 to take one
 304 of the nationally norm-referenced tests identified by the
 305 Department of Education or the statewide assessments pursuant to
 306 s. 1008.22. Students with disabilities for whom standardized
 307 testing is not appropriate are exempt from this requirement. A
 308 participating private school shall report a student's scores to
 309 the parent.

310 3. Cooperating with the scholarship student whose parent
 311 chooses to have the student participate in the statewide
 312 assessments pursuant to s. 1008.22 or, if a private school
 313 chooses to offer the statewide assessments, administering the
 314 assessments at the school.

315 a. A participating private school may choose to offer and
 316 administer the statewide assessments to all students who attend
 317 the private school in grades 3 through 10.

318 b. A participating private school shall submit a request
 319 in writing to the Department of Education by March 1 of each
 320 year in order to administer the statewide assessments in the
 321 subsequent school year.

322 (d) Employ or contract with teachers who have regular and
 323 direct contact with each student receiving a scholarship under
 324 this section at the school's physical location.

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325 (e) Annually contract with an independent certified public
 326 accountant to perform the agreed-upon procedures developed under
 327 s. 1002.395(6)(o) ~~1002.395(6)(n)~~ and produce a report of the
 328 results if the private school receives more than \$250,000 in
 329 funds from scholarships awarded under this section in the 2014-
 330 2015 state fiscal year or a state fiscal year thereafter. A
 331 private school subject to this paragraph must submit the report
 332 by September 15, 2015, and annually thereafter to the
 333 scholarship-funding organization that awarded the majority of
 334 the school's scholarship funds. The agreed-upon procedures must
 335 be conducted in accordance with attestation standards
 336 established by the American Institute of Certified Public
 337 Accountants.

338
 339 The inability of a private school to meet the requirements of
 340 this subsection constitutes a basis for the ineligibility of the
 341 private school to participate in the program as determined by
 342 the department.

343 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 344 shall:

345 (a) Maintain a list of approved providers.

346 (b) Require each eligible nonprofit scholarship-funding
 347 organization to verify eligible expenditures before the
 348 distribution of funds for any expenditures made pursuant to
 349 paragraphs (5)(a) and (b). Review of expenditures made for

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350 services in paragraphs (5)(c)-(j) must ~~(5)(e)-(g)~~ may be
 351 completed after the purchase is ~~payment has been~~ made.

352 (c) Investigate any written complaint of a violation of
 353 this section in accordance with the process established by s.
 354 1002.395(9)(f).

355 (d) Require quarterly reports by an eligible nonprofit
 356 scholarship-funding organization regarding the number of
 357 students participating in the program, the providers of services
 358 to students, and other information deemed necessary by the
 359 department.

360 (e) Compare the list of students participating in the
 361 program with the public school enrollment lists and the list of
 362 students participating in school choice scholarship programs
 363 established pursuant to this chapter before each program payment
 364 to avoid duplicate payments.

365 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

366 (a) The Commissioner of Education:

367 1. Shall deny, suspend, or revoke a student's
 368 participation in the program if the health, safety, or welfare
 369 of the student is threatened or fraud is suspected.

370 2. Shall deny, suspend, or revoke an authorized use of
 371 program funds if the health, safety, or welfare of the student
 372 is threatened or fraud is suspected.

373 3. May ~~deny, suspend, or revoke~~ an authorized use of
 374 program funds for material failure to comply with this section

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375 and applicable State Board of Education ~~department~~ rules if the
 376 noncompliance is correctable within a reasonable period of time.
 377 Otherwise, the commissioner shall deny, ~~suspend,~~ or revoke an
 378 authorized use for failure to materially comply with the law and
 379 rules adopted under this section.

380 4. Shall require compliance by the appropriate party by a
 381 date certain for all nonmaterial failures to comply with this
 382 section and applicable State Board of Education ~~department~~
 383 rules.

384 5. Notwithstanding any other provision of this section,
 385 ~~The commissioner~~ may deny, suspend, or revoke program
 386 participation or the use of program funds by the student or the
 387 participation or eligibility of an organization, eligible
 388 private school, eligible postsecondary educational institution,
 389 approved provider, or other appropriate party for a violation of
 390 this section. The commissioner may determine the length of, and
 391 conditions for lifting, a suspension or revocation specified in
 392 this paragraph under this section thereafter.

393 6. Shall deny or revoke a student's participation in the
 394 program upon a parent's forfeiture of a personal learning
 395 scholarship account pursuant to subsection (11).

396 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
 397 lift a suspension or revocation, in accordance with this
 398 subsection, the commissioner may consider factors that include,
 399 but are not limited to, acts or omissions that by a

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400 ~~participating entity which~~ led to a previous denial, suspension,
 401 or revocation of participation in a state or federal program or
 402 an education scholarship program; failure to reimburse the
 403 eligible nonprofit scholarship-funding organization for program
 404 funds improperly received or retained by the entity; imposition
 405 of a prior criminal sanction related to the person or entity or
 406 its officers or employees; imposition of a civil fine or
 407 administrative fine, license revocation or suspension, or
 408 program eligibility suspension, termination, or revocation
 409 related to a person's or an entity's management or operation; or
 410 other types of criminal proceedings in which the person or
 411 entity or its officers or employees were found guilty of,
 412 regardless of adjudication, or entered a plea of nolo contendere
 413 or guilty to, any offense involving fraud, deceit, dishonesty,
 414 or moral turpitude.

415 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 416 PARTICIPATION.—A parent who applies for program participation
 417 under this section is exercising his or her parental option to
 418 determine the appropriate placement or the services that best
 419 meet the needs of his or her child. The scholarship award for a
 420 student is based on a matrix that assigns the student to support
 421 Level III services. If a parent chooses to request and receive
 422 an IEP and a matrix of services from the school district, the
 423 amount of the payment shall be adjusted as needed, when the
 424 school district completes the matrix.

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425 (a) To satisfy or maintain program eligibility, including,
 426 but not limited to, eligibility to receive program payments and
 427 expend program payments ~~enroll an eligible student in the~~
 428 ~~program,~~ the parent must sign an agreement with the eligible
 429 nonprofit scholarship-funding organization and annually submit a
 430 notarized, sworn compliance statement to the organization to:

431 1. Affirm that the student is enrolled in a program that
 432 meets regular school attendance requirements as provided in s.
 433 1003.01(13)(b)-(e) ~~1003.01(13)(b)-(d)~~.

434 2. Affirm that ~~Use~~ the program funds are used only for
 435 authorized purposes -serving the student's educational needs, as
 436 described in subsection (5).

437 3. Affirm that the student takes all appropriate
 438 standardized assessments as specified in this section.

439 a. If the parent enrolls the child in an eligible private
 440 school, the student must take an assessment selected by the
 441 private school pursuant to s. 1002.39 or s. 1002.395(7)(e) or, if
 442 requested by the parent, the statewide, standardized assessments
 443 pursuant to s. 1002.39(8)(c)2. and (9)(e).

444 b. If the parent enrolls the child in a home education
 445 program, the parent may choose to participate in an assessment
 446 as part of the annual evaluation provided for in s.
 447 1002.41(1)(c).

448 4. Notify the school district that the student is
 449 participating in the Personal Learning Scholarship Accounts if

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450 the parent chooses to enroll in a home education program as
 451 provided in s. 1002.41.

452 5. Request participation in the program by the date
 453 established by the eligible nonprofit scholarship-funding
 454 organization.

455 6. Affirm that the student remains in good standing with
 456 the provider or school if those options are selected by the
 457 parent.

458 7. Apply for admission of his or her child if the private
 459 school option is selected by the parent.

460 8. Annually renew participation in the program.

461 Notwithstanding any changes to the student's IEP, a student who
 462 was previously eligible for participation in the program shall
 463 remain eligible to apply for renewal ~~as provided in subsection~~
 464 ~~(6)~~. However, in order for a high-risk child to continue to
 465 participate in the program in the school year after he or she
 466 reaches 6 years of age, the child's application for renewal of
 467 program participation must contain documentation that the child
 468 has a disability as defined in paragraph (2)(d) other than high-
 469 risk status.

470 9. Affirm that the parent will not transfer any college
 471 savings funds to another beneficiary.

472 10. Affirm that the parent will not take possession of any
 473 funding provided by the state for the Florida Personal Learning
 474 Scholarship Accounts.

475 | 11. If a parent chooses to enroll the child in a home
 476 | education program pursuant to s. 1002.41, affirm that the parent
 477 | complies with all home education requirements ~~Maintain a~~
 478 | ~~portfolio of records and materials which must be preserved by~~
 479 | ~~the parent for 2 years and be made available for inspection by~~
 480 | ~~the district school superintendent or the superintendent's~~
 481 | ~~designee upon 15 days' written notice. This paragraph does not~~
 482 | ~~require the superintendent to inspect the portfolio. The~~
 483 | ~~portfolio of records and materials must consist of:~~

484 | a. ~~A log of educational instruction and services which is~~
 485 | ~~made contemporaneously with delivery of the instruction and~~
 486 | ~~services and which designates by title any reading materials~~
 487 | ~~used; and~~

488 | b. ~~Samples of any writings, worksheets, workbooks, or~~
 489 | ~~creative materials used or developed by the student.~~

490 | (b) The parent is responsible for procuring the services
 491 | necessary to educate the student. When the student receives a
 492 | personal learning scholarship account, the district school board
 493 | is not obligated to provide the student with a free appropriate
 494 | public education. For purposes of s. 1003.57 and the Individuals
 495 | with Disabilities in Education Act, a participating student has
 496 | only those rights that apply to all other unilaterally
 497 | parentally placed students, except that, when requested by the
 498 | parent, school district personnel must develop an individual
 499 | education plan or matrix level of services.

500 (c) The parent is responsible for the payment of all
 501 eligible expenses in excess of the amount of the personal
 502 learning scholarship account in accordance with the terms agreed
 503 to between the parent and the providers.

504
 505 A parent who fails to comply with this subsection forfeits the
 506 personal learning scholarship account.

507 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
 508 ACCOUNTS.—An eligible nonprofit scholarship-funding organization
 509 participating in the Florida Tax Credit Scholarship Program
 510 established under s. 1002.395 may establish personal learning
 511 scholarship accounts for eligible students by:

512 (a) Receiving applications and determining student
 513 eligibility in accordance with the requirements of this section.
 514 The organization shall notify the department of the applicants
 515 for the program by March 1 before the school year in which the
 516 student intends to participate. When an application is received,
 517 the scholarship funding organization must provide the department
 518 with information on the student ~~to enable the department to~~
 519 ~~report the student for funding in accordance with subsection~~
 520 ~~(13).~~

521 (b) Notifying parents of their receipt of a scholarship on
 522 a first-come, first-served basis based upon the funds provided
 523 for this program in the General Appropriations Act. However,
 524 first priority must be given to eligible students who receive a

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525 personal learning scholarship during the previous school year
 526 and apply for renewal.

527 (c) Establishing a date by which a parent must confirm
 528 initial or continuing participation in the program and confirm
 529 the establishment or continuance of a personal learning
 530 scholarship account.

531 (d) Establishing a date and process by which students on
 532 the wait list or late-filing applicants may be allowed to
 533 participate in the program during the school year, within the
 534 amount of funds provided for this program in the General
 535 Appropriations Act.

536 (e) Establishing and maintaining separate accounts for
 537 each eligible student. For each account, the organization must
 538 maintain a record of accrued interest that is retained in the
 539 student's account and available only for authorized program
 540 expenditures.

541 (f) Verifying qualifying expenditures pursuant to ~~the~~
 542 ~~requirements of~~ paragraph (9)(b) ~~(8)(b)~~.

543 (g) Returning any unused funds to the department when the
 544 student is no longer eligible for a personal learning
 545 scholarship ~~learning~~ account pursuant to paragraph (13)(c).

546 (13) FUNDING AND PAYMENT.—

547 (a)1. The maximum funding amount granted for an eligible
 548 student with a disability, pursuant to subsection (3), shall be
 549 equivalent to the base student allocation in the Florida

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550 Education Finance Program multiplied by the appropriate cost
 551 factor for the educational program which would have been
 552 provided for the student in the district school to which he or
 553 she would have been assigned, multiplied by the district cost
 554 differential.

555 2. In addition, an amount equivalent to a share of the
 556 guaranteed allocation for exceptional students in the Florida
 557 Education Finance Program shall be determined and added to the
 558 amount in subparagraph 1. The calculation shall be based on the
 559 methodology and the data used to calculate the guaranteed
 560 allocation for exceptional students for each district in chapter
 561 2000-166, Laws of Florida. Except as provided in subparagraph
 562 3., the calculation shall be based on the student's grade, the
 563 matrix level of services, and the difference between the 2000-
 564 2001 basic program and the appropriate level of services cost
 565 factor, multiplied by the 2000-2001 base student allocation and
 566 the 2000-2001 district cost differential for the sending
 567 district. The calculated amount must also include an amount
 568 equivalent to the per-student share of supplemental academic
 569 instruction funds, instructional materials funds, technology
 570 funds, and other categorical funds as provided in the General
 571 Appropriations Act.

572 3. Except as otherwise provided, the calculation for all
 573 students participating in the program shall be based on the
 574 matrix that assigns the student to support Level III of

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575 services. If a parent requests ~~chooses to request~~ and receives
576 ~~receive~~ a matrix of services from the school district, when the
577 school district completes the matrix, the amount of the payment
578 shall be adjusted as needed.

579 4.(b) The amount of the awarded funds shall be 90 percent
580 of the calculated amount.

581 (b) One hundred percent of the funds appropriated for the
582 program shall be released to the department at the beginning of
583 the first quarter of each fiscal year.

584 (c) Upon an eligible student's graduation from an eligible
585 postsecondary educational institution or after any period of 4
586 consecutive years after high school graduation in which the
587 student is not enrolled in an eligible postsecondary educational
588 institution, the student's personal learning scholarship account
589 shall be closed, and any remaining funds shall revert to the
590 state.

591 (d) The eligible nonprofit scholarship-funding
592 organization shall develop a system for payment of benefits by
593 electronic funds transfer, including, but not limited to, debit
594 cards, electronic payment cards, or any other means of
595 electronic payment that the department deems to be commercially
596 viable or cost-effective. Commodities or services related to the
597 development of such a system shall be procured by competitive
598 solicitation unless they are purchased from a state term
599 contract pursuant to s. 287.056.

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600 (e) Moneys received pursuant to this section do not
 601 constitute taxable income to the parent of the qualified
 602 student.

603 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

604 (a) The Auditor General shall conduct an annual ~~financial~~
 605 ~~and~~ operational audit of accounts and records of each eligible
 606 scholarship-funding organization that participates in the
 607 program. As part of this audit, the Auditor General shall
 608 verify, at a minimum, the total amount of students served and
 609 eligibility of reimbursements made by each eligible nonprofit
 610 scholarship-funding organization ~~and transmit that information~~
 611 ~~to the department.~~ The Auditor General shall provide the
 612 Commissioner of Education with a copy of each annual operational
 613 audit performed pursuant to this paragraph within 10 days after
 614 each audit is finalized.

615 (b) The Auditor General shall notify the department of any
 616 eligible nonprofit scholarship-funding organization that fails
 617 to comply with a request for information.

618 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
 619 Department of Health, the Agency for Persons with Disabilities,
 620 and the Department of Education shall work with an eligible
 621 nonprofit scholarship-funding organization for easy or automated
 622 access to lists of licensed providers of services specified in
 623 paragraph (5)(c) to ensure efficient administration of the
 624 program.

625 (16) LIABILITY.—The state is not liable for the award or
 626 any use of awarded funds under this section.

627 (17) SCOPE OF AUTHORITY.—This section does not expand the
 628 regulatory authority of this state, its officers, or any school
 629 district to impose additional regulation on participating
 630 private schools, independent nonpublic postsecondary educational
 631 institutions, and private providers beyond those reasonably
 632 necessary to enforce requirements expressly set forth in this
 633 section.

634 (18) RULES.—The State Board of Education shall adopt rules
 635 pursuant to ss. 120.536(1) and 120.54 to administer this
 636 section.

637 ~~(19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL~~
 638 ~~YEAR. Notwithstanding the provisions of this section related to~~
 639 ~~notification and eligibility timelines, an eligible nonprofit~~
 640 ~~scholarship-funding organization may enroll parents on a rolling~~
 641 ~~schedule on a first-come, first-served basis, within the amount~~
 642 ~~of funds provided in the General Appropriations Act.~~

643 Section 2. Paragraphs (a), (b), and (f) of subsection (16)
 644 of section 1002.395, Florida Statutes, is amended to read:

645 1002.395 Florida Tax Credit Scholarship Program.—

646 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
 647 APPLICATION.—In order to participate in the scholarship program
 648 created under this section, a charitable organization that seeks
 649 to be a nonprofit scholarship-funding organization must submit

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650 an application for initial approval or renewal to the Office of
 651 Independent Education and Parental Choice no later than
 652 September 1 of each year before the school year for which the
 653 organization intends to offer scholarships.

654 (a) An application for initial approval must include:

655 1. A copy of the organization's incorporation documents
 656 and registration with the Division of Corporations of the
 657 Department of State.

658 2. A copy of the organization's Internal Revenue Service
 659 determination letter as a s. 501(c)(3) not-for-profit
 660 organization.

661 3. A description of the organization's financial plan that
 662 demonstrates sufficient funds to operate throughout the school
 663 year.

664 4. A description of the geographic region that the
 665 organization intends to serve and an analysis of the demand and
 666 unmet need for eligible students in that area.

667 5. The organization's organizational chart.

668 6. A description of the criteria and methodology that the
 669 organization will use to evaluate scholarship eligibility.

670 7. A description of the application process, including
 671 deadlines and any associated fees.

672 8. A description of the deadlines for attendance
 673 verification and scholarship payments.

674 9. A copy of the organization's policies on conflict of

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675 interest and whistleblowers.

676 10. A copy of a surety bond or letter of credit in an
677 amount equal to 25 percent of the scholarship funds anticipated
678 for each school year or \$100,000, whichever is greater,
679 specifying that any claim against the bond or letter of credit
680 may be made only by an eligible nonprofit scholarship-funding
681 organization to provide scholarships to and on behalf of
682 students that would have had scholarships funded but for the
683 diversion of funds giving rise to the claim against the bond or
684 letter of credit.

685 (b) In addition to the information required by
686 subparagraphs (a)1.-9., an application for renewal must include:

687 1. A surety bond or letter of credit equal to the amount
688 of undisbursed donations held by the organization based on the
689 annual report submitted pursuant to paragraph (6)(m). The amount
690 of the surety bond or letter of credit must be at least
691 \$100,000, but not more than \$25 million, specifying that any
692 claim against the bond or letter of credit may be made only by
693 an eligible nonprofit scholarship-funding organization to
694 provide scholarships to and on behalf of students that would
695 have had scholarships funded but for the diversion of funds
696 giving rise to the claim against the bond or letter of credit.

697 2. The organization's completed Internal Revenue Service
698 Form 990 submitted no later than November 30 of the year before
699 the school year that the organization intends to offer the

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700 scholarships, notwithstanding the September 1 application
701 deadline.

702 3. A copy of the statutorily required audit to the
703 Department of Education and Auditor General.

704 4. An annual report that includes:

705 a. The number of students who completed applications, by
706 county and by grade.

707 b. The number of students who were approved for
708 scholarships, by county and by grade.

709 c. The number of students who received funding for
710 scholarships within each funding category, by county and by
711 grade.

712 d. The amount of funds received, the amount of funds
713 distributed in scholarships, and an accounting of remaining
714 funds and the obligation of those funds.

715 e. A detailed accounting of how the organization spent the
716 administrative funds allowable under paragraph (6)(j).

717 Information and documentation provided to the Department of
718 Education and the Auditor General relating to the identity of a
719 taxpayer that provides an eligible contribution under this
720 section shall remain confidential at all times in accordance
721 with s. 213.053.

722 (f) All remaining funds held by a nonprofit scholarship-
723 funding organization that is disapproved for participation must
724 ~~revert to the Department of Revenue for redistribution to other~~

ORIGINAL

2015

725 are transferred to other eligible scholarship-funding
 726 organizations to provide scholarships to eligible students. All
 727 transferred funds must be deposited by each receiving non-profit
 728 scholarship-funding organization into its scholarship account.
 729 All transferred amounts received by any nonprofit scholarship-
 730 funding organization must be separately disclosed in the annual
 731 financial and compliance audit required in paragraph (6).

732 Section 3. Subsection (11) is added to section 1009.98,
 733 Florida Statutes, to read:

734 1009.98 Stanley G. Tate Florida Prepaid College Program.—

735 (11) FLORIDA PERSONAL LEARNING SCHOLARSHIP ACCOUNTS
 736 PROGRAM.—Notwithstanding any other provision of this section,
 737 the Florida Prepaid College Board shall, by July 1, 2016,
 738 develop procedures, contracts, and any other required
 739 documentation necessary to allow contributions made pursuant to
 740 s. 1002.385 to be used in conjunction with other funds used by
 741 the parent in the purchase of a prepaid college plan. Such
 742 contributions and interest earned from such contributions:

743 (a) Must be tracked and accounted for separately from
 744 other funds deposited for a prepaid college plan.

745 (b) Must revert to the state pursuant to s.
 746 1002.385(6)(c).

747 (c) May be used only after private payments have been used
 748 for prepaid college plan expenditures.

749 Section 4. This act shall take effect July 1, 2015.

Extracurricular Activities
Draft Language

Extracurricular Activities

Section	Issue	Change
<p>1. Unnumbered Section [Lines 55-58]</p>	<p>Selection of a governing nonprofit association</p>	<ul style="list-style-type: none"> • By July 1, 2017, the Commissioner, with approval of the State Board of Education, must designate a nonprofit association to regulate athletics.
<p>2. s. 1006.20 [Lines 59-611]</p>	<p>Accountability of the FHSAA and governing nonprofit associations identified by the commissioner</p>	<ul style="list-style-type: none"> • Prohibits any dues, fees, or contest receipts collected by the FHSAA from exceeding the actual costs to perform the function. • Authorizes schools to join, by sport and to join other organizations. • Authorizes the commissioner to identify other organizations that meet the requirements of law. • Requires the FHSAA to provide an opportunity to resolve ineligibility determinations through an informal conference by telephone or other electronic means. The conference must be held within 10 days of the ineligibility determination. • Requires the FHSAA to provide for third party arbitration of eligibility disputes and sanctions against member schools and coaches. The arbitration must be completed within 30 days of the ineligibility determination. • Requires the FHSAA to adopt guidelines and provide resources to educate coaches, officials, administrators and athletes about sportsmanship. • Revises the governance of the FHSAA to nine members that proportionately represent public schools, schools of choice, private schools, home education, an parents. Repeals existing law regarding the board of directors, representative assembly, and public liaison advisory committee, appeals, and amendment of bylaws.
<p>3. s. 1006.20 [Lines 612 – 909]</p>	<p>Governing nonprofit association</p>	<ul style="list-style-type: none"> • Effective upon approval of a governing nonprofit association the following changes are made. • Removes reference to the FHSAA and makes the designated nonprofit the governing body for purposes of the National Federation of State High School Associations.

Extracurricular Activities

Section	Issue	Change
<p>4. s. 1006.15 [Lines 910-1269]</p>	<p>Student eligibility</p>	<ul style="list-style-type: none"> • Establishes principles that govern student eligibility policies: eligibility should not impede parental school choice and a school’s attendance zone or choice of educational program should not be a barrier to participation. • Repeals discrete eligibility criteria for charter and virtual school students so that eligibility applies equally to all students regardless of educational choice. • Authorizes students to participate in extracurricular activities at another school if the activity is not offered by the student’s school. • Prohibits school boards and private schools from established eligibility criteria that is more stringent than the policies established by the governing organization.
<p>5. s. 1006.16 [Lines 1270-1293]</p>	<p>Insurance</p>	<p>Requires insurance provided by a district school board to cover home education and unaffiliated private school students participating in extracurricular activities at a district public school under the same terms and conditions as the public school students.</p>
<p>6. s. 1006.19 [Lines 1294-1310]</p>	<p>Accountability</p>	<p>Requires the Auditor General to conduct operational audits of governing nonprofit associations every three years.</p>
<p>7. s. 768.135 [Lines 1311-1319]</p>		<p>Makes conforming change.</p>
<p>8. s. 943.0438 Lines [1320-1341]</p>		<p>Makes conforming change.</p>

Extracurricular Activities

Section	Issue	Change
<p>9. s. 1002.20 [Lines 1342-1398]</p>	<p>Participation</p>	<ul style="list-style-type: none"> • Makes conforming change. • Provides that all public school students, including schools of choice and virtual education, all home education students, and certain private school students may participate in any extracurricular activity at any public school in the district not offered by the student’s school or home education program. Allows participation in a school in another district if the student could choose to attend under an interdistrict open enrollment policy.
<p>10. s. 1002.33 [Lines 1399-1406]</p>		<p>Makes conforming change.</p>
<p>11. s. 1002.42 [Lines 1409-1412]</p>		<p>Makes conforming change.</p>
<p>12. s. 1006.165 [Lines 1419-1425]</p>		<p>Makes conforming change.</p>
<p>13. s. 1006.18 [Lines 1426-1439]</p>		<p>Makes conforming change.</p>
<p>14. s. 1012.467 [Lines 1440-1455]</p>		<p>Makes conforming change.</p>

Extracurricular Activities

Section	Issue	Change
15. s. 1012.468 [Lines 1456-1469]		Makes conforming change.
16. s. 1012.55 [Lines 1470-1505]		Makes conforming change.
17. [Lines 1506-1507]	Provides effective date.	Except as otherwise expressly provided, act takes effect July 1, 2015.

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1 A bill to be entitled
 2 An act relating to extracurricular activities;
 3 requiring the Commissioner of Education, with the
 4 approval of the State Board of Education, to designate
 5 a nonprofit association to govern interscholastic
 6 athletic competition; amending s. 1006.20, F.S.;
 7 providing for informal conference procedure and
 8 arbitration as methods for resolving student
 9 eligibility disputes; revising the governance
 10 structure of the Florida High School Athletic
 11 Association (FHSAA); deleting provisions relating to
 12 the FHSAA's board of directors, representative
 13 assembly, public liaison advisory committee, and
 14 appeals committees; deleting requirements with respect
 15 to amendments to the FHSAA's bylaws; providing for
 16 contingent effect; deleting references to the FHSAA as
 17 the sole governing authority of interscholastic
 18 athletic competition; providing requirements for the
 19 governance structure of the nonprofit association
 20 designated by the Commissioner of Education to govern
 21 interscholastic athletic competition; amending s.
 22 1006.15, F.S.; establishing guiding principles for
 23 extracurricular activities; providing definitions;
 24 revising academic eligibility requirements for private
 25 school students; specifying grounds for student

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26 | ineligibility for participation in extracurricular
 27 | activities; specifying criteria for reinstatement of
 28 | eligibility of certain students; specifying conditions
 29 | under which students who are enrolled in public
 30 | schools, certain private schools, or home education
 31 | programs may participate in the extracurricular
 32 | activities of a public school; deleting obsolete
 33 | provisions; amending s. 1006.16, F.S.; revising
 34 | insurance requirements to include students who
 35 | participate in nonathletic extracurricular activities;
 36 | requiring that insurance coverage provided by district
 37 | school boards for participants in extracurricular
 38 | activities include certain students; amending s.
 39 | 1006.19, F.S.; providing a period within which an
 40 | audit of a nonprofit association's records must be
 41 | provided to the Auditor General; requiring the Auditor
 42 | General to conduct operational audits of the nonprofit
 43 | association's accounts and records; amending ss.
 44 | 768.135 and 943.0438, F.S.; conforming provisions to
 45 | changes made by the act; amending s. 1002.20, F.S.;
 46 | conforming cross-references; revising provisions
 47 | related to participation in extracurricular
 48 | activities; amending ss. 1002.33, 1002.42, 1006.165,
 49 | 1006.18, 1012.467, 1012.468, and 1012.55, F.S.;
 50 | conforming provisions to changes made by the act;

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Original

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51 providing effective dates.

52

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

54

55 Section 1. By July 1, 2017, the Commissioner of Education,
 56 with the approval of the State Board of Education, shall
 57 designate a nonprofit association to govern interscholastic
 58 athletic competition in this state.

59 Section 2. Section 1006.20, Florida Statutes, is amended
 60 to read:

61 1006.20 Athletics in public K-12 schools.—

62 (1) GOVERNING NONPROFIT ASSOCIATION ORGANIZATION.—The
 63 Florida High School Athletic Association (FHSAA) is designated
 64 as the governing nonprofit association ~~organization~~ of athletics
 65 in Florida public schools. If the FHSAA fails to meet the
 66 provisions of this section, the Commissioner of Education, with
 67 the approval of the State Board of Education, shall designate a
 68 nonprofit association ~~organization~~ to govern interscholastic
 69 athletic competition in this state ~~athletics with the approval~~
 70 ~~of the State Board of Education.~~ The FHSAA is not a state agency
 71 as defined in s. 120.52 but is. ~~The FHSAA shall be subject to~~
 72 ss. 1006.15-1006.19. Any dues, fees, including sanctioning fees,
 73 or contest receipts collected by the FHSAA may not exceed its
 74 actual costs to perform the function or duty that is the subject
 75 of or justification for the fee ~~the provisions of s. 1006.19.~~ A

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76 private school that wishes to engage in high school athletic
 77 competition with a public high school may become a member of the
 78 FHSAA, by sport. Any high school in the state, including charter
 79 schools, virtual schools, and home education cooperatives, may
 80 become a member of the FHSAA, by sport, and participate in the
 81 activities of the FHSAA. ~~However,~~ Membership in the FHSAA is not
 82 mandatory for any school, and any member school may join other
 83 athletic associations, by sport. The FHSAA may not deny or
 84 discourage interscholastic competition between its member
 85 schools and nonmember ~~non-FHSAA member~~ Florida schools,
 86 including members of another athletic governing association
 87 ~~organization~~, and may not take any retributory or discriminatory
 88 action against any of its member schools that participate in
 89 interscholastic competition with nonmember ~~non-FHSAA member~~
 90 Florida schools. The FHSAA may not unreasonably withhold its
 91 approval of an application to become an affiliate member of the
 92 National Federation of State High School Associations submitted
 93 by any other association ~~organization~~ that governs
 94 interscholastic athletic competition in this state that meets
 95 the requirements of this section. The commissioner may identify
 96 other associations that govern interscholastic athletic
 97 competition in compliance with this section. ~~The bylaws of the~~
 98 ~~FHSAA are the rules by which high school athletic programs in~~
 99 ~~its member schools, and the students who participate in them,~~
 100 ~~are governed, unless otherwise specifically provided by statute.~~

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101 For the purposes of this section, "high school" includes grades
 102 6 through 12.

103 (2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING ADOPTION
 104 ~~OF BYLAWS, POLICIES; ELIGIBILITY DISPUTE RESOLUTION, OR~~
 105 GUIDELINES.—The FHSAA shall:

106 (a) ~~The FHSAA shall adopt bylaws that, unless specifically~~
 107 ~~provided by statute,~~ Establish eligibility requirements for all
 108 students who participate in high school athletic competition in
 109 its member schools. A ~~The bylaws governing residence and~~
 110 ~~transfer shall allow the student is to be eligible in the school~~
 111 in which he or she first enrolls each school year or the school
 112 in which the student makes himself or herself a candidate for an
 113 athletic team by engaging in a practice before ~~prior to~~
 114 enrolling in the school. A student who transfers ~~The bylaws~~
 115 ~~shall also allow the student to be eligible in the school to~~
 116 ~~which the student has transferred during the school year is~~
 117 eligible in the school to which he or she transfers if the
 118 transfer is made by a deadline established by the FHSAA, which
 119 may not be before ~~prior to~~ the date authorized for the beginning
 120 of practice for the sport. If the date authorized for the
 121 beginning of practice is before the first day of the grading
 122 period in which the regular season games begin, the transfer
 123 deadline may not be before the first day of such grading period.
 124 A member school may allow a student who transfers to the school
 125 after the transfer deadline to participate if such participation

BILL

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126 occurs before the start of regular season competition and does
 127 not result in the removal of another student from the particular
 128 team, sport, or activity ~~These transfers shall be allowed~~
 129 ~~pursuant to the district school board policies in the case of~~
 130 ~~transfer to a public school or pursuant to the private school~~
 131 ~~policies in the case of transfer to a private school.~~ The
 132 student shall be eligible in that school so long as he or she
 133 remains enrolled in that school. Subsequent eligibility shall be
 134 determined and enforced through the FHSAA's requirements ~~bylaws~~.
 135 Requirements governing eligibility and transfer between member
 136 schools shall be applied similarly to all ~~public school~~ students
 137 ~~and private school students.~~

138 (b) ~~The FHSAA shall adopt bylaws that specifically~~
 139 Prohibit the recruiting of students for athletic purposes and
 140 ~~The bylaws shall prescribe penalties and an appeals process for~~
 141 athletic recruiting violations. If it is determined that a
 142 school has recruited a student ~~in violation of FHSAA bylaws~~, the
 143 FHSAA may require the school to participate in a higher
 144 classification for the sport in which the recruited student
 145 competes for a minimum of one classification cycle, in addition
 146 to any other appropriate fine and sanction imposed on the
 147 school, its coaches, or adult representatives who commit ~~violate~~
 148 recruiting violations ~~rules~~. A student may only ~~not~~ be declared
 149 ineligible based on a recruiting violation ~~if of recruiting~~
 150 ~~rules unless~~ the student or parent has committed an act

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Original

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151 specified in s. 1006.15(4)(b)2. or the FHSAA has imposed
 152 sanctions against the individuals or member school engaging in
 153 recruiting and the student or the parent has committed an act
 154 specified in s. 1006.15(4)(b)3. The FHSAA may not limit the
 155 competition of a student athlete prospectively for a rule
 156 violation by his or her school, the school's coach, or the
 157 student athlete's adult representative. The FHSAA may not punish
 158 a student athlete for an eligibility or recruiting violation
 159 perpetrated by a teammate, coach, or administrator. A contest
 160 may not be forfeited for an inadvertent eligibility violation
 161 unless the coach or a school administrator should have known of
 162 the violation. Contests may not be forfeited for other
 163 eligibility violations or recruiting violations in excess of the
 164 number of contests from which the coaches and adult
 165 representatives responsible for the violations are prospectively
 166 suspended ~~falsified any enrollment or eligibility document or~~
 167 ~~accepted any benefit or any promise of benefit if such benefit~~
 168 ~~is not generally available to the school's students or family~~
 169 ~~members or is based in any way on athletic interest, potential,~~
 170 ~~or performance.~~

171 (c) ~~The FHSAA shall adopt bylaws that~~ Require all students
 172 participating in interscholastic athletic competition or who are
 173 candidates for an interscholastic athletic team to
 174 satisfactorily pass a medical evaluation each year before ~~prior~~
 175 ~~to~~ participating in interscholastic athletic competition or

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176 engaging in any practice, tryout, workout, or other physical
 177 activity associated with the student's candidacy for an
 178 interscholastic athletic team. Such medical evaluation may be
 179 administered only by a practitioner licensed under chapter 458,
 180 chapter 459, chapter 460, or s. 464.012, and in good standing
 181 with the practitioner's regulatory board. The FHSAA ~~bylaws~~ shall
 182 establish requirements for eliciting a student's medical history
 183 and performing the medical evaluation required under this
 184 paragraph, which shall include a physical assessment of the
 185 student's physical capabilities to participate in
 186 interscholastic athletic competition as contained in a uniform
 187 preparticipation physical evaluation and history form. The
 188 evaluation form shall incorporate the recommendations of the
 189 American Heart Association for participation in cardiovascular
 190 screening and shall provide a place for the signature of the
 191 practitioner performing the evaluation with an attestation that
 192 each examination procedure listed on the form was performed by
 193 the practitioner or by someone under the direct supervision of
 194 the practitioner. The form shall also contain a place for the
 195 practitioner to indicate if a referral to another practitioner
 196 was made in lieu of completion of a certain examination
 197 procedure. The form shall provide a place for the practitioner
 198 to whom the student was referred to complete the remaining
 199 sections and attest to that portion of the examination. The
 200 preparticipation physical evaluation form shall advise students

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Original

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201 to complete a cardiovascular assessment and shall include
 202 information concerning alternative cardiovascular evaluation and
 203 diagnostic tests. Results of such medical evaluation must be
 204 provided to the school. A ~~No~~ student is not ~~shall be~~ eligible to
 205 participate in any interscholastic athletic competition or
 206 engage in any practice, tryout, workout, or other physical
 207 activity associated with the student's candidacy for an
 208 interscholastic athletic team until the results of the medical
 209 evaluation are ~~have been~~ received and approved by the school.

210 (d) Notwithstanding ~~the provisions of~~ paragraph (c), allow
 211 a student to ~~may~~ participate in interscholastic athletic
 212 competition or be a candidate for an interscholastic athletic
 213 team if the parent of the student objects in writing to the
 214 student undergoing a medical evaluation because such evaluation
 215 is contrary to his or her religious tenets or practices.
 216 However, in such case, there shall be no liability on the part
 217 of any person or entity in a position to otherwise rely on the
 218 results of such medical evaluation for any damages resulting
 219 from the student's injury or death arising directly from the
 220 student's participation in interscholastic athletics where an
 221 undisclosed medical condition that would have been revealed in
 222 the medical evaluation is a proximate cause of the injury or
 223 death.

224 (e) ~~The FHSAA shall adopt bylaws that~~ Regulate persons who
 225 conduct investigations on behalf of the FHSAA. ~~The bylaws shall~~

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226 ~~include provisions that require~~ An investigator must ~~to~~:

227 1. Undergo level 2 background screening under s. 435.04,

228 establishing that the investigator has not committed any

229 disqualifying offense listed in s. 435.04, unless the

230 investigator can provide proof of compliance with level 2

231 screening standards submitted within the previous 5 years to

232 meet any professional licensure requirements, provided:

233 a. The investigator has not had a break in service from a

234 position that requires level 2 screening for more than 90 days;

235 and

236 b. The investigator submits, under penalty of perjury, an

237 affidavit verifying that the investigator has not committed any

238 disqualifying offense listed in s. 435.04 and is in full

239 compliance with this paragraph.

240 2. Be appointed as an investigator by the FHSAA ~~executive~~

241 ~~director~~.

242 3. Carry a photo identification card that shows the FHSAA

243 name and, ~~logo~~, and the investigator's official title.

244 4. Adhere to the following guidelines:

245 a. Investigate only those alleged violations assigned by

246 the FHSAA ~~executive director or the board of directors~~.

247 b. Conduct interviews on Monday through Friday between the

248 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by

249 the interviewee.

250 c. Allow the parent of any student being interviewed to be

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251 present during the interview.

252 d. Search residences or other private areas only with the
 253 permission of the FHSAA ~~executive director~~ and the written
 254 consent of the student's parent and only with a parent or a
 255 representative of the parent present.

256 (f) ~~The FHSAA shall adopt bylaws that~~ Establish sanctions
 257 for coaches who have committed major violations ~~of the FHSAA's~~
 258 ~~bylaws and policies.~~

259 1. Major violations include, but are not limited to,
 260 knowingly allowing an ineligible student to participate in a
 261 contest representing a member school in an interscholastic
 262 contest or committing a violation of the FHSAA's recruiting or
 263 sportsmanship policies.

264 2. Sanctions placed upon an individual coach may include,
 265 but are not limited to, prohibiting or suspending the coach from
 266 coaching, participating in, or attending any athletic activity
 267 sponsored, recognized, or sanctioned by the FHSAA and the member
 268 school for which the coach committed the violation. If a coach
 269 is sanctioned by the FHSAA and the coach transfers to another
 270 member school, those sanctions remain in full force and effect
 271 during the term of the sanction.

272 3. If a member school is assessed a financial penalty as a
 273 result of a coach committing a major violation, the coach shall
 274 reimburse the member school before being allowed to coach,
 275 participate in, or attend any athletic activity sponsored,

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276 recognized, or sanctioned by the FHSAA and a member school.

277 4. The FHSAA shall provide an opportunity to resolve
 278 ineligibility determinations through an informal conference
 279 procedure. The informal conference may be conducted by
 280 telephone, videoconference, or other electronic means. An
 281 informal conference must be held within 10 days after the
 282 decision finding the student ineligible pursuant to
 283 ~~1006.15(4)(b) establish a due process procedure for coaches~~
 284 ~~sanctioned under this paragraph, consistent with the appeals~~
 285 ~~procedures set forth in subsection (7).~~

286 (g) Provide for third-party arbitration of student
 287 eligibility disputes and sanctions against member schools and
 288 coaches. Student eligibility issues shall be submitted to a
 289 neutral arbitrator selected by the parties and arbitrated in
 290 accordance with the rules and procedures of the American
 291 Arbitration Association. The decision of the arbitrator is final
 292 and is not subject to appeal. Any proceedings concerning student
 293 eligibility must be held in the county in which the student
 294 resides and completed within 30 days after receipt of the
 295 determination of ineligibility. The arbitration FHSAA shall
 296 ~~adopt bylaws establishing the process for resolving student~~
 297 eligibility disputes must and standards by which FHSAA
 298 ~~determinations of eligibility are made. Such bylaws shall~~
 299 provide that:

300 1. Ineligibility must be established by clear and

BILL

Original

2015

301 convincing evidence.†

302 2. Student athletes, parents, and schools must have notice
 303 of the initiation of any investigation or other inquiry into
 304 eligibility and may present, to the investigator and to the
 305 individual making the eligibility determination, any information
 306 or evidence that is credible, persuasive, and of a kind
 307 reasonably prudent persons rely upon in the conduct of serious
 308 affairs.†

309 3. An investigator may not determine matters of
 310 eligibility but must submit information and evidence to the
 311 individual or body designated by the FHSAA executive director or
 312 ~~a person designated by the executive director or by the board of~~
 313 ~~directors~~ for an unbiased and objective determination of
 314 eligibility.† ~~and~~

315 4. A determination of ineligibility must be made in
 316 writing, setting forth the findings of fact and specific
 317 violation upon which the decision is based.

318 ~~(h) In lieu of bylaws adopted under paragraph (g), the~~
 319 ~~FHSAA may adopt bylaws providing as a minimum the procedural~~
 320 ~~safeguards of ss. 120.569 and 120.57, making appropriate~~
 321 ~~provision for appointment of unbiased and qualified hearing~~
 322 ~~officers.~~

323 ~~(i) The FHSAA bylaws may not limit the competition of~~
 324 ~~student athletes prospectively for rule violations of their~~
 325 ~~school or its coaches or their adult representatives. The FHSAA~~

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326 ~~bylaws may not unfairly punish student athletes for eligibility~~
327 ~~or recruiting violations perpetrated by a teammate, coach, or~~
328 ~~administrator. Contests may not be forfeited for inadvertent~~
329 ~~eligibility violations unless the coach or a school~~
330 ~~administrator should have known of the violation. Contests may~~
331 ~~not be forfeited for other eligibility violations or recruiting~~
332 ~~violations in excess of the number of contests that the coaches~~
333 ~~and adult representatives responsible for the violations are~~
334 ~~prospectively suspended.~~

335 (h) ~~(j)~~ The FHSAA shall Adopt guidelines to educate
336 athletic coaches, officials, administrators, and student
337 athletes and their parents about ~~of~~ the nature and risk of
338 concussion and head injury.

339 (i) ~~(k)~~ The FHSAA shall ~~adopt bylaws or policies that~~
340 Require the parent of a student who is participating in
341 interscholastic athletic competition or who is a candidate for
342 an interscholastic athletic team to sign and return an informed
343 consent that explains the nature and risk of concussion and head
344 injury, including the risk of continuing to play after
345 concussion or head injury, each year before participating in
346 interscholastic athletic competition or engaging in any
347 practice, tryout, workout, or other physical activity associated
348 with the student's candidacy for an interscholastic athletic
349 team.

350 (j) ~~(l)~~ The FHSAA shall ~~adopt bylaws or policies that~~

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351 Require each student athlete who is suspected of sustaining a
 352 concussion or head injury in a practice or competition to be
 353 immediately removed from the activity. A student athlete who has
 354 been removed from an activity may not return to practice or
 355 competition until the student submits to the school a written
 356 medical clearance to return stating that the student athlete no
 357 longer exhibits signs, symptoms, or behaviors consistent with a
 358 concussion or other head injury. Medical clearance must be
 359 authorized by the appropriate health care practitioner trained
 360 in the diagnosis, evaluation, and management of concussions as
 361 defined by the Sports Medicine Advisory Committee of the Florida
 362 High School Athletic Association.

363 (k) (m) ~~Establish~~ The FHSAA shall adopt bylaws for the
 364 ~~establishment and~~ duties of a sports medicine advisory committee
 365 composed of the following members:

366 1. Eight physicians licensed under chapter 458 or chapter
 367 459, with at least one member licensed under chapter 459.

368 2. One chiropractor licensed under chapter 460.

369 3. One podiatrist licensed under chapter 461.

370 4. One dentist licensed under chapter 466.

371 5. Three athletic trainers licensed under part XIII of
 372 chapter 468.

373 6. One member who is a current or retired head coach of a
 374 high school in the state.

375 (l) Adopt guidelines and provide resources to educate

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376 athletic coaches, officials, administrators, and student
 377 athletes about sportsmanship.

378 (3) GOVERNING STRUCTURE OF THE FHSAA.—

379 (a) The FHSAA shall operate as a representative democracy
 380 in which the sovereign authority is within its member schools
 381 and the parents of students participating in interscholastic
 382 athletics within those schools. ~~Except as provided in this~~
 383 ~~section, the FHSAA shall govern its affairs through its bylaws.~~

384 (b) Each member school, on its annual application for
 385 membership, shall name its official representative to the FHSAA.
 386 This representative must be either the school principal or his
 387 or her designee. That designee must either be an assistant
 388 principal or athletic director housed within that same school.

389 (c) The governance structure of the FHSAA shall consist of
 390 nine members comprised proportionately of representatives from
 391 traditional public schools, public schools of choice, private
 392 schools, home education cooperatives, and parents of student
 393 athletes who are enrolled in such schools or programs ~~FHSAA's~~
 394 ~~membership shall be divided along existing county lines into~~
 395 ~~four contiguous and compact administrative regions, each~~
 396 ~~containing an equal or nearly equal number of member schools to~~
 397 ~~ensure equitable representation on the FHSAA's board of~~
 398 ~~directors, representative assembly, and appeals committees.~~

399 ~~(4) BOARD OF DIRECTORS.—~~

400 ~~(a) The executive authority of the FHSAA shall be vested~~

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401 ~~in its board of directors. Any entity that appoints members to~~
 402 ~~the board of directors shall examine the ethnic and demographic~~
 403 ~~composition of the board when selecting candidates for~~
 404 ~~appointment and shall, to the greatest extent possible, make~~
 405 ~~appointments that reflect state demographic and population~~
 406 ~~trends. The board of directors shall be composed of 16 persons,~~
 407 ~~as follows:~~

408 ~~1. Four public member school representatives, one elected~~
 409 ~~from among its public school representative members within each~~
 410 ~~of the four administrative regions.~~

411 ~~2. Four nonpublic member school representatives, one~~
 412 ~~elected from among its nonpublic school representative members~~
 413 ~~within each of the four administrative regions.~~

414 ~~3. Three representatives appointed by the commissioner,~~
 415 ~~one appointed from the two northernmost administrative regions~~
 416 ~~and one appointed from the two southernmost administrative~~
 417 ~~regions. The third representative shall be appointed to balance~~
 418 ~~the board for diversity or state population trends, or both.~~

419 ~~4. Two district school superintendents, one elected from~~
 420 ~~the two northernmost administrative regions by the members in~~
 421 ~~those regions and one elected from the two southernmost~~
 422 ~~administrative regions by the members in those regions.~~

423 ~~5. Two district school board members, one elected from the~~
 424 ~~two northernmost administrative regions by the members in those~~
 425 ~~regions and one elected from the two southernmost administrative~~

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426 ~~regions by the members in those regions.~~

427 ~~6. The commissioner or his or her designee from the~~
 428 ~~department executive staff.~~

429 ~~(b) A quorum of the board of directors shall consist of~~
 430 ~~nine members.~~

431 ~~(c) The board of directors shall elect a president and a~~
 432 ~~vice president from among its members. These officers shall also~~
 433 ~~serve as officers of the FHSAA.~~

434 ~~(d) Members of the board of directors shall serve terms of~~
 435 ~~3 years and are eligible to succeed themselves only once. A~~
 436 ~~member of the board of directors, other than the commissioner or~~
 437 ~~his or her designee, may serve a maximum of 6 consecutive years.~~
 438 ~~The FHSAA's bylaws shall establish a rotation of terms to ensure~~
 439 ~~that a majority of the members' terms do not expire~~
 440 ~~concurrently.~~

441 ~~(e) The authority and duties of the board of directors,~~
 442 ~~acting as a body and in accordance with the FHSAA's bylaws, are~~
 443 ~~as follows:~~

444 ~~1. To act as the incorporated FHSAA's board of directors~~
 445 ~~and to fulfill its obligations as required by the FHSAA's~~
 446 ~~charter and articles of incorporation.~~

447 ~~2. To establish such guidelines, regulations, policies,~~
 448 ~~and procedures as are authorized by the bylaws.~~

449 ~~3. To employ an FHSAA executive director, who shall have~~
 450 ~~the authority to waive the bylaws of the FHSAA in order to~~

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451 ~~comply with statutory changes.~~

452 ~~4. To levy annual dues and other fees and to set the~~
 453 ~~percentage of contest receipts to be collected by the FHSAA.~~

454 ~~5. To approve the budget of the FHSAA.~~

455 ~~6. To organize and conduct statewide interscholastic~~
 456 ~~competitions, which may or may not lead to state championships,~~
 457 ~~and to establish the terms and conditions for these~~
 458 ~~competitions.~~

459 ~~7. To act as an administrative board in the interpretation~~
 460 ~~of, and final decision on, all questions and appeals arising~~
 461 ~~from the directing of interscholastic athletics of member~~
 462 ~~schools.~~

463 ~~(5) REPRESENTATIVE ASSEMBLY.—~~

464 ~~(a) The legislative authority of the FHSAA is vested in~~
 465 ~~its representative assembly.~~

466 ~~(b) The representative assembly shall be composed of the~~
 467 ~~following:~~

468 ~~1. An equal number of member school representatives from~~
 469 ~~each of the four administrative regions.~~

470 ~~2. Four district school superintendents, one elected from~~
 471 ~~each of the four administrative regions by the district school~~
 472 ~~superintendents in their respective administrative regions.~~

473 ~~3. Four district school board members, one elected from~~
 474 ~~each of the four administrative regions by the district school~~
 475 ~~board members in their respective administrative regions.~~

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476 ~~4. The commissioner or his or her designee from the~~
 477 ~~department executive staff.~~

478 ~~(c) The FHSAA's bylaws shall establish the number of~~
 479 ~~member school representatives to serve in the representative~~
 480 ~~assembly from each of the four administrative regions and shall~~
 481 ~~establish the method for their selection.~~

482 ~~(d) No member of the board of directors other than the~~
 483 ~~commissioner or his or her designee can serve in the~~
 484 ~~representative assembly.~~

485 ~~(e) The representative assembly shall elect a chairperson~~
 486 ~~and a vice chairperson from among its members.~~

487 ~~(f) Elected members of the representative assembly shall~~
 488 ~~serve terms of 2 years and are eligible to succeed themselves~~
 489 ~~for two additional terms. An elected member, other than the~~
 490 ~~commissioner or his or her designee, may serve a maximum of 6~~
 491 ~~consecutive years in the representative assembly.~~

492 ~~(g) A quorum of the representative assembly consists of~~
 493 ~~one more than half of its members.~~

494 ~~(h) The authority of the representative assembly is~~
 495 ~~limited to its sole duty, which is to consider, adopt, or reject~~
 496 ~~any proposed amendments to the FHSAA's bylaws.~~

497 ~~(i) The representative assembly shall meet as a body~~
 498 ~~annually. A two thirds majority of the votes cast by members~~
 499 ~~present is required for passage of any proposal.~~

500 ~~(6) PUBLIC LIAISON ADVISORY COMMITTEE.~~

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501 ~~(a) The FHSAA shall establish, sustain, fund, and provide~~
 502 ~~staff support to a public liaison advisory committee composed of~~
 503 ~~the following:~~

- 504 ~~1. The commissioner or his or her designee.~~
- 505 ~~2. A member public school principal.~~
- 506 ~~3. A member private school principal.~~
- 507 ~~4. A member school principal who is a member of a racial~~
 508 ~~minority.~~
- 509 ~~5. An active athletic director.~~
- 510 ~~6. An active coach, who is employed full time by a member~~
 511 ~~school.~~
- 512 ~~7. A student athlete.~~
- 513 ~~8. A district school superintendent.~~
- 514 ~~9. A district school board member.~~
- 515 ~~10. A member of the Florida House of Representatives.~~
- 516 ~~11. A member of the Florida Senate.~~
- 517 ~~12. A parent of a high school student.~~
- 518 ~~13. A member of a home education association.~~
- 519 ~~14. A representative of the business community.~~
- 520 ~~15. A representative of the news media.~~

521 ~~(b) No member of the board of directors, committee on~~
 522 ~~appeals, or representative assembly is eligible to serve on the~~
 523 ~~public liaison advisory committee.~~

524 ~~(c) The public liaison advisory committee shall elect a~~
 525 ~~chairperson and vice chairperson from among its members.~~

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526 ~~(d) The authority and duties of the public liaison~~
 527 ~~advisory committee are as follows:~~

528 ~~1. To act as a conduit through which the general public~~
 529 ~~may have input into the decisionmaking process of the FHSAA and~~
 530 ~~to assist the FHSAA in the development of procedures regarding~~
 531 ~~the receipt of public input and disposition of complaints~~
 532 ~~related to high school athletic and competition programs.~~

533 ~~2. To conduct public hearings annually in each of the four~~
 534 ~~administrative regions during which interested parties may~~
 535 ~~address issues regarding the effectiveness of the rules,~~
 536 ~~operation, and management of the FHSAA.~~

537 ~~3. To conduct an annual evaluation of the FHSAA as a whole~~
 538 ~~and present a report of its findings, conclusion, and~~
 539 ~~recommendations to the board of directors, to the commissioner,~~
 540 ~~and to the respective education committees of the Florida Senate~~
 541 ~~and the Florida House of Representatives. The recommendations~~
 542 ~~must delineate policies and procedures that will improve the~~
 543 ~~implementation and oversight of high school athletic programs by~~
 544 ~~the FHSAA.~~

545 ~~(e) The public liaison advisory committee shall meet four~~
 546 ~~times annually. Additional meetings may be called by the~~
 547 ~~committee chairperson, the FHSAA president, or the FHSAA~~
 548 ~~executive director.~~

549 ~~(7) APPEALS.—~~

550 ~~(a) The FHSAA shall establish a procedure of due process~~

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551 ~~which ensures each student the opportunity to appeal an~~
 552 ~~unfavorable ruling with regard to his or her eligibility to~~
 553 ~~compete. The initial appeal shall be made to a committee on~~
 554 ~~appeals within the administrative region in which the student~~
 555 ~~lives. The FHSAA's bylaws shall establish the number, size, and~~
 556 ~~composition of each committee on appeals.~~

557 ~~(b) No member of the board of directors is eligible to~~
 558 ~~serve on a committee on appeals.~~

559 ~~(c) Members of a committee on appeals shall serve terms of~~
 560 ~~3 years and are eligible to succeed themselves only once. A~~
 561 ~~member of a committee on appeals may serve a maximum of 6~~
 562 ~~consecutive years. The FHSAA's bylaws shall establish a rotation~~
 563 ~~of terms to ensure that a majority of the members' terms do not~~
 564 ~~expire concurrently.~~

565 ~~(d) The authority and duties of a committee on appeals~~
 566 ~~shall be to consider requests by member schools seeking~~
 567 ~~exceptions to bylaws and regulations, to hear undue hardship~~
 568 ~~eligibility cases filed by member schools on behalf of student~~
 569 ~~athletes, and to hear appeals filed by member schools or student~~
 570 ~~athletes.~~

571 ~~(e) A student athlete or member school that receives an~~
 572 ~~unfavorable ruling from a committee on appeals shall be entitled~~
 573 ~~to appeal that decision to the board of directors at its next~~
 574 ~~regularly scheduled meeting or called meeting. The board of~~
 575 ~~directors shall have the authority to uphold, reverse, or amend~~

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576 ~~the decision of the committee on appeals. In all such cases, the~~
 577 ~~decision of the board of directors shall be final.~~

578 ~~(f) The FHSAA shall expedite the appeals process on~~
 579 ~~determinations of ineligibility so that disposition of the~~
 580 ~~appeal can be made before the end of the applicable sports~~
 581 ~~season, if possible.~~

582 ~~(g) In any appeal from a decision on eligibility made by~~
 583 ~~the executive director or a designee, a school or student~~
 584 ~~athlete filing the appeal must be permitted to present~~
 585 ~~information and evidence that was not available at the time of~~
 586 ~~the initial determination or if the determination was not made~~
 587 ~~by an unbiased, objective individual using a process allowing~~
 588 ~~full due process rights to be heard and to present evidence. If~~
 589 ~~evidence is presented on appeal, a de novo decision must be made~~
 590 ~~by the committee or board hearing the appeal, or the~~
 591 ~~determination may be suspended and the matter remanded for a new~~
 592 ~~determination based on all the evidence. If a de novo decision~~
 593 ~~is made on appeal, the decision must be made in writing, setting~~
 594 ~~forth the findings of fact and specific violation upon which the~~
 595 ~~decision is based. If a de novo decision is not required, the~~
 596 ~~decision appealed must be set aside if the decision on~~
 597 ~~ineligibility was not based on clear and convincing evidence.~~
 598 ~~Any further appeal shall be considered on a record that includes~~
 599 ~~all evidence presented.~~

600 ~~(8) AMENDMENT OF BYLAWS. Each member school~~

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601 ~~representative, the board of directors acting as a whole or as~~
 602 ~~members acting individually, any advisory committee acting as a~~
 603 ~~whole to be established by the FHSAA, and the FHSAA's executive~~
 604 ~~director are empowered to propose amendments to the bylaws. Any~~
 605 ~~other individual may propose an amendment by securing the~~
 606 ~~sponsorship of any of the aforementioned individuals or bodies.~~
 607 ~~All proposed amendments must be submitted directly to the~~
 608 ~~representative assembly for its consideration. The~~
 609 ~~representative assembly, while empowered to adopt, reject, or~~
 610 ~~revise proposed amendments, may not, in and of itself, as a body~~
 611 ~~be allowed to propose any amendment for its own consideration.~~

612 Section 3. Effective upon the approval of the State Board
 613 of Education of the designation by the Commissioner of Education
 614 of a nonprofit association to govern interscholastic athletic
 615 competition in this state pursuant to section 1 of this act,
 616 subsections (1), (2), and (3) of section 1006.20, Florida
 617 Statutes, as amended by this act, are amended to read:

618 1006.20 Athletics in public K-12 schools.-

619 (1) GOVERNING NONPROFIT ASSOCIATION. ~~The Florida High~~
 620 ~~School Athletic Association (FHSAA) is designated the governing~~
 621 ~~nonprofit association of athletics in Florida public schools. If~~
 622 ~~the FHSAA fails to meet the provisions of this section, The~~
 623 ~~Commissioner of Education, with the approval of the State Board~~
 624 ~~of Education, shall designate a nonprofit association to govern~~
 625 ~~interscholastic athletic competition in this state. The~~

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626 nonprofit association designated by the commissioner shall be
 627 the governing body for purposes of the National Federation of
 628 State High School Associations. The nonprofit association FHSAA
 629 is not a state agency as defined in s. 120.52 but is subject to
 630 ss. 1006.15-1006.19. Any dues, fees, including sanctioning fees,
 631 or contest receipts collected by the nonprofit association FHSAA
 632 may not exceed its actual costs to perform the function or duty
 633 that is the subject of or justification for the fee. A private
 634 school that wishes to engage in high school athletic competition
 635 with a public high school may become a member of the nonprofit
 636 association FHSAA, by sport. Any high school in the state,
 637 including charter schools, virtual schools, and home education
 638 cooperatives, may become a member of the nonprofit association
 639 FHSAA, by sport, and participate in the activities of the
 640 nonprofit association FHSAA. Membership in the nonprofit
 641 association FHSAA is not mandatory for any school, and any
 642 member school may join other athletic associations, by sport.
 643 The nonprofit association FHSAA may not deny or discourage
 644 interscholastic competition between its member schools and
 645 nonmember schools, including members of another athletic
 646 governing association, and may not take any retributory or
 647 discriminatory action against any of its member schools that
 648 participate in interscholastic competition with nonmember
 649 schools. The nonprofit association FHSAA may not unreasonably
 650 withhold its approval of an application to become an affiliate

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651 member of the National Federation of State High School
 652 Associations submitted by any other association that governs
 653 interscholastic athletic competition in this state that meets
 654 the requirements of this section. The commissioner may identify
 655 other associations that govern interscholastic athletic
 656 competition in compliance with this section. For the purposes of
 657 this section, "high school" includes grades 6 through 12. The
 658 nonprofit association shall:

659 ~~(2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING POLICIES;~~
 660 ~~ELIGIBILITY DISPUTE RESOLUTION. The FHSAA shall:~~

661 (a) Establish eligibility requirements for all students
 662 who participate in high school athletic competition in its
 663 member schools. A student is eligible in the school in which he
 664 or she first enrolls each school year or the school in which the
 665 student makes himself or herself a candidate for an athletic
 666 team by engaging in a practice before enrolling in the school. A
 667 student who transfers during the school year is eligible in the
 668 school to which he or she transfers if the transfer is made by a
 669 deadline established by the nonprofit association FHSAA, which
 670 may not be before the date authorized for the beginning of
 671 practice for the sport. If the date authorized for the beginning
 672 of practice is before the first day of the grading period in
 673 which the regular season games begin, the transfer deadline may
 674 not be before the first day of such grading period. A member
 675 school may allow a student who transfers to the school after the

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676 transfer deadline to participate if such participation occurs
 677 before the start of regular season competition and does not
 678 result in the removal of another student from the particular
 679 team, sport, or activity. The student shall be eligible in that
 680 school so long as he or she remains enrolled in that school.
 681 Subsequent eligibility shall be determined and enforced through
 682 the nonprofit association's ~~FHSAA's~~ requirements. Requirements
 683 governing eligibility and transfer between member schools shall
 684 be applied similarly to all students.

685 (b) Prohibit the recruiting of students for athletic
 686 purposes and prescribe penalties and an appeals process for
 687 athletic recruiting violations. If it is determined that a
 688 school has recruited a student, the nonprofit association ~~FHSAA~~
 689 may require the school to participate in a higher classification
 690 for the sport in which the recruited student competes for a
 691 minimum of one classification cycle, in addition to any other
 692 appropriate fine and sanction imposed on the school, its
 693 coaches, or adult representatives who commit recruiting
 694 violations. A student may only be declared ineligible based on a
 695 recruiting violation if the student or parent has committed an
 696 act specified in s. 1006.15(4)(b)2. or the nonprofit association
 697 ~~FHSAA~~ has imposed sanctions against the individuals or member
 698 school engaging in recruiting and the student or the parent has
 699 committed an act specified in s. 1006.15(4)(b)3. The nonprofit
 700 association ~~FHSAA~~ may not limit the competition of a student

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701 athlete prospectively for a rule violation by his or her school,
 702 the school's coach, or the student athlete's adult
 703 representative. The nonprofit association ~~FHSAA~~ may not punish a
 704 student athlete for an eligibility or recruiting violation
 705 perpetrated by a teammate, coach, or administrator. A contest
 706 may not be forfeited for an inadvertent eligibility violation
 707 unless the coach or a school administrator should have known of
 708 the violation. Contests may not be forfeited for other
 709 eligibility violations or recruiting violations in excess of the
 710 number of contests from which the coaches and adult
 711 representatives responsible for the violations are prospectively
 712 suspended.

713 (c) Require all students participating in interscholastic
 714 athletic competition or who are candidates for an
 715 interscholastic athletic team to satisfactorily pass a medical
 716 evaluation each year before participating in interscholastic
 717 athletic competition or engaging in any practice, tryout,
 718 workout, or other physical activity associated with the
 719 student's candidacy for an interscholastic athletic team. Such
 720 medical evaluation may be administered only by a practitioner
 721 licensed under chapter 458, chapter 459, chapter 460, or s.
 722 464.012, and in good standing with the practitioner's regulatory
 723 board. The nonprofit association ~~FHSAA~~ shall establish
 724 requirements for eliciting a student's medical history and
 725 performing the medical evaluation required under this paragraph,

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726 which shall include a physical assessment of the student's
 727 physical capabilities to participate in interscholastic athletic
 728 competition as contained in a uniform preparticipation physical
 729 evaluation and history form. The evaluation form shall
 730 incorporate the recommendations of the American Heart
 731 Association for participation in cardiovascular screening and
 732 shall provide a place for the signature of the practitioner
 733 performing the evaluation with an attestation that each
 734 examination procedure listed on the form was performed by the
 735 practitioner or by someone under the direct supervision of the
 736 practitioner. The form shall also contain a place for the
 737 practitioner to indicate if a referral to another practitioner
 738 was made in lieu of completion of a certain examination
 739 procedure. The form shall provide a place for the practitioner
 740 to whom the student was referred to complete the remaining
 741 sections and attest to that portion of the examination. The
 742 preparticipation physical evaluation form shall advise students
 743 to complete a cardiovascular assessment and shall include
 744 information concerning alternative cardiovascular evaluation and
 745 diagnostic tests. Results of such medical evaluation must be
 746 provided to the school. A student is not eligible to participate
 747 in any interscholastic athletic competition or engage in any
 748 practice, tryout, workout, or other physical activity associated
 749 with the student's candidacy for an interscholastic athletic
 750 team until the results of the medical evaluation are received

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751 and approved by the school.

752 (d) Notwithstanding paragraph (c), allow a student to
753 participate in interscholastic athletic competition or be a
754 candidate for an interscholastic athletic team if the parent of
755 the student objects in writing to the student undergoing a
756 medical evaluation because such evaluation is contrary to his or
757 her religious tenets or practices. However, in such case, there
758 shall be no liability on the part of any person or entity in a
759 position to otherwise rely on the results of such medical
760 evaluation for any damages resulting from the student's injury
761 or death arising directly from the student's participation in
762 interscholastic athletics where an undisclosed medical condition
763 that would have been revealed in the medical evaluation is a
764 proximate cause of the injury or death.

765 (e) Regulate persons who conduct investigations on behalf
766 of the nonprofit association FHSAA. An investigator must:

767 1. Undergo level 2 background screening under s. 435.04,
768 establishing that the investigator has not committed any
769 disqualifying offense listed in s. 435.04, unless the
770 investigator can provide proof of compliance with level 2
771 screening standards submitted within the previous 5 years to
772 meet any professional licensure requirements, provided:

773 a. The investigator has not had a break in service from a
774 position that requires level 2 screening for more than 90 days;
775 and

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776 b. The investigator submits, under penalty of perjury, an
 777 affidavit verifying that the investigator has not committed any
 778 disqualifying offense listed in s. 435.04 and is in full
 779 compliance with this paragraph.

780 2. Be appointed as an investigator by the nonprofit
 781 association ~~FHSAA~~.

782 3. Carry a photo identification card that shows the
 783 nonprofit association's ~~FHSAA~~ name and logo and the
 784 investigator's official title.

785 4. Adhere to the following guidelines:

786 a. Investigate only those alleged violations assigned by
 787 the nonprofit association ~~FHSAA~~.

788 b. Conduct interviews on Monday through Friday between the
 789 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
 790 the interviewee.

791 c. Allow the parent of any student being interviewed to be
 792 present during the interview.

793 d. Search residences or other private areas only with the
 794 permission of the nonprofit association ~~FHSAA~~ and the written
 795 consent of the student's parent and only with a parent or a
 796 representative of the parent present.

797 (f) Establish sanctions for coaches who have committed
 798 major violations.

799 1. Major violations include, but are not limited to,
 800 knowingly allowing an ineligible student to participate in a

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801 contest representing a member school in an interscholastic
 802 contest or committing a violation of the nonprofit association's
 803 ~~FHSAA's~~ recruiting or sportsmanship policies.

804 2. Sanctions placed upon an individual coach may include,
 805 but are not limited to, prohibiting or suspending the coach from
 806 coaching, participating in, or attending any athletic activity
 807 sponsored, recognized, or sanctioned by the nonprofit
 808 association ~~FHSAA~~ and the member school for which the coach
 809 committed the violation. If a coach is sanctioned by the
 810 nonprofit association ~~FHSAA~~ and the coach transfers to another
 811 member school, those sanctions remain in full force and effect
 812 during the term of the sanction.

813 3. If a member school is assessed a financial penalty as a
 814 result of a coach committing a major violation, the coach shall
 815 reimburse the member school before being allowed to coach,
 816 participate in, or attend any athletic activity sponsored,
 817 recognized, or sanctioned by the nonprofit association ~~FHSAA~~ and
 818 a member school.

819 4. The nonprofit association ~~FHSAA~~ shall provide an
 820 opportunity to resolve ineligibility determinations through an
 821 informal conference procedure. The informal conference may be
 822 conducted by telephone, videoconference, or other electronic
 823 means. An informal conference must be held within 10 days after
 824 the decision finding the student ineligible pursuant to
 825 1006.15 (4) (b) .

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826 (g) Provide for third-party arbitration of student
 827 eligibility disputes and sanctions against member schools and
 828 coaches. Student eligibility issues shall be submitted to a
 829 neutral arbitrator selected by the parties and arbitrated in
 830 accordance with the rules and procedures of the American
 831 Arbitration Association. The decision of the arbitrator is final
 832 and is not subject to appeal. Any proceedings concerning student
 833 eligibility must be held in the county in which the student
 834 resides and completed within 30 days after receipt of the
 835 determination of ineligibility. The arbitration process for
 836 resolving student eligibility disputes must provide that:

837 1. Ineligibility must be established by clear and
 838 convincing evidence.

839 2. Student athletes, parents, and schools must have notice
 840 of the initiation of any investigation or other inquiry into
 841 eligibility and may present, to the investigator and to the
 842 individual making the eligibility determination, any information
 843 or evidence that is credible, persuasive, and of a kind
 844 reasonably prudent persons rely upon in the conduct of serious
 845 affairs.

846 3. An investigator may not determine matters of
 847 eligibility but must submit information and evidence to the
 848 individual or body designated by the nonprofit association ~~FHSAA~~
 849 for an unbiased and objective determination of eligibility.

850 4. A determination of ineligibility must be made in

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851 writing, setting forth the findings of fact and specific
 852 violation upon which the decision is based.

853 (h) Adopt guidelines to educate athletic coaches,
 854 officials, administrators, and student athletes and their
 855 parents about the nature and risk of concussion and head injury.

856 (i) Require the parent of a student who is participating
 857 in interscholastic athletic competition or who is a candidate
 858 for an interscholastic athletic team to sign and return an
 859 informed consent that explains the nature and risk of concussion
 860 and head injury, including the risk of continuing to play after
 861 concussion or head injury, each year before participating in
 862 interscholastic athletic competition or engaging in any
 863 practice, tryout, workout, or other physical activity associated
 864 with the student's candidacy for an interscholastic athletic
 865 team.

866 (j) Require each student athlete who is suspected of
 867 sustaining a concussion or head injury in a practice or
 868 competition to be immediately removed from the activity. A
 869 student athlete who has been removed from an activity may not
 870 return to practice or competition until the student submits to
 871 the school a written medical clearance to return stating that
 872 the student athlete no longer exhibits signs, symptoms, or
 873 behaviors consistent with a concussion or other head injury.
 874 Medical clearance must be authorized by the appropriate health
 875 care practitioner trained in the diagnosis, evaluation, and

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876 management of concussions as defined by the sports medicine
 877 advisory committee of the nonprofit ~~Florida High School Athletic~~
 878 Association.

879 (k) Establish duties of a sports medicine advisory
 880 committee composed of the following members:

881 1. Eight physicians licensed under chapter 458 or chapter
 882 459, with at least one member licensed under chapter 459.

883 2. One chiropractor licensed under chapter 460.

884 3. One podiatrist licensed under chapter 461.

885 4. One dentist licensed under chapter 466.

886 5. Three athletic trainers licensed under part XIII of
 887 chapter 468.

888 6. One member who is a current or retired head coach of a
 889 high school in the state.

890 (l) Adopt guidelines and provide resources to educate
 891 athletic coaches, officials, administrators, and student
 892 athletes about sportsmanship.

893 ~~(2)(3) GOVERNING STRUCTURE OF THE FHSAA.-~~

894 (a) The nonprofit association ~~FHSAA~~ shall operate as a
 895 representative democracy in which the sovereign authority is
 896 within its member schools and the parents of students
 897 participating in interscholastic athletics within those schools.

898 (b) Each member school, on its annual application for
 899 membership, shall name its official representative to the
 900 nonprofit association ~~FHSAA~~. This representative must be either

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901 the school principal or his or her designee. That designee must
 902 either be an assistant principal or athletic director housed
 903 within that same school.

904 (c) The governance structure of the nonprofit association
 905 ~~FHSAA~~ shall consist of nine members comprised proportionately of
 906 representatives from traditional public schools, public schools
 907 of choice, private schools, home education cooperatives, and
 908 parents of student athletes who are enrolled in such schools or
 909 programs.

910 Section 4. Subsections (2) through (8) of section 1006.15,
 911 Florida Statutes, are amended to read:

912 1006.15 Student standards for eligibility to participate
 913 ~~participation in interscholastic and intrascholastic~~
 914 ~~extracurricular student~~ activities; regulation.-

915 (2) District school board and nonprofit association
 916 policies governing student eligibility for extracurricular
 917 activities shall be guided by the following principles:

918 (a) Interscholastic Extracurricular student activities are
 919 an important complement to the academic curriculum and provide
 920 students with incentives to succeed academically.

921 (b) Participation in a comprehensive extracurricular and
 922 academic program contributes to ~~student~~ development of the
 923 social and intellectual skills necessary to become a well-
 924 rounded adult.

925 (c) Extracurricular activities promote teamwork and

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926 collaboration, expose students to individuals from diverse
 927 backgrounds, and enhance parental engagement in the school.

928 (d) Policies governing student eligibility for
 929 extracurricular activities should not impede parental school
 930 choice.

931 (e) A student's school attendance zone or choice of
 932 educational program should not be a barrier to participation in
 933 extracurricular activities that are not offered by the student's
 934 school or program.

935 (3) As used in this part section, the term:

936 (a) "Extracurricular activity" means a any school-
 937 authorized or education-related activity occurring during or
 938 outside the regular instructional school day.

939 (b) "Home education cooperative" means a parent-directed
 940 group of individual home education students that provides
 941 opportunities for interscholastic athletic competition to those
 942 students and may include students in grades 6 through 12.

943 (c) "Impermissible benefit" means a benefit or promise of
 944 benefit that is based in any way on athletic interest,
 945 potential, or performance and is a benefit not generally
 946 available to the school's students or family members. The term
 947 does not include transportation arrangements.

948 (d)1. "Nonprofit association" means the association
 949 designated by the Commissioner of Education pursuant to s.
 950 1006.20 to govern interscholastic athletic competition in this

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951 state.

952 2. The term means the Florida High School Athletic
 953 Association until the State Board of Education approves the
 954 commissioner's designation of a nonprofit association to govern
 955 interscholastic athletic competition in this state pursuant to
 956 s. 1006.20. This subparagraph expires July 1, 2017.

957 (e) "Public school student" means a student who is
 958 attending a traditional public school, charter school, magnet
 959 school, alternative school, other public school of choice, or
 960 public virtual school.

961 (f) "Recruiting" means an effort by a school employee or
 962 athletic department staff member to pressure, urge, or entice a
 963 student to attend that school for the purpose of participating
 964 in interscholastic athletics.

965 (g) "Unaffiliated private school" means a private school
 966 that has an enrollment of 125 or fewer students and that is not
 967 a member of the nonprofit association.

968 (4)(3)(a) A public school or private school student is To
 969 be eligible to participate in interscholastic extracurricular
 970 student activities if the, a student must:

971 1. Maintains Maintain a grade point average of 2.0 or
 972 above on a 4.0 scale, or its equivalent, in the previous
 973 semester or a cumulative grade point average of 2.0 or above on
 974 a 4.0 scale, or its equivalent, in the courses required for high
 975 school graduation under by s. 1002.3105(5) or s. 1003.4282 or,

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976 for a private school student, the courses required for high
 977 school graduation by the private school.

978 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
 979 of an academic performance contract between the student, the
 980 district school board or private school, the appropriate
 981 governing association, and the student's parents, if the
 982 student's cumulative grade point average falls below 2.0, or its
 983 equivalent, on a 4.0 scale in the courses required for high
 984 school graduation under ~~by~~ s. 1002.3105(5) or s. 1003.4282 or,
 985 for a private school student, the courses required for high
 986 school graduation by the private school. At a minimum, the
 987 contract must require that the student attend summer school, or
 988 its graded equivalent, between grades 9 and 10 or grades 10 and
 989 11, as necessary.

990 3. Has ~~Have~~ a cumulative grade point average of 2.0 or
 991 above on a 4.0 scale, or its equivalent, in the courses required
 992 for high school graduation under ~~by~~ s. 1002.3105(5) or s.
 993 1003.4282 or, for a private school student, the courses required
 994 for high school graduation by the private school during his or
 995 her junior or senior year.

996 4. Maintains ~~Maintain~~ satisfactory conduct as prescribed
 997 by the district school board's or private school's code,
 998 ~~including adherence to appropriate dress and other codes of~~
 999 ~~student conduct policies described in s. 1006.07(2).~~ If a
 1000 student is convicted of, or is found to have committed, a felony

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1001 or a delinquent act that would have been a felony if committed
 1002 by an adult, regardless of whether adjudication is withheld, the
 1003 student's participation in ~~interscholastic~~ extracurricular
 1004 activities is contingent upon established and published district
 1005 school board or private school policy.

1006 (b) A student may only be declared ineligible to
 1007 participate in extracurricular activities if:

- 1008 1. The student fails to achieve compliance with paragraph
 1009 (a);
 1010 2. The student or parent falsifies an enrollment or
 1011 eligibility document; or
 1012 3. The student or parent accepts an impermissible benefit.

1013 (c)1.~~(b)~~ A ~~Any~~ student who is exempt from attending a full
 1014 school day based on rules adopted by the district school board
 1015 for double session schools or programs, experimental schools, or
 1016 schools operating under emergency conditions must maintain the
 1017 grade point average required by this section and pass each class
 1018 for which he or she is enrolled.

1019 2. A student who transfers from a home education program
 1020 to a public or private school before or during the first grading
 1021 period of the school year is academically eligible to
 1022 participate in extracurricular activities during the first
 1023 grading period if the student has a successful evaluation from
 1024 the previous school year pursuant to subparagraph (d)1.

1025 3. A public school or private school student who transfers

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1026 into a home education program after being declared ineligible
 1027 for participation in extracurricular activities pursuant to
 1028 subparagraph (b)1. is ineligible to participate in such
 1029 activities as a home education student until the student has
 1030 successfully completed one grading period in a home education
 1031 program pursuant to s. 1002.41.

1032 4. A public school student who transfers to a private
 1033 school or another public school or a private school student who
 1034 transfers to a public school or another private school after
 1035 being declared ineligible to participate in extracurricular
 1036 activities pursuant to subparagraph (b)1. is ineligible to
 1037 participate in such activities until the student has
 1038 successfully completed one grading period at the school to which
 1039 he or she transfers and meets the requirements of paragraph (a).

1040 (d) ~~(e)~~ A public school student, a student attending an
 1041 unaffiliated private school, or a ~~An individual~~ home education
 1042 student is eligible to participate in an extracurricular
 1043 activity that is not offered by the student's school or home
 1044 education program. Participation may occur at any the public
 1045 school in the school district in which the student resides ~~to~~
 1046 ~~which the student would be assigned according to district school~~
 1047 ~~board attendance area policies~~ or a public school in another
 1048 school district which the student could choose to attend
 1049 pursuant to an ~~district or~~ interdistrict controlled open
 1050 enrollment ~~provisions~~, or such a student may develop an

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1051 agreement to participate at a private school, in the
 1052 ~~interscholastic~~ extracurricular activities of that school,
 1053 provided the following conditions are met:

1054 1. A The home education student who participates pursuant
 1055 to this paragraph must meet the requirements of the home
 1056 education program pursuant to s. 1002.41. The evaluation
 1057 processes or requirements placed on home education student
 1058 participants may not exceed those that apply under s. 1002.41 to
 1059 home education students generally.

1060 2. ~~During the period of participation at a school, the~~
 1061 ~~home education student must demonstrate educational progress as~~
 1062 ~~required in paragraph (b) in all subjects taken in the home~~
 1063 ~~education program by a method of evaluation agreed upon by the~~
 1064 ~~parent and the school principal which may include: review of the~~
 1065 ~~student's work by a certified teacher chosen by the parent;~~
 1066 ~~grades earned through correspondence; grades earned in courses~~
 1067 ~~taken at a Florida College System institution, university, or~~
 1068 ~~trade school; standardized test scores above the 35th~~
 1069 ~~percentile; or any other method designated in s. 1002.41.~~

1070 3. ~~The home education student must meet the same residency~~
 1071 ~~requirements as other students in the school at which he or she~~
 1072 ~~participates.~~

1073 2.4. A The home education student who participates
 1074 pursuant to this paragraph must meet the same standards of
 1075 acceptance, behavior, and performance as required of other

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1076 students in extracurricular activities.

1077 3.5. A The student who participates pursuant to this
 1078 paragraph must register with the school his or her intent to
 1079 participate in ~~interseholastic~~ extracurricular activities as a
 1080 representative of the school before the beginning date of the
 1081 nonathletic activity or season for the athletic activity in
 1082 which he or she wishes to participate. A home education student
 1083 must be able to participate in curricular activities if that is
 1084 a requirement for an extracurricular activity.

1085 4. The parent of a student who participates pursuant to
 1086 this paragraph is responsible for transporting the student to
 1087 and from the school at which the student participates. The
 1088 school the student attends, the school at which the student
 1089 participates in the extracurricular activity, the district
 1090 school board, and the nonprofit association are exempt from
 1091 civil liability arising from any injury to the student which
 1092 occurs during such transportation.

1093 ~~6. A student who transfers from a home education program~~
 1094 ~~to a public school before or during the first grading period of~~
 1095 ~~the school year is academically eligible to participate in~~
 1096 ~~interseholastic extracurricular activities during the first~~
 1097 ~~grading period provided the student has a successful evaluation~~
 1098 ~~from the previous school year, pursuant to subparagraph 2.~~

1099 ~~7. Any public school or private school student who has~~
 1100 ~~been unable to maintain academic eligibility for participation~~

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1101 ~~in interscholastic extracurricular activities is ineligible to~~
 1102 ~~participate in such activities as a home education student until~~
 1103 ~~the student has successfully completed one grading period in~~
 1104 ~~home education pursuant to subparagraph 2. to become eligible to~~
 1105 ~~participate as a home education student.~~

1106 ~~(d) An individual charter school student pursuant to s.~~
 1107 ~~1002.33 is eligible to participate at the public school to which~~
 1108 ~~the student would be assigned according to district school board~~
 1109 ~~attendance area policies or which the student could choose to~~
 1110 ~~attend, pursuant to district or interdistrict controlled open-~~
 1111 ~~enrollment provisions, in any interscholastic extracurricular~~
 1112 ~~activity of that school, unless such activity is provided by the~~
 1113 ~~student's charter school, if the following conditions are met:~~

1114 ~~1. The charter school student must meet the requirements~~
 1115 ~~of the charter school education program as determined by the~~
 1116 ~~charter school governing board.~~

1117 ~~2. During the period of participation at a school, the~~
 1118 ~~charter school student must demonstrate educational progress as~~
 1119 ~~required in paragraph (b).~~

1120 ~~3. The charter school student must meet the same residency~~
 1121 ~~requirements as other students in the school at which he or she~~
 1122 ~~participates.~~

1123 ~~4. The charter school student must meet the same standards~~
 1124 ~~of acceptance, behavior, and performance that are required of~~
 1125 ~~other students in extracurricular activities.~~

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1126 5. ~~The charter school student must register with the~~
 1127 ~~school his or her intent to participate in interscholastic~~
 1128 ~~extracurricular activities as a representative of the school~~
 1129 ~~before the beginning date of the season for the activity in~~
 1130 ~~which he or she wishes to participate. A charter school student~~
 1131 ~~must be able to participate in curricular activities if that is~~
 1132 ~~a requirement for an extracurricular activity.~~

1133 6. ~~A student who transfers from a charter school program~~
 1134 ~~to a traditional public school before or during the first~~
 1135 ~~grading period of the school year is academically eligible to~~
 1136 ~~participate in interscholastic extracurricular activities during~~
 1137 ~~the first grading period if the student has a successful~~
 1138 ~~evaluation from the previous school year, pursuant to~~
 1139 ~~subparagraph 2.~~

1140 7. ~~Any public school or private school student who has~~
 1141 ~~been unable to maintain academic eligibility for participation~~
 1142 ~~in interscholastic extracurricular activities is ineligible to~~
 1143 ~~participate in such activities as a charter school student until~~
 1144 ~~the student has successfully completed one grading period in a~~
 1145 ~~charter school pursuant to subparagraph 2. to become eligible to~~
 1146 ~~participate as a charter school student.~~

1147 (e) ~~A student of the Florida Virtual School full time~~
 1148 ~~program may participate in any interscholastic extracurricular~~
 1149 ~~activity at the public school to which the student would be~~
 1150 ~~assigned according to district school board attendance area~~

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1151 ~~policies or which the student could choose to attend, pursuant~~
 1152 ~~to district or interdistrict controlled open enrollment~~
 1153 ~~policies, if the student:~~

1154 ~~1. During the period of participation in the~~
 1155 ~~interscholastic extracurricular activity, meets the requirements~~
 1156 ~~in paragraph (a).~~

1157 ~~2. Meets any additional requirements as determined by the~~
 1158 ~~board of trustees of the Florida Virtual School.~~

1159 ~~3. Meets the same residency requirements as other students~~
 1160 ~~in the school at which he or she participates.~~

1161 ~~4. Meets the same standards of acceptance, behavior, and~~
 1162 ~~performance that are required of other students in~~
 1163 ~~extracurricular activities.~~

1164 ~~5. Registers his or her intent to participate in~~
 1165 ~~interscholastic extracurricular activities with the school~~
 1166 ~~before the beginning date of the season for the activity in~~
 1167 ~~which he or she wishes to participate. A Florida Virtual School~~
 1168 ~~student must be able to participate in curricular activities if~~
 1169 ~~that is a requirement for an extracurricular activity.~~

1170 ~~(f) A student who transfers from the Florida Virtual~~
 1171 ~~School full-time program to a traditional public school before~~
 1172 ~~or during the first grading period of the school year is~~
 1173 ~~academically eligible to participate in interscholastic~~
 1174 ~~extracurricular activities during the first grading period if~~
 1175 ~~the student has a successful evaluation from the previous school~~

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1176 ~~year pursuant to paragraph (a).~~

1177 ~~(g) A public school or private school student who has been~~
 1178 ~~unable to maintain academic eligibility for participation in~~
 1179 ~~interscholastic extracurricular activities is ineligible to~~
 1180 ~~participate in such activities as a Florida Virtual School~~
 1181 ~~student until the student successfully completes one grading~~
 1182 ~~period in the Florida Virtual School pursuant to paragraph (a).~~

1183 ~~(5)(4)~~ The student standards for participation in
 1184 interscholastic extracurricular activities must be applied
 1185 beginning with the student's first semester of the 9th grade.
 1186 Each student must meet such other requirements for participation
 1187 as may be established by the district school board; however,
 1188 such requirements must apply on an equal basis to all students
 1189 and a district school board may not make establish requirements
 1190 for participation in interscholastic extracurricular activities
 1191 which make participation in such activities less accessible to a
 1192 transfer student or a student enrolled in a public school of
 1193 choice, an unaffiliated private school, or a home education
 1194 program students than to other students. A district school board
 1195 or private school may not establish policies regarding transfer
 1196 student eligibility for extracurricular activities which are
 1197 more stringent than the policies established by the nonprofit
 1198 association ~~Except as set forth in paragraph (3)(e), evaluation~~
 1199 ~~processes or requirements that are placed on home education~~
 1200 ~~student participants may not go beyond those that apply under s.~~

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1201 ~~1002.41 to home education students generally.~~
 1202 ~~(5) Any organization or entity that regulates or governs~~
 1203 ~~interscholastic extracurricular activities of public schools.~~
 1204 ~~(a) Shall permit home education associations to join as~~
 1205 ~~member schools.~~
 1206 ~~(b) Shall not discriminate against any eligible student~~
 1207 ~~based on an educational choice of public, private, or home~~
 1208 ~~education.~~
 1209 ~~(6) Public schools are prohibited from membership in any~~
 1210 ~~organization or entity which regulates or governs~~
 1211 ~~interscholastic extracurricular activities and discriminates~~
 1212 ~~against eligible students in public, private, or home education.~~
 1213 ~~(7) Any insurance provided by district school boards for~~
 1214 ~~participants in extracurricular activities shall cover the~~
 1215 ~~participating home education student. If there is an additional~~
 1216 ~~premium for such coverage, the participating home education~~
 1217 ~~student shall pay the premium.~~
 1218 ~~(8) (a) The Florida High School Athletic Association~~
 1219 ~~(FHSAA), in cooperation with each district school board, shall~~
 1220 ~~facilitate a program in which a middle school or high school~~
 1221 ~~student who attends a private school shall be eligible to~~
 1222 ~~participate in an interscholastic or intrascholastic sport at a~~
 1223 ~~public high school, a public middle school, or a 6-12 public~~
 1224 ~~school that is zoned for the physical address at which the~~
 1225 ~~student resides if:~~

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1226 ~~1. The private school in which the student is enrolled is~~
 1227 ~~not a member of the FHSAA and does not offer an interscholastic~~
 1228 ~~or intrascholastic athletic program.~~

1229 ~~2. The private school student meets the guidelines for the~~
 1230 ~~conduct of the program established by the FHSAA's board of~~
 1231 ~~directors and the district school board. At a minimum, such~~
 1232 ~~guidelines shall provide.~~

1233 ~~a. A deadline for each sport by which the private school~~
 1234 ~~student's parents must register with the public school in~~
 1235 ~~writing their intent for their child to participate at that~~
 1236 ~~school in the sport.~~

1237 ~~b. Requirements for a private school student to~~
 1238 ~~participate, including, but not limited to, meeting the same~~
 1239 ~~standards of eligibility, acceptance, behavior, educational~~
 1240 ~~progress, and performance which apply to other students~~
 1241 ~~participating in interscholastic or intrascholastic sports at a~~
 1242 ~~public school or FHSAA member private school.~~

1243 ~~(b) The parents of a private school student participating~~
 1244 ~~in a public school sport under this subsection are responsible~~
 1245 ~~for transporting their child to and from the public school at~~
 1246 ~~which the student participates. The private school the student~~
 1247 ~~attends, the public school at which the student participates in~~
 1248 ~~a sport, the district school board, and the FHSAA are exempt~~
 1249 ~~from civil liability arising from any injury that occurs to the~~
 1250 ~~student during such transportation.~~

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1251 ~~(c) For each academic year, a private school student may~~
 1252 ~~only participate at the public school in which the student is~~
 1253 ~~first registered under sub-subparagraph (a)2.a. or makes himself~~
 1254 ~~or herself a candidate for an athletic team by engaging in a~~
 1255 ~~practice.~~

1256 ~~(d) The athletic director of each participating FHSAA~~
 1257 ~~member public school shall maintain the student records~~
 1258 ~~necessary for eligibility, compliance, and participation in the~~
 1259 ~~program.~~

1260 ~~(e) Any non-FHSAA member private school that has a student~~
 1261 ~~who wishes to participate in this program must make all student~~
 1262 ~~records, including, but not limited to, academic, financial,~~
 1263 ~~disciplinary, and attendance records, available upon request of~~
 1264 ~~the FHSAA.~~

1265 ~~(f) A student must apply to participate in this program~~
 1266 ~~through the FHSAA program application process.~~

1267 ~~(g) Only students who are enrolled in non-FHSAA member~~
 1268 ~~private schools consisting of 125 students or fewer are eligible~~
 1269 ~~to participate in the program in any given academic year.~~

1270 Section 5. Section 1006.16, Florida Statutes, is amended
 1271 to read:

1272 1006.16 Insuring school students engaged in
 1273 extracurricular athletic activities against injury.—~~A~~ Any
 1274 district school board, school athletic association, or school
 1275 may formulate, conduct, and purchase a plan or method of

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1276 insuring, or may self-insure, participants in extracurricular
 1277 activities ~~school students~~ against injury sustained by reason of
 1278 such participation ~~students engaging and participating~~ in the
 1279 extracurricular athletic activities conducted or sponsored by
 1280 the district school board, association, or school ~~in which such~~
 1281 ~~students are enrolled~~. A district school board, school athletic
 1282 association, or school may add a surcharge to the fee charged
 1283 for admission to athletic events as a means of producing revenue
 1284 to purchase such insurance or to provide self-insurance. A ~~Any~~
 1285 district school board may pay for all or part of such plan or
 1286 method of insurance or self-insurance from available district
 1287 school board funds. Insurance provided by a district school
 1288 board for participants in extracurricular activities must cover
 1289 home education and unaffiliated private school students
 1290 participating in extracurricular activities at a district public
 1291 school pursuant to s. 1006.15 under the same terms and
 1292 conditions that apply to students enrolled in a district public
 1293 school.

1294 Section 6. Subsection (1) of section 1006.19, Florida
 1295 Statutes, is amended to read:

1296 1006.19 Audit of records of nonprofit ~~corporations and~~
 1297 associations handling interscholastic activities.—

1298 (1) Each nonprofit association ~~or corporation~~ that
 1299 operates for the purpose of supervising and controlling
 1300 interscholastic activities of public high schools and whose

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1301 membership is composed of duly certified representatives of
 1302 public high schools, ~~and whose rules and regulations are~~
 1303 ~~established by members thereof~~, shall have an annual financial
 1304 audit of its accounts and records conducted by an independent
 1305 certified public accountant retained by it and paid from its
 1306 funds. The accountant shall furnish a copy of the audit report
 1307 to the Auditor General within 30 days after completion of the
 1308 audit. At least every 3 years, the Auditor General shall conduct
 1309 an operational audit of the accounts and records of each
 1310 nonprofit association.

1311 Section 7. Subsection (3) of section 768.135, Florida
 1312 Statutes, is amended to read:

1313 768.135 Volunteer team physicians; immunity.—

1314 (3) A practitioner licensed under chapter 458, chapter
 1315 459, chapter 460, or s. 464.012 who gratuitously and in good
 1316 faith conducts an evaluation pursuant to s. 1006.20
 1317 ~~1006.20(2)(e)~~ is not liable for any civil damages arising from
 1318 that evaluation unless the evaluation was conducted in a
 1319 wrongful manner.

1320 Section 8. Effective upon the approval of the State Board
 1321 of Education of the designation by the Commissioner of Education
 1322 of a nonprofit association to govern interscholastic athletic
 1323 competition in this state pursuant to section 1 of this act,
 1324 paragraph (g) of subsection (2) of section 943.0438, Florida
 1325 Statutes, is amended to read:

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1326 943.0438 Athletic coaches for independent sanctioning
1327 authorities.-

1328 (2) An independent sanctioning authority shall:

1329 (g) Adopt bylaws or policies that require each youth
1330 athlete who is suspected of sustaining a concussion or head
1331 injury in a practice or competition to be immediately removed
1332 from the activity. A youth athlete who has been removed from an
1333 activity may not return to practice or competition until the
1334 youth submits to the athletic coach a written medical clearance
1335 to return stating that the youth athlete no longer exhibits
1336 signs, symptoms, or behaviors consistent with a concussion or
1337 other head injury. Medical clearance must be authorized by the
1338 appropriate health care practitioner trained in the diagnosis,
1339 evaluation, and management of concussions as defined by the
1340 sports medicine advisory committee of a nonprofit ~~the Florida~~
1341 ~~High School Athletic~~ association.

1342 Section 9. Subsections (17) and (18) of section 1002.20,
1343 Florida Statutes, are amended to read:

1344 1002.20 K-12 student and parent rights.—Parents of public
1345 school students must receive accurate and timely information
1346 regarding their child's academic progress and must be informed
1347 of ways they can help their child to succeed in school. K-12
1348 students and their parents are afforded numerous statutory
1349 rights including, but not limited to, the following:

1350 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

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1351 (a) Eligibility.—Eligibility requirements for all students
 1352 participating in high school athletic competition must allow a
 1353 student to be eligible in the school in which he or she first
 1354 enrolls each school year, the school in which the student makes
 1355 himself or herself a candidate for an athletic team by engaging
 1356 in practice before enrolling, or the school to which the student
 1357 has transferred with approval of the district school board, in
 1358 accordance with ~~the provisions of s. 1006.20~~ 1006.20(2)(a).

1359 (b) Medical evaluation.—Students must satisfactorily pass
 1360 a medical evaluation each year before participating in
 1361 athletics, unless the parent objects in writing based on
 1362 religious tenets or practices, in accordance with ~~the provisions~~
 1363 ~~of s. 1006.20~~ 1006.20(2)(d).

1364 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with ~~the~~
 1365 ~~provisions of s. 1006.15:~~

1366 (a) Eligibility.—Students who meet specified academic and
 1367 conduct requirements are eligible to participate in
 1368 extracurricular activities.

1369 (b) Participation Home education students.—All public
 1370 school students, including those enrolled in public schools of
 1371 choice and virtual education, all home education students, and
 1372 certain private school students may participate in any
 1373 extracurricular activity not offered by the student's school or
 1374 home education program at any public school in the school
 1375 district in which the student resides or a public school in

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1376 another school district which the student could choose to attend
 1377 pursuant to an interdistrict controlled open enrollment policy
 1378 ~~who meet specified academic and conduct requirements are~~
 1379 ~~eligible to participate in extracurricular activities at the~~
 1380 ~~public school to which the student would be assigned or could~~
 1381 ~~choose to attend according to district school board policies, or~~
 1382 ~~may develop an agreement to participate at a private school.~~

1383 ~~(c) Charter school students. Charter school students who~~
 1384 ~~meet specified academic and conduct requirements are eligible to~~
 1385 ~~participate in extracurricular activities at the public school~~
 1386 ~~to which the student would be assigned or could choose to attend~~
 1387 ~~according to district school board policies, unless such~~
 1388 ~~activity is provided by the student's charter school.~~

1389 ~~(d) Florida Virtual School full-time students. Florida~~
 1390 ~~Virtual School full-time students who meet specified academic~~
 1391 ~~and conduct requirements are eligible to participate in~~
 1392 ~~extracurricular activities at the public school to which the~~
 1393 ~~student would be assigned or could choose to attend according to~~
 1394 ~~district school board policies.~~

1395 (c)~~(e)~~ Discrimination prohibited.—Organizations that
 1396 regulate or govern extracurricular activities of public schools
 1397 shall not discriminate against any eligible student based on an
 1398 educational choice of public, private, or home education.

1399 Section 10. Subsection (11) of section 1002.33, Florida
 1400 Statutes, is amended to read:

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1401 1002.33 Charter schools.—

1402 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
 1403 ACTIVITIES.—A charter school student is eligible to participate
 1404 in an interscholastic extracurricular activity at the public
 1405 school to which the student would be otherwise assigned to
 1406 attend pursuant to s. 1006.15 ~~1006.15(3)(d)~~.

1407 Section 11. Subsection (8) of section 1002.42, Florida
 1408 Statutes, is amended to read:

1409 1002.42 Private schools.—

1410 (8) ATHLETIC COMPETITION.—A private school may participate
 1411 in athletic competition with a public high school in accordance
 1412 with ~~the provisions of s. 1006.20~~ 1006.20(1).

1413 Section 12. Effective upon the approval of the State Board
 1414 of Education of the designation by the Commissioner of Education
 1415 of a nonprofit association to govern interscholastic athletic
 1416 competition in this state pursuant to section 1 of this act,
 1417 subsection (1) of section 1006.165, Florida Statutes, is amended
 1418 to read:

1419 1006.165 Automated external defibrillator; user training.—

1420 (1) Each public school that is a member of the nonprofit
 1421 ~~Florida High School Athletic~~ association must have an
 1422 operational automated external defibrillator on the school
 1423 grounds. Public and private partnerships are encouraged to cover
 1424 the cost associated with the purchase and placement of the
 1425 defibrillator and training in the use of the defibrillator.

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1426 Section 13. Effective upon the approval of the State Board
 1427 of Education of the designation by the Commissioner of Education
 1428 of a nonprofit association to govern interscholastic athletic
 1429 competition in this state pursuant to section 1 of this act,
 1430 section 1006.18, Florida Statutes, is amended to read:

1431 1006.18 Cheerleader safety standards.— The nonprofit
 1432 ~~Florida High School Athletic~~ association or successor
 1433 organization shall adopt statewide uniform safety standards for
 1434 student cheerleaders and spirit groups that participate in any
 1435 school activity or extracurricular student activity. The
 1436 nonprofit ~~Florida High School Athletic~~ association or successor
 1437 organization shall adopt the "Official High School Spirit
 1438 Rules," published by the National Federation of State High
 1439 School Associations, as the statewide uniform safety standards.

1440 Section 14. Effective upon the approval of the State Board
 1441 of Education of the designation by the Commissioner of Education
 1442 of a nonprofit association to govern interscholastic athletic
 1443 competition in this state pursuant to section 1 of this act,
 1444 paragraph (a) of subsection (7) of section 1012.467, Florida
 1445 Statutes, is amended to read:

1446 1012.467 Noninstructional contractors who are permitted
 1447 access to school grounds when students are present; background
 1448 screening requirements.—

1449 (7) (a) The Department of Law Enforcement shall implement a
 1450 system that allows for the results of a criminal history check

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1451 provided to a school district to be shared with other school
 1452 districts through a secure Internet website or other secure
 1453 electronic means. School districts must accept reciprocity of
 1454 level 2 screenings for the nonprofit association's ~~Florida High~~
 1455 ~~School Athletic Association~~ officials.

1456 Section 15. Effective upon the approval of the State Board
 1457 of Education of the designation by the Commissioner of Education
 1458 of a nonprofit association to govern interscholastic athletic
 1459 competition in this state pursuant to section 1 of this act,
 1460 paragraph (g) of subsection (2) of section 1012.468, Florida
 1461 Statutes, is amended to read:

1462 1012.468 Exceptions to certain fingerprinting and criminal
 1463 history checks.—

1464 (2) A district school board shall exempt from the
 1465 screening requirements set forth in ss. 1012.465 and 1012.467
 1466 the following noninstructional contractors:

1467 (g) An investigator for the nonprofit ~~Florida High School~~
 1468 ~~Athletic~~ association ~~(FHSAA)~~ who meets the requirements of ~~under~~
 1469 s. 1006.20 ~~1006.20(2)(e)~~.

1470 Section 16. Effective upon the approval of the State Board
 1471 of Education of the designation by the Commissioner of Education
 1472 of a nonprofit association to govern interscholastic athletic
 1473 competition in this state pursuant to section 1 of this act,
 1474 paragraph (b) of subsection (2) of section 1012.55, Florida
 1475 Statutes, is amended to read:

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- 1476 1012.55 Positions for which certificates required.—
 1477 (2)
 1478 (b) Completion of a sports safety course shall count for 6
 1479 hours of required school district inservice instruction for
 1480 athletic coaching certification if the course is approved by the
 1481 nonprofit Florida High School Athletic association Board of
 1482 ~~Directors~~ and meets the following requirements:
 1483 1. The course consists of at least eight modules.
 1484 2. The course immediately provides an individual with a
 1485 "merit" certificate at the time of successful completion.
 1486 3. The course is delivered through hands-on and online
 1487 teaching methods.
 1488 4. The course is a hands-on course taught by either a
 1489 state-licensed athletic trainer who holds a current certificate
 1490 from the Board of Certification or a member of the American
 1491 Academy of Orthopaedic Surgeons.
 1492 5. Hands-on course material is less than 120 pages.
 1493 6. The course covers sports safety specifically, excluding
 1494 coaching principles and procedures for cardiopulmonary
 1495 resuscitation.
 1496 7. The course is authored or approved by at least 10
 1497 health care professionals, including doctors of medicine,
 1498 doctors of osteopathy, registered nurses, physical therapists,
 1499 and certified athletic trainers.
 1500 8. The course is revised and reviewed for updates at least

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1501 once every 30 months.

1502 9. The course is available to the general public for a
1503 retail price under \$50.

1504 10. Each course examination is automated and taken online
1505 with a score of 80 percent or better for successful completion.

1506 Section 17. Except as otherwise expressly provided in this
1507 act, this act shall take effect July 1, 2015.