



Education Committee

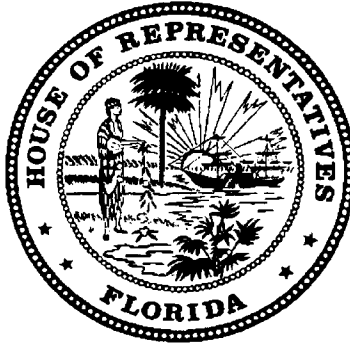
**Thursday, March 19, 2015
8:00 a.m. – 11:00 a.m.**

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 19, 2015
8:00 a.m. – 11:00 a.m.
102 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill(s):
 - PCB EDC 15-03 -- Personal Learning Scholarship Accounts (PLSA)
- IV. Consideration of the following bill(s):
 - HB 7043 Standard Student Attire by K-12 Subcommittee, Adkins
 - CS/HB 7037 School Choice by Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Cortes, B.
 - HB 55 Children and Youth Cabinet by Harrell
 - HB 143 American Founders' Month by Bileca
 - CS/HB 153 Literacy Jump Start Pilot Project by Choice & Innovation Subcommittee, Lee
 - CS/HB 181 Educational Facilities by K-12 Subcommittee, Bileca
 - HB 291 Involuntary Examinations of Minors by Harrell
 - CS/HB 357 Principal Autonomy Pilot Program Initiative by K-12 Subcommittee, Diaz, M.
 - CS/HB 665 Maximum Class Size by Education Appropriations Subcommittee, Moraitis
- V. Closing Remarks and Adjournment

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," "eligible postsecondary educational
 7 institution," and "eligible private school" to revise
 8 eligibility for the program; revising requirements for
 9 the authorized uses of program funds, including for
 10 the payment of specified fees; revising provisions
 11 relating to the term of the program; authorizing
 12 payments for program expenditures by a parent to
 13 continue until the account is closed; providing
 14 criteria for account closure; requiring remaining
 15 funds to revert to the state; requiring notice to a
 16 parent upon the closure of the account; providing that
 17 parents of certain students may request an individual
 18 education plan (IEP) meeting and evaluation from the
 19 school district under certain circumstances; requiring
 20 the school district to conduct the meeting and develop
 21 an IEP; deleting certain school district notification
 22 requirements; requiring the Department of Education to
 23 compare specified lists throughout the school year for
 24 certain purposes; revising authority of the
 25 Commissioner of Education to deny, suspend, or revoke
 26 program participation or use of program funds;

27 revising parent responsibilities for program
 28 participation; requiring the provision of certain
 29 documentation for a high-risk child to remain eligible
 30 for program participation upon attaining a certain
 31 age; deleting a requirement for a parent to maintain
 32 certain records and materials for a specified period;
 33 requiring priority to be given to certain students for
 34 participation in the program; requiring scholarship-
 35 funding organizations to maintain records of accrued
 36 interest in scholarship accounts; requiring program
 37 funds to be released during the first quarter of each
 38 fiscal year; deleting a requirement for a financial
 39 audit; requiring the Auditor General to provide the
 40 Commissioner of Education with certain information;
 41 deleting obsolete provisions; amending s. 1002.395,
 42 F.S., relating to the Florida Tax Credit Scholarship
 43 Program; revising eligibility for using certain funds
 44 for administrative expenses for a scholarship-funding
 45 organization; revising the contents of an application
 46 for initial approval and renewal; providing for the
 47 transfer of certain funds to provide scholarships for
 48 certain students; providing for the deposit of
 49 transferred funds; requiring that transferred funds be
 50 disclosed separately in a specific audit; requiring
 51 that the results of certain audits be submitted to the
 52 department and Auditor General; amending s. 1009.98,

53 F.S.; requiring the Florida Prepaid College Board to
 54 develop procedures and contracts to allow
 55 contributions from the Florida Personal Learning
 56 Scholarship Accounts Program to be used to purchase
 57 prepaid college plans; providing requirements for such
 58 funds; providing an effective date.

59
 60 Be It Enacted by the Legislature of the State of Florida:

61
 62 Section 1. Section 1002.385, Florida Statutes, is amended
 63 to read:

64 1002.385 Florida personal learning scholarship accounts.—

65 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal
 66 Learning Scholarship Accounts Program is established to provide
 67 the option for a parent to better meet the individual
 68 educational needs of his or her eligible child.

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

70 (a) "Approved provider" means a provider approved by the
 71 Agency for Persons with Disabilities, a health care practitioner
 72 as defined in s. 456.001(4), or a provider approved by the
 73 department pursuant to s. 1002.66.

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

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

78 (d) "Disability" means, for a student in kindergarten to

79 | grade 12, autism spectrum disorder, as defined in the Diagnostic
 80 | and Statistical Manual of Mental Disorders, Fifth Edition,
 81 | published by the American Psychiatric Association s. ~~393.063(3)~~;
 82 | cerebral palsy, as defined in s. 393.063(4); Down syndrome, as
 83 | defined in s. 393.063(13); an intellectual disability, as
 84 | defined in s. 393.063(21); Prader-Willi syndrome, as defined in
 85 | s. 393.063(25); ~~or~~ spina bifida, as defined in s. 393.063(36);
 86 | for a student in kindergarten, being a high-risk child, as
 87 | defined in s. 393.063(20) (a); ~~and~~ Williams syndrome; or muscular
 88 | dystrophy.

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

91 | (f) "Eligible postsecondary educational institution" means
 92 | a Florida College System institution, a state university, a
 93 | school district technical center, a school district adult
 94 | general education center, an institution that is eligible to
 95 | participate in the William L. Boyd, IV, Florida Resident Access
 96 | Grant Program under s. 1009.89, or an accredited independent
 97 | ~~nonpublic~~ postsecondary educational institution, as defined in
 98 | s. 1005.02, which is licensed to operate in the state pursuant
 99 | to requirements specified in part III of chapter 1005.

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

- 104 | 1. Sections 1002.42 and 1002.421; and

105 2. A scholarship program under s. 1002.39 or s. 1002.395,
 106 ~~as applicable, if the private school participates in a~~
 107 ~~scholarship program under s. 1002.39 or s. 1002.395.~~

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

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

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

113 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
 114 disability may request and receive from the state a Florida
 115 personal learning scholarship account for the purposes specified
 116 in subsection (5) if:

117 (a) The student:

118 1. Is a resident of this state;

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

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

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

127 (b) Beginning January 2015, the parent has applied to an
 128 eligible nonprofit scholarship-funding organization to
 129 participate in the program by February 1 before the school year
 130 in which the student will participate or an alternative date as

131 set by the organization for any vacant, funded slots. The
 132 request must be communicated directly to the organization in a
 133 manner that creates a written or electronic record of the
 134 request and the date of receipt of the request. The organization
 135 shall notify the district and the department of the parent's
 136 intent upon receipt of the parent's request.

137 (4) PROGRAM PROHIBITIONS.—

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

140 1. Enrolled in a public school, including, but not limited
 141 to, the Florida School for the Deaf and the Blind; the Florida
 142 Virtual School; the College-Preparatory Boarding Academy; a
 143 developmental research school authorized under s. 1002.32; a
 144 charter school authorized under s. 1002.33, s. 1002.331, or s.
 145 1002.332; or a virtual education program authorized under s.
 146 1002.45;

147 2. Enrolled in a school operating for the purpose of
 148 providing educational services to youth in the Department of
 149 Juvenile Justice commitment programs;

150 3. Receiving a scholarship pursuant to the Florida Tax
 151 Credit Scholarship Program under s. 1002.395 or the John M.
 152 McKay Scholarships for Students with Disabilities Program under
 153 s. 1002.39; or

154 4. Receiving any other educational scholarship pursuant to
 155 this chapter.

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

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

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

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

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

169 (a) Instructional materials, including digital devices,
 170 digital periphery devices, and assistive technology devices that
 171 allow a student to access instruction or instructional content.

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

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

176 1. Applied behavior analysis services as provided in ss.
 177 627.6686 and 641.31098.

178 2. Services provided by speech-language pathologists as
 179 defined in s. 468.1125.

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

181 4. Services provided by physical therapists as defined in
 182 s. 486.021.

183 5. Services provided by listening and spoken language
 184 specialists and an appropriate acoustical environment for a
 185 child who is deaf or hard of hearing and who has received an
 186 implant or assistive hearing device.

187 (d) Enrollment in, or tuition or fees associated with
 188 enrollment in, an eligible private school, an eligible
 189 postsecondary educational institution or a program offered by an
 190 eligible postsecondary educational institution, a private
 191 tutoring program authorized under s. 1002.43, a virtual program
 192 offered by a department-approved private online provider that
 193 meets the provider qualifications specified in s. 1002.45(2)(a),
 194 the Florida Virtual School as a private paying student, or an
 195 approved online course offered pursuant to s. 1003.499 or s.
 196 1004.0961.

197 (e) Fees for nationally standardized, norm-referenced
 198 achievement tests, Advanced Placement Examinations, industry
 199 certification examinations, assessments related to postsecondary
 200 education, or other assessments.

201 (f) Contributions to the Stanley G. Tate Florida Prepaid
 202 College Program pursuant to s. 1009.98, for the benefit of the
 203 eligible student.

204 (g) Contracted services provided by a public school or
 205 school district, including classes. A student who receives
 206 services under a contract under this paragraph is not considered
 207 enrolled in a public school for eligibility purposes as
 208 specified in subsection (4).

209 (h) Tuition and fees for part-time tutoring services
 210 provided by a person who holds a valid Florida educator's
 211 certificate pursuant to s. 1012.56, a person who holds an
 212 adjunct teaching certificate pursuant to s. 1012.57, or a person
 213 who has demonstrated a mastery of subject area knowledge
 214 pursuant to s. 1012.56(5). For purposes of this paragraph, the
 215 term "part-time tutoring services" does not satisfy regular
 216 school attendance as defined in s. 1003.01(13)(e).

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

219 (j) Fees associated with the use of an electronic payment
 220 system under paragraph (13)(c).

221
 222 A specialized service provider, eligible private school,
 223 eligible postsecondary educational institution, private tutoring
 224 program provider, online or virtual program provider, public
 225 school, school district, or other entity receiving payments
 226 pursuant to this subsection may not share, refund, or rebate any
 227 moneys from the Florida Personal learning scholarship account
 228 with the parent or participating student in any manner.

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

231 (a) The program payments made by the state to an
 232 organization for a personal learning scholarship account under
 233 this section shall continue ~~remain in force~~ until the parent
 234 does not renew program eligibility; the eligible nonprofit

235 scholarship-funding organization determines that a student is
 236 not eligible for program renewal; the Commissioner of Education
 237 denies, suspends, or revokes program participation or the use of
 238 funds; or a student participating in the program participates in
 239 any of the prohibited activities specified in subsection (4),
 240 ~~has funds revoked by the Commissioner of Education pursuant to~~
 241 ~~subsection (10),~~ returns to a public school, graduates from high
 242 school, or attains 22 years of age, whichever occurs first. A
 243 participating student who enrolls in a public school or public
 244 school program is considered to have returned to a public school
 245 for the purpose of determining the end of the program's term.

246 (b) Payments for program expenditures by a parent from the
 247 personal learning scholarship account may continue until a
 248 student's personal learning scholarship account is closed
 249 pursuant to paragraph (c).

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

- 255 1. The student's program eligibility is denied or revoked;
- 256 2. The eligible nonprofit scholarship-funding organization
 257 denies the student's application;
- 258 3. The student does not enroll in an eligible
 259 postsecondary education institution within 4 years after high
 260 school graduation or completion;

261 4. The student is no longer enrolled in an eligible
 262 postsecondary educational institution or a program offered by
 263 the institution; or

264 5. The student graduates from an eligible postsecondary
 265 educational institution.

266
 267 The eligible nonprofit scholarship-funding organization must
 268 notify a parent when a personal learning scholarship account is
 269 closed.

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

271 (a)1. For a student with a disability who does not have an
 272 IEP in accordance with subparagraph (3)(a)4., a matrix of
 273 services under s. 1011.62(1)(e) and for whom the parent may
 274 request an IEP meeting and evaluation from the school district.
 275 The school district shall conduct a meeting and develop an IEP
 276 in accordance with rules of the State Board of Education. Upon
 277 completion of the IEP requests a matrix of services, the school
 278 district must complete a matrix that assigns the student to one
 279 of the levels of service as they existed before the 2000-2001
 280 school year.

281 ~~2.a. Within 10 school days after a school district~~
 282 ~~receives notification of a parent's request for completion of a~~
 283 ~~matrix of services, the school district must notify the~~
 284 ~~student's parent if the matrix of services has not been~~
 285 ~~completed and inform the parent that the district is required to~~
 286 ~~complete the matrix within 30 days after receiving notice of the~~

287 ~~parent's request for the matrix of services. This notice must~~
 288 ~~include the required completion date for the matrix.~~

289 a.d. The school district shall complete the matrix of
 290 services for a student whose parent has made a request. The
 291 school district must provide the student's parent with the
 292 student's matrix level within 10 school days after its
 293 completion.

294 b.e. The department shall notify the parent and the
 295 eligible nonprofit scholarship-funding organization of the
 296 amount of the funds awarded within 10 days after receiving the
 297 school district's notification of the student's matrix level.

298 c.d. A school district may change a matrix of services
 299 only if the change is to correct a technical, typographical, or
 300 calculation error.

301 (b) For each student participating in the program who
 302 chooses to participate in statewide, standardized assessments
 303 under s. 1008.22 or the Florida Alternate Assessment, the school
 304 district in which the student resides must notify the student
 305 and his or her parent about the locations and times to take all
 306 statewide, standardized assessments.

307 ~~(c) For each student participating in the program, a~~
 308 ~~school district shall notify the parent about the availability~~
 309 ~~of a reevaluation at least every 3 years.~~

310 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 311 eligible private school may be sectarian or nonsectarian and
 312 shall:

313 (a) Comply with all requirements for private schools
 314 participating in state school choice scholarship programs
 315 pursuant to s. 1002.421.

316 (b) Provide to the eligible nonprofit scholarship-funding
 317 organization, upon request, all documentation required for the
 318 student's participation, including the private school's and
 319 student's fee schedules.

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

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

324 2. Annually administering or making provision for students
 325 participating in the program in grades 3 through 10 to take one
 326 of the nationally norm-referenced tests identified by the
 327 Department of Education or the statewide assessments pursuant to
 328 s. 1008.22. Students with disabilities for whom standardized
 329 testing is not appropriate are exempt from this requirement. A
 330 participating private school shall report a student's scores to
 331 the parent.

332 3. Cooperating with the scholarship student whose parent
 333 chooses to have the student participate in the statewide
 334 assessments pursuant to s. 1008.22 or, if a private school
 335 chooses to offer the statewide assessments, administering the
 336 assessments at the school.

337 a. A participating private school may choose to offer and
 338 administer the statewide assessments to all students who attend

339 the private school in grades 3 through 10.

340 b. A participating private school shall submit a request
 341 in writing to the Department of Education by March 1 of each
 342 year in order to administer the statewide assessments in the
 343 subsequent school year.

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

347 (e) Annually contract with an independent certified public
 348 accountant to perform the agreed-upon procedures developed under
 349 s. 1002.395(6)(o) ~~1002.395(6)(n)~~ and produce a report of the
 350 results if the private school receives more than \$250,000 in
 351 funds from scholarships awarded under this section in the 2014-
 352 2015 state fiscal year or a state fiscal year thereafter. A
 353 private school subject to this paragraph must submit the report
 354 by September 15, 2015, and annually thereafter to the eligible
 355 nonprofit scholarship-funding organization that awarded the
 356 majority of the school's scholarship funds. The agreed-upon
 357 procedures must be conducted in accordance with attestation
 358 standards established by the American Institute of Certified
 359 Public Accountants.

360
 361 The inability of a private school to meet the requirements of
 362 this subsection constitutes a basis for the ineligibility of the
 363 private school to participate in the program as determined by
 364 the department.

365 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
366 shall:

367 (a) Maintain a list of approved providers.

368 (b) Require each eligible nonprofit scholarship-funding
369 organization to verify eligible expenditures before
370 reimbursement ~~the distribution of funds for any expenditures~~
371 ~~made pursuant to paragraphs (5) (a) and (b).~~ Review of
372 ~~expenditures made for services in paragraphs (5) (c) (g) may be~~
373 ~~completed after the payment has been made.~~

374 (c) Investigate any written complaint of a violation of
375 this section in accordance with the process established by s.
376 1002.395(9)(f).

377 (d) Require quarterly reports by an eligible nonprofit
378 scholarship-funding organization regarding the number of
379 students participating in the program, the providers of services
380 to students, and other information deemed necessary by the
381 department.

382 (e) Compare the list of students participating in the
383 program with the public school enrollment lists and the list of
384 students participating in school choice scholarship programs
385 established pursuant to this chapter throughout the school year
386 ~~before each program payment~~ to avoid duplicate payments and
387 confirm program eligibility.

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

389 (a) The Commissioner of Education:

390 1. Shall deny, suspend, or revoke a student's

391 participation in the program if the health, safety, or welfare
 392 of the student is threatened or fraud is suspected.

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

396 3. May ~~deny, suspend, or revoke~~ an authorized use of
 397 program funds for material failure to comply with this section
 398 and applicable State Board of Education ~~department~~ rules if the
 399 noncompliance is correctable within a reasonable period of time.
 400 Otherwise, the commissioner shall ~~deny, suspend,~~ or revoke an
 401 authorized use for failure to materially comply with the law and
 402 rules adopted under this section.

403 4. Shall require compliance by the appropriate party by a
 404 date certain for all nonmaterial failures to comply with this
 405 section and applicable State Board of Education ~~department~~
 406 rules.

407 5. Notwithstanding any other provision of this section,
 408 ~~The commissioner~~ may deny, suspend, or revoke program
 409 participation or the use of program funds by the student or the
 410 participation or eligibility of an organization, eligible
 411 private school, eligible postsecondary educational institution,
 412 approved provider, or other appropriate party for a violation of
 413 this section. The commissioner may determine the length of, and
 414 conditions for lifting, a suspension or revocation specified in
 415 this paragraph under this section thereafter.

416 6. Shall deny or revoke a student's participation in the

417 program upon forfeiture of a personal learning scholarship
 418 account pursuant to subsection (11).

419 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
 420 lift a suspension or revocation in accordance with this
 421 subsection, the commissioner may consider factors that include,
 422 but are not limited to, acts or omissions that by a
 423 ~~participating entity which~~ led to a previous denial, suspension,
 424 or revocation of participation in a state or federal program or
 425 an education scholarship program; failure to reimburse the
 426 eligible nonprofit scholarship-funding organization for program
 427 funds improperly received or retained by the entity; imposition
 428 of a prior criminal sanction related to the person or entity or
 429 its officers or employees; imposition of a civil fine or
 430 administrative fine, license revocation or suspension, or
 431 program eligibility suspension, termination, or revocation
 432 related to a person's or an entity's management or operation; or
 433 other types of criminal proceedings in which the person or
 434 entity or its officers or employees were found guilty of,
 435 regardless of adjudication, or entered a plea of nolo contendere
 436 or guilty to, any offense involving fraud, deceit, dishonesty,
 437 or moral turpitude.

438 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 439 PARTICIPATION.—A parent who applies for program participation
 440 under this section is exercising his or her parental option to
 441 determine the appropriate placement or the services that best
 442 meet the needs of his or her child. The scholarship award for a

443 student is based on a matrix that assigns the student to support
 444 Level III services. If a parent chooses to request and receive
 445 an IEP and a matrix of services from the school district, the
 446 amount of the payment shall be adjusted as needed, when the
 447 school district completes the matrix.

448 (a) To satisfy and maintain program eligibility ~~enroll an~~
 449 ~~eligible student in the program~~, the parent must sign an
 450 agreement with the eligible nonprofit scholarship-funding
 451 organization and annually submit a notarized, sworn compliance
 452 statement to the organization to:

453 1. Affirm that the student is enrolled in a program that
 454 meets regular school attendance requirements as provided in s.
 455 1003.01(13)(b)-(e) ~~1003.01(13)(b)-(d)~~.

456 2. Affirm that Use the program funds are used only for
 457 authorized purposes serving the student's educational needs, as
 458 described in subsection (5).

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

461 a. If the parent enrolls the child in an eligible private
 462 school, the student must take an assessment selected by the
 463 private school pursuant to s. 1002.395(7)(e) or, if requested by
 464 the parent, the statewide, standardized assessments pursuant to
 465 s. 1002.39(8)(c)2. and (9)(e).

466 b. If the parent enrolls the child in a home education
 467 program, the parent may choose to participate in an assessment
 468 as part of the annual evaluation provided for in s.

469 1002.41(1)(c).

470 4. Notify the school district that the student is
 471 participating in the Personal Learning Scholarship Accounts if
 472 the parent chooses to enroll in a home education program as
 473 provided in s. 1002.41.

474 5. Request participation in the program by the date
 475 established by the eligible nonprofit scholarship-funding
 476 organization.

477 6. Affirm that the student remains in good standing with
 478 the provider or school if those options are selected by the
 479 parent.

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

482 8. Annually renew participation in the program.

483 Notwithstanding any changes to the student's IEP, a student who
 484 was previously eligible for participation in the program shall
 485 remain eligible to apply for renewal ~~as provided in subsection~~
 486 ~~(6)~~. However, in order for a high-risk child to continue to
 487 participate in the program in the school year after he or she
 488 reaches 6 years of age, the child's application for renewal of
 489 program participation must contain documentation that the child
 490 has a disability as defined in paragraph (2)(d) other than high-
 491 risk status.

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

494 10. Affirm that the parent will not take possession of any

495 funding provided by the state for the Florida Personal Learning
 496 Scholarship Accounts.

497 11. If a parent chooses to enroll the child in a home
 498 education program pursuant to s. 1002.41, affirm that the parent
 499 complies with all home education requirements ~~Maintain a~~
 500 ~~portfolio of records and materials which must be preserved by~~
 501 ~~the parent for 2 years and be made available for inspection by~~
 502 ~~the district school superintendent or the superintendent's~~
 503 ~~designee upon 15 days' written notice. This paragraph does not~~
 504 ~~require the superintendent to inspect the portfolio. The~~
 505 ~~portfolio of records and materials must consist of:~~

506 ~~a. A log of educational instruction and services which is~~
 507 ~~made contemporaneously with delivery of the instruction and~~
 508 ~~services and which designates by title any reading materials~~
 509 ~~used; and~~

510 ~~b. Samples of any writings, worksheets, workbooks, or~~
 511 ~~creative materials used or developed by the student.~~

512 (b) The parent is responsible for procuring the services
 513 necessary to educate the student. When the student receives a
 514 personal learning scholarship account, the district school board
 515 is not obligated to provide the student with a free appropriate
 516 public education. For purposes of s. 1003.57 and the Individuals
 517 with Disabilities in Education Act, a participating student has
 518 only those rights that apply to all other unilaterally
 519 parentally placed students, except that, when requested by the
 520 parent, school district personnel must develop an individual

521 education plan or matrix level of services.

522 (c) The parent is responsible for the payment of all
 523 eligible expenses in excess of the amount of the personal
 524 learning scholarship account in accordance with the terms agreed
 525 to between the parent and the providers.

526
 527 A parent who fails to comply with this subsection forfeits the
 528 personal learning scholarship account.

529 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
 530 ACCOUNTS.—An eligible nonprofit scholarship-funding organization
 531 participating in the Florida Tax Credit Scholarship Program
 532 established under s. 1002.395 may establish personal learning
 533 scholarship accounts for eligible students by:

534 (a) Receiving applications and determining student
 535 eligibility in accordance with the requirements of this section.
 536 The organization shall notify the department of the applicants
 537 for the program by March 1 before the school year in which the
 538 student intends to participate. When an application is received,
 539 the eligible nonprofit scholarship-funding ~~scholarship-funding~~
 540 organization must provide the department with information on the
 541 student ~~to enable the department to report the student for~~
 542 ~~funding in accordance with subsection (13).~~

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

547 personal learning scholarship during the previous school year
 548 and apply for renewal.

549 (c) Establishing a date by which a parent must confirm
 550 initial or continuing participation in the program and confirm
 551 the establishment or continuance of a personal learning
 552 scholarship account.

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

558 (e) Establishing and maintaining separate accounts for
 559 each eligible student. For each account, the organization must
 560 maintain a record of accrued interest that is retained in the
 561 student's account and available only for authorized program
 562 expenditures.

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

565 (g) Returning any unused funds to the department when the
 566 student is no longer eligible for a personal learning
 567 scholarship learning account pursuant to paragraph (6) (c).

568 (13) FUNDING AND PAYMENT.—

569 (a)1. The maximum funding amount granted for an eligible
 570 student with a disability, pursuant to subsection (3), shall be
 571 equivalent to the base student allocation in the Florida
 572 Education Finance Program multiplied by the appropriate cost

573 factor for the educational program which would have been
 574 provided for the student in the district school to which he or
 575 she would have been assigned, multiplied by the district cost
 576 differential.

577 2. In addition, an amount equivalent to a share of the
 578 guaranteed allocation for exceptional students in the Florida
 579 Education Finance Program shall be determined and added to the
 580 amount in subparagraph 1. The calculation shall be based on the
 581 methodology and the data used to calculate the guaranteed
 582 allocation for exceptional students for each district in chapter
 583 2000-166, Laws of Florida. Except as provided in subparagraph
 584 3., the calculation shall be based on the student's grade, the
 585 matrix level of services, and the difference between the 2000-
 586 2001 basic program and the appropriate level of services cost
 587 factor, multiplied by the 2000-2001 base student allocation and
 588 the 2000-2001 district cost differential for the sending
 589 district. The calculated amount must also include an amount
 590 equivalent to the per-student share of supplemental academic
 591 instruction funds, instructional materials funds, technology
 592 funds, and other categorical funds as provided in the General
 593 Appropriations Act.

594 3. Except as otherwise provided, the calculation for all
 595 students participating in the program shall be based on the
 596 matrix that assigns the student to support Level III of
 597 services. If a parent requests ~~chooses to request~~ and receives
 598 ~~receive~~ a matrix of services from the school district, when the

599 school district completes the matrix, the amount of the payment
600 shall be adjusted as needed.

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

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

606 ~~(c) Upon an eligible student's graduation from an eligible~~
607 ~~postsecondary educational institution or after any period of 4~~
608 ~~consecutive years after high school graduation in which the~~
609 ~~student is not enrolled in an eligible postsecondary educational~~
610 ~~institution, the student's personal learning scholarship account~~
611 ~~shall be closed, and any remaining funds shall revert to the~~
612 ~~state.~~

613 (c)(d) The eligible nonprofit scholarship-funding
614 organization shall develop a system for payment of benefits by
615 electronic funds transfer, including, but not limited to, debit
616 cards, electronic payment cards, or any other means of
617 electronic payment that the department deems to be commercially
618 viable or cost-effective. Commodities or services related to the
619 development of such a system shall be procured by competitive
620 solicitation unless they are purchased from a state term
621 contract pursuant to s. 287.056.

622 (d)(e) Moneys received pursuant to this section do not
623 constitute taxable income to the parent of the qualified
624 student.

625 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

626 (a) The Auditor General shall conduct an annual ~~financial~~
 627 ~~and~~ operational audit of accounts and records of each eligible
 628 nonprofit scholarship-funding organization that participates in
 629 the program. As part of this audit, the Auditor General shall
 630 verify, at a minimum, the total amount of students served and
 631 eligibility of reimbursements made by each eligible nonprofit
 632 scholarship-funding organization ~~and transmit that information~~
 633 ~~to the department.~~ The Auditor General shall provide the
 634 Commissioner of Education with a copy of each annual operational
 635 audit performed pursuant to this paragraph within 10 days after
 636 each audit is finalized.

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

640 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
 641 Department of Health, the Agency for Persons with Disabilities,
 642 and the Department of Education shall work with an eligible
 643 nonprofit scholarship-funding organization for easy or automated
 644 access to lists of licensed providers of services specified in
 645 paragraph (5)(c) to ensure efficient administration of the
 646 program.

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

649 (17) SCOPE OF AUTHORITY.—This section does not expand the
 650 regulatory authority of this state, its officers, or any school

651 district to impose additional regulation on participating
 652 private schools, independent ~~nonpublic~~ postsecondary educational
 653 institutions, and private providers beyond those reasonably
 654 necessary to enforce requirements expressly set forth in this
 655 section.

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

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

665 Section 2. Paragraphs (j) and (l) of subsection (6) and
 666 paragraphs (a), (b), and (f) of subsection (16) of section
 667 1002.395, Florida Statutes, are amended to read:

668 1002.395 Florida Tax Credit Scholarship Program.—

669 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 670 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 671 organization:

672 (j)1. May use up to 3 percent of eligible contributions
 673 received during the state fiscal year in which such
 674 contributions are collected for administrative expenses if the
 675 organization has operated as an eligible nonprofit scholarship-
 676 funding organization ~~under this section~~ for at least 3 state

677 fiscal years and did not have any ~~negative financial~~ findings of
 678 material weakness or material noncompliance in its most recent
 679 audit ~~under paragraph (m)~~. Such administrative expenses must be
 680 reasonable and necessary for the organization's management and
 681 distribution of eligible contributions under this section. No
 682 funds authorized under this subparagraph shall be used for
 683 lobbying or political activity or expenses related to lobbying
 684 or political activity. Up to one-third of the funds authorized
 685 for administrative expenses under this subparagraph may be used
 686 for expenses related to the recruitment of contributions from
 687 taxpayers. If an eligible nonprofit scholarship-funding
 688 organization charges an application fee for a scholarship, the
 689 application fee must be immediately refunded to the person that
 690 paid the fee if the student is not enrolled in a participating
 691 school within 12 months.

692 2. Must expend for annual or partial-year scholarships an
 693 amount equal to or greater than 75 percent of the net eligible
 694 contributions remaining after administrative expenses during the
 695 state fiscal year in which such contributions are collected. No
 696 more than 25 percent of such net eligible contributions may be
 697 carried forward to the following state fiscal year. All amounts
 698 carried forward, for audit purposes, must be specifically
 699 identified for particular students, by student name and the name
 700 of the school to which the student is admitted, subject to the
 701 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
 702 and the applicable rules and regulations issued pursuant

PCB EDC 15-03

Original

2015

703 thereto. Any amounts carried forward shall be expended for
 704 annual or partial-year scholarships in the following state
 705 fiscal year. ~~Net eligible contributions remaining on June 30 of~~
 706 ~~each year that are in excess of the 25 percent that may be~~
 707 ~~carried forward shall be returned to the State Treasury for~~
 708 ~~deposit in the General Revenue Fund.~~

709 3. Must, before granting a scholarship for an academic
 710 year, document each scholarship student's eligibility for that
 711 academic year. An eligible nonprofit A scholarship-funding
 712 organization may not grant multiyear scholarships in one
 713 approval process.

714 (1) With the prior approval of the Department of
 715 Education, may transfer funds to another eligible nonprofit
 716 scholarship-funding organization if additional funds are
 717 required to meet scholarship demand at the receiving eligible
 718 nonprofit scholarship-funding organization. A transfer is
 719 limited to the greater of \$500,000 or 20 percent of the total
 720 contributions received by the eligible nonprofit scholarship-
 721 funding organization making the transfer. All transferred funds
 722 must be deposited by the receiving eligible nonprofit
 723 scholarship-funding organization into its scholarship accounts.
 724 All transferred amounts received by any eligible nonprofit
 725 scholarship-funding organization must be separately disclosed in
 726 the annual financial ~~and compliance~~ audit required in this
 727 section.

728

PCB EDC 15-03

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

729 Information and documentation provided to the Department of
 730 Education and the Auditor General relating to the identity of a
 731 taxpayer that provides an eligible contribution under this
 732 section shall remain confidential at all times in accordance
 733 with s. 213.053.

734 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
 735 APPLICATION.—In order to participate in the scholarship program
 736 created under this section, a charitable organization that seeks
 737 to be a nonprofit scholarship-funding organization must submit
 738 an application for initial approval or renewal to the Office of
 739 Independent Education and Parental Choice no later than
 740 September 1 of each year before the school year for which the
 741 organization intends to offer scholarships.

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

743 1. A copy of the organization's incorporation documents
 744 and registration with the Division of Corporations of the
 745 Department of State.

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

749 3. A description of the organization's financial plan that
 750 demonstrates sufficient funds to operate throughout the school
 751 year.

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

- 755 5. The organization's organizational chart.
- 756 6. A description of the criteria and methodology that the
757 organization will use to evaluate scholarship eligibility.
- 758 7. A description of the application process, including
759 deadlines and any associated fees.
- 760 8. A description of the deadlines for attendance
761 verification and scholarship payments.
- 762 9. A copy of the organization's policies on conflict of
763 interest and whistleblowers.
- 764 10. A copy of a surety bond or letter of credit in an
765 amount equal to 25 percent of the scholarship funds anticipated
766 for each school year or \$100,000, whichever is greater, to
767 secure the faithful performance of the obligations of the
768 eligible nonprofit scholarship-funding organization in
769 accordance with this section. The surety bond or letter of
770 credit must specify that any claim against the bond or letter of
771 credit may only be made by an eligible nonprofit scholarship-
772 funding organization to provide scholarships to and on behalf of
773 students who transferred from the ineligible nonprofit
774 scholarship-funding organization.
- 775 (b) In addition to the information required by
776 subparagraphs (a)1.-9., an application for renewal must include:
- 777 1. A surety bond or letter of credit equal to the amount
778 of undisbursed donations held by the organization based on the
779 annual report submitted pursuant to paragraph (6)(m). The amount
780 of the surety bond or letter of credit must be at least

781 \$100,000, but not more than \$25 million, to secure the faithful
 782 performance of the obligations of the nonprofit scholarship-
 783 funding organization in accordance with this section. The surety
 784 bond or letter of credit must specify that any claim against the
 785 bond or letter of credit may only be made by an eligible
 786 nonprofit scholarship-funding organization to provide
 787 scholarships to and on behalf of students who transferred from
 788 the ineligible nonprofit scholarship-funding organization.

789 2. The organization's completed Internal Revenue Service
 790 Form 990 submitted no later than November 30 of the year before
 791 the school year that the organization intends to offer the
 792 scholarships, notwithstanding the September 1 application
 793 deadline.

794 3. A copy of the most recently available financial
 795 statutorily required audit conducted pursuant to paragraph
 796 (6)(m) and submitted to the Department of Education and Auditor
 797 General.

798 4. An annual report that includes:

799 a. The number of students who completed applications, by
 800 county and by grade.

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

803 c. The number of students who received funding for
 804 scholarships within each funding category, by county and by
 805 grade.

806 d. The amount of funds received, the amount of funds

807 distributed in scholarships, and an accounting of remaining
 808 funds and the obligation of those funds.

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

811 (f) All remaining funds held by an eligible a nonprofit
 812 scholarship-funding organization that is disapproved for
 813 participation shall be transferred ~~must revert to the Department~~
 814 ~~of Revenue for redistribution~~ to other eligible nonprofit
 815 scholarship-funding organizations to provide scholarships for
 816 eligible students. All transferred funds must be deposited by
 817 each eligible nonprofit scholarship-funding organization
 818 receiving such funds into its scholarship account. All
 819 transferred amounts received by any eligible nonprofit
 820 scholarship-funding organization must be separately disclosed in
 821 the annual financial audit required under subsection (6).

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

824 1009.98 Stanley G. Tate Florida Prepaid College Program.—

825 (11) FLORIDA PERSONAL LEARNING SCHOLARSHIP ACCOUNTS
 826 PROGRAM.—Notwithstanding any other provision of this section,
 827 the Florida Prepaid College Board shall develop procedures,
 828 contracts, and any other required documentation necessary to
 829 allow contributions made pursuant to s. 1002.385 to be used in
 830 conjunction with other funds used by the parent in the purchase
 831 of a prepaid college plan. Such contributions and interest
 832 earned from such contributions:

PCB EDC 15-03

Original

2015

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

835 (b) Must revert to the state pursuant to s.
836 1002.385(6)(c).

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

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EDC 15-03 Personal Learning Scholarship Accounts (PLSA)
SPONSOR(S): Education Committee
TIED BILLS: IDEN./SIM. **BILLS:** SB 602

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Healy <i>HH</i>	Mizereck <i>KM</i>

SUMMARY ANALYSIS

The 2014 Legislature established the Florida Personal Learning Scholarship Account (PLSA) program to enable parents of students with disabilities to customize their child's education. Parents can request and receive a scholarship that can be used to purchase a wide range of services. Scholarship accounts are established by eligible nonprofit scholarship funding organizations (SFO), and parents are reimbursed for instructional materials, curriculum, and approved services. A total of \$18.4 million was appropriated for the 2014-2015 school year. At the time of this analysis, over 1,500 students are participating in the program. The bill includes a number of provisions that increase access, strengthen accountability, and streamline administration.

The bill increases the pool of eligible applicants by expanding the definition of autism to include all students on the autism spectrum disorder and to include students who have muscular dystrophy.

The bill increases the types of services available to participants, including:

- Tuition and fees for part-time tutoring services provided by a certified teacher; a certified adjunct teacher; or an individual who demonstrates mastery of subject area knowledge.
- Fees for an annual evaluation of educational progress for home education students.
- Fees associated with use of an electronic payment system.

The bill strengthens accountability by:

- Clarifying that funds must be expended for the student's educational needs.
- Outlining specific criteria for when payments to a personal learning scholarship account would cease and when an account is closed and funds revert to the state.
- Requiring review of all expenditures prior to reimbursement.
- Authorizing the Commissioner of Education to deny, suspend, or revoke program participation or use of program funds in specified circumstances.
- Requiring that a high-risk child who reaches 6 years of age has documentation of an eligible disability in order to continue in the program.
- Requiring the Auditor General to provide a copy of the annual operational audit to the Commissioner of Education.

Among other provisions, the bill streamlines program administration by removing obsolete language for implementation of the program for the 2014-2015 school year, specifying that appropriated funds be made available earlier in the fiscal year, and ensuring eligible students who participated in the previous year are given priority for re-enrollment in subsequent years.

The fiscal impact on state government is estimated at \$45.73 million. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Personal Learning Scholarship Account

The 2014 Legislature created the Florida Personal Learning Scholarship Account (PLSA) program to provide parents of students with disabilities more flexibility to customize their child's education.¹ Funds are distributed to qualified² Scholarship Funding Organizations (SFO) to establish accounts for eligible students.³ Parents can use funds from their account to choose from a variety of approved items for their student including, but not limited to: specialized services, curriculum, instructional materials, tuition, and contracted services.⁴ A total of \$18.4 million was allocated for the 2014-15 school year.⁵

Student Eligibility

Present Situation

The parent of a student, who is a resident of this state, may request and receive an account if the student:

- Is eligible to enroll in kindergarten through 12th grade in a public school in this state;
- Has one of the following disabilities: autism, cerebral palsy, down syndrome, an intellectual disability, Prader-Willi syndrome, or spina bifida, Williams syndrome; or for a student in kindergarten, as a high-risk child⁶; and
- Has an Individual Education Plan (IEP) written in accordance with rules of the state board or has received a diagnosis of one of the above disabilities from a licensed physician or a licensed psychologist.⁷

A student is not eligible for the program:

- While enrolled in a public school;
- While enrolled in a Department of Juvenile Justice school commitment program;
- While receiving a scholarship from the Florida Tax Credit Scholarship Program or the McKay Scholarship for Students with Disabilities;
- If the student or parent has accepted any payment, refund, or rebate from a program provider;
- If the Commissioner of Education has denied or revoked the student's participation in the program; or
- If the parent forfeits participation in the program by failing to comply with program requirements.⁸

Parents must apply to an eligible SFO to participate in the program by February 1 before the school year in which the student wishes to participate or an alternative date set by the SFO. The SFO must notify the district and the Department of Education (DOE) of the parent's intent to participate.⁹

¹ Section 16, ch. 2014-184, L.O.F.

² Section 1002.385(2)(e), F.S.

³ Section 1002.385, F.S.

⁴ Section 1002.385(5), F.S.

⁵ Specific Appropriation 110, s. 2, ch.2014-51, L.O.F.

⁶ Section 1002.385(2)(d), F.S.

⁷ Section 1002.385(3)(a), F.S.

⁸ Section 1002.385(4), F.S.

⁹ Section 1002.385(3)(b), F.S.

Effect of Proposed Changes

The bill expands the pool of eligible applicants by including students with muscular dystrophy and including a broader definition of autism.

The current statutory definition of “autism” means a pervasive, neurologically based developmental disability of extended duration which causes severe [emphasis added] learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted [emphasis added] repertoire of activities and interests.¹⁰ This definition requires that the individual exhibit severe and substantial deficits in certain areas.

The new definition of “autism spectrum disorder” as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) includes autism, Asperger’s syndrome, and any pervasive developmental disorder not otherwise specified. This broader definition allows students with an Autism Spectrum Disorder with lesser degrees of severity to be eligible for the program.¹¹

The bill clarifies that a high-risk child who reaches six years of age must have documentation of an eligible disability in order to continue in the program.

The bill also provides that an eligible student who participated in the program the prior year be given priority for re-enrollment the following year.

Scholarship Funding Organization Responsibilities

Present Situation

An eligible participating scholarship funding organization is a nonprofit scholarship funding organization that is approved by DOE to participate in the Florida Tax Credit Scholarship Program.¹² An SFO is required to:

- Receive applications, determine student eligibility, and notify the DOE of the applicants by March 1 the year prior to a student’s participation.¹³
- Notify parents of their receipt of a scholarship on a first-come, first-served basis.¹⁴
- Establish a date by which a parent must confirm initial or continuing program participation.¹⁵
- Establish a date by which students on the wait list or late-filing applicants may participate, if funds are still available.¹⁶
- Establish and maintain separate accounts for each student.¹⁷
- Verify eligible expenditures.¹⁸
- Return any unused funds to DOE when a student is no longer eligible for the program.¹⁹

An SFO must verify that expenditures for curriculum and instructional materials are eligible before reimbursing a parent for such expenditures. However, an SFO can review expenditures made for all other services after the payment has been made.²⁰

¹⁰ Section 393.063(3), F.S.

¹¹ Email, Florida Department of Education, Independent Education and Parental Choice (March 6, 2015).

¹² Section 1002.385(2)(e), F.S.

¹³ Section 1002.385(12)(a), F.S.

¹⁴ Section 1002.385(12)(b), F.S.

¹⁵ Section 1002.385(12)(c), F.S.

¹⁶ Section 1002.385(12)(d), F.S.

¹⁷ Section 1002.385(12)(e), F.S.

¹⁸ Section 1002.385(12)(f), F.S.

¹⁹ Section 1002.385(12)(g), F.S.

²⁰ Section 1002.385(9)(b), F.S.

Effect of Proposed Changes

The bill requires an SFO to maintain a record of accrued interest that can be retained in each student's account and used for authorized program purchases. Additionally, the SFO must verify that all expenditures are eligible prior to reimbursement to the parent.

Allowable Expenditures

Present Situation

Program funds may be spent for the following purposes:

- Instructional materials and curriculum.
- Specialized services, including but not limited to, applied behavior analysis, speech language pathologist, occupational therapy, physical therapy, and services provided by listening and spoken language specialists.
- Enrollment in, or tuition and fees for enrollment in an eligible private school or postsecondary education institution, a private tutoring program, or virtual education programs or courses.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contributions to the Stanley G. Tate Florida Prepaid College Program.
- Contracted services provided by a public school or school district, including classes.²¹

Effect of Proposed Changes

The bill clarifies that funds must be spent to meet the individual educational needs of the student and expands the types of services available to program participants by including:

- Tuition and fees for part-time tutoring services provided by a Florida certified teacher, a Florida certified adjunct teacher, or a person who has demonstrated a mastery of subject area knowledge in accordance with s. 1012.56(5), F.S.
- Fees for an annual evaluation of educational progress for a home education student.
- Fees associated with the use of an electronic payment system.

Eligible Providers

Present Situation

Entities eligible to provide specialized services or educational programs include:

- A provider approved by the Agency for Persons with Disabilities, a health care practitioner or a provider approved by the DOE.²²
- A postsecondary educational institution including a Florida College System institution, a state university, a school district technical center, a school district adult general education center, or an accredited, postsecondary educational institution which is licensed to operate in this state.²³
- A private school that is located in this state, offers education to students in any grade from kindergarten to grade 12, meets all the requirements of a private school operating in Florida,

²¹ Id.

²² Section 1002.385(2)(a), F.S.

²³ Section 1002.385(2)(f), F.S.

and meets all the requirements of a private school participating in the John M. McKay Scholarship Program or the Florida Tax Credit Scholarship Program.²⁴

Eligible providers may not share, refund, or rebate any money from a student's Personal Learning Scholarship account with the parent or participating student.²⁵

Effect of Proposed Changes

The bill expands eligible providers to include an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program and specified individuals who provide part-time tutoring services.

Parent Responsibilities

Present Situation

Current law requires a parent to sign an agreement with an eligible SFO and annually submit a notarized, sworn compliance statement to the organization to:

- Affirm that the student participating in the PLSA program meets regular school attendance requirements.
- Affirm that program funds are used only for authorized purposes.
- Affirm that the student takes all appropriate standardized assessments, whether enrolled in a private school or a home education program.
- Notify the school district that the student is enrolled in the PLSA program, if the parent chooses to enroll in a home education program.
- Request participation in the program by the date established by the SFO.
- Affirm the student remains in good standing with the provider or school.
- Apply for admission of the student to a private school, if this option is chosen.
- Annually renew participation in the program.
- Affirm the parent will not transfer any college savings funds to another beneficiary.
- Affirm the parent will not take possession of any PLSA funds.
- Maintain a portfolio of records and materials which must be preserved for 2 years and made available for inspection by the district superintendent or designee upon 15 days' written notice.²⁶

Effect of Proposed Changes

The bill clarifies that the parental agreement and sworn, notarized compliance form are not only for enrollment in the program, but are necessary to maintain program eligibility, including receiving and expending program payments. The compliance form must also include language stating that program funds may be used for authorized purposes serving the student's educational needs.

The bill allows a parent to request that their student participate in the statewide, standardized assessments and removes the requirement that all participants maintain a portfolio of records and materials. Only parents who choose to enroll their child in a home education program will have to maintain a portfolio in compliance with current home education law.

²⁴ Section 1002.385(2)(g), F.S.

²⁵ Section 1002.385(5), F.S.

²⁶ Section 1002.385(11)(a), F.S.

Term of the Program

Present Situation

Program payments to a student's PLSA remain in effect until:

- A student participates in any of the prohibited activities outlined in law²⁷;
- The commissioner revokes funds;
- The student returns to public school; or
- The student graduates from high school or turns 22 years old, whichever occurs first.²⁸

A student's account shall be closed and any remaining funds revert to the state:

- When the student graduates from an eligible postsecondary educational institution; or
- After any period of 4 consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary educational institution.

Effect of Proposed Changes

The bill adds the following circumstances under which payments to the account would cease:

- If the parent does not renew program eligibility; or
- If the commissioner denies, suspends, or revokes program participation or use of funds.

The bill clarifies that an account shall be closed, and any remaining funds, including accrued interest or contributions made to the Stanley G. Tate Prepaid College Program, shall revert to the state when:

- A student's program eligibility has been denied or revoked;
- A student's application has been denied by an SFO;
- A student does not enroll in an eligible postsecondary education institution within 4 years after high school graduation or completion; or
- A student is no longer enrolled in an eligible postsecondary institution or a program offered by the institution.
- A student graduates from an eligible postsecondary educational institution.

DOE and Commissioner of Education Responsibilities

Present Situation

The DOE is required to:

- Maintain a list of approved providers.
- Require eligible SFOs to verify eligible expenditures.
- Investigate any written complaint of a program violation.
- Require quarterly reports from SFOs, with specified information.
- Compare lists of PLSA students against public school enrollment lists before payments to a PLSA account.²⁹

Current law outlines the commissioner's role and responsibilities with regard to denying, suspending, or revoking a student's participation in the program or the use of program funds, if the health, safety, or

²⁷ Section 1002.385(4), F.S.

²⁸ Section 1002.385(6), F.S.

²⁹ Section 1002.385(9), F.S.

welfare of the student is threatened or fraud is suspected.³⁰ Use of program funds can also be denied, suspended, or revoked for material failure to comply with program requirements.³¹

The law identifies several factors that the commissioner may consider in determining whether to deny, suspend, or revoke an entity or its officers' participation in the program or ability to expend funds, including but not limited to:

- Acts or omissions that led to an entity's previous denial or revocation in an education scholarship program;
- Failure to reimburse an SFO for funds improperly received or retained by an entity;
- Imposition of a prior criminal sanction;
- Imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation.

Effect of Proposed Changes

The bill requires DOE to compare the lists of PLSA students to those students participating in the Florida Tax Credit Scholarship Program, the John M. McKay Scholarship Program, and public school enrollment lists throughout the year to avoid duplicate payments and confirm program eligibility.

The bill specifies that the commissioner's authority to deny, suspend, or revoke program participation or use of program funds applies to all of the following: students; SFOs; eligible private schools; eligible postsecondary institutions; approved providers; or any other appropriate party that violates program requirements.

The bill authorizes the commissioner to determine the length of, and conditions for lifting, a suspension or revocation and requires the commissioner to deny or revoke a student's participation in the program if the parent participates in any activities that result in forfeiture of the PLSA. The factors used in determining a denial, suspension, or revocation, would also apply to persons, not just entities and their officers.

Program Administration and Accountability

The bill includes the following provisions to streamline administration and implement guidelines for use in a prepaid college fund:

The bill requires 100% of the appropriated funds for the PLSA program to be released to the DOE in the beginning of the first quarter of each fiscal year. Scholarship payments were delayed in 2014-2015, in part, because funds from the General Appropriations Act are typically released in an equal amount on a quarterly basis.

The bill removes a duplicative requirement that the Auditor General conduct an annual financial audit of an SFO. Current law already requires an SFO to have an annual financial audit conducted by an independent certified public accountant.

The bill directs the Florida Prepaid College Board to develop procedures, contracts, and other required documentation to allow parents to contribute PLSA funds, in conjunction with other funds, to purchase a prepaid college plan. PLSA funds 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 payments have been used for prepaid college plan expenditures.

³⁰ Section 1002.385(10)(a)1. & 2., F.S.

³¹ Section 1002.385(10)(a)3., F.S.

Finally, the bill removes obsolete language regarding the program implementation schedule for the 2014-2015 school year.

Florida Tax Credit Scholarship Program

Present Situation

In order to participate in the Florida Tax Credit (FTC) Scholarship Program, a SFO must meet a number of requirements, including securing a surety bond or letter of credit for a specified amount for initial approval³² and a different specified amount for renewal.³³

If an SFO has participated in the FTC Scholarship Program for at least three years and did not have any negative financial findings in its most recent audit, it may use up to 3 percent of the eligible contributions received during the state fiscal year in which the contributions are collected for administrative expenses.³⁴

Finally, if an SFO is disapproved to participate in the scholarship program, all remaining funds held by that SFO revert to the Department of Revenue for redistribution to other eligible SFOs.³⁵

Effect of Proposed Changes

The bill clarifies that claims against the surety bond or letter of credit may only be made by another eligible SFO to provide scholarships to eligible students.

The bill allows an SFO that has operated a tax credit scholarship program for at least 3 years in any state and has not had any findings of material weakness or material noncompliance in its most recent audit to qualify for the 3 percent administrative fee.

Additionally, any remaining funds held by a SFO that is disapproved from participation must go to other eligible SFOs to provide scholarships to eligible students who transferred from the ineligible SFO.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.385, F.S., to increase access and accountability and streamline administration of the Personal Learning Scholarships Account program.

Section 2. Amends s. 1002.395, F.S., to clarify language regarding surety bonds for nonprofit scholarship-funding organizations.

Section 3. Amends s. 1002.395, F.S., to revise qualifications for a 3 percent administrative fee, and to clarify language regarding the disbursement of surety bonds or letters of credit for SFOs.

Section 4. Amends s. 1009.98, F.S., to require the Florida Prepaid College Board to develop procedures allowing parents to use PLSA funds, in conjunction with other funds, to purchase a prepaid college plan and to develop guidelines for tracking and use of such funds.

Section 5. Provides an effective date of July 1, 2015.

³² Section 1002.395(16)(a)10., F.S.

³³ Section 1002.395(16)(b)1., F.S.

³⁴ Section 1002.395(6)(j), F.S.

³⁵ Section 1002.395(16)(f), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Current program costs for the second year of implementation are estimated to be \$36.8 million. The 2014-15 \$18.4 million recurring appropriation would continue the cost for the first year cohort of students, 1,525 students to date. An additional \$18.4 million would be required for the second year cohort to be enrolled. The expansion of the autism definition and the addition of muscular dystrophy would cost an estimated additional \$8.93 million, bringing the total to \$45.73 million.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES



Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

Remove lines 106-126 and insert:

6 Section 4. Section 1011.78, Florida Statutes, is created to
7 read:

8 1011.78 .--Standard Student Attire School District
9 Incentive Payments.

10 There is created an incentive payment for school districts
 11 that implement a districtwide standard student attire policy in
 12 accordance with s. 1001.43(1)(b). Qualified school districts
 13 shall receive an award of \$10 per student in kindergarten
 14 through grade 8. Before the release of funds, the district
 15 school superintendent shall certify to the Commissioner of
 16 Education, no later than September 1 each year, that the
 17 district school board has implemented a standard student attire



Amendment No.1

18 policy in accordance with s. 1001.43(1)(b). The Commissioner
19 shall make payment of awards to school districts in the order in
20 which certifications from the district school superintendents
21 are received. As of June 30 of each year, any funds provided
22 pursuant to this section that have not been disbursed to
23 qualified school districts shall revert to the fund from which
24 they were appropriated pursuant to s. 216.301.

25 Section 5. For the 2015-2016 fiscal year, the sum of \$10
26 million in recurring general revenue funds is appropriated to
27 the Department of Education for the purpose of awarding school
28 districts that implement a standard student attire policy in
29 accordance with s. 1011.78, as created in this act.

30

31

32

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

33

Remove line 15 and insert:

34

and student discipline; creating s. 1011.78, F.S.; authorizing

35

additional funding

1 A bill to be entitled
 2 An act relating to standard student attire; providing
 3 a short title; amending s. 1001.43, F.S.; authorizing
 4 district school boards to adopt a standard student
 5 attire policy; establishing criteria for and the
 6 purpose of the policy; providing immunity from civil
 7 liability for district school boards that implement a
 8 standard student attire policy under certain
 9 conditions; amending s. 1011.62, F.S.; creating a safe
 10 schools allocation to provide funding to school
 11 districts for certain safe schools activities;
 12 providing for the withholding of a district's safe
 13 schools funding for failure to comply with certain
 14 reporting requirements with respect to school safety
 15 and student discipline; authorizing additional funding
 16 for school districts that implement a standard student
 17 attire policy; providing an appropriation; providing
 18 an effective date.

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

21
 22 Section 1. This act may be cited as the "Students Attired
 23 for Education (SAFE) Act."

24 Section 2. Paragraph (b) of subsection (1) of section
 25 1001.43, Florida Statutes, is amended to read:
 26 1001.43 Supplemental powers and duties of district school

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

HB 7043

2015

27 | board.—The district school board may exercise the following
28 | supplemental powers and duties as authorized by this code or
29 | State Board of Education rule.

30 | (1) STUDENT MANAGEMENT.—The district school board may
31 | adopt programs and policies to ensure the safety and welfare of
32 | individuals, the student body, and school personnel, which
33 | programs and policies may:

34 | (b) Require that the attire ~~uniforms~~ to be worn by the
35 | student body conform to a standard student attire policy that
36 | prohibits certain types or styles of clothing and requires solid
37 | colored clothing and fabrics for pants, skirts, shorts, or
38 | similar clothing and short or long sleeved shirts with collars.
39 | The policy may authorize a small logo but may not authorize a
40 | motto or slogan. The purpose of a standard student attire policy
41 | is to provide a safe environment that fosters learning and
42 | improves school safety and discipline by:

43 | 1. Encouraging students to express their individuality
44 | through personality and academic achievements, rather than
45 | outward appearance.

46 | 2. Enabling students to focus on academics, rather than
47 | fashion, because they are able to project a neat, serious, and
48 | studious image.

49 | 3. Minimizing disciplinary problems because students are
50 | not distracted by clothing.

51 | 4. Reducing the time needed to correct dress code
52 | violations through a readily available inventory of compliant

HB 7043

2015

53 attire.

54 5. Minimizing visible differences and eliminating social
55 pressures to wear brand name clothing or "gang colors," thereby
56 easing financial pressures on parents and enhancing school
57 safety.

58 6. Creating a sense of school pride and belonging.

59

60 A district school board may implement a standard student attire
61 policy as part of an overall program to foster and promote
62 desirable school operating conditions and a safe and supportive
63 educational environment. A standard student attire policy must
64 allow a parent to opt his or her student out of the policy for
65 religious purposes or by reason of a disability. A district
66 school board that implements a districtwide standard student
67 attire policy for all students in at least kindergarten through
68 eighth grade is immune from civil liability resulting from
69 adoption of the policy in accordance with this paragraph, ~~or~~
70 ~~impose other dress-related requirements, if the district school~~
71 ~~board finds that those requirements are necessary for the safety~~
72 ~~or welfare of the student body or school personnel. However,~~
73 Students may wear sunglasses, hats, or other sun-protective wear
74 while outdoors during school hours, such as when students are at
75 recess.

76 Section 3. Subsection (16) is added to section 1011.62,
77 Florida Statutes, to read:

78 1011.62 Funds for operation of schools.—If the annual

HB 7043

2015

79 | allocation from the Florida Education Finance Program to each
80 | district for operation of schools is not determined in the
81 | annual appropriations act or the substantive bill implementing
82 | the annual appropriations act, it shall be determined as
83 | follows:

84 | (16) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is
85 | created to provide funding for allowable safe schools
86 | activities. Each school district shall receive a minimum safe
87 | schools allocation in an amount provided in the General
88 | Appropriations Act. Of the remaining funds provided in the
89 | General Appropriations Act for safe schools activities, two-
90 | thirds shall be allocated among the school districts based on
91 | each district's proportionate share of Total Index Crime for
92 | Florida by county reported by the Department of Law Enforcement
93 | in its most recent Uniform Crime Reports offense data and one-
94 | third shall be allocated based on each district's proportionate
95 | share of the state's total unweighted full-time equivalent
96 | student enrollment.

97 | (a) Allowable safe schools activities shall be provided in
98 | the General Appropriations Act. The department shall monitor
99 | compliance with the reporting procedures of ss. 1006.09 and
100 | 1006.147. If a district does not comply with the reporting
101 | procedures, the district's funds from the safe schools
102 | allocation shall be withheld and reallocated to other school
103 | districts. Each school district shall report to the Department
104 | of Education the amount of funds expended for each of the

HB 7043

2015

105 allowable safe schools activities.

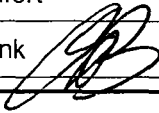
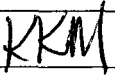
106 (b) Each school district that implements a districtwide
107 standard student attire policy in accordance with s.
108 1001.43(1)(b) shall receive an additional amount allocated as
109 awards of \$10 per student in kindergarten through grade 8 to
110 qualified school districts. Before the release of funds, the
111 district school superintendent shall certify to the Commissioner
112 of Education, no later than September 1 of each year, that the
113 district school board has implemented a standard student attire
114 policy in accordance with s. 1001.43(1)(b). If funds
115 specifically appropriated are insufficient to provide \$10 per
116 student, the available funds shall be prorated to qualified
117 school districts on a per-student basis. As of June 30 of each
118 year, any funds provided pursuant to this paragraph that have
119 not been disbursed to qualified school districts shall revert to
120 the fund from which they were appropriated pursuant to s.
121 216.301.

122 Section 4. For the 2015-2016 fiscal year, the sum of \$10
123 million in recurring general revenue funds is appropriated to
124 the Florida Education Finance Program Safe Schools Allocation
125 for the purpose of implementing s. 1011.62(16)(b), Florida
126 Statutes, as created by this act.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7043 PCB KTS 15-02 Standard Student Attire
SPONSOR(S): K-12 Subcommittee, Adkins
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	12 Y, 0 N	Brink	Fudge
1) Education Appropriations Subcommittee	13 Y, 0 N	Seifert	Heflin
2) 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. Presenters 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, or the school's "climate." Several school districts testified that school uniforms, or standard student attire, was effective at creating a safe and supportive environment by minimizing discipline problems and thereby enabling students to focus on academics. Current law authorizes district school boards to adopt policies requiring school uniforms if the district school board finds that such policies are necessary for the safety and welfare of the student body or school personnel.

The bill creates the "Students Attired for Education (SAFE) Act" and enumerates the benefits of a standard student attire policy and consequently removes the requirement that school boards individually make such findings. The bill encourages district school boards to enact a policy requiring standard student attire in at least kindergarten through eighth grade by providing immunity from civil liability based upon adoption of the policy and providing additional funds to school boards that enact a standard student attire policy. Funding is calculated as up to \$10 per student in kindergarten through eighth grade in qualifying districts.

The bill appropriates a total of \$10,000,000 from the General Revenue Fund for qualifying districts.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current 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."

Several school districts testified that school uniforms, or standard student attire, are effective at creating a safe and supportive environment by minimizing discipline problems and enabling students to focus on academics. Current law authorizes district school boards to adopt policies requiring school uniforms if the district school board finds that such policies are necessary for the safety and welfare of the student body or school personnel.

The following school boards have at least a district-wide K-8 standard student attire policy: Alachua, Bay, Jackson, Jefferson, Madison, Osceola, and Polk.

Effect of Proposed Changes

The bill revises the authority of school boards to adopt policies requiring school uniforms by removing the requirement that a school board must make a finding that school uniforms are necessary for the safety and welfare of students. The requirement is unnecessary because the bill enumerates some of the benefits of standard student attire which encourages students to express their individuality through personality and academic achievements, not outward appearances; enables students to focus on academics, not fashion, because they are able to project a neat, serious, studious image; minimizes discipline problems because students are not distracted by clothing; minimizes visible differences among students by using clothing that is more economical for parents; reduces time for correcting dress code violations through a readily available inventory of compliant attire; and eliminates social pressures to wear brand name clothing or "gang colors" thereby easing financial pressure on parents and enhancing school safety.

A standard student attire policy prohibits certain types and styles of clothing while requiring solid colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short or long sleeved shirts with collars. A standard school attire policy may authorize a small logo but may not authorize a slogan or motto and must allow a student's parent to opt out of the policy for religious purposes or by reason of a disability. A school district that adopts a standard student attire policy that complies with the bill is immune from civil liability as a result of adopting such policy. The bill creates the safe schools allocation and criteria for distribution of funds. The actual amount and allowable activities will be provided in the General Appropriations Act. Additional funds are provided to school districts with a standard student attire policy that complies with the bill.

B. SECTION DIRECTORY:

Section 1: Creates the "Students Attired for Education (SAFE) Act."

Section 2: Amends s. 1001.43(1), F.S., authorizing school boards to adopt policies regarding standard student attire without requiring specific findings, enumerating the benefits of such policies, describing the requirements for such policies, and providing immunity from civil liability for school districts that enact a district-wide policy for all students in kindergarten through eighth grade.

Section 3: Amends s. 1011.62, F.S., creating the safe schools allocation, requiring school districts to comply with reporting requirements and authorizing additional funds for each school district that adopts a district-wide standard student attire policy for kindergarten through eighth grade.

Section 4: Provides an appropriation of \$10,000,000 for the 2015-2016 school year.

Section 5: Provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The fiscal associated with the Safe Schools allocation for districts that implement a districtwide K-8 standard student attire policy is \$10,000,000. There are an estimated 1.9 million K-8 full-time equivalent students (FTE) (DJJ and Virtual FTE have been excluded) who would be impacted by the policy in FY 2015-16. Currently there are seven districts that have a district-wide K-8 policy which equates to 156,554 FTE which generates an estimated bonus of \$1.6 million. Funding is calculated as up to \$10 per student in kindergarten through eighth grade. If more districts require mandatory school attire and the funding is insufficient at \$10 per student, then the funds will be prorated.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

Remove lines 1087-1141 and insert:

Section 9. Subsection (2) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for district schools, including charter schools. A charter school shall be provided an amount equal to the remaining balance of funding needed to achieve the amount of the state funding allocation provided in s. 1013.62 after the amount of state appropriations is deducted. Annually, by December 30, the department shall calculate the amount of payments to eligible charter schools

Amendment No.1

18 using the certified taxable value and millage rate as provided
19 in the TRIM notice pursuant to s. 200.065 and certify to each
20 school district the amount the school district must pay to each
21 charter school based on the remaining balance of funding needed
22 to achieve the amount of the state funding allocation as
23 provided in s. 1013.62 after the amount of state appropriations
24 is deducted. School districts shall make payments to charter
25 schools no later than February 1, 2016, for the 2015-2016 fiscal
26 year and no later February 1 each year thereafter. Revenues
27 retained by a school district after payments are made to charter
28 schools may be used by the school district ~~at the discretion of~~
29 ~~the school board,~~ to fund:

30 (a) New construction and remodeling projects, as set forth
31 in s. 1013.64(3)(b) and (6)(b) and included in the district's
32 educational plant survey pursuant to s. 1013.31, without regard
33 to prioritization, sites and site improvement or expansion to
34 new sites, existing sites, auxiliary facilities, athletic
35 facilities, or ancillary facilities.

36 (b) Maintenance, renovation, and repair of existing school
37 plants or of leased facilities to correct deficiencies pursuant
38 to s. 1013.15(2).

39 (c) The purchase, lease-purchase, or lease of school
40 buses.

41 (d) The purchase, lease-purchase, or lease of new and
42 replacement equipment; computer hardware, including electronic
43 hardware and other hardware devices necessary for gaining access

Amendment No.1

44 to or enhancing the use of electronic content and resources or
45 to facilitate the access to and the use of a school district's
46 digital classrooms plan pursuant to s. 1011.62, excluding
47 software other than the operating system necessary to operate
48 the hardware or device; and enterprise resource software
49 applications that are classified as capital assets in accordance
50 with definitions of the Governmental Accounting Standards Board,
51 have a useful life of at least 5 years, and are used to support
52 districtwide administration or state-mandated reporting
53 requirements. Enterprise resource software may be acquired by
54 annual license fees, maintenance fees, or lease agreement.

55 (e) Payments for educational facilities and sites due
56 under a lease-purchase agreement entered into by a district
57 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
58 exceeding, in the aggregate, an amount equal to three-fourths of
59 the proceeds from the millage levied by a district school board
60 pursuant to this subsection. The three-fourths limit is waived
61 for lease-purchase agreements entered into before June 30, 2009,
62 by a district school board pursuant to this paragraph.

63 (f) Payment of loans approved pursuant to ss. 1011.14 and
64 1011.15.

65 (g) Payment of costs directly related to complying with
66 state and federal environmental statutes, rules, and regulations
67 governing school facilities.

68 (h) Payment of costs of leasing relocatable educational
69 facilities, of renting or leasing educational facilities and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7037 (2015)

Amendment No.1

70 sites pursuant to s. 1013.15(2), or of renting or leasing
71 buildings or space within existing buildings pursuant to s.
72 1013.15(4).

73 (i) Payment of the cost of school buses when a school
74 district contracts with a private entity to provide student
75 transportation services if the district meets the requirements
76 of this paragraph.

77 1. The district's contract must require that the private
78 entity purchase, lease-purchase, or lease, and operate and
79 maintain, one or more school buses of a specific type and size
80 that meet the requirements of s. 1006.25.

81 2. Each such school bus must be used for the daily
82 transportation of public school students in the manner required
83 by the school district.

84 3. Annual payment for each such school bus may not exceed
85 10 percent of the purchase price of the state pool bid.

86 4. The proposed expenditure of the funds for this purpose
87 must have been included in the district school board's notice of
88 proposed tax for school capital outlay as provided in s.
89 200.065(10).

90 (j) Payment of the cost of the opening day collection for
91 the library media center of a new school.

92 Section 10. Paragraph (b) of subsection (8) of section
93 1012.56, Florida Statutes, is amended to read:

94 1012.56 Educator certification requirements.—

95 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION

Amendment No.1

96 COMPETENCY PROGRAM.—

97 (b)1. Each school district must and a private school or
98 state-supported ~~state-supported~~ public school, including a
99 charter school, ~~or a private school~~ may develop and maintain a
100 system by which members of the instructional staff may
101 demonstrate mastery of professional preparation and education
102 competence as required by law. Each program must be based on
103 classroom application of the Florida Educator Accomplished
104 Practices and instructional performance and, for public schools,
105 must be aligned with the district's or state-supported public
106 school's evaluation system established ~~approved~~ under s.
107 1012.34, as applicable.

108 2. The Commissioner of Education shall determine the
109 continued approval of programs implemented under this paragraph,
110 based upon the department's review of performance data. The
111 department shall review the performance data as a part of the
112 periodic review of each school district's professional
113 development system required under s. 1012.98.

114 Section 11. Subsections (1) and (2) of section 1013.62,
115 Florida Statutes, are amended to read:

116 1013.62 Charter schools capital outlay funding.—

117 (1) In each year in which funds are appropriated for
118 charter school capital outlay purposes, the Commissioner of
119 Education shall allocate the funds among eligible charter
120 schools.

121 (a) To be eligible for a funding allocation, a charter

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7037 (2015)

Amendment No.1

122 school must:

123 1.a. Have been in operation for 2 3 or more years;

124 b. Have no more than two consecutive school grades lower
125 than "B" unless the school serves a student population at least
126 50 percent of which is eligible for free or reduced-price meals
127 under the National School Lunch Act ~~Be governed by a governing~~
128 ~~board established in the state for 2 3 or more years which~~
129 ~~operates both charter schools and conversion charter schools~~
130 ~~within the state;~~

131 c. Have an annual audit that does not reveal any of the
132 financial emergency conditions provided in s. 218.503(1) for the
133 most recent fiscal year for which such audit results are
134 available ~~Be an expanded feeder chain of a charter school within~~
135 ~~the same school district that is currently receiving charter~~
136 ~~school capital outlay funds;~~

137 d. Have received final approval from its sponsor pursuant
138 to s. 1002.33 for operation during that fiscal year; and

139 e. Serve students in facilities that are not provided by
140 the charter school's sponsor; or

141 ~~d. Have been accredited by the Commission on Schools of~~
142 ~~the Southern Association of Colleges and Schools; or~~

143 ~~e. Serve students in facilities that are provided by a~~
144 ~~business partner for a charter school in the workplace pursuant~~
145 ~~to s. 1002.33(15)(b).~~

146 2.a. Be part of a high-performing charter school system
147 pursuant to s. 1002.332; ~~Have financial stability for future~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7037 (2015)

Amendment No.1

148 ~~operation as a charter school.~~

149 ~~3. Have satisfactory student achievement based on state~~
150 ~~accountability standards applicable to the charter school.~~

151 ~~b.4.~~ Have received final approval from its sponsor
152 pursuant to s. 1002.33 for operation during that fiscal year;
153 and-

154 ~~c.5.~~ Serve students in facilities that are not provided by
155 the charter school's sponsor.

156 ~~(b) The first priority for charter school capital outlay~~
157 ~~funding is to allocate to charter schools that received funding~~
158 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
159 ~~per capital outlay full-time equivalent student, up to the~~
160 ~~lesser of the actual number of capital outlay full-time~~
161 ~~equivalent students in the current year, or the capital outlay~~
162 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
163 ~~After calculating the first priority, the second priority is to~~
164 ~~allocate excess funds remaining in the appropriation in an~~
165 ~~amount equal to the per capital outlay full-time equivalent~~
166 ~~student amount in the first priority calculation to eligible~~
167 ~~charter schools not included in the first priority calculation~~
168 ~~and to schools in the first priority calculation with growth~~
169 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
170 ~~students. After calculating the first and second priorities,~~
171 ~~excess funds remaining in the appropriation must be allocated to~~
172 ~~all eligible charter schools.~~

173 ~~(b)(e)~~ A charter school's allocation may not exceed one-

Amendment No.1

174 fortieth ~~one-fifteenth~~ of the cost per student station specified
175 in s. 1013.64(6)(b) or the amount of revenue per fixed capital
176 outlay full-time equivalent student generated by the school
177 district's levy of 1.5 mills pursuant to s. 1011.71(2),
178 whichever is less. Before releasing capital outlay funds to a
179 school district on behalf of the charter school, the Department
180 of Education must ensure that the district school board and the
181 charter school governing board enter into a written agreement
182 that provides for the reversion of any unencumbered funds and
183 all equipment and property purchased with public education funds
184 to the ownership of the district school board, as provided for
185 in subsection (3) if the school terminates operations. Any funds
186 recovered by the state shall be deposited in the General Revenue
187 Fund.

188 (c)(d) A charter school is not eligible for a funding
189 allocation if it was created by the conversion of a public
190 school and operates in facilities provided by the charter
191 school's sponsor for a nominal fee, or at no charge, or if it is
192 directly or indirectly operated by the school district.

193 (d)(e) Unless otherwise provided in the General
194 Appropriations Act, the state funding allocation for each
195 eligible charter school shall be ~~is~~ determined by multiplying
196 the school's projected student enrollment by one-fortieth ~~one-~~
197 fifteenth of the cost-per-student station specified in s.
198 1013.64(6)(b) for an elementary, middle, or high school, as
199 appropriate. If the funds appropriated are not sufficient, the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7037 (2015)

Amendment No.1

200 | charter school shall receive funding to achieve one-fortieth of
201 | the cost per student station or the amount of revenue per fixed
202 | capital outlay full-time equivalent student generated by the
203 | school district's levy of 1.5 mills pursuant to s. 1011.71(2),
204 | whichever is less, from the revenues generated by the school
205 | district levy of ad valorem property taxes ~~the commissioner~~
206 | ~~shall prorate the available funds among eligible charter~~
207 | ~~schools. However,~~ A charter school or charter lab school may not
208 | receive state charter school capital outlay funds or local ad
209 | valorem capital outlay funds greater than the one-fortieth ~~one-~~
210 | ~~fifteenth~~ cost per student station formula if the charter
211 | school's combination of state charter school capital outlay
212 | funds, capital outlay funds calculated through the reduction in
213 | the administrative fee provided in s. 1002.33(20), and capital
214 | outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the
215 | one-fortieth ~~one-fifteenth~~ cost per student station formula.

216 | (e) ~~(f)~~ Funds shall be distributed on the basis of the
217 | capital outlay full-time equivalent membership by grade level,
218 | which is calculated by averaging the results of the second and
219 | third enrollment surveys. The Department of Education shall
220 | distribute capital outlay funds monthly, beginning in the first
221 | quarter of the fiscal year, based on one-twelfth of the amount
222 | the department reasonably expects the charter school to receive
223 | during that fiscal year. The commissioner shall adjust
224 | subsequent distributions as necessary to reflect each charter
225 | school's actual student enrollment as reflected in the second

h7037-line 1087-1141

Amendment No.1

226 and third enrollment surveys. The commissioner shall establish
227 the intervals and procedures for determining the projected and
228 actual student enrollment of eligible charter schools.

229 (2) A charter school's governing body may use charter
230 school capital outlay funds received pursuant to this section
231 and s. 1011.71(2) for the following purposes:

232 (a) Purchase of real property.

233 (b) Construction of school facilities.

234 (c) Purchase, lease-purchase, or lease of permanent or
235 relocatable school facilities.

236 (d) Purchase of vehicles to transport students to and from
237 the charter school.

238 (e) Renovation, repair, and maintenance of school
239 facilities that the charter school owns or is purchasing through
240 a lease-purchase or long-term lease of 5 years or longer.

241 (f) Effective July 1, 2008, purchase, lease-purchase, or
242 lease of new and replacement equipment, and enterprise resource
243 software applications that are classified as capital assets in
244 accordance with definitions of the Governmental Accounting
245 Standards Board, have a useful life of at least 5 years, and are
246 used to support schoolwide administration or state-mandated
247 reporting requirements.

248 (g) Payment of the cost of premiums for property and
249 casualty insurance necessary to insure the school facilities.

250 (h) Purchase, lease-purchase, or lease of driver's
251 education vehicles; motor vehicles used for the maintenance or

Amendment No.1

252 operation of plants and equipment; security vehicles; or
253 vehicles used in storing or distributing materials and
254 equipment.

255 (i) The purchase, lease-purchase, or lease of new and
256 replacement equipment; computer hardware, including electronic
257 hardware and other hardware devices necessary for gaining access
258 to or enhancing the use of electronic content and resources or
259 to facilitate the access to and the use of a charter school's
260 digital classrooms plan pursuant to s. 1011.62, excluding
261 software other than the operating system necessary to operate
262 the hardware or device; and enterprise resource software
263 applications that are classified as capital assets in accordance
264 with definitions of the Governmental Accounting Standards Board,
265 have a useful life of at least 5 years, and are used to support
266 schoolwide administration or state-mandated reporting
267 requirements. Enterprise resource software may be acquired by
268 annual license fees, maintenance fees, or lease agreement.

269 (j) Payment of the cost of the opening day collection for
270 the library media center of a new school.

271 Section 12. For the 2015-2016 fiscal year, the sum of
272 \$2,374,420 in recurring funds is appropriated from the General

274 -----

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

276 Remove lines 52-57 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7037 (2015)

Amendment No.1

277 amending s. 1011.71, F.S.; providing for the calculation and
278 payment of capital outlay funding to charter schools; providing
279 that enterprise resource software may be acquired by certain
280 means; amending s. 1012.56, F.S.; specifying that a charter
281 school may develop and operate a professional development
282 certification and education competency program; amending s.
283 1013.62, F.S.; revising eligibility requirements for charter
284 school capital outlay funding; revising the amount of funding
285 for charter schools; revising the list of approved uses of
286 charter school capital outlay funds; providing an appropriation;
287 providing

27 members to participate in public meetings in person or
28 through communications media technology; revising
29 requirements for payments to charter schools; allowing
30 for the use of certain surpluses and assets by
31 specific entities for certain educational purposes;
32 revising criteria for local educational agency status
33 for certain charter school systems; amending s.
34 1002.331, F.S.; providing an exemption from the
35 replication limitations for high-performing charter
36 school; conforming a cross-reference; deleting
37 obsolete provisions; amending s. 1002.37, F.S.;
38 conforming a cross-reference; amending s. 1002.45,
39 F.S.; conforming a cross-reference; revising
40 conditions for termination of a virtual instruction
41 provider's contract; repealing s. 1002.455, F.S.,
42 relating to student eligibility for K-12 virtual
43 instruction; amending s. 1003.498, F.S.; conforming a
44 cross-reference; creating s. 1004.650; establishing
45 the Florida Institute for Charter School Innovation;
46 specifying requirements for the institute; providing
47 for the appointment of a director of the institute;
48 establishing duties of the director; requiring an
49 annual report to the Governor and Legislature and an
50 annual financial report to certain entities; amending
51 s. 1011.62, F.S.; conforming cross-references;
52 amending s. 1012.56, F.S.; specifying that a charter

53 school may develop and operate a professional
 54 development certification and education competency
 55 program; amending s. 1013.62, F.S.; revising
 56 eligibility requirements for charter school capital
 57 outlay funding; providing an appropriation; providing
 58 an effective date.

59

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

61

62 Section 1. Subsection (1), paragraphs (a), (b), and (c) of
 63 subsection (6), subsection (7), paragraphs (e), (f), and (g) of
 64 subsection (8), paragraphs (g), (n), and (p) of subsection (9),
 65 subsection (13), paragraphs (b) and (e) of subsection (17),
 66 paragraph (a) of subsection (21), and subsection (25) of section
 67 1002.33, Florida Statutes, are amended, and paragraph (h) is
 68 added to subsection (8) of that section, to read:

69 1002.33 Charter schools.—

70 (1) AUTHORIZATION.—Charter schools shall be part of the
 71 state's program of public education. All charter schools in
 72 Florida are public schools. A charter school may be formed by
 73 creating a new school or converting an existing public school to
 74 charter status. A charter school may operate a virtual charter
 75 school pursuant to s. 1002.45(1)(d) to provide full-time online
 76 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in
 77 kindergarten through grade 12. An existing A charter school that
 78 is seeking to become a virtual charter school must amend its

79 charter or submit a new application pursuant to subsection (6)
 80 to become a virtual charter school. A virtual charter school is
 81 subject to the requirements of this section; however, a virtual
 82 charter school is exempt from subsections (18) and (19),
 83 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
 84 s. 1003.03. A public school may not use the term charter in its
 85 name unless it has been approved under this section.

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

88 (a) A person or entity seeking ~~wishing~~ to open a charter
 89 school shall prepare and submit an application on a model
 90 application form prepared by the Department of Education which:

91 1. Demonstrates how the school will use the guiding
 92 principles and meet the statutorily defined purpose of a charter
 93 school.

94 2. Provides a detailed curriculum plan that illustrates
 95 how students will be provided services to attain the Sunshine
 96 State Standards.

97 3. Contains goals and objectives for improving student
 98 learning and measuring that improvement. These goals and
 99 objectives must indicate how much academic improvement students
 100 are expected to show each year, how success will be evaluated,
 101 and the specific results to be attained through instruction.

102 4. Describes the reading curriculum and differentiated
 103 strategies that will be used for students reading at grade level
 104 or higher and a separate curriculum and strategies for students

105 who are reading below grade level. A sponsor shall deny an
106 application ~~a charter~~ if the school does not propose a reading
107 curriculum that is consistent with effective teaching strategies
108 that are grounded in scientifically based reading research;
109 however, a sponsor may not require the school to implement the
110 reading curriculum adopted by the school district.

111 5. Contains an annual financial plan for each year
112 requested by the charter for operation of the school for up to 5
113 years. This plan must contain anticipated fund balances based on
114 revenue projections, a spending plan based on projected revenues
115 and expenses, and a description of controls that will safeguard
116 finances and projected enrollment trends.

117 6. Discloses the name of each applicant, governing board
118 member, and proposed management company, if any; the name and
119 sponsor of any charter school currently or previously operated
120 by each applicant, each governing board member, and the proposed
121 management company; and the academic and financial history of
122 such charter schools, which the sponsor shall consider in
123 deciding whether to approve or deny the application.

124 ~~7.6.~~ Contains additional information a sponsor may
125 require, which shall be attached as an addendum to the charter
126 school application described in this paragraph.

127 ~~8.7.~~ For the establishment of a virtual charter school,
128 documents that the applicant has contracted with a provider of
129 virtual instruction services pursuant to s. 1002.45(1)(d).

130 (b) A sponsor shall receive and review all applications

CS/HB 7037

2015

131 for a charter school using the ~~an~~ evaluation instrument
132 developed by the Department of Education. A sponsor shall
133 receive and consider charter school applications received on or
134 before August 1 of each calendar year for charter schools to be
135 opened at the beginning of the school district's next school
136 year, or to be opened at a time agreed to by the applicant and
137 the sponsor. A sponsor may not refuse to receive a charter
138 school application submitted before August 1 and may receive an
139 application submitted later than August 1 if it chooses. In
140 order to facilitate greater collaboration in the application
141 process, an applicant may submit a draft charter school
142 application on or before May 1 with an application fee of \$500.
143 If a draft application is timely submitted, the sponsor shall
144 review and provide feedback as to material deficiencies in the
145 application by July 1. The applicant shall then have until
146 August 1 to resubmit a revised and final application. The
147 sponsor may approve the draft application. Except as provided
148 for a draft application, a sponsor may not charge an applicant
149 for a charter any fee for the processing or consideration of an
150 application, and a sponsor may not base its consideration or
151 approval of a final application upon the promise of future
152 payment of any kind. Before approving or denying any final
153 application, the sponsor shall allow the applicant, upon receipt
154 of written notification, at least 7 calendar days to make
155 technical or nonsubstantive corrections and clarifications,
156 including, but not limited to, corrections of grammatical,

Page 6 of 45

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

hb7037-01-c1

157 | typographical, and like errors or missing signatures, if such
158 | errors are identified by the sponsor as cause to deny the final
159 | application.

160 | 1. In order to facilitate an accurate budget projection
161 | process, a sponsor shall be held harmless for FTE students who
162 | are not included in the FTE projection due to approval of
163 | charter school applications after the FTE projection deadline.
164 | In a further effort to facilitate an accurate budget projection,
165 | within 15 calendar days after receipt of a charter school
166 | application, a sponsor shall report to the Department of
167 | Education the name of the applicant entity, the proposed charter
168 | school location, and its projected FTE.

169 | 2. In order to ensure fiscal responsibility, an
170 | application for a charter school shall include a full accounting
171 | of expected assets, a projection of expected sources and amounts
172 | of income, including income derived from projected student
173 | enrollments and from community support, and an expense
174 | projection that includes full accounting of the costs of
175 | operation, including start-up costs.

176 | 3.a. A sponsor shall by a majority vote approve or deny an
177 | application no later than 60 calendar days after the application
178 | is received, unless the sponsor and the applicant mutually agree
179 | in writing to temporarily postpone the vote to a specific date,
180 | at which time the sponsor shall by a majority vote approve or
181 | deny the application. If the sponsor fails to act on the
182 | application, an applicant may appeal to the State Board of

183 Education as provided in paragraph (c). If an application is
184 denied, the sponsor shall, within 10 calendar days after such
185 denial, articulate in writing the specific reasons, based upon
186 good cause, supporting its denial of the ~~charter~~ application and
187 shall provide the letter of denial and supporting documentation
188 to the applicant and to the Department of Education.

189 b. An application submitted by a high-performing charter
190 school identified pursuant to s. 1002.331 may be denied by the
191 sponsor only if the sponsor demonstrates by clear and convincing
192 evidence that:

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

195 (II) The charter school proposed in the application does
196 not materially comply with the requirements in paragraphs
197 (9) (a)-(f);

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

201 (IV) The applicant has made a material misrepresentation
202 or false statement or concealed an essential or material fact
203 during the application process; or

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

207
208 Material noncompliance is a failure to follow requirements or a

209 violation of prohibitions applicable to charter school
210 applications, which failure is quantitatively or qualitatively
211 significant either individually or when aggregated with other
212 noncompliance. An applicant is considered to be replicating a
213 high-performing charter school if the proposed school is
214 substantially similar to at least one of the applicant's high-
215 performing charter schools and the organization or individuals
216 involved in the establishment and operation of the proposed
217 school are significantly involved in the operation of replicated
218 schools.

219 c. If the sponsor denies an application submitted by a
220 high-performing charter school, the sponsor must, within 10
221 calendar days after such denial, state in writing the specific
222 reasons, based upon the criteria in sub-subparagraph b.,
223 supporting its denial of the application and must provide the
224 letter of denial and supporting documentation to the applicant
225 and to the Department of Education. The applicant may appeal the
226 sponsor's denial of the application directly to the State Board
227 of Education pursuant to paragraph (c). If an applicant files an
228 appeal, the applicant must provide the sponsor with a copy of
229 the appeal ~~sub-subparagraph (c)3.b.~~

230 4. For budget projection purposes, the sponsor shall
231 report to the Department of Education the approval or denial of
232 an a-charter application within 10 calendar days after such
233 approval or denial. In the event of approval, the report to the
234 Department of Education shall include the final projected FTE

235 for the approved charter school.

236 5. Upon approval of an ~~a charter~~ application, the initial
237 startup shall commence with the beginning of the public school
238 calendar for the district in which the charter is granted. A
239 charter school, at the school's option, may notify the sponsor
240 of its intent to defer the opening of the school's operations
241 for up to 2 years to provide time for adequate facility
242 planning. The sponsor may not require the charter school to
243 provide written notice of such intent earlier than 15 calendar
244 days before the first day of school ~~unless the sponsor allows a~~
245 ~~waiver of this subparagraph for good cause.~~

246 (c)1. An applicant may appeal any denial of that
247 applicant's application or failure to act on an application to
248 the State Board of Education no later than 30 calendar days
249 after receipt of the sponsor's decision or failure to act and
250 shall notify the sponsor of its appeal. Any response of the
251 sponsor shall be submitted to the State Board of Education
252 within 30 calendar days after notification of the appeal. Upon
253 receipt of notification from the State Board of Education that a
254 charter school applicant is filing an appeal, the Commissioner
255 of Education shall convene a meeting of the Charter School
256 Appeal Commission to study and make recommendations to the State
257 Board of Education regarding its pending decision about the
258 appeal. The commission shall forward its recommendation to the
259 state board at least 7 calendar days before the date on which
260 the appeal is to be heard. An appeal regarding the denial of an

CS/HB 7037

2015

261 application submitted by a high-performing charter school
262 pursuant to s. 1002.331 shall be conducted by the State Board of
263 Education in accordance with this paragraph, except that the
264 commission shall not convene to make recommendations regarding
265 the appeal. However, the Commissioner of Education shall review
266 the appeal and make a recommendation to the state board.

267 2. The Charter School Appeal Commission or, in the case of
268 an appeal regarding an application submitted by a high-
269 performing charter school, the State Board of Education may
270 reject an appeal submission for failure to comply with
271 procedural rules governing the appeals process. The rejection
272 shall describe the submission errors. The appellant shall have
273 15 calendar days after notice of rejection in which to resubmit
274 an appeal that meets the requirements set forth in State Board
275 of Education rule. An appeal submitted subsequent to such
276 rejection is considered timely if the original appeal was filed
277 within 30 calendar days after receipt of notice of the specific
278 reasons for the sponsor's denial of the ~~charter~~ application.

279 3.a. The State Board of Education shall by majority vote
280 accept or reject the decision of the sponsor no later than 90
281 calendar days after an appeal is filed in accordance with State
282 Board of Education rule. The State Board of Education shall
283 remand the application to the sponsor with its written decision
284 that the sponsor approve or deny the application. The sponsor
285 shall implement the decision of the State Board of Education.
286 The decision of the State Board of Education is not subject to

CS/HB 7037

2015

287 the provisions of the Administrative Procedure Act, chapter 120.

288 b. If an appeal concerns an application submitted by a
289 high-performing charter school identified pursuant to s.
290 1002.331, the State Board of Education shall determine whether
291 the sponsor's denial of the application complies with the
292 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
293 ~~clear and convincing evidence, that:~~

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

296 ~~(II) The charter school proposed in the application does~~
297 ~~not materially comply with the requirements in paragraphs~~
298 ~~(9) (a) - (f);~~

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

302 ~~(IV) The applicant has made a material misrepresentation~~
303 ~~or false statement or concealed an essential or material fact~~
304 ~~during the application process; or~~

305 ~~(V) The proposed charter school's educational program and~~
306 ~~financial management practices do not materially comply with the~~
307 ~~requirements of this section.~~

308
309 The State Board of Education shall approve or reject the
310 sponsor's denial of an application no later than 90 calendar
311 days after an appeal is filed in accordance with State Board of
312 Education rule. The State Board of Education shall remand the

CS/HB 7037

2015

313 application to the sponsor with its written decision that the
314 sponsor approve or deny the application. The sponsor shall
315 implement the decision of the State Board of Education. The
316 decision of the State Board of Education is not subject to the
317 Administrative Procedure Act, chapter 120.

318 (7) CHARTER.—The major issues involving the operation of a
319 charter school shall be considered in advance and written into
320 the charter. The charter shall be signed by the governing board
321 of the charter school and the sponsor, following a public
322 hearing to ensure community input.

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

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

327 2. The focus of the curriculum, the instructional methods
328 to be used, any distinctive instructional techniques to be
329 employed, and identification and acquisition of appropriate
330 technologies needed to improve educational and administrative
331 performance which include a means for promoting safe, ethical,
332 and appropriate uses of technology which comply with legal and
333 professional standards.

334 a. The charter shall ensure that reading is a primary
335 focus of the curriculum and that resources are provided to
336 identify and provide specialized instruction for students who
337 are reading below grade level. The curriculum and instructional
338 strategies for reading must be consistent with the Next

339 | Generation Sunshine State Standards and grounded in
340 | scientifically based reading research. For purposes of
341 | determining eligibility for the research-based reading
342 | instruction allocation, the reading curriculum and instructional
343 | strategies specified in the charter satisfy the research-based
344 | reading plan requirement under s. 1011.62(9).

345 | b. In order to provide students with access to diverse
346 | instructional delivery models, to facilitate the integration of
347 | technology within traditional classroom instruction, and to
348 | provide students with the skills they need to compete in the
349 | 21st century economy, the Legislature encourages instructional
350 | methods for blended learning courses consisting of both
351 | traditional classroom and online instructional techniques.
352 | Charter schools may implement blended learning courses which
353 | combine traditional classroom instruction and virtual
354 | instruction. Students in a blended learning course must be full-
355 | time students of the charter school and receive the online
356 | instruction in a classroom setting at the charter school.
357 | Instructional personnel certified pursuant to s. 1012.55 who
358 | provide virtual instruction for blended learning courses may be
359 | employees of the charter school or may be under contract to
360 | provide instructional services to charter school students. At a
361 | minimum, such instructional personnel must hold an active state
362 | or school district adjunct certification under s. 1012.57 for
363 | the subject area of the blended learning course. The funding and
364 | performance accountability requirements for blended learning

365 courses are the same as those for traditional courses.

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

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

372 b. How these baseline rates will be compared to rates of
373 academic progress achieved by these same students while
374 attending the charter school.

375 c. To the extent possible, how these rates of progress
376 will be evaluated and compared with rates of progress of other
377 closely comparable student populations.

378

379 The district school board is required to provide academic
380 student performance data to charter schools for each of their
381 students coming from the district school system, as well as
382 rates of academic progress of comparable student populations in
383 the district school system.

384 4. The methods used to identify the educational strengths
385 and needs of students and how well educational goals and
386 performance standards are met by students attending the charter
387 school. The methods shall provide a means for the charter school
388 to ensure accountability to its constituents by analyzing
389 student performance data and by evaluating the effectiveness and
390 efficiency of its major educational programs. Students in

391 charter schools shall, at a minimum, participate in the
 392 statewide assessment program created under s. 1008.22.

393 5. In secondary charter schools, a method for determining
 394 that a student has satisfied the requirements for graduation in
 395 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

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

400 8. The ways by which the school will achieve a
 401 racial/ethnic balance reflective of the community it serves or
 402 within the racial/ethnic range of other public schools in the
 403 same school district.

404 9. The financial and administrative management of the
 405 school, including a reasonable demonstration of the professional
 406 experience or competence of those individuals or organizations
 407 applying to operate the charter school or those hired or
 408 retained to perform such professional services and the
 409 description of clearly delineated responsibilities and the
 410 policies and practices needed to effectively manage the charter
 411 school. A description of internal audit procedures and
 412 establishment of controls to ensure that financial resources are
 413 properly managed must be included. Both public sector and
 414 private sector professional experience shall be equally valid in
 415 such a consideration.

416 10. The asset and liability projections required in the

CS/HB 7037

2015

417 application which are incorporated into the charter and shall be
418 compared with information provided in the annual report of the
419 charter school.

420 11. A description of procedures that identify various
421 risks and provide for a comprehensive approach to reduce the
422 impact of losses; plans to ensure the safety and security of
423 students and staff; plans to identify, minimize, and protect
424 others from violent or disruptive student behavior; and the
425 manner in which the school will be insured, including whether or
426 not the school will be required to have liability insurance,
427 and, if so, the terms and conditions thereof and the amounts of
428 coverage.

429 12. ~~The term of the charter which shall provide for~~
430 ~~cancellation of the charter if insufficient progress has been~~
431 ~~made in attaining the student achievement objectives of the~~
432 ~~charter and if it is not likely that such objectives can be~~
433 ~~achieved before expiration of the charter.~~ The initial term of
434 the a charter is either shall be for 4 or 5 years. ~~In order to~~
435 ~~facilitate access to long term financial resources for charter~~
436 ~~school construction,~~ Charter schools that are operated by a
437 municipality or other public entity, as provided by law, or a
438 private, not-for-profit, s. 501(c)(3) status corporation are
439 eligible for up to a 15-year charter, subject to approval by the
440 district school board. A charter lab school is also eligible for
441 a charter for a term of up to 15 years. ~~In addition, to~~
442 ~~facilitate access to long term financial resources for charter~~

443 ~~school construction, charter schools that are operated by a~~
444 ~~private, not-for-profit, s. 501(c)(3) status corporation are~~
445 ~~eligible for up to a 15-year charter, subject to approval by the~~
446 ~~district school board.~~ Such long-term charters remain subject to
447 annual review and may be terminated during the term of the
448 charter, but only according to ~~the provisions set forth in~~
449 subsection (8) or paragraph (9)(n).

450 13. Termination or nonrenewal of the charter pursuant to
451 subsection (8) or paragraph (9)(n).

452 14.13. The facilities to be used and their location. The
453 sponsor may not require a charter school to have a certificate
454 of occupancy or a temporary certificate of occupancy for such a
455 facility earlier than 15 calendar days before the first day of
456 school.

457 15.14. The qualifications to be required of the teachers
458 and the potential strategies used to recruit, hire, train, and
459 retain qualified staff to achieve best value.

460 16.15. The governance structure of the school, including
461 the status of the charter school as a public or private employer
462 as required in paragraph (12)(i).

463 17.16. A timetable for implementing the charter which
464 addresses the implementation of each element thereof and the
465 date by which the charter shall be awarded in order to meet this
466 timetable.

467 18.17. In the case of an existing public school that is
468 being converted to charter status, alternative arrangements for

CS/HB 7037

2015

469 current students who choose not to attend the charter school and
470 for current teachers who choose not to teach in the charter
471 school after conversion in accordance with the existing
472 collective bargaining agreement or district school board rule in
473 the absence of a collective bargaining agreement. However,
474 alternative arrangements shall not be required for current
475 teachers who choose not to teach in a charter lab school, except
476 as authorized by the employment policies of the state university
477 which grants the charter to the lab school.

478 ~~19.18.~~ Full disclosure of the identity of all relatives
479 employed by the charter school who are related to the charter
480 school owner, president, chairperson of the governing board of
481 directors, superintendent, governing board member, principal,
482 assistant principal, or any other person employed by the charter
483 school who has equivalent decisionmaking authority. For the
484 purpose of this subparagraph, the term "relative" means father,
485 mother, son, daughter, brother, sister, uncle, aunt, first
486 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
487 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
488 stepfather, stepmother, stepson, stepdaughter, stepbrother,
489 stepsister, half brother, or half sister.

490 ~~20.19.~~ Implementation of the activities authorized under
491 s. 1002.331 by the charter school when it satisfies the
492 eligibility requirements for a high-performing charter school. A
493 high-performing charter school shall notify its sponsor in
494 writing by March 1 if it intends to increase enrollment or

495 expand grade levels the following school year. The written
496 notice shall specify the amount of the enrollment increase and
497 the grade levels that will be added, as applicable.

498 (b)1. A charter may be renewed provided that a program
499 review demonstrates that the criteria in paragraph (a) have been
500 successfully accomplished and that none of the grounds for
501 nonrenewal established by paragraph (8)(a) has been documented.
502 ~~In order to facilitate long-term financing for charter school~~
503 ~~construction,~~ Charter schools operating for a minimum of 3 years
504 and demonstrating exemplary academic programming and fiscal
505 management are eligible for a 15-year charter renewal. Such
506 long-term charter is subject to annual review and may be
507 terminated during the term of the charter.

508 2. The 15-year charter renewal that may be granted
509 pursuant to subparagraph 1. shall be granted to a charter school
510 that has received a school grade of "A" or "B" pursuant to s.
511 1008.34 in 3 of the past 4 years and is not in a state of
512 financial emergency or deficit position as defined by this
513 section. Such long-term charter is subject to annual review and
514 may be terminated during the term of the charter pursuant to
515 subsection (8).

516 (c) A charter may be modified during its initial term or
517 any renewal term upon the recommendation of the sponsor or the
518 charter school's governing board and the approval of both
519 parties to the agreement. Modification may include, but is not
520 limited to, consolidation of multiple charters into a single

521 | charter if the charters are operated under the same governing
522 | board and physically located on the same campus, regardless of
523 | the renewal cycle.

524 | ~~(d)1. Each charter school's governing board must appoint a~~
525 | ~~representative to facilitate parental involvement, provide~~
526 | ~~access to information, assist parents and others with questions~~
527 | ~~and concerns, and resolve disputes. The representative must~~
528 | ~~reside in the school district in which the charter school is~~
529 | ~~located and may be a governing board member, charter school~~
530 | ~~employee, or individual contracted to represent the governing~~
531 | ~~board. If the governing board oversees multiple charter schools~~
532 | ~~in the same school district, the governing board must appoint a~~
533 | ~~separate individual representative for each charter school in~~
534 | ~~the district. The representative's contact information must be~~
535 | ~~provided annually in writing to parents and posted prominently~~
536 | ~~on the charter school's website if a website is maintained by~~
537 | ~~the school. The sponsor may not require that governing board~~
538 | ~~members reside in the school district in which the charter~~
539 | ~~school is located if the charter school complies with this~~
540 | ~~paragraph.~~

541 | ~~2. Each charter school's governing board must hold at~~
542 | ~~least two public meetings per school year in the school~~
543 | ~~district. The meetings must be noticed, open, and accessible to~~
544 | ~~the public, and attendees must be provided an opportunity to~~
545 | ~~receive information and provide input regarding the charter~~
546 | ~~school's operations. The appointed representative and charter~~

CS/HB 7037

2015

547 ~~school principal or director, or his or her equivalent, must be~~
548 ~~physically present at each meeting.~~

549 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

550 (e) When a charter is not renewed or is terminated, or a
551 charter school is closed voluntarily by the operator, the school
552 shall be dissolved under the provisions of law under which the
553 school was organized, and any unencumbered public funds, except
554 for capital outlay funds and federal charter school program
555 grant funds, from the charter school shall revert to the
556 sponsor. Capital outlay funds provided pursuant to s. 1013.62
557 and federal charter school program grant funds that are
558 unencumbered shall revert to the department to be redistributed
559 among eligible charter schools. In the event a charter school is
560 dissolved or is otherwise terminated, all district school board
561 property and improvements, furnishings, and equipment purchased
562 with public funds shall automatically revert to full ownership
563 by the district school board, subject to complete satisfaction
564 of any lawful liens or encumbrances. Any unencumbered public
565 funds from the charter school, district school board property
566 and improvements, furnishings, and equipment purchased with
567 public funds, or financial or other records pertaining to the
568 charter school, in the possession of any person, entity, or
569 holding company, other than the charter school, shall be held in
570 trust upon the district school board's request, until any appeal
571 status is resolved.

572 (f) If a charter is not renewed or is terminated, or a

CS/HB 7037

2015

573 charter school is closed voluntarily by the operator, the
574 charter school is responsible for all debts of the charter
575 school. The district may not assume the debt from any contract
576 made between the governing body of the school and a third party,
577 except for a debt that is previously detailed and agreed upon in
578 writing by both the district and the governing body of the
579 school and that may not reasonably be assumed to have been
580 satisfied by the district.

581 (g) If a charter is not renewed or is terminated, or a
582 charter school is closed voluntarily by the operator, a student
583 who attended the school may apply to, and shall be enrolled in,
584 another public school. Normal application deadlines shall be
585 disregarded under such circumstances.

586 (h) The governing board of a charter school that closes
587 voluntarily shall notify the sponsor and the department in
588 writing within 7 calendar days of its decision to cease
589 operations. The notice shall state the reasons for the closure
590 and acknowledge that the governing board agrees to follow the
591 procedures for dissolution and reversion of public funds
592 pursuant to this subsection and paragraph (9)(o).

593 (9) CHARTER SCHOOL REQUIREMENTS.—

594 (g)1. In order to provide financial information that is
595 comparable to that reported for other public schools, charter
596 schools are to maintain all financial records that constitute
597 their accounting system:

598 a. In accordance with the accounts and codes prescribed in

CS/HB 7037

2015

599 the most recent issuance of the publication titled "Financial
600 and Program Cost Accounting and Reporting for Florida Schools";
601 or

602 b. At the discretion of the charter school's governing
603 board, a charter school may elect to follow generally accepted
604 accounting standards for not-for-profit organizations, but must
605 reformat this information for reporting according to this
606 paragraph.

607 2. Charter schools shall provide annual financial report
608 and program cost report information in the state-required
609 formats for inclusion in district reporting in compliance with
610 s. 1011.60(1). Charter schools that are operated by a
611 municipality or are a component unit of a parent nonprofit
612 organization may use the accounting system of the municipality
613 or the parent but must reformat this information for reporting
614 according to this paragraph.

615 3. A charter school shall, upon approval of the contract,
616 provide the sponsor with a concise, uniform, monthly financial
617 statement summary sheet that contains a balance sheet and a
618 statement of revenue, expenditures, and changes in fund balance.
619 The balance sheet and the statement of revenue, expenditures,
620 and changes in fund balance shall be in the governmental funds
621 format prescribed by the Governmental Accounting Standards
622 Board. A high-performing charter school pursuant to s. 1002.331
623 may provide a quarterly financial statement in the same format
624 and requirements as the uniform monthly financial statement

CS/HB 7037

2015

625 summary sheet. The sponsor shall review each monthly or
626 quarterly financial statement to identify the existence of any
627 conditions identified in s. 1002.345(1)(a).

628 4. A charter school shall maintain and provide financial
629 information as required in this paragraph. The financial
630 statement required in subparagraph 3. must be in a form
631 prescribed by the Department of Education.

632 (n)1. The director and a representative of the governing
633 board of a charter school that has earned a grade of "D" or "F"
634 pursuant to s. 1008.34 shall appear before the sponsor to
635 present information concerning each contract component having
636 noted deficiencies. The director and a representative of the
637 governing board shall submit to the sponsor for approval a
638 school improvement plan to raise student performance. Upon
639 approval by the sponsor, the charter school shall begin
640 implementation of the school improvement plan. The department
641 shall offer technical assistance and training to the charter
642 school and its governing board and establish guidelines for
643 developing, submitting, and approving such plans.

644 2.a. If a charter school earns three consecutive grades of
645 "D," two consecutive grades of "D" followed by a grade of "F,"
646 or two nonconsecutive grades of "F" within a 3-year period, the
647 charter school governing board shall choose one of the following
648 corrective actions:

649 (I) Contract for educational services to be provided
650 directly to students, instructional personnel, and school

CS/HB 7037

2015

651 administrators, as prescribed in state board rule;

652 (II) Contract with an outside entity that has a
653 demonstrated record of effectiveness to operate the school;

654 (III) Reorganize the school under a new director or
655 principal who is authorized to hire new staff; or

656 (IV) Voluntarily close the charter school.

657 b. The charter school must implement the corrective action
658 in the school year following receipt of a third consecutive
659 grade of "D," a grade of "F" following two consecutive grades of
660 "D," or a second nonconsecutive grade of "F" within a 3-year
661 period.

662 c. The sponsor may annually waive a corrective action if
663 it determines that the charter school is likely to improve a
664 letter grade if additional time is provided to implement the
665 intervention and support strategies prescribed by the school
666 improvement plan. Notwithstanding this sub-subparagraph, a
667 charter school that earns a second consecutive grade of "F" is
668 subject to subparagraph 4.

669 d. A charter school is no longer required to implement a
670 corrective action if it improves by at least one letter grade.
671 However, the charter school must continue to implement
672 strategies identified in the school improvement plan. The
673 sponsor must annually review implementation of the school
674 improvement plan to monitor the school's continued improvement
675 pursuant to subparagraph 5.

676 e. A charter school implementing a corrective action that

677 does not improve by at least one letter grade after 2 full
678 school years of implementing the corrective action must select a
679 different corrective action. Implementation of the new
680 corrective action must begin in the school year following the
681 implementation period of the existing corrective action, unless
682 the sponsor determines that the charter school is likely to
683 improve a letter grade if additional time is provided to
684 implement the existing corrective action. Notwithstanding this
685 sub-subparagraph, a charter school that earns a second
686 consecutive grade of "F" while implementing a corrective action
687 is subject to subparagraph 4.

688 3. A charter school with a grade of "D" or "F" that
689 improves by at least one letter grade must continue to implement
690 the strategies identified in the school improvement plan. The
691 sponsor must annually review implementation of the school
692 improvement plan to monitor the school's continued improvement
693 pursuant to subparagraph 5.

694 4. A charter school's charter is automatically terminated
695 if the school earns two consecutive grades of "F" after all
696 school grade appeals are final ~~The sponsor shall terminate a~~
697 ~~charter if the charter school earns two consecutive grades of~~
698 ~~"F" unless:~~

699 a. The charter school is established to turn around the
700 performance of a district public school pursuant to s.
701 1008.33(4)(b)3. Such charter schools shall be governed by s.
702 1008.33;

CS/HB 7037

2015

703 b. The charter school serves a student population the
704 majority of which resides in a school zone served by a district
705 public school that earned a grade of "F" in the year before the
706 charter school opened and the charter school earns at least a
707 grade of "D" in its third year of operation. The exception
708 provided under this sub-subparagraph does not apply to a charter
709 school in its fourth year of operation and thereafter; or

710 c. The state board grants the charter school a waiver of
711 termination. The charter school must request the waiver within
712 15 days after the department's official release of school
713 grades. The state board may waive termination if the charter
714 school demonstrates that the Learning Gains of its students on
715 statewide assessments are comparable to or better than the
716 Learning Gains of similarly situated students enrolled in nearby
717 district public schools. The waiver is valid for 1 year and may
718 only be granted once. Charter schools that have been in
719 operation for more than 5 years are not eligible for a waiver
720 under this sub-subparagraph.

721
722 The sponsor shall notify the charter school's governing board,
723 the charter school principal, and the department in writing when
724 a charter is terminated under this subparagraph. A charter
725 terminated under this subparagraph is governed by the
726 requirements of paragraphs (8)(e)-(g) and (9)(o).

727 5. The director and a representative of the governing
728 board of a graded charter school that has implemented a school

729 improvement plan under this paragraph shall appear before the
730 sponsor at least once a year to present information regarding
731 the progress of intervention and support strategies implemented
732 by the school pursuant to the school improvement plan and
733 corrective actions, if applicable. The sponsor shall communicate
734 at the meeting, and in writing to the director, the services
735 provided to the school to help the school address its
736 deficiencies.

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

740 (p)1. Each charter school shall maintain a website that
741 enables the public to obtain information regarding the school;
742 the school's academic performance; the names of the governing
743 board members; the programs at the school; any management
744 companies, service providers, or education management
745 corporations associated with the school; the school's annual
746 budget and its annual independent fiscal audit; the school's
747 grade pursuant to s. 1008.34; and, on a quarterly basis, the
748 minutes of governing board meetings.

749 2. Each charter school's governing board must appoint a
750 representative to facilitate parental involvement, provide
751 access to information, assist parents and others with questions
752 and concerns, and resolve disputes. The representative must
753 reside in the school district in which the charter school is
754 located and may be a governing board member, a charter school

755 employee, or an individual contracted to represent the governing
756 board. If the governing board oversees multiple charter schools
757 in the same school district, the governing board must appoint a
758 separate representative for each charter school in the district.
759 The representative's contact information must be provided
760 annually, in writing to parents and posted prominently on the
761 charter school's website. The sponsor may not require governing
762 board members to reside in the school district in which the
763 charter school is located if the charter school complies with
764 this subparagraph.

765 3. Each charter school's governing board must hold at
766 least two public meetings per school year in the school district
767 where the charter school is located. The meetings must be
768 noticed, open, and accessible to the public, and attendees must
769 be provided an opportunity to receive information and provide
770 input regarding the charter school's operations. The appointed
771 representative and charter school principal or director, or his
772 or her designee, must be physically present at each meeting.
773 Members of the governing board may attend in person or by means
774 of communications media technology used in accordance with rules
775 adopted by the Administration Commission under s. 120.54(5).

776 (13) CHARTER SCHOOL COOPERATIVES.— Charter schools may
777 enter into cooperative agreements to form charter school
778 cooperative organizations that may provide ~~the following~~
779 services to further educational, operational, and administrative
780 initiatives in which the participating charter schools share

CS/HB 7037

2015

781 ~~common interests: charter school planning and development,~~
782 ~~direct instructional services, and contracts with charter school~~
783 ~~governing boards to provide personnel administrative services,~~
784 ~~payroll services, human resource management, evaluation and~~
785 ~~assessment services, teacher preparation, and professional~~
786 ~~development.~~

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

792 (b) The basis for the agreement for funding students
793 enrolled in a charter school shall be the sum of the school
794 district's operating funds from the Florida Education Finance
795 Program as provided in s. 1011.62 and the General Appropriations
796 Act, including gross state and local funds, discretionary
797 lottery funds, and funds from the school district's current
798 operating discretionary millage levy; divided by total funded
799 weighted full-time equivalent students in the school district;
800 multiplied by the weighted full-time equivalent students for the
801 charter school. Charter schools whose students or programs meet
802 the eligibility criteria in law are entitled to their
803 proportionate share of categorical program funds included in the
804 total funds available in the Florida Education Finance Program
805 by the Legislature, including transportation, the research-based
806 reading allocation, and the Florida digital classrooms

807 allocation. Total funding for each charter school shall be
808 recalculated during the year to reflect the revised calculations
809 under the Florida Education Finance Program by the state and the
810 actual weighted full-time equivalent students reported by the
811 charter school during the full-time equivalent student survey
812 periods designated by the Commissioner of Education. Any
813 unrestricted surplus or unrestricted net assets identified in
814 the charter school's annual audit may be used for educational
815 purposes by a not-for-profit or municipal entity organizing or
816 operating the charter school in accordance with the applicable
817 provisions of chapter 617, if the entity is a not-for-profit
818 organization, or the applicable provisions of Title XII, if the
819 entity is a municipality.

820 (e) District school boards shall make timely and efficient
821 payment and reimbursement to charter schools, including
822 processing paperwork required to access special state and
823 federal funding for which they may be eligible. The district
824 school board may distribute funds to a charter school for up to
825 3 months based on the projected full-time equivalent student
826 membership of the charter school. Thereafter, the results of
827 full-time equivalent student membership surveys shall be used in
828 adjusting the amount of funds distributed monthly to the charter
829 school for the remainder of the fiscal year. The payment shall
830 be issued no later than 10 working days after the district
831 school board receives a distribution of state or federal funds.
832 If a warrant for payment is not issued within 10 working days

CS/HB 7037

2015

833 after receipt of funding by the district school board, the
834 school district shall pay to the charter school, in addition to
835 the amount of the scheduled disbursement, interest at a rate of
836 1 percent per month calculated on a daily basis on the unpaid
837 balance from the expiration of the 10 working days until such
838 time as the warrant is issued. The district school board may not
839 delay payment to a charter school of any portion of the funds
840 provided in paragraph (b) based on the timing of receipt of
841 local funds by the district school board.

842 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

843 (a) The Department of Education shall provide information
844 to the public, directly and through sponsors, on how to form and
845 operate a charter school and how to enroll in a charter school
846 once it is created. This information shall include a standard
847 ~~model~~ application form, standard charter contract, standard
848 application evaluation instrument, and standard charter renewal
849 contract, which shall include the information specified in
850 subsection (7) and shall be developed by consulting and
851 negotiating with both school districts and charter schools
852 before implementation. The charter and charter renewal contracts
853 shall be used by charter school sponsors.

854 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
855 SCHOOL SYSTEMS.—A charter school system's governing board shall
856 be designated a local educational agency for the purpose of
857 receiving federal funds, the same as though the charter school
858 system were a school district, if the governing board of the

CS/HB 7037

2015

859 charter school system has adopted and filed a resolution with
 860 its sponsoring district school board and the Department of
 861 Education in which the governing board of the charter school
 862 system accepts the full responsibility for all local education
 863 agency requirements and the charter schools for which the
 864 system's governing board will perform local education agency
 865 responsibilities ~~school system meets all of the following:~~

866 ~~(a) Includes both conversion charter schools and~~
 867 ~~nonconversion charter schools;~~

868 (a)(b) ~~Are~~ Has all ~~schools~~ located in the same county;

869 (b)(e) ~~Have~~ Has a total enrollment exceeding the total
 870 enrollment of at least one school district in the state; and

871 (c)(d) ~~Are governed by~~ Has the system's ~~same~~ governing
 872 board; ~~and~~

873 ~~(e) Does not contract with a for-profit service provider~~
 874 ~~for management of school operations.~~

875
 876 Such designation does not apply to other provisions unless
 877 specifically provided in law.

878 Section 2. Paragraph (e) of subsection (2) and subsections
 879 (3), (4), and (5) of section 1002.331, Florida Statutes, are
 880 amended to read:

881 1002.331 High-performing charter schools.—

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

883 (e) Receive a modification of its charter to a term of 15
 884 years or a 15-year charter renewal. The charter may be modified

CS/HB 7037

2015

885 or renewed for a shorter term at the option of the high-
886 performing charter school. The charter must be consistent with
887 s. 1002.33(7)(a)20. ~~1002.33(7)(a)19.~~ and (10)(h) and (i), is
888 subject to annual review by the sponsor, and may be terminated
889 during its term pursuant to s. 1002.33(8).

890

891 A high-performing charter school shall notify its sponsor in
892 writing by March 1 if it intends to increase enrollment or
893 expand grade levels the following school year. The written
894 notice shall specify the amount of the enrollment increase and
895 the grade levels that will be added, as applicable. If a charter
896 school notifies the sponsor of its intent to expand, the sponsor
897 shall modify the charter within 90 days to include the new
898 enrollment maximum and may not make any other changes. The
899 sponsor may deny a request to increase the enrollment of a high-
900 performing charter school if the commissioner has declassified
901 the charter school as high-performing. If a high-performing
902 charter school requests to consolidate multiple charters, the
903 sponsor shall have 40 days after receipt of that request to
904 provide an initial draft charter to the charter school. The
905 sponsor and charter school shall have 50 days thereafter to
906 negotiate and notice the charter contract for final approval by
907 the sponsor.

908 (3)(a) A high-performing charter school may submit an
909 application pursuant to s. 1002.33(6) in any school district in
910 the state to establish and operate a new charter school that

CS/HB 7037

2015

911 will substantially replicate its educational program. An
912 application submitted by a high-performing charter school must
913 state that the application is being submitted pursuant to this
914 paragraph and must include the verification letter provided by
915 the Commissioner of Education pursuant to subsection (4)~~(5)~~. If
916 the sponsor fails to act on the application within 60 days after
917 receipt, the application is deemed approved and the procedure in
918 s. 1002.33(6)(h) applies. If the sponsor denies the application,
919 the high-performing charter school may appeal pursuant to s.
920 1002.33(6).

921 (b) A high-performing charter school may not establish
922 more than one charter school within the state under paragraph
923 (a) in any year. A subsequent application to establish a charter
924 school under paragraph (a) may not be submitted unless each
925 charter school established in this manner achieves high-
926 performing charter school status. This paragraph does not apply
927 to charter schools established by a high-performing charter
928 school in the attendance zone of a school identified as in need
929 of intervention and support pursuant to s. 1008.33(3)(b) or to
930 meet capacity needs or needs for innovative school choice
931 options identified by the district school board.

932 ~~(4) A high-performing charter school may not increase~~
933 ~~enrollment or expand grade levels following any school year in~~
934 ~~which it receives a school grade of "C" or below. If the charter~~
935 ~~school receives a school grade of "C" or below in any 2 years~~
936 ~~during the term of the charter awarded under subsection (2), the~~

CS/HB 7037

2015

937 | ~~term of the charter may be modified by the sponsor and the~~
938 | ~~charter school loses its high-performing charter school status~~
939 | ~~until it regains that status under subsection (1).~~

940 | (4)~~(5)~~ The Commissioner of Education, upon request by a
941 | charter school, shall verify that the charter school meets the
942 | criteria in subsection (1) and provide a letter to the charter
943 | school and the sponsor stating that the charter school is a
944 | high-performing charter school pursuant to this section. The
945 | commissioner shall annually determine whether a high-performing
946 | charter school under subsection (1) continues to meet the
947 | criteria in that subsection. Such high-performing charter school
948 | shall maintain its high-performing status unless the
949 | commissioner determines that the charter school no longer meets
950 | the criteria in subsection (1), at which time the commissioner
951 | shall send a letter to the charter school and its sponsor
952 | providing notification that the charter school has been
953 | declassified ~~of its declassification~~ as a high-performing
954 | charter school.

955 | Section 3. Paragraph (a) of subsection (8) of section
956 | 1002.37, Florida Statutes, is amended to read:

957 | 1002.37 The Florida Virtual School.—

958 | (8)(a) The Florida Virtual School may provide full-time
959 | and part-time instruction for students in kindergarten through
960 | grade 12. ~~To receive part-time instruction in kindergarten~~
961 | ~~through grade 5, a student must meet at least one of the~~
962 | ~~eligibility criteria in s. 1002.455(2).~~

963 Section 4. Subsection (5) and paragraphs (c) and (d) of
964 subsection (8) of section 1002.45, Florida Statutes, are amended
965 to read:

966 1002.45 Virtual instruction programs.—

967 (5) STUDENT ELIGIBILITY.—Students in kindergarten through
968 grade 12 ~~A student~~ may enroll in a virtual instruction program
969 provided by the school district or by a virtual charter school
970 operated in the district in which he or she resides ~~if the~~
971 ~~student meets eligibility requirements for virtual instruction~~
972 ~~pursuant to s. 1002.455.~~

973 (8) ASSESSMENT AND ACCOUNTABILITY.—

974 (c) An approved provider that receives a school grade of
975 "D" or "F" under s. 1008.34 or a school improvement rating of
976 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
977 school improvement plan with the department for consultation to
978 determine the causes for low performance and to develop a plan
979 for correction and improvement.

980 (d) An approved provider's contract is automatically ~~must~~
981 ~~be~~ terminated if the provider earns two consecutive school
982 grades of ~~receives a school grade of "D" or "F" under s.~~
983 1008.34, receives two consecutive ~~or a school improvement~~
984 ratings ~~rating~~ of "unsatisfactory" ~~"Declining"~~ under s.
985 1008.341, ~~for 2 years during any consecutive 4-year period~~ or
986 has violated any qualification requirement pursuant to
987 subsection (2). A provider that has a contract terminated under
988 this paragraph may not be an approved provider for a period of

989 at least 1 year after the date upon which the contract was
 990 terminated and until the department determines that the provider
 991 is in compliance with subsection (2) and has corrected each
 992 cause of the provider's low performance.

993 Section 5. Section 1002.455, Florida Statutes, is
 994 repealed.

995 Section 6. Subsection (2) of section 1003.498, Florida
 996 Statutes, is amended to read:

997 1003.498 School district virtual course offerings.—

998 (2) School districts may offer virtual courses for
 999 students enrolled in the school district. These courses must be
 1000 identified in the course code directory. ~~Students who meet the~~
 1001 ~~eligibility requirements of s. 1002.455 may participate in these~~
 1002 ~~virtual course offerings.~~

1003 (a) Any eligible student who is enrolled in a school
 1004 district may register and enroll in an online course offered by
 1005 his or her school district.

1006 (b)1. Any eligible student who is enrolled in a school
 1007 district may register and enroll in an online course offered by
 1008 any other school district in the state. The school district in
 1009 which the student completes the course shall report the
 1010 student's completion of that course for funding pursuant to s.
 1011 1011.61(1)(c)1.b.(VI), and the home school district shall not
 1012 report the student for funding for that course.

1013 2. The full-time equivalent student membership calculated
 1014 under this subsection is subject to the requirements in s.

CS/HB 7037

2015

1015 1011.61(4). The Department of Education shall establish
1016 procedures to enable interdistrict coordination for the delivery
1017 and funding of this online option.

1018 Section 7. Section 1004.650, Florida Statutes, is created
1019 to read:

1020 1004.650 Florida Institute for Charter School Innovation.-

1021 (1) There is established the Florida Institute for Charter
1022 School Innovation within the Florida State University. The
1023 purposes of the institute are to advance charter school
1024 accountability, quality, and innovation; provide support for and
1025 technical assistance to charter school applicants and sponsors;
1026 provide opportunities for aspiring teachers to experience
1027 teaching in schools of choice; and conduct research for the
1028 development and promotion of best practices for the authorizing,
1029 accountability, financing, management, operation, and
1030 instructional practices of charter schools.

1031 (2) The institute shall:

1032 (a) Provide technical assistance and support to charter
1033 school applicants and sponsors.

1034 (b) Conduct research to inform both policy and practices
1035 related to charter school authorizing, accountability,
1036 instructional practices, financing, management, and operations.

1037 (c) Partner with state-approved teacher preparation
1038 programs around the state to provide opportunities for aspiring
1039 teachers to experience teaching in schools of choice.

1040 (3) The President of the Florida State University shall

1041 appoint a director of the institute. The director is responsible
1042 for overall management of the institute and for developing and
1043 executing the work of the institute consistent with this
1044 section. The director may engage individuals in other state
1045 universities with accredited colleges of education to
1046 participate in the work of the institute.

1047 (4) By October 1 of each year, the institute shall provide
1048 a written report to the Governor, the President of the Senate,
1049 and the Speaker of the House of Representatives that outlines
1050 its activities in the preceding year, reports significant
1051 research findings, details expenditures of state funds, and
1052 provides specific recommendations for improving the state's
1053 charter school policies and the institute's ability to fulfill
1054 its mission.

1055 (5) Within 180 days after completion of the institute's
1056 fiscal year, the institute must provide to the Auditor General,
1057 the Board of Governors of the State University System, and the
1058 State Board of Education a report on the results of an annual
1059 financial audit conducted by an independent certified public
1060 accountant in accordance with s. 11.45.

1061 Section 8. Subsection (11) of section 1011.62, Florida
1062 Statutes, is amended to read:

1063 1011.62 Funds for operation of schools.—If the annual
1064 allocation from the Florida Education Finance Program to each
1065 district for operation of schools is not determined in the
1066 annual appropriations act or the substantive bill implementing

CS/HB 7037

2015

1067 the annual appropriations act, it shall be determined as
 1068 follows:

1069 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
 1070 annually provide in the Florida Education Finance Program a
 1071 virtual education contribution. The amount of the virtual
 1072 education contribution shall be the difference between the
 1073 amount per FTE established in the General Appropriations Act for
 1074 virtual education and the amount per FTE for each district and
 1075 the Florida Virtual School, which may be calculated by taking
 1076 the sum of the base FEFP allocation, the discretionary local
 1077 effort, the state-funded discretionary contribution, the
 1078 discretionary millage compression supplement, the research-based
 1079 reading instruction allocation, and the instructional materials
 1080 allocation, and then dividing by the total unweighted FTE. This
 1081 difference shall be multiplied by the virtual education
 1082 unweighted FTE for programs and options identified in ss.
 1083 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the
 1084 Florida Virtual School and its franchises to equal the virtual
 1085 education contribution and shall be included as a separate
 1086 allocation in the funding formula.

1087 Section 9. Paragraph (b) of subsection (8) of section
 1088 1012.56, Florida Statutes, is amended to read:

1089 1012.56 Educator certification requirements.—

1090 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 1091 COMPETENCY PROGRAM.—

1092 (b)1. Each school district must and a private school or

CS/HB 7037

2015

1093 | state-supported ~~state-supported~~ public school, including a
 1094 | charter school, ~~or a private school~~ may develop and maintain a
 1095 | system by which members of the instructional staff may
 1096 | demonstrate mastery of professional preparation and education
 1097 | competence as required by law. Each program must be based on
 1098 | classroom application of the Florida Educator Accomplished
 1099 | Practices and instructional performance and, for public schools,
 1100 | must be aligned with the district's or state-supported public
 1101 | school's evaluation system established ~~approved~~ under s.
 1102 | 1012.34, as applicable.

1103 | 2. The Commissioner of Education shall determine the
 1104 | continued approval of programs implemented under this paragraph,
 1105 | based upon the department's review of performance data. The
 1106 | department shall review the performance data as a part of the
 1107 | periodic review of each school district's professional
 1108 | development system required under s. 1012.98.

1109 | Section 10. Paragraph (a) of subsection (1) of section
 1110 | 1013.62, Florida Statutes, is amended to read:

1111 | 1013.62 Charter schools capital outlay funding.—

1112 | (1) In each year in which funds are appropriated for
 1113 | charter school capital outlay purposes, the Commissioner of
 1114 | Education shall allocate the funds among eligible charter
 1115 | schools.

1116 | (a) To be eligible for a funding allocation, a charter
 1117 | school must:

1118 | 1.a. Have been in operation for 3 or more years;

CS/HB 7037

2015

1119 b. Be governed by a governing board established in the
1120 state for 3 or more years which operates both charter schools
1121 and conversion charter schools within the state;

1122 c. Be an expanded feeder chain of a charter school within
1123 the same school district that is currently receiving charter
1124 school capital outlay funds;

1125 d. Have been accredited by the Commission on Schools of
1126 the Southern Association of Colleges and Schools; or

1127 e. Serve students in facilities that are provided by a
1128 business partner for a charter school-in-the-workplace pursuant
1129 to s. 1002.33(15)(b).

1130 2. Have an annual audit that does not reveal any of the
1131 financial emergency conditions provided in s. 218.503(1) for the
1132 most recent fiscal year for which such audit results are
1133 available ~~stability for future operation as a charter school.~~

1134 3. Have satisfactory student achievement based on state
1135 accountability standards applicable to the charter school.

1136 4. Have received final approval from its sponsor pursuant
1137 to s. 1002.33 for operation during that fiscal year.

1138 5. Serve students in facilities that are not provided by
1139 the charter school's sponsor.

1140 Section 11. For the 2015-2016 fiscal year, the sum of
1141 \$4,184,000 in recurring funds is appropriated from the General
1142 Revenue Fund to the Florida Education Finance Program to fund
1143 student enrollment associated with the repeal by this act of s.
1144 1002.455, Florida Statutes. For the 2015-2016 fiscal year, the

CS/HB 7037

2015

1145 | sum of \$1 million in recurring funds is appropriated from the
 1146 | General Revenue Fund to the Florida State University to create
 1147 | and implement the Florida Institute for Charter School
 1148 | Innovation.

1149 | Section 12. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7037 PCB CIS 15-01 School Choice
SPONSOR(S): Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Cortes
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee	11 Y, 1 N	Beagle	Healy
1) Education Appropriations Subcommittee	13 Y, 0 N, As CS	Seifert	Heflin
2) Education Committee		Beagle <i>GB</i>	Mizereck <i>KM</i>

SUMMARY ANALYSIS

The bill creates the Florida Institute for Charter School Innovation at the Florida State University to provide technical assistance and support to charter school applicants and sponsors; conduct research on policy and practice related to charter school authorizing, accountability, instructional practices, finance, management, and operations; and provide opportunities for aspiring teachers to experience teaching in schools of choice.

The bill strengthens charter school accountability and student access to quality charter schools by:

- Clarifying that a sponsor may consider a charter school applicant's, governing board member's, and management company's past performance operating charter schools when deciding to approve or deny an application.
- Authorizing a charter school that has been granted a charter to defer opening for up to two years to conduct facilities planning.
- Requiring charter schools to begin submitting monthly financial statements upon approval of the charter contract to enable the sponsor to begin monitoring the school's financial health earlier in time.
- Clarifying that charter schools that earn two consecutive grades of "F" are automatically terminated.
- Removing the limit on replication of high-performing charter schools if the charter school is created to serve high-need areas or school district needs.

The bill revises charter school funding provisions to:

- Clarify that charter schools do not have to adopt the school district's research-based reading plan in order to receive the research-based reading allocation.
- Specify that the reading curriculum approved by the sponsor and incorporated in its charter satisfies the research-based reading plan requirement for such allocation.
- Authorize a nonprofit organization or municipality that operates a charter school to use unrestricted surplus or unrestricted net assets of the charter school identified in an annual financial audit for other educational purposes.
- Specify that a charter school may not have financial emergency conditions noted in its most recent annual audit in order to receive capital outlay funding.
- Prohibit the sponsor from delaying payments to charter schools based upon timing of receipt of local funds.
- Allow more charter school systems to act as the local education agency for purposes of administering federal education funding.

In addition, the bill removes the statutory eligibility requirements for enrollment in public K-12 virtual education, which currently limit virtual education options available to certain students who did not attend public school in the previous school year. The bill also revises criteria triggering automatic termination of a state-approved virtual instruction provider's contract and removal from the list of state approved providers.

The bill provides an appropriation of \$4,184,000 to the Florida Education Finance Program for FY 2015-16 to fund the expansion of student eligibility for public virtual education. The bill provides an appropriation of \$1,000,000 to Florida State University to establish the Florida Institute for Charter School Innovation. See Fiscal Analysis & Economic Impact.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Charter School Authorizing and Oversight

Present Situation

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.¹ Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.² The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”³

Florida law tasks sponsors with authorizing new charter schools and providing continuing oversight of each charter school in the school district. The law establishes several processes designed to enable the sponsor to perform these roles, including:

- Authority to review and approve or deny charter school applications.⁴
- Authority to enforce the terms and conditions of the charter agreement.⁵
- Annual reporting of student achievement and financial information by each charter school to the sponsor.⁶
- Sponsor monitoring of annual financial audits⁷ and monthly financial statements submitted by charter schools in the school district.⁸
- Interventions for remedying unsatisfactory academic performance and financial instability.⁹
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.¹⁰

“The Florida Principles and Standards for Quality Charter School Authorizing” are a set of guidelines for sponsor authorizing and oversight of charter schools. The *“Principles and Standards”* are a collaborative effort by the Florida Department of Education (DOE), the National Association of Charter School Authorizers (NACSA), sponsors, and charter school stakeholders. Sponsor adherence to the *“Principles and Standards”* is voluntary. The *“Principles and Standards”* emphasize the critical role that sponsors play in evaluating the viability of charter school proposals and holding approved charter schools to high standards of quality.¹¹

¹ Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S. The law authorizes school districts to sponsor charter schools; state universities to sponsor charter lab schools; and school districts, Florida College System (FCS) institutions, or a consortium of school districts or FCS institutions to sponsor a charter technical career center. Sections 1002.32(2), 1002.33(5)(a)1. and 2., and 1002.34(3)(b), F.S.

² Section 1002.33(2)(b)3. and (16), F.S.

³ Section 1002.33(6)(h) and (7), F.S.

⁴ Section 1002.33(6), F.S.

⁵ Section 1002.33(6)(h) and (7), F.S.

⁶ Section 1002.33(9)(k), F.S.

⁷ Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.

⁸ Section 1002.33(9)(g), F.S.

⁹ Sections 1002.33(9)(n) and 1002.345, F.S.

¹⁰ Section 1002.33(8), F.S.

¹¹ Florida Department of Education, *Florida Principles & Standards for Quality Charter School Authorizing*, at 2-5 (2014), <http://www.fldoe.org/core/fileparse.php/5423/urlt/Florida-Principles-and-Standards-Final-Proof.pdf>. [Hereinafter *Principles and Standards*].

The law establishes an application process for establishing a new charter school. An applicant¹² must submit a charter school application to the sponsor.¹³ The sponsor must review and approve or deny the application.¹⁴ The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument. The standard application is designed to enable the sponsor to evaluate the applicant's educational plan, organizational plan, financial viability, and business plan.¹⁵

The law does not expressly require a sponsor to evaluate an applicant's, governing board member's, or management company's past performance operating charter schools.¹⁶ However, the standard application requires the applicant to:

- List each proposed member of the charter school's governing board and his or her background and qualifications.
- Indicate if the governing board will contract with a management company, summarize the company's history operating charter schools, and list other charter schools managed by the company and student achievement and financial performance data of such schools.¹⁷

Additionally, the "*Principles and Standards*" encourage sponsors to evaluate the past history of existing operators and management companies operating charter schools and conduct applicant interviews and other due diligence to examine the applicant's experience and ability to operate charter schools.¹⁸

Currently, after approval of the charter by the sponsor, the charter school must begin operation at the beginning of the upcoming school year. The sponsor may waive this requirement for good cause.¹⁹ Additionally, the law prohibits a sponsor from requiring a charter school's governing board to have a certificate of occupancy for its facility earlier than 15 days before the first day of school.²⁰

Among other oversight processes, charter schools must submit monthly financial statements for review by the sponsor. If a financial statement reveals a deteriorating financial condition,²¹ the sponsor and charter school governing board must develop a corrective action plan.²² The sponsor may choose to terminate or not renew the charter school's charter if financial deficiencies noted in the corrective action plan are not corrected within one year or if the school exhibits one or more financial emergency

¹² An application may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under Florida law. Section 1002.33(3)(a), F.S. The school must be operated by a Florida College System institution, municipality, or nonprofit organization. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization. Section 1002.33(12)(i), F.S.

¹³ Section 1002.33(6)(a), F.S.; rule 6A-6.0786, F.A.C. (model charter school application and application evaluation instrument).

¹⁴ Section 1002.33(6), F.S. If the application is approved, the applicant and sponsor then negotiate the terms of the charter. If the application is denied, or the sponsor fails to act, the applicant may file an appeal with the State Board of Education, which may uphold or overturn the sponsor's denial. Section 1002.33(6)(c) and (h), F.S.; see also s. 120.68, F.S. The state board's decision is a final action subject to judicial review in the district court of appeal. *Id.*

¹⁵ See Florida Department of Education, *Model Florida Charter School Application* (May 2012), http://www.fldoe.org/core/fileparse.php/7700/urlt/IEPC_M1.pdf [hereinafter *Model Application*].

¹⁶ See s. 1002.33(6)(a), F.S.

¹⁷ Compare s. 1002.33(6)(a), (7), (8), (9), F.S. with *Model Application*, *supra* note 15, at 11 and 14.

¹⁸ *Principles and Standards*, *supra* note 11, at 2-5 and 9-10.

¹⁹ Section 1002.33(6)(b)5., F.S.

²⁰ Section 1002.33(7)(a)13., F.S.

²¹ A deteriorating financial condition is a circumstance that significantly impairs the ability of a charter school to generate enough revenue to meet its expenditures without causing the occurrence of a financial emergency condition. Deteriorating financial conditions include, without limitation, circumstances in which actual enrollment is 70 percent less than the enrollment projection for which its annual budget is based, enrollment is insufficient to generate enough revenue to meet expenditures, actual expenses exceed budgeted expenses for a period of three months or more and there are insufficient reserves to compensate, or an unbudgeted financial event occurs and there are insufficient reserves to compensate. Section 1002.345(1)(a)3., F.S.; rule 6A-1.0081(2)(a), F.A.C.

²² Sections 1002.33(9)(g)3. and 1002.345(1)(b)-(f), F.S.; rule 6A-1.0081, F.A.C. A high-performing charter school may submit quarterly rather than monthly financial statements. Section 1002.331(2)(c), F.S.

conditions²³ for two consecutive years.²⁴ The date by which a newly established charter school must begin submitting financial statements typically follows the first payment of state education funds to the charter school, which occurs in July before the start of the school year.²⁵

On January 21 and February 3, 2015, the Choice and Innovation Subcommittee heard testimony regarding quality charter school authorizing by representatives of NACSA, the Governor John Engler Center for Charter Schools at Central Michigan University, and the Colorado League of Charter Schools, among others. The presenters discussed “best practices” for evaluating the likelihood that a proposed charter school will succeed academically and financially. Among other things, the testimony emphasized that sponsor’s should evaluate an applicant’s or management company’s past history operating charter schools in deciding to approve or deny a charter school application and monitor newly approved charter schools as they prepare to open and begin serving students. This testimony also revealed potential benefits to charter school applicants, operators, and sponsors of increased collaboration, support, technical assistance, and research on best practices for charter school operations and authorizing.²⁶

Effect of Proposed Changes

The bill establishes the Florida Institute for Charter School Innovation at Florida State University in order to:

- Advance charter school accountability, quality, and innovation;
- Provide support and technical assistance to charter school applicants and sponsors;
- Connect aspiring teachers to opportunities to experience teaching in schools of choice; and
- Conduct research and develop and promote best practices for charter school accountability, authorizing, financing, management and operations, and instructional practices.

The primary mission of the institute is to provide technical assistance and support to charter school applicants in developing innovative charter school proposals. An applicant would be able to engage the institute for assistance not only in developing its written application, but also in acquiring the financial and operational knowledge and skills necessary to operate a charter school. In this regard, the institute could benefit both applicants and sponsors by increasing the quality of charter school proposals, while also helping to discourage applicants with poorly developed proposals or qualifications from submitting applications for sponsor review.

The bill requires the President of the Florida State University to appoint a director of the institute to oversee implementation of the institute’s mission. The institute must annually submit a report on its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Among other things, the report must provide specific recommendations for improving the institute’s ability to fulfil its mission and changes to statewide charter school policy. The bill also requires the institute to provide for an annual financial audit by a certified public account and submit the audit to the Auditor General, the Board of Governors of the State University System, and the State Board of Education.

²³ A financial emergency exists when any one of the following conditions occurs due to lack of funds: (1) Failure to pay short-term loans or make bond debt service or other long-term debt payments when due; (2) Failure to pay uncontested claims from creditors within 90 days after the claim is presented; (3) Failure to timely transfer taxes withheld from employees or employer or employee contributions for federal social security, pension, or retirement plans; and (4) Failure for one pay period to pay wages, salaries, or retirement benefits. Section 218.503(1)(a) -(d), F.S.

²⁴ Section 1002.345(5), F.S.

²⁵ Rule 6A-1.0081, F.A.C. The sponsor and charter school governing board must mutually agree to the date by which the financial statements are to be submitted. *Id.*

²⁶ Presentations on charter schools and authorizers, *Hearing before the House Choice & Innovation Subcommittee* (Jan. 21, 2015); Discussion on charter school institute, *Hearing before the House Choice & Innovation Subcommittee* (Feb. 3, 2015).

The bill also requires each charter school applicant to disclose in the application the name of each applicant, governing board member, and proposed management company, if any; the name and sponsor of any charter school currently or previously operated by such parties; and the academic and financial history of such charter schools. The sponsor must consider the past history of these entities in deciding to approve or deny the application. This change makes clear that sponsors have authority to evaluate the applicant's history operating charter schools and aligns the law with the standard application currently in use and guidelines provided by the "*Principles and Standards.*"

Additionally, the bill requires a charter school's governing board to begin submitting financial statements to the sponsor upon approval of the charter contract. This change will enable the sponsor to monitor a newly created charter school's finances earlier, thereby strengthening the sponsor's ability to assess the school's financial readiness to begin serving students. Accordingly, the sponsor would have greater ability to identify deteriorating financial conditions and take corrective action to remedy financial deficiencies.

Currently, after approval of the charter by the sponsor, the charter school must begin operation at the beginning of the upcoming school year. The sponsor may waive this requirement for good cause.²⁷ The bill removes authority for a sponsor to grant a good cause waiver and authorizes a charter school that has been granted a charter to defer opening for up to two years to conduct facilities planning. A sponsor may not require a charter school's governing board to provide written notice of such deferral earlier than 15 days before the first day of school. Among other things, this change will enable a charter school more time to acquire adequate facilities if difficulties securing facilities arise.

High-Performing Charter Schools

Present Situation

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status.²⁸ A high-performing charter school is a charter school that during each of the three previous years:

- Received at least two school grades of "A" and no school grade below "B;"
- Has received an unqualified opinion²⁹ on each annual financial audit; and
- Has not received an annual financial audit that reveals a financial emergency condition.³⁰

A high-performing charter school system (system) may be operated by a municipality or other public entity that is authorized by Florida law to operate a charter school; a private, not-for-profit, s. 501(c)(3) status corporation; or a private for-profit corporation.³¹ In order to earn "high-performing" status, a system must, in the previous three-year period:

- Operate at least three high-performing charter schools in Florida;
- Have at least 50 percent of its charter schools designated as "high-performing" and no charter school receiving a school grade of "D" or "F;" and
- Not receive an annual financial audit that revealed a financial emergency condition for any charter school operated by the entity in Florida.³²

²⁷ Section 1002.33(6)(b)5., F.S.

²⁸ Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

²⁹ An unqualified audit opinion means that the charter school's financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).

³⁰ Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

³¹ Section 1002.332(1), F.S.

³² Section 1002.332(1), F.S. Exceptions to the eligibility criteria apply if the system operates a charter school established to turn around a chronically low-performing traditional public school and for charter schools opened to serve areas served by a low-performing traditional public school. Section 1002.33(1)(b)2., F.S.

Initial eligibility for “high-performing” status is verified by the Commissioner of Education, upon request by a charter school or system. Thereafter, the commissioner must annually verify continued eligibility.³³

High-performing charter schools may take advantage of various benefits. Among other benefits, the operator of a high-performing charter school may submit an application in any Florida school district to establish and operate a new charter school that substantially replicates one of its high-performing charter schools. The application process for such applications is streamlined to expedite approval.³⁴ A high-performing charter school may not be replicated more than once in any given year and may not replicate again until the new charter school achieves “high-performing” status.³⁵ Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools.³⁶ Additionally, a high-performing charter school may have the term of its charter extended to up to 15 years.³⁷

As of September 2014, 148 charter schools in 34 school districts and 1 state university were designated as “high-performing” and two systems were designated as high-performing systems – Doral, Inc. and McKeel Academy. Doral, Inc. is comprised of five charter schools, four of which are high-performing charter schools. McKeel Academy is comprised of three charter schools, each of which is a high-performing charter school.³⁸

Effect of Proposed Changes

Currently, a high-performing charter school may only replicate once in a given year, and may not replicate again until the newly created charter school achieves “high-performing” status, which takes at least three years. The bill provides that this limit does not apply to high-performing charter schools replicated to serve the attendance area of a traditional public school identified as in need of intervention and support under Florida’s system of school improvement and accountability or to meet needs identified by school districts. In all other cases, existing limits apply. This change expands the ability of high-performing charter schools to provide parental school choice in underserved areas or partner with school districts to meet specific district needs.

Legislation enacted in 2013 required the commissioner to annually determine a charter school’s or charter school system’s continued eligibility for “high-performing” status. A high-performing charter school or charter school system may maintain its “high-performing” status, unless the commissioner determines that the charter school or system no longer meets the eligibility criteria enumerated in law, one of which requires that the school not receive a grade below a “B”. Current language also provides for removal of a charter school’s “high-performing” status if it receives a school grade of “C” in any two years during the term of the 15-year charter. Because a high-performing school loses its status once its grade falls below a “B,” the provisions regarding consequences for receiving a “C” are obsolete. Accordingly, the bill repeals provisions regarding consequences for “C” grades.

Charter Termination or Nonrenewal

Present Situation

A sponsor may choose to terminate or not renew a charter for any of the following reasons:

³³ Sections 1002.331(5) and 1002.332(2)(a), F.S.

³⁴ Section 1002.331(2), F.S.

³⁵ Section 1002.331(3)(b), F.S.

³⁶ Section 1002.332(2), F.S.

³⁷ Section 1002.331(4), F.S.

³⁸ Email, Office of Independent Education and Parental Choice (Sept. 17, 2014).

- Failure to participate in the state's education accountability system or meet the requirements for student performance stated in the charter;
- Failure to meet generally accepted standards of financial management;
- A violation of law; or
- Other good cause shown.³⁹

The sponsor may immediately terminate a charter school's charter if conditions at the school threaten the health, safety, or welfare of students.⁴⁰ Due process in the form of notice and, if requested, a formal hearing and opportunity to appeal must be provided to the charter school prior to a charter termination or nonrenewal. For immediate termination of a charter school, a hearing, if requested, may occur after termination.⁴¹

In addition, the law requires a sponsor to terminate the charter of a charter school that earns two consecutive school grades of "F," unless the charter school qualifies for one of three exceptions. In general, the exceptions apply to charter schools that specifically target hard-to-serve students and to traditional public schools that are reconstituted as charter schools pursuant to Florida's system of school improvement and education accountability. The law is unclear whether the same due process procedures afforded to charter schools for discretionary or immediate terminations apply to "double "F"" terminations.⁴²

When a charter is not renewed or is terminated, unencumbered public funds from the charter school revert to the district school board, except that capital outlay and federal charter school grant funds revert to DOE for redistribution among eligible charter schools. Additionally, all district school board property and improvements, furnishings, and equipment purchased with public funds automatically revert to the district school board subject to satisfaction of any liens or encumbrances. The charter school's governing board is responsible for all debts incurred by the charter school. Students enrolled in the charter school may apply to, and must be enrolled in, another public school in the school district. The law does not specifically apply these provisions to charter schools that close voluntarily.⁴³

Effect of Proposed Changes

The bill clarifies that "double "F"" termination occurs automatically when a charter school earns a second consecutive grade of "F," after school grade appeals are final, unless an exception applies. The sponsor must notify, in writing, the charter school's governing board, the charter school principal, and DOE. Hearings and appeals applicable to discretionary and immediate charter terminations are not applicable to "double "F"" terminations. The bill specifies that procedures regarding reversion of public funds and property purchased with public funds apply to "double "F"" terminations, as well as, voluntary closures.

Additionally, the bill requires the governing board of a charter school that closes voluntarily to notify the sponsor and DOE in writing within 7 calendar days of its decision to cease operations. The notice must state the reasons for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds specified in law. The bill also specifically applies existing law regarding dissolution of the charter school, reversion of funds, debt, and reassignment of students to voluntary closures. This change will increase the likelihood that charter schools that close voluntarily follow the law regarding reversion of public funds. It will also provide more information to sponsors and DOE regarding the reasons leading to voluntary closure.

³⁹ Section 1002.33(8)(a), F.S.

⁴⁰ Section 1002.33(8)(d), F.S.

⁴¹ Sections 1002.33(6)(c) and (8)(b)-(d), F.S.

⁴² Section 1002.33(9)(n)4., F.S.; s. 1008.33(4)(b)3. and (e), F.S.

⁴³ Section 1002.33(8)(e), F.S.

Charter School Cooperatives

Present Situation

The law authorizes charter schools to enter into cooperative agreements with other charter schools to provide planning and development, instructional, personnel administration, payroll, human resources, and evaluation and assessment services and teacher preparation and professional development.⁴⁴

Effect of Proposed Changes

The bill deletes the list of specific services that cooperative agreements may serve and instead states that charter schools may enter into such agreements to further any educational, operational, or administrative purposes in which participating charter schools share common interests. This change expands the ability of charter schools to collaborate and pool resources for shared objectives.

Distribution of Student Funding

Present Situation

Charter school students are funded through the Florida Education Finance Program (FEFP), including categorical funding such as the research-based reading instruction allocation (reading allocation).⁴⁵ In general, the reading allocation must be used for such purposes as providing intensive reading instruction to struggling students or to support reading teachers through professional development or utilization of reading coaches. Each school district must annually submit a plan to DOE specifying how it will use the reading allocation.⁴⁶ Each charter school applicant must include in its application a reading curriculum that provides for differentiated reading instruction for students reading at or above grade level and for those reading below grade level. The curriculum must be aligned to state reading standards and grounded in scientific research. If the application is approved, the reading curriculum is incorporated into the charter school's charter.⁴⁷ Despite the requirement that charter schools adopt a reading curriculum as a condition of approval, some sponsors have required charter schools to use the school district's reading plan as a condition to receiving the reading allocation, and that plan is often dramatically different than the reading curriculum that the sponsor has already approved in the application and charter.⁴⁸

Sponsors must distribute funds to a charter school no later than 10 working days after the district school board receives a distribution of state or federal funds. If payment is not made to the charter school within 10 working days, the sponsor must also pay interest at a rate of 1 percent per month calculated daily on the unpaid balance for each day the payment is late.⁴⁹ One sponsor has previously indicated that it would delay disbursement of locally generated funds to charter schools until the funds were received by the school district.⁵⁰

Effect of Proposed Changes

The bill prohibits sponsors from requiring charter schools to adopt the school district's reading curriculum as a condition to receiving the research-based reading allocation. Furthermore, the bill specifies that the reading curriculum adopted in a charter school's charter satisfies the research-based

⁴⁴ Section 1002.33(13), F.S.

⁴⁵ Sections 1002.33(17)(a)-(b) and 1011.62, F.S. To reflect any changes in enrollment, the charter school's funding is recalculated during the school year, based upon the October and February full-time equivalent (FTE) enrollment surveys. *See s. 1002.33(17)(b)*, F.S.

⁴⁶ Section 1011.62(9), F.S.

⁴⁷ Section 1002.33(6)(a)4. and (7)(a)2.a., F.S.

⁴⁸ Florida Department of Education, *Legislative Bill Analysis on School Choice Priorities*, (Nov. 6, 2014).

⁴⁹ Section 1002.33(17)(e), F.S.

⁵⁰ Florida Department of Education, *Legislative Bill Analysis on School Choice Priorities*, (Nov. 6, 2014).

reading plan requirement. The bill prohibits a sponsor from delaying payment of any portion of a charter school's funding based upon the timing of receipt of local funds by the school board. Additionally, the bill authorizes a nonprofit organization or municipality that operates a charter school to use unrestricted surplus or unrestricted net assets of the charter school identified in an annual financial audit for educational purposes that are consistent with the applicable provisions of Chapter 617 and Title XII of the Florida Statutes.

Local Education Agencies

Present Situation

Charter schools, like traditional public schools, receive federal education funding through such programs as Title I of the Elementary and Secondary Education Act (Title I)⁵¹ and the Individuals with Disabilities Education Act (IDEA).⁵² Typically, these programs are structured so that funding flows from the federal government to a state educational agency,⁵³ which then awards subgrants to local education agencies (LEA) within the state.⁵⁴ Each state determines which entities may serve as LEAs.⁵⁵ In most cases, Florida's school districts are the LEA for district public schools, including charter schools.⁵⁶

Each federal education funding program has unique policy goals and program requirements. A LEA must submit a separate application and implementation plan for each federal program.⁵⁷ LEAs must have the personnel and infrastructure necessary to maintain financial, procurement, and inventory management systems that meet federal requirements.⁵⁸ LEAs must also comply with record keeping and annual financial and performance accountability reporting requirements.⁵⁹ A LEA that fails to comply with the terms of a federal grant may be subject to withholding, suspension, or termination of grant funds or designated as a "high risk" grantee.⁶⁰ Grant recipients who commit fraud may be debarred or suspended from participation in all federally funded programs.⁶¹

Florida law authorizes a governing board that operates a system of charter schools to serve as its own LEA for federal funding purposes if it files a resolution with its sponsor and DOE, accepts full responsibility for all LEA requirements, and:

- Has all schools located in the same county;
- Has a total enrollment exceeding that of at least one Florida school district;
- Operates both conversion and nonconversion charter schools; and
- Does not contract with a for-profit management company to operate schools.⁶²

⁵¹ 20 U.S.C. s. 1400 et. seq.

⁵² 20 U.S.C. s. 6301 et. seq.; s. 1002.33(17)(c)-(d), F.S.

⁵³ The Florida Department of Education is Florida's state educational agency for federal funding purposes. *See* 20 U.S.C. s. 1412(a).

⁵⁴ *See* 20 U.S.C. ss. 1412(a) and 1413(a).

⁵⁵ Federal law broadly defines the term LEA to include state boards of education, state departments of education, local school boards, cities, counties, political subdivisions, public postsecondary institutions, or any other public entities that a state's law authorizes to administer public elementary and secondary schools. *See, e.g.*, 34 C.F.R. s. 77.1.

⁵⁶ Section 1002.33(17)(c), F.S.

⁵⁷ *See, e.g.*, 20 U.S.C. s. 6312 (local education agency Title I plans).

⁵⁸ 34 C.F.R. ss. 76.702 and 80.20-80.26 (financial management); 34 C.F.R. s. 80.36 (procurement management); 34 C.F.R. ss. 80.32 and 80.33 (inventory management).

⁵⁹ 34 C.F.R. ss. 76.702, 80.36, 80.32, 80.33, and 80.42 (fiscal, procurement, and inventory management records); 34 C.F.R. s. 80.41 (financial reports include status, cash transaction, and capital outlay reports).

⁶⁰ 34 C.F.R. s. 80.43 (noncompliance with grant terms); 34 C.F.R. s. 80.12 (high-risk grantees).

⁶¹ 34 C.F.R. s. 80.43(d); Exec. Order No. 12549, 34 C.F.R. s. 80.35.

⁶² Section 1002.33(25), F.S.

Although both are referred to as a “charter school system,” provisions defining when a system may serve as a LEA and those defining a system for purposes of the high-performing charter school system designation are not synonymous.⁶³

Of the two charter school systems that meet the LEA criteria, only Lake Wales Charter Schools in Polk County has chosen to be a LEA.

Effect of Proposed Changes

The bill revises the criteria a charter school system must meet to qualify as a LEA. Under the bill, such a system may be designated as a LEA if the charter school for which it will be performing LEA duties are located in the same county, have a total student population exceeding at least one school district, and are governed by the same governing board. Criteria requiring the system to consist of both conversion and nonconversion charter schools and prohibiting the system from contracting with a management company are eliminated. The bill does not change the requirement that the governing board file a resolution with its sponsor and DOE.

This change may allow more charter school systems to directly administer federal funds generated by charter schools within the system. However, a system that chooses to serve as a LEA must acquire the infrastructure and expertise necessary to comply with federal requirements for LEAs.

Other Charter School Changes

Charter School Capital Outlay

Among other things, a charter school must demonstrate that it is financially stable in order to be eligible for charter school capital outlay funding.⁶⁴ However, the law does not specify how financial stability is to be determined.⁶⁵ The bill requires, for purposes of determining eligibility for capital outlay funding, that a charter school have no financial emergency conditions on its annual financial audit for the most recent fiscal year for which an audit is available.

Governing Board Meetings

Florida law requires each charter school’s governing board to hold at least two open public meetings per school year in the school district where the charter school is located. The charter school principal and a parent liaison appointed by the board must be physically present at these meetings. Governing board members are not required to attend these meetings in person.⁶⁶ The bill relocates the aforementioned governing board meeting provisions to a more appropriate subdivision of the charter school statute. Additionally, the bill specifically authorizes a governing board member to attend biannual public meetings by communications media technology used in compliance with Administration Commission rules.⁶⁷

Alternative Teacher Certification

A professional education competence demonstration program (PEC Program) is an alternative teacher certification pathway that enables a classroom teacher who holds a temporary certificate to obtain full

⁶³ Compare s. 1002.33(25), F.S., with s. 1002.332, F.S.

⁶⁴ Section 1013.62(1)(a), F.S.

⁶⁵ See, e.g., ss. 1002.331 and 1002.345, F.S.

⁶⁶ Section 1002.33(7)(d), F.S. The parent liaison must reside in the school district where the charter school is located and may be a governing board member, charter school employee, or contracted individual. The governing board must appoint a separate liaison for each charter school it operates in the district. The law prohibits a sponsor from requiring governing board members to reside in the school district if the governing board complies with these requirements. *Id.*

⁶⁷ Florida law requires the Administration Commission to adopt uniform rules for conducting public meetings by means of communications media technology. Sections 120.54(5)(b)2. and 1002.33(7)(d), F.S.; ch. 28-109, F.A.C.

professional certification. The law requires each school district to establish a PEC Program. Establishing a PEC Program is optional for other “state-supported public schools” and private schools. PEC Programs must be approved by DOE prior to implementation and approval is reevaluated annually.⁶⁸ The bill clarifies that a charter school, as a “supported public school,” may offer a PEC Program to enable its teachers on temporary certificates to obtain a professional teaching certificate.

Student Eligibility for Virtual Instruction

Present Situation

Florida law establishes a variety of options to make virtual instruction accessible to students in kindergarten through grade 12. These options include:

- Full-time or part-time enrollment in a school district virtual instruction program (VIP).⁶⁹
- Full-time enrollment in a virtual charter school.⁷⁰
- Enrollment in individual virtual courses offered by school districts and approved by DOE.⁷¹
- Full-time or part-time enrollment in the Florida Virtual School (FLVS) or school district FLVS franchises.⁷²

Student enrollment in a full-time or part-time school district virtual instruction program (VIP), a full-time virtual charter school, or a school district virtual course offering is open to any student residing in the district who:⁷³

- Attended a Florida public school during the prior year and was enrolled and reported for funding during the October and February Florida Education Finance Program (FEFP) surveys;
- Is the dependent child of a member of the United States military who, within 12 months of the parent’s permanent change of station order, transferred to Florida from another state or from a foreign country;
- Was enrolled in a school district virtual instruction program or a full-time FLVS program during the prior school year;
- Has a sibling who is currently enrolled in a school district virtual instruction program and the sibling was enrolled in such program at the end of the prior school year.
- Is eligible to enter kindergarten or first grade; or
- Is eligible to enter grades 2 through 5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or FLVS.⁷⁴

FLVS or a district FLVS franchise may provide full-time and part-time instruction for students in kindergarten through grade 12. However, students in kindergarten through grade 5 must meet at least one of the eligibility criteria listed above to access part-time instruction in such programs.⁷⁵

⁶⁸ Section 1012.56(8)(b), F.S.; rule 6A-5.066(1)(d) and (2), F.A.C.

⁶⁹ Section 1002.45, F.S.

⁷⁰ Sections 1002.33(1) and 100245(1)(d), F.S.

⁷¹ Section 1003.498, F.S.

⁷² Sections 1002.37 and 1002.45(1)(a)1. and (c)1., F.S.

⁷³ Sections 1002.45(5) and 1002.455(2), F.S.

⁷⁴ Section 1002.455(2), F.S.

⁷⁵ Section 1002.37(8)(a), F.S.

Eligibility for Virtual Instruction							
Students Not Enrolled in Public School During the Previous School Year							
Grade Level	Full-Time			Part-Time			
	FLVS	District VIP	District FLVS Franchise	FLVS	District VIP	District FLVS Franchise	District Virtual Course
K							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
KEY							
	Student is Eligible						
	Student must meet prior public school requirement						
	No part-time virtual options for students who were not enrolled in public school during the prior year						

Consequently, students in 2nd through 5th grades are not eligible for enrollment in part-time virtual instruction unless they meet eligibility criteria pertaining to prior public school attendance, dependent children of military personnel, or siblings.⁷⁶

Effect of Proposed Changes

The bill repeals s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction. This change will open various virtual education options that are not currently available to students who did not attend public school in the prior year, as follows:

- Students in 6th through 12th grades may enroll in full-time school district VIP programs.
- Students in 2nd through 5th grades may enroll in part-time FLVS or district FLVS franchises.
- Students in 2nd through 12th grades may enroll in part-time school district VIP.
- Students in 2nd through 12th grades may enroll in school district virtual course offerings.

Most notably, this change gives students in 2nd through 5th grades who did not attend public school in the prior year the ability to enroll in part-time virtual instruction, whereas under current law, these students have no such options.

Virtual Instruction Providers

Present Situation

The law designates the FLVS, school district FLVS franchises, and Florida College System institutions as “approved providers.” The law also prescribes a process in which other virtual instruction providers may obtain DOE-approval to offer services to public school districts. DOE must annually publish a list of approved providers.⁷⁷ Currently, a DOE-approved virtual instruction provider’s contract must be terminated if the provider earns a school grade of “D” or “F” or a school improvement rating of “Unsatisfactory” in any two years of a consecutive four year period. In such cases, the provider must be

⁷⁶ Section 1002.455(2), F.S.

⁷⁷ Section 1002.45(2)(a), F.S.

removed from the DOE-approved provider list for a period of at least one year. Among other things, the provider may not regain "approved provider" status until it demonstrates to DOE that academic performance deficiencies have been remedied.⁷⁸

Effect of Proposed Changes

The bill provides that a virtual instruction provider's contract must be terminated, and the provider loses "approved provider" status, if the provider earns two consecutive school grades of "F" or school improvement ratings of "Unsatisfactory."

B. SECTION DIRECTORY:

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

Section 2. Amends s. 1002.331, F.S., relating to high-performing charter schools.

Section 3. Amends s. 1002.37, F.S., relating to the Florida Virtual School.

Section 4. Amends s. 1002.45, F.S., relating to virtual instruction programs.

Section 5. Repeals s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction.

Section 6. Amends s. 1003.498, F.S., relating to school district virtual course offerings.

Section 7. Creates s. 1004.650, F.S., relating to the Florida Institute for Charter School Innovation.

Section 8. Amends s. 1011.62, F.S., relating to funds for operation of schools.

Section 9. Amends s. 1012.56, F.S., relating to educator certification.

Section 10. Amends s. 1013.62, F.S., relating to charter schools capital outlay funding.

Section 11. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill repeals s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction. This change will open various virtual education options that are not currently available to students who did not attend public school in the prior year. The bill provides an appropriation of \$4,184,000 to the Florida Education Finance Program for FY 2015-16 to fund the expansion of student eligibility for public virtual education.

The bill establishes the Florida Institute for Charter School Innovation within the Florida State University. Among other things, the institute will assist applicants in developing charter school application proposals. Performance of these activities will require the institute to hire or subcontract with individuals with expertise in such areas as school finance, governance, operations, academics

⁷⁸ Section 1002.45(8)(d), F.S.
STORAGE NAME: h7037b.EDC.DOCX
DATE: 3/16/2015

and curriculum, and exceptional student education services. It is estimated that approximately 5-6 full-time staff are needed to operate the institute. Funds will also be required to hire subcontractors to review applications. The bill provides an appropriation of \$1,000,000 to Florida State University to establish the Florida Institute for Charter School Innovation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Provisions expanding the purposes of cooperative agreements may provide charter schools with new opportunities to pool resources and achieve cost savings.

D. FISCAL COMMENTS:

The bill revises the criteria enabling a charter school system to serve as a LEA for purposes of administering federal education funds. This may allow more charter school systems to directly administer federal funds generated by charter schools within the system. However, a system that chooses to serve as a LEA would have to acquire the infrastructure and expertise necessary to comply with federal requirements for LEAs.

The bill clarifies that a sponsor may not require a charter school to adopt the school district's reading curriculum as a condition to receiving a share of the research-based reading allocation. This may increase the number of charter schools that receive a share of the allocation.

The bill authorizes a nonprofit organization or municipality that operates a charter school to use unrestricted surplus or unrestricted net assets of the charter school identified in an annual financial audit for educational purposes that are consistent with the applicable provisions of Chapter 617 and Title XII of the Florida Statutes.

The bill provides clearer guidance to DOE in determining whether a charter school is financially stable enough to merit an award of capital outlay funding.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2015, the Education Appropriations Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments added provisions:

- Authorizing a charter school that has been granted a charter to defer opening for up to two years to conduct facilities planning.
- Authorizing a nonprofit organization or municipality that operates a charter school to use unrestricted surplus or unrestricted net assets of the charter school identified in an annual financial audit for other educational purposes.
- Providing an appropriation of \$4,184,000 to the Florida Education Finance Program for FY 2015-16 to fund the bill's expansion of student eligibility for public virtual education.
- Providing an appropriation of \$1,000,000 to Florida State University to establish the Florida Institute for Charter School Innovation.

This bill analysis is drafted to the committee substitute.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4 **Amendment**

5 Remove line 23 and insert:

6 9. The director of the Office of Adoption and Child
 7 Protection ~~Child Abuse Prevention~~;

HB 55

2015

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

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

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

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

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

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

24 and

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

HB 55

2015

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

30 | Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 55 Children and Youth Cabinet
SPONSOR(S): Harrell
TIED BILLS: IDEN./SIM. **BILLS:** SB 878

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N	Flynn	Healy
2) Health & Human Services Committee	18 Y, 0 N	Nilson	Calamas
3) Education Committee		Flynn <i>ZF</i>	Mizereck <i>KM</i>

SUMMARY ANALYSIS

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

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

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

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

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

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

Effect of Proposed Changes

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

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

B. SECTION DIRECTORY:

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

Section 2: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

¹ Section 1, Ch. 2007-151, Laws of Fla.

² Section 402.56(2)(b), F.S.

³ Section 402.56(3)(a), F.S.

⁴ Section 402.56(4), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to American Founders' Month; providing
 3 a short title; creating s. 683.1455, F.S.; designating
 4 the month of September as "American Founders' Month";
 5 authorizing the Governor to annually issue a
 6 proclamation designating the month and urging
 7 participation; amending s. 1003.44, F.S.; requiring
 8 district school boards to celebrate the American
 9 Founders and the principles inherent in the country's
 10 founding documents by observing American Founders'
 11 Month; providing guidelines for instruction; providing
 12 that instruction may be integrated into the existing
 13 school curriculum; providing an effective date.

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

16
 17 Section 1. This act may be cited as the "American
 18 Founders' Month Act."

19 Section 2. Section 683.1455, Florida Statutes, is created
 20 to read:

21 683.1455 American Founders' Month.—

22 (1) The month of September of each year is designated as
 23 "American Founders' Month."

24 (2) The Governor may annually issue a proclamation
 25 designating the month of September as "American Founders' Month"
 26 and urging all civic, fraternal, and religious organizations and

HB 143

2015

27 public and private educational institutions to recognize and
28 observe this occasion through appropriate programs, meetings,
29 services, or celebrations in which state, county, and local
30 governmental officials are invited to participate.

31 Section 3. Subsection (2) of section 1003.44, Florida
32 Statutes, is amended, and subsections (3) and (4) are added to
33 that section, to read:

34 1003.44 Patriotic programs; rules.—

35 (2) Each district school board may allow any teacher or
36 administrator to read, or to post in a public school building or
37 classroom or at any school-related event, any excerpt or portion
38 of the following historic material: the national motto; the
39 national anthem; the pledge of allegiance; the Constitution of
40 the State of Florida, including the Preamble; the Constitution
41 of the United States, including the Preamble; the Bill of
42 Rights; the Declaration of Independence; the Mayflower Compact;
43 the Emancipation Proclamation; the writings, speeches,
44 documents, and proclamations of the presidents of the United
45 States, the signers of the Constitution of the United States and
46 the Declaration of Independence, and civil rights leaders; and
47 decisions of the United States Supreme Court. However, any
48 material that is read, posted, or taught pursuant to this
49 provision may be presented only from a historical perspective
50 and in a nonproselytizing manner. When less than an entire
51 document is used, the excerpt or portion must include as much
52 material as is reasonably necessary to reflect the sentiment of

HB 143

2015

53 | the entire document and avoid expressing statements out of the
54 | context in which they were originally made. If the material
55 | refers to laws or judicial decisions that have been superseded,
56 | the material must be accompanied by a statement indicating that
57 | such law or decision is no longer the law of the land. No
58 | material shall be selected to advance a particular religious,
59 | political, or sectarian purpose. ~~The department shall distribute~~
60 | ~~a copy of this section to each district school board, whereupon~~
61 | ~~each district school superintendent shall distribute a copy to~~
62 | ~~all teachers and administrators.~~

63 | (3) (a) Each district school board shall celebrate the
64 | American Founders and the principles inherent in the country's
65 | founding documents by observing American Founders' Month in
66 | September of each year as provided in s. 683.1455. This month
67 | may be coordinated with Celebrate Freedom Week, which is
68 | observed pursuant to s. 1003.421.

69 | (b) During American Founders' Month, students may be
70 | provided instruction that focuses on:

71 | 1. The leading figures present at the country's founding,
72 | including those who were instrumental in crafting the founding
73 | documents that institutionalized individual liberty and
74 | representative government that derives its power from the
75 | consent of the governed.

76 | 2. The moral and civic virtue, self-sacrifice,
77 | intellectual genius, and patriotism demonstrated by the
78 | country's founding fathers.

79 3. The founding documents, including, but not limited to,
80 the Declaration of Independence, the Constitution of the United
81 States, the Bill of Rights, and the Federalist Papers.

82 4. The historical and philosophical importance of the
83 Declaration of Independence with its emphasis that all people
84 "are endowed, by their Creator, with certain unalienable rights,
85 that among these are life, liberty, and the pursuit of
86 happiness."

87 5. The principles inherent in the founding documents,
88 including, but not limited to, individual freedom, equality,
89 representative government, a free market system, civic virtue,
90 natural law, and self-evident truth.

91 (c) The instruction may be integrated into the existing
92 school curriculum through methods including, but not limited to,
93 supplementing lesson plans, holding school assemblies, or
94 providing school-related activities.

95 (4) The department shall distribute a copy of this section
96 to each district school board, whereupon each district school
97 superintendent shall distribute a copy to all school
98 administrators and instructional personnel at the beginning of
99 each school year.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 143 American Founders' Month
SPONSOR(S): Bileca and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	11 Y, 0 N	Flynn	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	Dobson	Heflin
3) Education Committee		Flynn <i>ZF</i>	Mizereck <i>KM</i>

SUMMARY ANALYSIS

Florida law requires district school boards to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government. The law provides procedures for singing the national anthem and reciting the pledge of allegiance to the flag of the United States in public schools and school functions. The pledge must be recited daily in all Florida public schools. Additionally, public schools must annually observe Celebrate Freedom Week during the last full week of classes in September. During Celebrate Freedom Week, students must receive specified instruction on the Declaration of Independence and public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of each school day.

The bill designates the month of September as "American Founders' Month" and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month. The bill requires district school boards to observe "American Founders' Month" and recommends instruction on the American founding fathers and their role in drafting the founding documents. (e.g., the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers) Celebrations during this month may be coordinated with Celebrate Freedom Week.

During "American Founders' Month" school boards may provide instruction focused upon:

- The leading figures present at the country's founding, including those who were instrumental in crafting the founding documents.
- The "moral and civic virtue, self-sacrifice, intellectual genius, and patriotism" of the founding fathers.
- The importance of the founding documents and the principles inherent in such documents.
- The historical and philosophical importance of the Declaration of Independence and its foundation in natural law.

School boards may integrate instruction provided during "American Founders' Month" into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities.

Any fiscal impact created by the bill is expected to be insignificant. See FISCAL COMMENTS.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Required Instruction

Florida law requires each district school board to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government.¹

Patriotic Programs

School boards are authorized to adopt rules that require patriotic programs in district schools which encourage respect for the United States government, the national anthem, and flag. The law also specifies procedures for the singing of the national anthem and recitation of the pledge of allegiance to the flag of the United States in public schools and at school-sponsored functions. The pledge must be recited at the beginning of the day in each public school in the state. Students must be excused from reciting the pledge if their parent submits a written request.²

Any teacher or school administrator may read or post specified historical documents (e.g., the national motto, the national anthem, the pledge of allegiance, the Constitution of the United States, and the Constitution of the State of Florida) in a public school building, classroom, or at any school-related event. Such documents may be read, posted, or taught only from a historical perspective, in a nonproselytizing manner. If an excerpt from a specified historical document is used, such selection must reflect the sentiment of the entire document. If such document refers to laws or judicial decisions that have been replaced or have expired, a statement must accompany the document highlighting that such law or decision is no longer valid.³

Recitation of the Declaration of Independence

Public schools must annually observe Celebrate Freedom Week during the last full week of classes in September. Such observance must include at least three hours of instruction involving an in-depth study of the intent, meaning, and importance of the Declaration of Independence in each social studies class, as determined by each school district. Additionally, public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of each school day or in homeroom to reaffirm the American ideals of individual liberty. Students must be excused from reciting the Declaration of Independence if their parent submits a written request.⁴

Effect of Proposed Changes

The bill designates the month of September as "American Founders' Month" and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month. The bill requires district school boards to observe "American Founders' Month" and recommends instruction on celebrating the American founding fathers and their role in drafting the

¹ Section 1003.42(2)(a)-(d), F.S.

² Section 1003.44 (1), F.S. Under federal law, September 17 is designated as Constitution Day and Citizenship Day. The law encourages "civil and educational authorities of States, counties, cities, and towns" "to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside." 36 U.S.C., s. 106.

³ Section 1003.44(2), F.S.

⁴ Section 1003.421, F.S.

founding documents. (e.g., the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers) Celebrations during this month may be coordinated with Celebrate Freedom Week.

During “American Founders’ Month” school boards may provide instruction focused upon:

- The leading figures present at the country’s founding, including those who were instrumental in crafting the founding documents.
- The “moral and civic virtue, self-sacrifice, intellectual genius, and patriotism” of the founding fathers.
- The importance of the founding documents and the principles inherent in such documents.
- The historical and philosophical importance of the Declaration of Independence and its foundation in natural law.

School boards may integrate instruction provided during “American Founders’ Month” into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities.

Currently, the Department of Education must distribute a copy of the law on patriotic programs to each district school board. District school superintendents must distribute a copy of the law on patriotic programs to all teachers and administrators.⁵ The bill changes the terms “teachers” and “administrators” to “instructional personnel”⁶ and “school administrators.”⁷ These terms are the school-based personnel classifications specifically defined in statute.

B. SECTION DIRECTORY:

Section 1. Provides a short title.

Section 2. Creates s. 683.1455, F.S., relating to “American Founders’ Month Act,” designating the month of September of each year as “American Founders’ Month.”

Section 3. Amends s. 1003.44, F.S., relating to patriotic programs, requiring district school boards to observe “American Founders’ Month;” specifying the focus of instruction during the month; providing that such instruction may be integrated into existing school curriculum; and requiring distribution of specified information to school personnel.

Section 4. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

⁵ Section 1003.44(2), F.S.

⁶ Section 1012.01(2), F.S.

⁷ Section 1012.01(3)(c), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts may provide students with instruction that focuses on the people, the events, the documents, the ideas, and the key principles surrounding the foundation of America. This instruction may be included in existing lesson plans, or taught in school assemblies or other school-related activities. School districts that choose to include this instruction could incur minimal costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to the Literacy Jump Start Pilot
 3 Project; requiring the Office of Early Learning to
 4 establish the pilot project in St. Lucie County to
 5 assist low-income, at-risk children in developing
 6 emergent literacy skills; requiring the office to
 7 select an organization to implement the pilot project;
 8 requiring the office to oversee implementation of the
 9 pilot project; defining the term "emergent literacy";
 10 providing eligibility requirements for participation;
 11 requiring background screening for child care
 12 personnel; requiring emergent literacy training for
 13 instructors; encouraging the coordination of basic
 14 health screening and immunization services in
 15 conjunction with emergent literacy instruction;
 16 requiring annual submission of an accountability
 17 report; requiring the office to allocate funds for the
 18 pilot project; providing an effective date.

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

21
 22 Section 1. (1) The Office of Early Learning shall
 23 establish the 5-year Literacy Jump Start Pilot Project in St.
 24 Lucie County to assist low-income, at-risk children in
 25 developing emergent literacy skills.

26 (a) The Office of Early Learning shall consult with local
27 organizations within St. Lucie County and identify an
28 organization to implement the pilot project. The office shall
29 also consult with the Early Learning Coalition of St. Lucie
30 County to select municipalities within St. Lucie County eligible
31 for participation in the pilot project. A municipality is
32 eligible for participation if locally or federally subsidized
33 housing is located within the municipality. The office shall
34 oversee the implementation of the pilot project.

35 (b) The Office of Early Learning shall select a local
36 organization that is a not-for-profit corporation, qualified as
37 charitable under s. 501(c)(3) of the Internal Revenue Code, that
38 provides training to parents to assist their children with
39 success in school, such as the Parent Academy of St. Lucie
40 County or another similarly qualified local organization, to
41 implement the pilot project. The office may select a faith-based
42 organization; however, funds provided for the purpose of
43 implementing the pilot project may be used for only those
44 purposes expressly provided in this section and may not be used
45 for the purpose of religious indoctrination.

46 (2) The organization selected by the Office of Early
47 Learning must use funds provided for the pilot project only to
48 provide emergent literacy instruction to children. In order to
49 provide easy access for participating children and families, the
50 instruction must be provided in a subsidized housing unit
51 located within an eligible municipality selected by the office.

52 (3) As used in this section, the term "emergent literacy"
53 means a variety of early behaviors and skills associated with
54 successful reading and writing development.

55 (4) A child is eligible to receive emergent literacy
56 instruction provided through the pilot project only if the child
57 is:

58 (a) Two or 3 years of age;

59 (b) Eligible for a federally subsidized child care
60 program; and

61 (c) A member of a family that is economically
62 disadvantaged and resides in locally or federally subsidized
63 housing. For purposes of this paragraph, the term "economically
64 disadvantaged" means having a family income that does not exceed
65 150 percent of the federal poverty level.

66 (5) The organization selected by the Office of Early
67 Learning must require all child care personnel, as defined in s.
68 402.302(3), Florida Statutes, to meet the background screening
69 requirements of s. 402.305, Florida Statutes, before
70 participating in the pilot project. The organization may not use
71 state funds to implement the pilot project to pay for background
72 screening. The organization must certify in writing to the
73 office that individuals required to be screened under this
74 subsection have complied with the background screening
75 requirements of this subsection before the office may issue the
76 organization any state funds to implement the pilot project.

77 (6) An instructor in the pilot project must successfully
78 complete an emergent literacy training course, approved by the
79 Office of Early Learning, before providing emergent literacy
80 instruction under this section.

81 (7) The organization is encouraged to coordinate with the
82 St. Lucie County Health Department in providing basic health
83 screening and immunization services for children participating
84 in the pilot project in conjunction with emergent literacy
85 instruction. The organization is further encouraged to engage in
86 community outreach efforts to local community service
87 organizations for the purpose of improving the availability and
88 effective delivery of emergent literacy instruction.

89 (8) By December 31 of each year that the organization
90 provides emergent literacy instruction, the organization shall
91 submit an accountability report to the Office of Early Learning,
92 the Early Learning Coalition of St. Lucie County, the Governor,
93 the President of the Senate, and the Speaker of the House of
94 Representatives. The accountability report must include, at a
95 minimum, the following information:

96 (a) The manner in which all state funds received by the
97 organization are used to implement the pilot project, separated
98 by type of expenditure and measured in exact dollar amounts.

99 (b) Other sources of funding received by the organization
100 for purposes of providing emergent literacy instruction.

101 (c) The municipalities selected by the Office of Early
102 Learning for participation in the pilot project.

CS/HB 153

2015

- 103 (d) The identities of the organization's officers.
- 104 (e) The number of children receiving emergent literacy
 105 instruction in each municipality.
- 106 (f) Information and data relating to coordinated health
 107 screening and immunization services provided in conjunction with
 108 the emergent literacy instruction, if any.
- 109 (9) The Office of Early Learning shall allocate funds for
 110 implementation of the pilot project pursuant to this section.
 111 Expenditures of state funds pursuant to this section must be
 112 verified by affidavit submitted to the office in a procedure and
 113 format determined by the office.
- 114 Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 153 Literacy Jump Start Pilot Project
SPONSOR(S): Choice & Innovation Subcommittee and Lee, Jr.
TIED BILLS: IDEN./SIM. **BILLS:** SB 1116

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

SUMMARY ANALYSIS

The bill requires the Office of Early Learning (OEL) to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children. OEL must select an organization to administer the pilot project and one or more municipalities to participate in the project. Emergent literacy instruction must be delivered in a subsidized housing unit located within an eligible municipality to facilitate parent and child access to services. The organization may coordinate with the St. Lucie County Health Department to provide basic health screening and immunization in conjunction with emergent literacy instruction.

Child care personnel serving children participating in the pilot project must undergo level 2 background screening. The organization must certify to OEL its compliance with screening requirements before OEL may issue state funds for the pilot project. State funds may not be spent on screening. Additionally, emergent literacy instructors must complete an OEL-approved emergent literacy training course.

The organization must submit an annual accountability report to OEL, the St. Lucie County Early Learning Coalition, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Among other things, the report must include information regarding expenditures of state funds; additional funding sources used for the pilot project; and children who received emergent literacy instruction, health screenings, and immunizations. Additionally, the organization must verify by affidavit to OEL all expenditures of state funds.

The bill has a fiscal impact on state government. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's Office of Early Learning (OEL) provides state-level administration for two state-funded early learning programs serving preschool age children – the School Readiness Program and the Voluntary Prekindergarten Education (VPK) Program.¹ Both programs are administered at the county or regional level by early learning coalitions (ELC).²

The VPK Program is a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.³ Children enrolled in the VPK Program receive instruction in emergent literacy and mathematics skills necessary for kindergarten readiness.⁴ Among other things, Florida law requires OEL to adopt child performance standards and minimum standards for emergent literacy training courses for prekindergarten instructors. The performance standards and emergent literacy training courses must encompass oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.⁵

The School Readiness Program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities. The School Readiness Program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.⁶ Among other things, children participating in the program receive instruction in school readiness skills.⁷

Additional publicly-funded early learning programs for low-income, at-risk children offered in Florida include the Head Start,⁸ Early Head Start,⁹ Migrant and Seasonal Head Start,¹⁰ and Home Instruction for Parents of Preschool Youngsters (HIPPY).¹¹

Child care personnel employed by licensed child care facilities, licensed and registered FDCHs, LFCCHs, licensed-exempt child care providers, and nonpublic schools and VPK program instructors employed by public schools, must undergo Level 2¹² background screening.¹³

¹ Parts V and VI, ch. 1002, F.S.

² Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximum permitted by law. Section 1002.83(1), F.S.; see Florida's Office of Early Learning, *Coalitions*, <http://www.floridaearlylearning.com/coalitions.aspx> (last visited Jan. 23, 2015)(see "Coalition Directory").

³ Part V, ch. 1002, F.S.; see also Art. IX, s. 1(b)-(c), Fla. Const.

⁴ Section 1002.67(1)(a), F.S.

⁵ Sections 1002.59(1) and 1002.67(1), F.S.

⁶ Part VI, ch. 1002, F.S.; 42 U.S.C. ss. 618 & 9858-9858q; U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet (2014)*, available at http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf.

⁷ Section 1002.82(2)(j), F.S. OEL must develop and adopt standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to 5 years of age must be aligned with the VPK program performance standards, including language and communication. *Id.*

⁸ 42 U.S.C. s. 9831 et. seq.

⁹ 42 U.S.C. s. 9840a.

¹⁰ See e.g., 42 U.S.C. s. 9832(17).

¹¹ Specific Appropriation 87, s. 2, ch. 2014-51, L.O.F.

¹² Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 51 offenses. See s. 435.04, F.S.

¹³ Sections 402.302(3) and (15)(definitions of "child care personnel" and "screening"), 402.305(2)(child care facilities), 402.313(3)(FDCH), 402.3131(2)(LFCCH), 1002.55(3)(d)-(e)(private provider of VPK school year program), 1002.61(5)-(6)(public

Effect of Proposed Changes

The bill requires OEL to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children. OEL must select an organization to administer the pilot project and one or more municipalities to participate in the project. Both the organization and the municipalities must be located in St. Lucie County. The organization must be a not-for-profit corporation qualified as charitable under section 501(c)(3) of the Internal Revenue Code that provides training to parents to assist their children with success in school. The bill identifies the Parent Academy of St. Lucie County¹⁴ as an example of a qualifying organization.

Emergent literacy instruction must be delivered in a subsidized housing unit located within an eligible municipality to facilitate parent and child access to services. The organization may coordinate with the St. Lucie County Health Department to provide basic health screening and immunization in conjunction with emergent literacy instruction.

Child care personnel serving children participating in the pilot project must undergo level 2 background screening. These requirements apply to owners, operators, employees, and volunteers working with children.¹⁵ The organization must certify to OEL its compliance with screening requirements before OEL may issue state funds for the pilot project. State funds may not be spent on screening. Additionally, instructors must complete an OEL-approved emergent literacy training course.

In order to participate in the pilot project, a child must be two or three years of age, eligible for a federally subsidized child care program, and a member of a family that is economically disadvantaged and reside in locally or federally subsidized housing. Under the bill, "economically disadvantaged" means having a family income that does not exceed 150 percent of the federal poverty level.

The organization must submit an annual accountability report to the Office of Early Learning, the St. Lucie County Early Learning Coalition, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Among other things, the report must document expenditures of state funds and data regarding emergent literacy instruction and health screening and immunization services provided to children. Additionally, the organization must verify by affidavit to OEL all expenditures of state funds.

B. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law; creates the Literacy Jump Start Pilot Project; specifies requirements for the pilot project.

Section 2. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

school and private providers of the VPK summer program), and 1002.63(5)-(6), F.S. (public school provider of school year VPK program).

¹⁴ Parent Academy, <http://www.parentacademyslc.org/> (last visited Jan. 23, 2015).

¹⁵ See s. 402.302(3), F.S. (definition of child care personnel).

The bill requires OEL to allocate funds to implement the Literacy Jump Start Pilot Project; this will require an appropriation in the 2015-16 General Appropriations Act. The 2013 Legislature appropriated \$110,000 to fund the pilot project for the 2013-14 fiscal year and the 2014 Legislature appropriated \$200,000 for the 2014-15 fiscal year which was contingent upon HB85 or similar legislation becoming law. Both appropriations were vetoed by the Governor.¹⁶

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires OEL to select an organization to administer the pilot project. The organization must be a not-for-profit corporation qualified as charitable under section 501(c)(3) of the Internal Revenue Code that provides training to parents to assist their children with success in school. The organization will receive funds (if appropriated in the GAA) from OEL to administer the pilot project.

Children in St. Lucie County who meet the eligibility requirements may participate in the pilot project and receive free emergent literary instruction.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2015, the Choice & Innovation Subcommittee adopted one amendment to the bill and reported the bill favorably as a committee substitute. The amendment subjected individuals working for the organization to the background screening requirements for "child care personnel." Thus, the organization's owners, operators, employees, and volunteers who work with children must undergo

¹⁶ Specific Appropriation 103, s. 2, ch. 2013-40, L.O.F.; Specific Appropriation 87, s. 2, ch. 2014-51, L.O.F. Additionally, the FY 2015 appropriation was contingent upon passage of HB 85 (2014) or similar legislation, which legislation did not achieve final passage.

level 2 background screening conducted by the Department of Children and Families. The bill required the organization to conduct the background screening, thereby causing a conflict with federal law requiring that the results of federal criminal records checks be transmitted to a statutorily designated state agency. Additionally, the bill required the organization to screen all of its volunteers, not just those who have contact with children.

1 A bill to be entitled
 2 An act relating to educational facilities; creating s.
 3 1013.385, F.S.; providing for school district
 4 construction flexibility; authorizing exceptions to
 5 educational facilities construction requirements under
 6 certain circumstances; providing an effective date.

7

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

9

10 Section 1. Section 1013.385, Florida Statutes, is created
 11 to read:

12 1013.385 School district construction flexibility.-

13 (1) A district school board may, with a supermajority vote
 14 at a public meeting that begins no earlier than 5 p.m., adopt a
 15 resolution to implement one or more of the exceptions to the
 16 educational facilities construction requirements provided in
 17 this section. Before voting on the resolution, a district school
 18 board must conduct a cost-benefit analysis prepared according to
 19 a professionally accepted methodology that describes how each
 20 exception selected by the district school board achieves cost
 21 savings, improves the efficient use of school district
 22 resources, and impacts the life-cycle costs and life span for
 23 each educational facility to be constructed, as applicable, and
 24 demonstrates that implementation of the exception will not
 25 compromise student safety or the quality of student instruction.
 26 The district school board must conduct at least one public

CS/HB 181

2015

27 workshop to discuss and receive public comment on the proposed
28 resolution and cost-benefit analysis, which must begin no
29 earlier than 5 p.m. and may occur at the same meeting at which
30 the resolution will be voted upon.

31 (2) A resolution adopted under this section may propose
32 implementation of exceptions to requirements of the uniform
33 statewide building code for the planning and construction of
34 public educational and ancillary plants adopted pursuant to ss.
35 553.73 and 1013.37 relating to:

36 (a) Interior nonload-bearing walls, by approving the use
37 of fire-rated wood stud walls in new construction or remodeling
38 for interior nonload-bearing wall assemblies that will not be
39 exposed to water or located in wet areas.

40 (b) Walkways, roadways, driveways, and parking areas, by
41 approving the use of designated, stabilized, and well-drained
42 gravel or grassed student parking areas.

43 (c) Standards for relocatables used as classroom space, as
44 specified in s. 1013.20, by approving construction
45 specifications for installation of relocatable buildings that do
46 not have covered walkways leading to the permanent buildings
47 onsite.

48 (d) Site lighting, by approving construction
49 specifications regarding site lighting that:

50 1. Do not provide for lighting of gravel or grassed
51 auxiliary or student parking areas.

52 2. Provide lighting for walkways, roadways, driveways,

CS/HB 181

2015

53 paved parking lots, exterior stairs, ramps, and walkways from
54 the exterior of the building to a public walkway through
55 installation of a timer that is set to provide lighting only
56 during periods when the site is occupied.

57 3. Allow lighting for building entrances and exits to be
58 installed with a timer that is set to provide lighting only
59 during periods in which the building is occupied. The minimum
60 illumination level at single-door exits may be reduced to no
61 less than 1 footcandle.

62 Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 181 Educational Facilities
SPONSOR(S): K-12 Subcommittee, Bileca and others
TIED BILLS: IDEN./SIM. BILLS: SB 448

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	8 Y, 0 N, As CS	Beagle	Fudge
2) Education Committee		Beagle <i>GLB</i>	Mizereck <i>KM</i>

SUMMARY ANALYSIS

The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the State Requirements for Educational Facilities (SREF), is adopted by the Florida Building Commission as part of the Florida Building Code. The Department of Education (DOE) must biennially review and recommend to the Florida Building Commission updates and revisions to the SREF. The law and State Board of Education rules require district school boards to adhere to the SREF when constructing and renovating educational facilities. Generally speaking, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.

The bill authorizes a district school board to adopt a resolution to implement one or more of the following exceptions to the SREF requirements regarding:

- Use of wood studs in interior nonload-bearing walls;
- Paved walkways, roadways, driveways, and parking areas;
- Covered walkways for relocatable buildings; and
- Site lighting.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

The bill does not have a fiscal impact on state government. District school boards that take advantage of the facilities flexibility may achieve cost savings. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State Requirements for Educational Facilities

The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the State Requirements for Educational Facilities (SREF), is adopted by the Florida Building Commission as part of the Florida Building Code.¹ The Department of Education (DOE) must biennially review and recommend to the Florida Building Commission updates and revisions to the provisions of the SREF of the Florida Building Code.² The law and State Board of Education rules require district school boards and Florida College System (FCS) institution boards of trustees to adhere to the SREF when constructing, maintaining, and renovating educational facilities.³ Generally speaking, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.⁴

Currently, the SREF is codified in s. 423 of the Florida Building Code. Among other things, the SREF specifies the following standards for interior walls; walks, roads, drives, and parking areas; covered walks; and site lighting:

SREF of the Florida Building Code⁵
423.8.3.1.1: Interior nonload-bearing wood studs or partitions shall not be used in permanent educational and auxiliary facilities or relocatable buildings
423.10.2: Walks, roads, drives, and parking areas. Walks, roads, drives, and parking areas on educational and ancillary sites shall be paved. Roads, drives, and parking areas shall be in compliance with Department of Transportation (DOT) road specifications and striped in compliance with DOT paint specifications. All paved areas shall have positive drainage.
423.10.2.1: Covered walks. All buildings in K-12 educational facilities shall be connected by paved walks and accessible under continuous roof cover. New relocatable classroom buildings shall be connected to permanent buildings by paved covered walks where applicable.
423.10.3: Site lighting required. Design, construction, and installation of exterior security lighting for educational and ancillary facilities shall be provided for: <ul style="list-style-type: none">• Auto, bus, and service drives and loading areas;• Parking areas;• Building perimeter; and• Covered and connector walks between buildings and between buildings and parking.

Effect of Proposed Changes

The bill authorizes a district school board to adopt a resolution to implement one or more of the following exceptions to the SREF:

¹ Section 1013.37(1), F.S.

² Section 1013.37(4), F.S.

³ Section 1013.37(1), F.S.; rule 6A-2.0010, F.A.C.

⁴ See, e.g., s. 1013.12 (casualty, safety, sanitation, and firesafety standards and inspection of property) and 1013.451, F.S. (life-cycle cost comparison)

⁵ International Code Council, *2010 Florida Building Code*, http://ecodes.cyberregs.com/cgi-exe/cpage.dll?pg=x&rp=/indx/ST/fl/st/b200v10/st_fl_st_b200v10_4.htm&sid=2015030617392435273&aph=0&cid=iccf&uid=iccf0002&clrA=005596&clrV=005596&clrX=005596&ref=/nonindx/ST/fl/st/b200v10/index.htm#b=423 (last visited March 6, 2015)(see s. 423 State Requirements for Educational Facilities).

- Interior nonload-bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.
- Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- Site lighting by approving construction specifications regarding site lighting that:
 - Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
 - Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
 - Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 footcandle.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

B. SECTION DIRECTORY:

Section 1. Creates s. 1013.385, F.S., relating to School district construction flexibility.

Section 2. Provides an effective date of July 1, 2015.

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:

District school boards that choose to implement the facilities flexibility authorized by the bill may achieve cost savings.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 11, 2015, the K-12 Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed Florida Building Code section references from the bill. This bill analysis reflects the committee substitute adopted by the K-12 Subcommittee.

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

28 381.0056 School health services program.—

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

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

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

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

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

53 the health status of an individual.

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

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

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

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

79 12. Meeting emergency health needs in each school.~~†~~

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

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

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

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

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

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

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

HB 291

2015

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

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

114 394.4599 Notice.—

115 (2) INVOLUNTARY PATIENTS.—

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

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

HB 291

2015

131 guardian, or guardian advocate in person or by telephonic or
132 other form of electronic communication immediately after the
133 patient's arrival at the facility. The facility may delay
134 notification for no more than 24 hours if the facility has
135 submitted a report to the central abuse hotline, pursuant to s.
136 39.201, based upon knowledge or suspicion of abuse, abandonment,
137 or neglect and deems delay in notification to be in the minor's
138 best interest.

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

156 Section 3. Paragraph (1) is added to subsection (3) of

HB 291

2015

157 section 1002.20, Florida Statutes, to read:

158 1002.20 K-12 student and parent rights.—Parents of public
159 school students must receive accurate and timely information
160 regarding their child's academic progress and must be informed
161 of ways they can help their child to succeed in school. K-12
162 students and their parents are afforded numerous statutory
163 rights including, but not limited to, the following:

164 (3) HEALTH ISSUES.—

165 (1) Notification of involuntary examinations.—The public
166 school principal or the principal's designee shall immediately
167 notify the parent of a student who is removed from school,
168 school transportation, or a school-sponsored activity and taken
169 to a receiving facility for an involuntary examination pursuant
170 to s. 394.463. The principal or the principal's designee may
171 delay notification for no more than 24 hours if the principal or
172 designee deems the delay to be in the student's best interest
173 and if a report has been submitted to the central abuse hotline,
174 pursuant to s. 39.201, based upon knowledge or suspicion of
175 abuse, abandonment, or neglect. Each district school board shall
176 develop a policy and procedures for notification under this
177 paragraph.

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

180 1002.33 Charter schools.—

181 (9) CHARTER SCHOOL REQUIREMENTS.—

182 (q) The charter school principal or the principal's

HB 291

2015

183 designee shall immediately notify the parent of a student who is
184 removed from school, school transportation, or a school-
185 sponsored activity and taken to a receiving facility for an
186 involuntary examination pursuant to s. 394.463. The principal or
187 the principal's designee may delay notification for no more than
188 24 hours if the principal or designee deems the delay to be in
189 the student's best interest and if a report has been submitted
190 to the central abuse hotline, pursuant to s. 39.201, based upon
191 knowledge or suspicion of abuse, abandonment, or neglect. Each
192 charter school governing board shall develop a policy and
193 procedures for notification under this paragraph.

194 Section 5. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 291 Involuntary Examinations of Minors
SPONSOR(S): Harrell
TIED BILLS: **IDEN./SIM. BILLS:** SB 954

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	11 Y, 0 N	Flynn	Fudge
2) Children, Families & Seniors Subcommittee	13 Y, 0 N	McElroy	Brazzell
3) Education Committee		Flynn <i>ZF</i>	Mizereck <i>KM</i>

SUMMARY ANALYSIS

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

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

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

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

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

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Involuntary Examinations under Florida's Baker Act

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

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

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

Within the 72-hour involuntary examination period, the patient must be released or a petition for involuntary placement of the patient in outpatient or inpatient treatment must be filed in the circuit court.¹³ Nearly 76 percent of involuntary examinations end without a petition for involuntary placement. The average length of stay is 4.5 days.¹⁴

¹ Chapter 1971-131, L.O.F.

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

³ Section 394.463, F.S.

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

⁵ Section 394.463, F.S.; Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

⁶ Section 394.463(2), F.S.

⁷ Section 394.463(1), F.S.; Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

⁸ Section 394.462(k), F.S.

⁹ See Sections 394.455(26), F.S. 394.461, and 394.463, F.S.; Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

¹⁰ Section 394.463(2)(f), F.S.

¹¹ *Id.*

¹² *Id.*

¹³ Section 394.463(2)(i), F.S.; see section 394.4655(3)(a), F.S.

¹⁴ Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

In 2011, approximately 150,000 involuntary examinations were conducted on 111,000 individuals under the Baker Act.¹⁵ Nearly 18,000 of the examinees were children. Over the span of ten years (2002 to 2011), there was a 35 percent increase in the number of children involuntarily examined.¹⁶

Receiving facilities must give prompt notice of the whereabouts of a patient who is being involuntarily held for examination to the patient's guardian,¹⁷ guardian advocate,¹⁸ attorney, and representative.¹⁹ The notice must be made by telephone or in person within 24 hours after the patient's arrival at the facility.²⁰ Attempts at notification must begin as soon as reasonably possible after the patient's arrival and must be documented in the patient's clinical record.²¹ However, a patient, including a minor, has the right to prohibit a receiving facility from providing this notice.²²

School Health Services

Each county health department must jointly develop with the district school board and local school health advisory committee a school health services plan.²³ The school health services plan describes the services to be provided pursuant to the plan, the responsibility for the provision of the services, the anticipated expenditures to provide the services, and evidence of cooperative planning by local school districts and county health departments.²⁴

Each health services plan must include provisions for, among other things, meeting emergency health needs in each school.²⁵ "Emergency health needs" is defined as "onsite management and aid for illness or injury pending the student's return to the classroom or release to a parent, guardian, designated friend, or designated health care provider."²⁶ Each school health services plan must be reviewed annually for the purpose of updating the plan, and the plan must be approved biennially by the school district's superintendent, school board chairperson, county health department medical director or administrator, and the Department of Health's district administrator.²⁷

Health services plans are not required to provide for notification of a student's parent or guardian when the student is transported to a receiving facility for purposes of an involuntary examination under the Baker Act.²⁸

K-12 Student and Parent Rights

In Florida, K-12 students and their parents are afforded certain statutory rights, including rights relating to health issues.²⁹ The rights enumerated by statute contain no requirement that a student's parent or guardian be notified when the student is transported to a receiving facility for purposes of an involuntary examination under the Baker Act.

¹⁵ Florida Department of children and Families, *Florida's Baker Act: 2013 Fact Sheet*, available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

¹⁶ *Id.*

¹⁷ Section 394.455(11), F.S.

¹⁸ Sections 394.455(12) and 394.4589, F.S.

¹⁹ Section 394.4599(2)(a), F.S.

²⁰ Section 394.4599(2)(b), F.S.

²¹ *Id.*

²² *Id.*

²³ Section 381.0056(4), F.S.

²⁴ Section 381.0056(2)(e), F.S.

²⁵ *See* Section 381.0056, F.S.

²⁶ Section 381.0056(2)(a), F.S.

²⁷ Rule 64F-6.002(3), F.A.C.

²⁸ *See* Sections 381.0056, F.S. and 394.4599(2)(b), F.S.

²⁹ *See* Section 1002.20(3), F.S.

Effect of Proposed Changes

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

The bill provides that, if a student is removed from a public school, school transportation, or a school-sponsored activity for an involuntary examination, the school principal or the principal’s designee must immediately notify the student’s parent.³⁰ If the principal or principal’s designee has submitted a report to the central abuse hotline³¹ for suspected abuse, abandonment, or neglect and deems delay of notification to be in the student’s best interest, notification may be delayed by no more than 24 hours after the student’s removal.³²

The bill requires receiving facilities to give notice of the whereabouts of a minor patient who is being held for an involuntary examination to the patient’s parent, guardian, or guardian advocate immediately after the patient’s arrival at the receiving facility. The receiving facility must attempt to notify the minor patient’s parent, guardian, or guardian advocate until confirmation is received either verbally, by telephonic or other form of electronic communication, or by recorded message that notification has been made. Attempts at notification must be made hourly during the first 12 hours after the patient’s arrival at the facility and then once every 24 hours thereafter until confirmation is received or until the patient is released at the end of the 72-hour examination period or a petition for involuntary placement is filed with the court.³³ A minor may not prohibit a receiving facility from providing this notice.

The bill requires the receiving facility to document each attempt at notification in the patient’s clinical record and provides that the facility may seek assistance from law enforcement if notification is not made within the first 24 hours after the patient’s arrival. The bill allows a receiving facility to delay notification by no more than 24 hours if it has submitted a report to the central abuse hotline for suspected abuse, abandonment, or neglect and deems delay of notification to be in the patient’s best interest.³⁴

B. SECTION DIRECTORY:

Section 1: Amends s. 381.0056, F.S., relating to school services program.

Section 2: Amends s. 394.4599, F.S., relating to notice under the Florida Mental Health Act.

Section 3: Amends s. 1002.20, F.S., relating to K-12 student and parent rights.

Section 4: Amends s. 1002.33, F.S., relating to charter schools.

Section 5: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

³⁰ Section 1000.21(5), F.S.

³¹ Section 39.201(1) and (2), F.S., requires a person who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, other person responsible for the child’s welfare, other adult, or a victim of sexual abuse by a known or suspected juvenile sexual offender to report such knowledge or suspicion to the Department of Children and Families using its central abuse hotline.

³² The bill also applies these requirements to charter schools.

³³ See Section 394.463(2)(i)4., F.S.

³⁴ See *supra* text accompanying note 31.

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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

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

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to the Principal Autonomy Pilot
3 Program Initiative; creating s. 1011.6202, F.S.;
4 creating the Principal Autonomy Pilot Program
5 Initiative; providing a procedure for a school
6 district to participate in the program; providing
7 requirements for participating school districts and
8 schools; exempting participating schools from certain
9 laws and rules; requiring principals of participating
10 schools to complete a specific professional
11 development program; providing for the term of
12 participation in the program; providing for renewal or
13 revocation of authorization to participate in the
14 program; providing for reporting and rulemaking;
15 amending s. 1011.64, F.S.; providing that certain
16 training may be included in school district minimum
17 classroom expenditure requirements; amending s.
18 1011.69, F.S.; requiring participating district school
19 boards to allocate a specified percentage of certain
20 funds to participating schools; amending s. 1012.28,
21 F.S.; providing additional authority and
22 responsibilities of the principal of a participating
23 school; amending s. 1012.986, F.S.; specifying the
24 contents of a specific professional development
25 program for certain school principals; providing an
26 effective date.

27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

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

Section 1. Section 1011.6202, Florida Statutes, is created to read:

1011.6202 Principal Autonomy Pilot Program Initiative.—The Principal Autonomy Pilot Program Initiative is created within the Department of Education. The purpose of the pilot program is to provide the principal of a participating school with increased autonomy and authority to operate his or her school in a way that produces significant improvements in student achievement and school management while complying with constitutional requirements. The State Board of Education may, upon approval of a principal autonomy proposal, enter into a performance contract with up to six district school boards for participation in the program.

(1) PARTICIPATING SCHOOL DISTRICTS.—A Florida school district may submit to the state board for approval a principal autonomy proposal that exchanges statutory and rule exemptions for an agreement to meet performance goals established in the proposal. If approved by the state board, the school district shall be eligible to participate in the program for 3 years. At the end of the 3 years, the performance of all participating schools in the school district shall be evaluated.

(2) PRINCIPAL AUTONOMY PROPOSAL.—

(a) To participate in the program, a school district must:

53 1. Identify three middle or high schools whose principals
54 will have fiscal and administrative autonomy.

55 2. Describe the current financial and administrative
56 management of each participating school; identify the areas in
57 which each school principal will have increased fiscal and
58 administrative autonomy, including the authority and
59 responsibilities provided in s. 1012.28(8); and identify the
60 areas in which each participating school will continue to follow
61 district school board fiscal and administrative policies.

62 3. Explain the methods used to identify the educational
63 strengths and needs of the participating school's students and
64 identify how student achievement can be improved.

65 4. Establish performance goals for student achievement, as
66 defined in s. 1008.34(1), and explain how the increased autonomy
67 of principals will help participating schools improve student
68 achievement and school management.

69 5. Provide each participating school's mission and a
70 description of its student population.

71 (b) The state board shall establish criteria, which must
72 include the criteria listed in paragraph (a), for the approval
73 of a principal autonomy proposal.

74 (c) A school district must submit its principal autonomy
75 proposal to the state board for approval by December 1 in order
76 to begin participation in the subsequent school year. By
77 February 28 of the school year in which the proposal is
78 submitted, the state board shall notify the district school

79 board in writing whether the proposal is approved.

80 (3) EXEMPTION FROM LAWS.—

81 (a) With the exception of those laws listed in paragraph
 82 (b), a participating school district is exempt from the
 83 provisions of chapters 1000-1013 and rules of the state board
 84 that implement those exempt provisions.

85 (b) A participating school district shall comply with the
 86 provisions of chapters 1000-1013, and rules of the state board
 87 that implement those provisions, pertaining to the following:

88 1. Those laws relating to the election and compensation of
 89 district school board members, the election or appointment and
 90 compensation of district school superintendents, public meetings
 91 and public records requirements, financial disclosure, and
 92 conflicts of interest.

93 2. Those laws relating to the student assessment program
 94 and school grading system, including chapter 1008.

95 3. Those laws relating to the provision of services to
 96 students with disabilities.

97 4. Those laws relating to civil rights, including s.
 98 1000.05, relating to discrimination.

99 5. Those laws relating to student health, safety, and
 100 welfare.

101 6. Section 1001.42(4)(f), relating to the uniform opening
 102 date for public schools.

103 7. Section 1003.03, governing maximum class size, except
 104 that the calculation for compliance pursuant to s. 1003.03 is

105 | the average at the school level for a participating school.

106 | 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
107 | compensation and salary schedules.

108 | 9. Section 1012.33(5), relating to workforce reductions
109 | for annual contracts for instructional personnel. This
110 | subparagraph does not apply to at-will employees.

111 | 10. Section 1012.335, relating to annual contracts for
112 | instructional personnel hired on or after July 1, 2011. This
113 | subparagraph does not apply to at-will employees.

114 | 11. Section 1012.34, relating to personnel evaluation
115 | procedures and criteria.

116 | 12. Those laws pertaining to educational facilities,
117 | including chapter 1013, except that s. 1013.20, relating to
118 | covered walkways for relocatables, and s. 1013.21, relating to
119 | the use of relocatable facilities exceeding 20 years of age, are
120 | eligible for exemption.

121 | 13. Those laws pertaining to participating school
122 | districts, including this section and ss. 1011.64(2)(b),
123 | 1011.69(2), 1012.28(8), and 1012.986(1)(e).

124 | (4) PROFESSIONAL DEVELOPMENT.—Each participating school
125 | district shall require that the principal of each participating
126 | school complete professional development provided through the
127 | William Cecil Golden Professional Development Program for School
128 | Leaders under s. 1012.986. The professional development must be
129 | completed before a school may participate in the Principal
130 | Autonomy Pilot Program Initiative.

131 (5) TERM OF PARTICIPATION.—The state board shall authorize
 132 a school district to participate in the program for a period of
 133 3 years commencing with approval of the principal autonomy
 134 proposal. Authorization to participate in the program may be
 135 renewed upon action of the state board. The state board may
 136 revoke authorization to participate in the program if the school
 137 district fails to meet the requirements of this section during
 138 the 3-year period.

139 (6) REPORTING.—Each participating school district shall
 140 submit an annual report to the state board. The state board
 141 shall annually report on the implementation of the Principal
 142 Autonomy Pilot Program Initiative. Upon completion of the
 143 program's first 3-year term, the Commissioner of Education shall
 144 submit to the President of the Senate and the Speaker of the
 145 House of Representatives by December 1 a full evaluation of the
 146 effectiveness of the program.

147 (7) RULEMAKING.—The State Board of Education shall adopt
 148 rules to administer this section.

149 Section 2. Paragraph (b) of subsection (2) of section
 150 1011.64, Florida Statutes, is amended to read:

151 1011.64 School district minimum classroom expenditure
 152 requirements.—

153 (2) For the purpose of implementing the provisions of this
 154 section, the Legislature shall prescribe minimum academic
 155 performance standards and minimum classroom expenditure
 156 requirements for districts not meeting such minimum academic

157 performance standards in the General Appropriations Act.

158 (b) School district minimum classroom expenditure
159 requirements shall be calculated pursuant to subsection (3) and
160 may include training pursuant to s. 1012.986(1)(e).

161 Section 3. Subsection (2) of section 1011.69, Florida
162 Statutes, is amended to read:

163 1011.69 Equity in School-Level Funding Act.—

164 (2) Beginning in the 2003-2004 fiscal year, district
165 school boards shall allocate to schools within the district an
166 average of 90 percent of the funds generated by all schools and
167 guarantee that each school receives at least 80 percent, except
168 schools participating in the Principal Autonomy Pilot Program
169 Initiative under s. 1011.6202 are guaranteed to receive at least
170 90 percent, of the funds generated by that school based upon the
171 Florida Education Finance Program as provided in s. 1011.62 and
172 the General Appropriations Act, including gross state and local
173 funds, discretionary lottery funds, and funds from the school
174 district's current operating discretionary millage levy. Total
175 funding for each school shall be recalculated during the year to
176 reflect the revised calculations under the Florida Education
177 Finance Program by the state and the actual weighted full-time
178 equivalent students reported by the school during the full-time
179 equivalent student survey periods designated by the Commissioner
180 of Education. If the district school board is providing programs
181 or services to students funded by federal funds, any eligible
182 students enrolled in the schools in the district shall be

183 provided federal funds.

184 Section 4. Subsection (8) is added to section 1012.28,
185 Florida Statutes, to read:

186 1012.28 Public school personnel; duties of school
187 principals.-

188 (8) The principal of a participating school in a
189 participating school district approved under s. 1011.6202 has
190 the following additional authority and responsibilities:

191 (a) In addition to the authority provided in subsection
192 (6), the authority to select qualified instructional personnel
193 for placement or to refuse to accept the placement or transfer
194 of instructional personnel by the district school
195 superintendent. Placement of instructional personnel at a
196 participating school in a participating school district does not
197 affect the employee's status as a school district employee.

198 (b) The authority to deploy financial resources to school
199 programs at the principal's discretion to help improve student
200 achievement, as defined in s. 1008.34(1), and meet performance
201 goals identified in the principal autonomy proposal submitted
202 pursuant to s. 1011.6202.

203 (c) To annually provide to the district school
204 superintendent and the district school board a budget for the
205 operation of the participating school that identifies how funds
206 provided pursuant to s. 1011.69(2) are allocated. The school
207 district shall include the budget in the annual report provided
208 to the State Board of Education pursuant to s. 1011.6202(6).

209 Section 5. Paragraph (e) is added to subsection (1) of
210 section 1012.986, Florida Statutes, to read:

211 1012.986 William Cecil Golden Professional Development
212 Program for School Leaders.—

213 (1) There is established the William Cecil Golden
214 Professional Development Program for School Leaders to provide
215 high standards and sustained support for principals as
216 instructional leaders. The program shall consist of a
217 collaborative network of state and national professional
218 leadership organizations to respond to instructional leadership
219 needs throughout the state. The network shall support the human-
220 resource development needs of principals, principal leadership
221 teams, and candidates for principal leadership positions using
222 the framework of leadership standards adopted by the State Board
223 of Education, the Southern Regional Education Board, and the
224 National Staff Development Council. The goal of the network
225 leadership program is to:

226 (e) For principals of schools participating in the
227 Principal Autonomy Pilot Program Initiative under s. 1011.6202,
228 provide training on the following:

229 1. Managing instructional personnel, including developing
230 a high-performing instructional leadership team.

231 2. Public school budgeting, financial management, and
232 human resources policies and procedures.

233 3. Best practices for the effective exercise of increased
234 budgetary and staffing flexibility to improve student

CS/HB 357

CORRECTED COPY

2015

235 | achievement and operational efficiency.

236 | Section 6. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 357 Principal Autonomy Pilot Program Initiative
SPONSOR(S): K-12 Subcommittee, Diaz, Jr. and others
TIED BILLS: IDEN./SIM. BILLS: SB 952

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	13 Y, 0 N, As CS	Beagle	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	Butler	Heflin
3) Education Committee		Beagle <i>GB</i>	Mizereck <i>MM</i>

SUMMARY ANALYSIS

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education to provide the principals of participating schools in participating school districts with increased autonomy and authority regarding allocation of resources and staffing. School districts selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education rules, with exceptions. Among other exemptions, the class size compliance calculation for participating schools is the school-level average, rather than the individual classroom level.

School district participation in PAPPI is voluntary. School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. Among other things, the proposal must identify three middle or high schools whose principals will have greater fiscal and administrative autonomy, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operational efficiency. The state board may select up to six school districts for participation in PAPPI. The initial term of the program is three years.

The bill grants the principals of participating schools greater authority regarding staffing decisions, allocation of financial resources, and budgeting. Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel. Before participation in the program may begin, such principals must complete professional development designed to enable them to implement increased autonomy. Participating school districts must guarantee participating schools at least 90 percent of the funds generated in the Florida Education Finance Program (FEFP) by that school. The current minimum guaranteed is 80 percent of such funds.

Participating school districts must annually report measures taken to implement the program and results achieved to the state board. The Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives upon expiration of the initial three year term.

The bill does not have a fiscal impact on state or local government, as participation in PAPPI is optional.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Research indicates that school leadership is “second only to classroom instruction among all school-related factors that contribute to what students learn at school.”¹ Research also indicates that effective school leadership plays a critical role in the recruitment and retention of quality teachers.² According to researchers, “principals can be more effective when there is a district-wide culture of joint responsibility for achieving shared student outcome goals.” This includes giving principals more autonomy to implement instructional reforms, budget and allocate resources, and hire a quality instructional team tailored to the individual needs of his or her school.³

School Principals

“School administrators” include school principals, school directors, career center directors, and assistant principals.⁴ Among other things, school principals are responsible for:

- Fully supporting the authority of classroom teachers and school bus drivers regarding student discipline and conduct.
- Providing instructional leadership in the development, revision, and implementation of a school improvement plan.
- Accurate and timely compliance with statutory reporting requirements.
- The management and care of instructional materials.
- Facilitating parental involvement in their child’s education and providing information to parents regarding their child’s educational progress and available educational choices.⁵

When filling instructional positions⁶ at the school level, the district school superintendent must consider nominations received from school principals of the respective schools in the school district. The superintendent then must make recommendations to the district school board regarding each position to be filled and the persons to fill such positions. The school board has discretion to approve or reject any of the superintendent’s recommendations. Before transferring a classroom teacher from one school to another, the superintendent must consult with the principal of the receiving school and allow the principal to review the teacher’s records, student performance results,⁷ and interview the teacher. If, in the judgment of the school principal, students would not benefit from the placement, he or she may request an alternative placement. However, the superintendent is not bound by the request.⁸ The law authorizes each school principal to refuse placement or transfer of instructional personnel by the

¹ Kenneth Leithwood, et. al., *How Leadership Influences Student Learning*, Ontario Institute for Studies in Education, at 5 (2004), available at <http://www.wallacefoundation.org/knowledge-center/school-leadership/key-research/Documents/How-Leadership-Influences-Student-Learning.pdf>.

² The Wallace Foundation, *Leading From Every Seat, Empowering Principals to Cultivate Teacher Leadership for School Improvement*, at 4 (2015), available at <http://www.newleaders.org/wp-content/uploads/LeadingFromEverySeat.pdf>.

³ Ikemato, Gina, et. al., *Great Principals At Scale: Creating District Conditions That Enable All Principals to Be Effective*, The Bush Institute, at 9-11 (June, 2014), available at http://www.newleaders.org/wp-content/uploads/GPAS_FullReport_Final.pdf.

⁴ See s. 1012.01(3), F.S. Administrative personnel are K-12 personnel who perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and non-instructional administrators, as well as school administrators who perform administrative duties at the school-level. *Id.*

⁵ Section 1001.54, F.S.

⁶ Instructional personnel include classroom teachers; staff who provide student personnel services, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S.

⁷ As measured by the instructional personnel’s performance evaluation. Section 1012.28(6), F.S.

⁸ Section 1002.27(1), F.S. (flush-left provision at end of subsection).

superintendent to his or her school if the instructional personnel has a performance evaluation rating of needs improvement or unsatisfactory. Here, the superintendent must accept the school principal's decision.⁹

The Florida Principal Leadership Standards

The Florida Principal Leadership Standards (FPLS) are Florida's core expectations for effective school administrators, including school principals. The FPLS are research-based; represent necessary knowledge, skills, and abilities for effective school leadership; and are the basis for school administrator performance evaluations, professional development systems, preparation programs, and certification requirements. The FPLS emphasize ability to improve student learning results; development and retention of quality classroom teachers; and school management practices that promote student learning, effective allocation of resources, and efficient operations.¹⁰

Performance Evaluation

Florida law requires each district school superintendent to establish procedures to evaluate the job performance of district instructional, administrative, and supervisory personnel.¹¹ Instructional personnel and school administrators must be evaluated annually, with exceptions.¹² School district performance evaluation systems must differentiate among four levels of performance:

- Highly effective;
- Effective;
- Needs improvement, or for instructional personnel in their first three years of employment who need improvement, developing; and
- Unsatisfactory.¹³

The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities.¹⁴ At least 50 percent of a school administrator's evaluation must be based upon student performance, with certain exceptions.¹⁵ Student performance must be measured by statewide assessments¹⁶ and, by the 2014-2015 school year for subjects and grade levels not tested by statewide assessments, local assessments.¹⁷ Evaluation of instructional leadership must include performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth.¹⁸

⁹ Section 1012.28(6), F.S.

¹⁰ Rule 6A-5.080(1)-(2), F.A.C.

¹¹ Section 1012.34(1)(a), F.S. The term "supervisory personnel" is not defined. *See* s. 1012.01(3), F.S.

¹² *See* s. 1012.34(3)(a), F.S. Newly hired classroom teachers must be evaluated at least twice in their first year of teaching in the school district "Newly hired classroom teachers" include first-time teachers new to the profession as well as veteran teachers new to the school district. *Id.*

¹³ Section 1012.34(2)(e), F.S.

¹⁴ Section 1012.34(3)(a)1., 3., and 4., F.S.

¹⁵ Section 1012.34(3)(a)1., F.S. If less than three years of data are available for a school administrator, the student performance component of the evaluation may comprise no less than 40 percent of the evaluation. Section 1012.34(3)(a)1.b., F.S.

¹⁶ The statewide assessment program for public schools includes statewide, standardized assessments for ELA (grades 3-11) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, geometry, Biology I, civics, and U.S. History; and FCAT 2.0 science (grades 5 and 8). EOC assessments count 30 percent of a student's final course grade. Section 1008.22(3)(c), F.S.

¹⁷ Sections 1012.34(3)(a)1. and 1008.22(6), F.S.

¹⁸ Section 1012.34(3)(a)3., F.S.

Professional Development

The William Cecil Golden Professional Development Program for School Leaders is a professional development program for school principals established in collaboration with state and national professional leadership organizations and designed to respond to Florida's needs for quality school leadership and support the efforts of school leaders in improving instruction and student achievement and developing and retaining quality teachers. Professional development provided through the program must be based upon the FPLS and other school leadership standards.¹⁹

Effect of Proposed Changes

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide the principal of a participating school with increased autonomy and authority regarding allocation of resources and staffing to improve student achievement and school management. School district participation in PAPPI is voluntary. School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. A proposal must:

- Identify three middle or high schools whose principals will have fiscal and administrative autonomy.
- Describe the current financial and administrative management of each participating school;
- Identify the areas in which each school principal will have increased fiscal and administrative autonomy, including greater autonomy regarding the hiring of instructional personnel.
- Identify the areas in which each participating school will continue to follow district school board fiscal and administrative policies.
- Explain the methods used to identify the educational strengths and needs of the participating school's students and identify how student achievement can be improved.
- Establish performance goals for student achievement, including learning gains and student performance on statewide assessments.
- Explain how increased principal autonomy will help participating schools improve student achievement and school management.
- Provide each participating school's mission and a description of its student population.

Based upon these criteria, the state board must approve or deny a school district's proposal. The bill authorizes the state board to enter into a performance contract with up to six district school boards for participation in PAPPI. The term of the program is three years, at which time the performance of all participating schools in the school district must be evaluated. The state board may revoke a district's participation in the program during the term of the program and may renew participation upon expiration of the initial term. The bill specifies deadlines for submission and approval of principal autonomy proposals and requires the state board to adopt rules for administering PAPPI, including criteria for approving proposals.

The bill exempts participating school districts from the K-20 Education Code and state board rules implementing such provisions, except provisions relating to:

- The election and compensation of district school board members, the election or appointment and compensation of district school superintendents, public meetings and public records requirements, financial disclosure, and conflicts of interest.
- The student assessment program, school grading system, and other school improvement and accountability requirements.
- Students with disabilities.
- Civil rights.

- Student health, safety, and welfare.
- The uniform opening date for public schools.
- Maximum class size, except that compliance for a participating school is calculated at the school-level average, rather than at the individual classroom level.²⁰
- Personnel compensation and salary schedules.
- Workforce reductions for annual contracts for instructional personnel, excluding at-will employees.
- Annual contracts for instructional personnel hired on or after July 1, 2011, excluding at-will employees.
- Personnel performance evaluations.
- Educational facilities, excluding provisions governing covered walkways for relocatables and use of relocatable facilities exceeding 20 years of age.
- Administration and implementation of PAPPI by participating school districts.

Each participating school district must require the principal of each participating school to complete the professional development provided through the William Cecil Golden Professional Development Program for School Leaders before participating in PAPPI. In order to provide training designed to equip participating principals with the skills they need to implement increased autonomy, the bill revises the goals of the William Cecil Golden Professional Development Program for School Leaders to include the provision of training to participating principals regarding:

- Managing instructional personnel, including developing a high-performing instructional leadership team.
- Public school budgeting, financial management, and human resources policies and procedures.
- Best practices for the effective exercise of increased budgetary and staffing flexibility to improve student achievement and operational efficiency

Participating school districts must submit an annual report to the state board regarding program implementation. Upon completion of the program's first three-year term, the Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives. This evaluation will allow the Legislature to assess the program's performance and decide whether to continue or repeal the program.

The bill revises existing law governing the personnel duties of school principals and school budgeting and calculation of expenditures to facilitate implementation of PAPPI. Currently, a district school superintendent must consider, but is not bound by, personnel nominations made by school principals. Furthermore, a school principal may only refuse placement of instructional personnel rated needs improvement or unsatisfactory on annual performance evaluations. The bill authorizes the principal of a participating school to:

- Select qualified instructional personnel for placement at the school; and
- Refuse placement or transfer of instructional personnel by the district school superintendent, in any case.

The bill also provides participating principals greater authority to deploy financial resources and control over his or her school's operational budget. Currently, each district school board must allocate to schools within the district an average of 90 percent of the funds generated by all schools and guarantee that each school receives at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program (FEFP), including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy. The bill specifies

²⁰ The Florida Constitution provides that class sizes may not exceed 18 students for prekindergarten through 3rd grade; 22 students for 4th through 8th grades; and 25 students for 9th through 12th grades. Section 1(a), Art. IX of the State Constitution and s. 1003.03(1), F.S. The law provides for calculation of class size compliance at the school-level average for public schools of choice, including charter schools. Sections 1002.31(5) and 1002.33(16)(b)3., F.S.

that schools participating in PAPPI must be guaranteed to receive at least 90 percent of the funds generated in the FEFP by that school. Lastly, the bill revises the minimum classroom expenditure requirements for school districts to authorize the inclusion of training required under PAPPI in DOE's calculation of a participating school district's expenditures.

B. SECTION DIRECTORY:

Section 1. Creates s. 1011.6202, F.S., relating to the Principal Autonomy Pilot Program Initiative.

Section 2. Amends s. 1011.64, F.S., relating to School district minimum classroom expenditure requirements.

Section 3. Amends s. 1011.69, F.S., relating to the Equity in School-Level Funding Act.

Section 4. Amends s. 1012.28, F.S., relating to Public school personnel; duties of school principals.

Section 5. Amends s. 1012.986, F.S., relating to the William Cecil Golden Professional Development Program for School Leaders.

Section 6. Provides an effective date of July 1, 2015.

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:

Participation in PAPPI is optional. Several of the requirements for participating in PAPPI will impact budgeting and allocation of resources by participating school districts. Schools participating in PAPPI must be guaranteed to receive at least 90 percent of the funds generated in the FEFP by that school. The current minimum guarantee is 80 percent of such funds. The bill also provides principals of those schools greater authority to deploy financial resources and control over the school's operational budget.

The bill requires the principals of participating schools to complete additional professional development, but provides for inclusion of expenses incurred by participating school districts in DOE's calculation of a participating school district's operating expenditures.

Participating school districts may achieve cost savings resulting from the statutory and rule exemptions granted to them by the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules for administering the Principal Autonomy Pilot Program Initiative, including criteria for approval of school district principal autonomy proposals.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 4, 2015, the K-12 Subcommittee adopted a proposed committee substitute (PCS) to HB 357 and reported the bill favorably as a committee substitute. The PCS:

- Changed the name of the pilot program from the Charter School District Pilot Program to the Principal Autonomy Pilot Program Initiative.
- Removed provisions stating that a participating school district is exempt from provisions regarding the uniform opening date for schools.
- Revised the statutory exemption regarding maximum class size to state that the compliance calculation for participating schools is the school level average. The original bill allowed calculation at the school level average for all schools in a participating school district.
- Added provisions authorizing the inclusion of professional development provided to participating principals in DOE's calculation of a participating school district's classroom expenditures.

This bill analysis reflects the committee substitute adopted by the K-12 Subcommittee.



Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

Between lines 21 and 22, insert:

Section 1. Subsection (5) of section 1002.31, Florida Statutes, is amended to read:

1002.31 Controlled open enrollment; public school parental choice.-

~~(5) For a school or program that is a public school of choice under this section, the calculation for compliance with maximum class size pursuant to s. 1003.03 is the average number of students at the school level.~~



Amendment No.1

18
19
20
21
22
23

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

Remove line 2 and insert:

An act relating to maximum class size; amending s. 1002.31,
F.S.; repealing provisions regarding compliance with maximum
class size requirements for certain public schools of choice;
amending s.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment

5 Remove lines 81-125 and insert:

6 maximum, as required in subsection (1), based upon the October
7 student membership survey, the department shall:

8 ~~1. Identify, for each grade group, the number of classes~~
9 ~~in which the number of students exceeds the maximum and the~~
10 ~~total number of students which exceeds the maximum for all~~
11 ~~classes.~~

12 ~~2.~~ Determine the number of FTE students which exceeds the
13 maximum for each grade group calculated at the school average.

14 ~~2.3.~~ Multiply the total number of FTE students which
15 exceeds the maximum for each grade group calculated at the
16 school average by the district's FTE dollar amount of the class



Amendment No. 2

17 size categorical allocation for that year and calculate the
18 total for all three grade groups.

19 ~~3.4.~~ Multiply the total number of FTE students which
20 exceeds the maximum for all classes calculated at the school
21 average by an amount equal to 50 percent of the base student
22 allocation adjusted by the district cost differential for ~~each~~
23 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
24 ~~equal to the base student allocation adjusted by the district~~
25 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

26 ~~4.5.~~ Reduce the district's class size categorical
27 allocation by an amount equal to the sum of the calculations in
28 subparagraphs 2. and 3. ~~and 4.~~

29 (b) The amount of funds reduced shall be the lesser of the
30 amount calculated in paragraph (a) or the undistributed balance
31 of the district's class size categorical allocation. The Florida
32 Education Finance Program Appropriation Allocation Conference
33 shall verify the department's calculation in paragraph (a). The
34 commissioner may withhold distribution of the class size
35 categorical allocation to the extent necessary to comply with
36 paragraph (a).

37 (c) In lieu of the reduction calculation in paragraph (a),
38 if the Commissioner of Education has evidence that a district
39 was unable to meet the class size requirements despite
40 appropriate efforts to do so or because of an extreme emergency,
41 the commissioner may recommend by February 15, subject to
42 approval of the Legislative Budget Commission, the reduction of



Amendment No. 2

43 an alternate amount of funds from the district's class size
44 categorical allocation.

45 (d) Upon approval of the reduction calculation in
46 paragraphs (a)-(c), each district shall retain the calculated
47 reduction amount and expend the amount in the noncompliant
48 schools to comply with the requirements in subsection (1) the

1 A bill to be entitled
 2 An act relating to maximum class size; amending s.
 3 1002.33, F.S.; revising requirements for charter
 4 school compliance with maximum class size
 5 requirements; amending s. 1002.451, F.S.; revising
 6 requirements for district innovation school of
 7 technology compliance with maximum class size
 8 requirements; amending s. 1003.03, F.S.; calculating a
 9 school district's class size categorical allocation
 10 reduction at the school average when maximum class
 11 size requirements are not met; revising the
 12 calculation; providing for the expenditure of funds;
 13 requiring a school district that exceeds class size
 14 maximums to post its plan for compliance on the
 15 district website and provide the plan to the school
 16 advisory committee of each noncompliant school;
 17 authorizing a noncompliant school to post the plan on
 18 its website; providing an effective date.

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

21
 22 Section 1. Paragraph (b) of subsection (16) of section
 23 1002.33, Florida Statutes, is amended to read:
 24 1002.33 Charter schools.—
 25 (16) EXEMPTION FROM STATUTES.—
 26 (b) Additionally, a charter school shall be in compliance

27 with the following statutes:

28 1. Section 286.011, relating to public meetings and
 29 records, public inspection, and criminal and civil penalties.

30 2. Chapter 119, relating to public records.

31 3. Section 1003.03, relating to the maximum class size,
 32 ~~except that the calculation for compliance pursuant to s.~~
 33 ~~1003.03 shall be the average at the school level.~~

34 4. Section 1012.22(1)(c), relating to compensation and
 35 salary schedules.

36 5. Section 1012.33(5), relating to workforce reductions.

37 6. Section 1012.335, relating to contracts with
 38 instructional personnel hired on or after July 1, 2011.

39 7. Section 1012.34, relating to the substantive
 40 requirements for performance evaluations for instructional
 41 personnel and school administrators.

42 Section 2. Paragraph (a) of subsection (5) of section
 43 1002.451, Florida Statutes, is amended to read:

44 1002.451 District innovation school of technology
 45 program.—

46 (5) EXEMPTION FROM STATUTES.—

47 (a) An innovation school of technology is exempt from
 48 chapters 1000-1013. However, an innovation school of technology
 49 shall comply with the following provisions of those chapters:

50 1. Laws pertaining to the following:

51 a. Schools of technology, including this section.

52 b. Student assessment program and school grading system.

- 53 c. Services to students who have disabilities.
- 54 d. Civil rights, including s. 1000.05, relating to
55 discrimination.
- 56 e. Student health, safety, and welfare.
- 57 2. Laws governing the election and compensation of
58 district school board members and election or appointment and
59 compensation of district school superintendents.
- 60 3. Section 1003.03, governing maximum class size, ~~except~~
61 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
62 ~~the average at the school level.~~
- 63 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
64 compensation and salary schedules.
- 65 5. Section 1012.33(5), relating to workforce reductions,
66 for annual contracts for instructional personnel. This
67 subparagraph does not apply to at-will employees.
- 68 6. Section 1012.335, relating to contracts with
69 instructional personnel hired on or after July 1, 2011, for
70 annual contracts for instructional personnel. This subparagraph
71 does not apply to at-will employees.
- 72 7. Section 1012.34, relating to requirements for
73 performance evaluations of instructional personnel and school
74 administrators.
- 75 Section 3. Subsection (4) of section 1003.03, Florida
76 Statutes, is amended to read:
- 77 1003.03 Maximum class size.—
- 78 (4) ACCOUNTABILITY.—

79 (a) If the department determines that the number of
80 students assigned to any individual class exceeds the class size
81 maximum, as required in subsection (1) and as determined at the
82 school average, based upon the October student membership
83 survey, the department shall:

84 1. ~~Identify, for each grade group, the number of classes~~
85 ~~in which the number of students exceeds the maximum and the~~
86 ~~total number of students which exceeds the maximum for all~~
87 ~~classes.~~

88 ~~2.~~ Determine the number of FTE students which exceeds the
89 maximum for each grade group calculated at the school average.

90 ~~2.3.~~ Multiply the total number of FTE students which
91 exceeds the maximum for each grade group calculated at the
92 school average by the district's FTE dollar amount of the class
93 size categorical allocation for that year and calculate the
94 total for all three grade groups.

95 ~~3.4.~~ Multiply the total number of FTE students which
96 exceeds the maximum for all classes calculated at the school
97 average by an amount equal to 50 percent of the base student
98 allocation adjusted by the district cost differential for ~~each~~
99 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
100 ~~equal to the base student allocation adjusted by the district~~
101 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

102 ~~4.5.~~ Reduce the district's class size categorical
103 allocation by an amount equal to the sum of the calculations in
104 subparagraphs 2. and 3. ~~and 4.~~

105 (b) The amount of funds reduced shall be the lesser of the
106 amount calculated in paragraph (a) or the undistributed balance
107 of the district's class size categorical allocation. The Florida
108 Education Finance Program Appropriation Allocation Conference
109 shall verify the department's calculation in paragraph (a). The
110 commissioner may withhold distribution of the class size
111 categorical allocation to the extent necessary to comply with
112 paragraph (a).

113 (c) In lieu of the reduction calculation in paragraph (a),
114 if the Commissioner of Education has evidence that a district
115 was unable to meet the class size requirements despite
116 appropriate efforts to do so or because of an extreme emergency,
117 the commissioner may recommend by February 15, subject to
118 approval of the Legislative Budget Commission, the reduction of
119 an alternate amount of funds from the district's class size
120 categorical allocation.

121 (d) Upon approval of the reduction calculation in
122 paragraphs (a)-(c), each district shall expend an amount of
123 funds equal to the amount of the reduction calculation in the
124 noncompliant schools to comply with the requirements in
125 subsection (1) as determined at the school average ~~the~~
126 ~~commissioner must prepare a reallocation of the funds made~~
127 ~~available for the districts that have fully met the class size~~
128 ~~requirements. The funds shall be reallocated by calculating an~~
129 ~~amount of up to 5 percent of the base student allocation~~
130 ~~multiplied by the total district FTE students. The reallocation~~

131 ~~total may not exceed 25 percent of the total funds reduced.~~

132 (e) Each district that has not complied with the
133 requirements in subsection (1) as determined at the school
134 average shall submit to the commissioner by February 1 a plan
135 certified by the district school board that describes the
136 specific actions that the district will take in order to fully
137 comply with the requirements in subsection (1) by October of the
138 following school year. The plan shall be posted on the district
139 website and provided to the school advisory committee of all
140 noncompliant schools. A noncompliant school may post the plan on
141 its website ~~If a district submits the certified plan by the~~
142 ~~required deadline, the funds remaining after the reallocation~~
143 ~~calculation in paragraph (d) shall be added back to the~~
144 ~~district's class size categorical allocation based on each~~
145 ~~qualifying district's proportion of the total reduction for all~~
146 ~~qualifying districts for which a reduction was calculated in~~
147 ~~paragraphs (a) (c). However, no district shall have an amount~~
148 ~~added back that is greater than the amount that was reduced.~~

149 ~~(f) The department shall adjust school district class size~~
150 ~~reduction categorical allocation distributions based on the~~
151 ~~calculations in paragraphs (a) (c).~~

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 665 Maximum Class Size

SPONSOR(S): Education Appropriations Subcommittee, Moraitis, Jr. and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Appropriations Subcommittee	12 Y, 0 N, As CS	Seifert	Heflin
2) Education Committee		Beagle <i>GB</i>	Mizereck <i>KM</i>

SUMMARY ANALYSIS

The bill revises the method for calculating the penalty for public schools that fail to comply with class size requirements and the allowable uses of class size reduction operating categorical funds for schools not in compliance. The bill also repeals an increase in the penalty scheduled to begin in FY 2014-2015 and thereafter.

The bill will result in a reduction in the amount deducted from a school district's class size reduction operating categorical. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Maximum Class Size

Present Situation

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution. The amendment required the Legislature by the beginning of the 2010 school year to make adequate provision to ensure that there are a sufficient number of classrooms in Florida so that the maximum number of students assigned to each teacher does not exceed:

- 18 students for prekindergarten through 3rd grade;
- 22 students for 4th through 8th grades; and
- 25 students for 9th through 12th grades.

Extracurricular courses are expressly excluded from the class size mandate; thus, its requirements apply only to core curricula courses, which are defined in s. 1003.01(14), F.S.

Additionally, the amendment requires that the Legislature provide sufficient funds, beginning in Fiscal Year (FY) 2003-04, for school districts to reduce the average number of students in each classroom by at least two annually until the constitutionally prescribed maximum number of students is achieved. Under the initial implementing statute¹, compliance with the class size requirements was to be measured at the:

- District level for each of the three grade groupings during FYs 2003-06.
- School level for each of the three grade groupings in FYs 2006-08.
- Individual classroom level for each of the three grade groupings in FY 2008-09 and thereafter.

The timeframe for measuring class size at the school level was extended twice by the Legislature. In 2008, the Legislature extended school level measurement through FY 2008-09.² The next year, the Legislature extended this timeframe by one more year, thereby delaying measurement of class size at the individual classroom level until FY 2010-11 and thereafter.³ Legislation enacted in 2010 established the compliance calculation for charter schools at the school level average.⁴ Legislation enacted in 2013 granted the same treatment to district-operated schools of choice.⁵

In 2013, the Legislature also added a provision to exempt “blended learning courses” from the core courses required to be in compliance with class size.⁶ Currently no definition exists for what comprises a “blended learning course”.

To implement the class size amendment, the Legislature annually appropriates class size reduction categorical funding for school district operating costs. Additionally, the Legislature has appropriated funds for capital outlay (facility) needs and granted bonding authority to fund classroom construction and other capital needs related to class size reduction. Since 2003, the Legislature has appropriated

¹ Section 2, ch. 2003-391, L.O.F.

² Section 5, ch. 2008-142, L.O.F.

³ Section 13, ch. 2009-59, L.O.F.

⁴ s. 1002.33(16)(b)3., F.S., as created in section 6, ch. 2010-154, L.O.F.

⁵ s. 1002.31(9), F.S., as created in section 9, ch. 2013-250, L.O.F.

⁶ s. 1003.01(14), F.S., as modified in section 3, ch. 2013-225, L.O.F.

more than \$28.7 billion for operational expenses and \$2.5 billion in facilities funding to implement the Class Size Reduction Amendment.

History of Funding for Class Size Reduction			
Fiscal Year	Operating Funds	Facilities Funds	Total Funds
2003-2004	\$ 468,198,634	\$ 600,000,000	\$ 1,068,198,634
2004-2005	\$ 972,191,216	\$ 100,000,000	\$ 1,072,191,216
2005-2006	\$ 1,507,199,696	\$ 83,400,000	\$ 1,590,599,696
2006-2007	\$ 2,108,529,344	\$1,100,000,000	\$ 3,208,529,344
2007-2008	\$ 2,640,719,730	\$ 650,000,000	\$ 3,290,719,730
2008-2009	\$ 2,729,491,033	\$ -	\$ 2,729,491,033
2009-2010	\$ 2,845,578,849	\$ -	\$ 2,845,578,849
2010-2011	\$ 2,913,825,383	\$ -	\$ 2,913,825,383
2011-2012	\$ 2,927,464,879	\$ -	\$ 2,927,464,879
2012-2013	\$ 2,974,748,257	\$ -	\$ 2,974,748,257
2013-2014	\$ 2,974,766,164	\$ -	\$ 2,974,766,164
2014-2015	\$ 3,013,103,776	\$ -	\$ 3,013,103,776
Total to Date	\$28,075,816,961	\$2,533,400,000	\$30,609,216,961

Section 1003.03(4), F.S., requires the Department of Education (DOE) to reduce class size categorical funding for school districts and charter schools that are out of compliance with class size requirements. The penalty is calculated at the classroom level for traditional public schools and at the school level for charter schools and district-operated schools of choice. The penalties for traditional public schools and district-operated schools of choice are combined to make a total adjustment for each district. DOE must calculate the penalty for traditional public schools out of compliance as follows:

- Step 1:** Identify, for each grade grouping, the number of classrooms that exceed the maximum and the total number of students which exceeds the maximum for all classes.
- Step 2:** Determine the number of full-time equivalent (FTE) students which exceeds the maximum for each grade grouping.
- Step 3:** Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.
- Step 4:** Multiply the total number of FTE students over the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2013-14 FY.

A school district's class size reduction operating categorical allocation is then reduced by an amount equal to the sum of the calculations in Steps 3 and 4. Beginning in FY 2014-15 and thereafter, the total number of FTE students over the maximum for all classes must be multiplied by 100 percent, rather than 50 percent, of the base student allocation adjusted by the district cost differential, thereby increasing the amount of the penalty (see Step 4).

The reduced amount is the lesser of DOE's calculation or the undistributed balance of the school district's class size reduction operating categorical allocation. If a district made appropriate efforts to reduce class sizes but still failed to achieve compliance or an emergency caused noncompliance, the Commissioner of Education is authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commission.⁷ Once the reduced amount is determined, after district appeals, the commissioner must prepare a reallocation of the funds made available as a bonus to districts that have fully met the class size requirements by calculating an amount that is up to five percent of the base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25 percent of the total funds reduced.

⁷ s. 1003.03(4)(c), F.S.
 STORAGE NAME: h0665c.EDC.DOCX
 DATE: 3/16/2015

History of Class Size Transfer (& Reallocation) Calculation for Traditional Public Schools				
		Pre-Appeals	Post-Appeals	After Plan
District	2003-04	\$21,488,179	\$1,479,948	
District	2004-05	\$11,354,475	\$1,076,719	
District	2005-06	\$5,222,735	\$496,059	
School	2006-07	\$7,836,834	\$3,273,943	
School	2007-08	\$5,330,411	\$333,302	
School	2008-09	\$1,396,108	\$0	
School	2009-10	\$1,912,030	\$267,263	
Classroom	2010-11	\$40,795,637	\$31,305,124	\$7,826,281
Classroom	2011-12	\$58,749,605	\$43,407,465	\$10,851,866
Classroom	2012-13	\$26,965,789	\$22,698,784	\$5,674,696
Classroom	2013-14	\$12,674,357	\$9,558,513	\$2,389,628
Classroom	2014-15	\$11,306,609	\$1,260,083	\$315,021
History of Class Size Transfer (& Reallocation) Calculation for Charter Schools				
		Pre-Appeals	Post-Appeals	After Plan
N/A	2003-04	\$0	\$0	
N/A	2004-05	\$0	\$0	
N/A	2005-06	\$0	\$0	
School	2006-07	\$6,831,504	\$2,724,878	
School	2007-08	\$802,515	\$194,836	
N/A	2008-09	\$0	\$0	
N/A	2009-10	\$0	\$0	
School	2010-11	\$2,292,191	\$355,539	\$88,885
School	2011-12	\$3,921,323	\$652,851	\$163,213
School	2012-13	\$1,570,397	\$431,345	\$107,836
School	2013-14	\$835,448	\$204,863	\$51,216
School	2014-15	\$2,789,830	\$562,397	\$140,599
History of Class Size Transfer (& Reallocation) Calculation for Choice Schools				
		Pre-Appeals	Post-Appeals	After Plan
School	2013-14	\$1,129,183	\$475,592	\$118,898
School	2014-15	\$421,513	\$177,347	\$44,337

School districts that fail to comply with the class size requirements must submit a plan certified by the district school board by February 1 which describes the actions the district will take in order to be in compliance by October of the following year. For districts that submit the plan by the required deadline, the funds remaining after the reallocation calculation must be added back to the district's class size reduction operating categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. The amount added back may not be greater than the amount that was reduced.⁸

Effect of Proposed Changes

The bill amends s. 1003.03(04), F.S., to revise the method for calculating the penalty for schools that fail to comply with the class size requirements by calculating steps 2, 3, and 4 at the school average instead of at the classroom level. The increase in the penalty scheduled to begin in FY 2014-15 and thereafter is repealed.

The bill requires school districts to spend an amount of funds equal to the reduction calculation to bring district schools that are out of compliance with class size requirements into compliance at the school average. Accordingly, the bill repeals provisions requiring:

- The commissioner to reallocate funds derived from class size penalties to districts that are in compliance with class size.
- That funds remaining after the reallocation calculation be added back to the district's class size reduction operating categorical allocation if the district submits its compliance plan by the required deadline.

The bill removes provisions providing for calculation of class size compliance of charter schools and district innovation schools at the school level.

Additionally, the bill requires each school district that is not in compliance with class size requirements at the school average to publish its compliance plan on the district website and provide a copy of the plan to the School Advisory Committee of each school not in compliance.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.33, F.S., eliminating provisions providing for calculation of a charter school's compliance with class size at the school average.

Section 2: Amends s. 1002.451, F.S., eliminating provisions providing for calculation of a district innovation school of technology's compliance with class size at the school average.

Section 3: Amends s. 1003.03, F.S., revising the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level; requiring the amount of the reduction calculation to be expended in the schools that are out of compliance to achieve compliance; repealing the reallocation of funds to class size compliant school districts; requiring each school district to publish its class size compliance plan on its website and provide the plan to the school advisory committee of each school not in compliance.

Section 4: Provides an effective date of July 1, 2015.

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:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill revises the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level, so the amount deducted from a school district's class size reduction operating categorical will be reduced. The bill requires the district to spend the compliance funds within the school that is out of compliance to get the school to the class size maximum.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Line 139: The bill uses the term "school advisory committee" rather than the statutorily defined term "school advisory council."

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2015, the Education Appropriations Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS:

- Removed provisions eliminating the exclusion of blended learning courses from class size requirements.
- Removed provisions requiring school districts to spend funds equaling the amount of the reduction calculation on supplemental academic instruction.
- Added provisions requiring such funds to be spent on bringing district schools that are out of compliance with class size requirements into compliance.
- Added provisions requiring each school district that is not in compliance with class size requirements to post its compliance plan on the school district website and submit the plan to the school advisory committee of each school not in compliance.

This bill analysis is drafted to the committee substitute adopted by the Education Appropriations Subcommittee.

