



K - 12
Subcommittee
Tuesday, March 24, 2015
10:00 a.m. – 12:00 p.m.
17 HOB

Meeting Packet

Steve Crisafulli
Speaker

Janet Adkins
Chair



AGENDA

K-12 Subcommittee
Tuesday, March 24, 2015
10:00 a.m. – 12:00 p.m.
17 HOB

- I. Call to Order
- II. Roll Call
- III. Welcome/Opening Remarks
- IV. Consideration of the following bill:
 - HB 1253 – School District of Palm beach County by Rooney
- V. Consideration of the following proposed committee substitutes:
 - PCS for HB 1045 – Instruction for Homebound and Hospitalized Students by Burgess
 - PCS for HB 1145 – Education by Sprowls
- VI. Adjournment

1 A bill to be entitled
 2 An act relating to the School District of Palm Beach
 3 County; creating the Business Partnership Recognition
 4 Program; allowing for the installation of signs
 5 recognizing business partnerships; establishing
 6 placement and design standards; providing for
 7 preemption of Palm Beach County code regulations in
 8 conflict; providing for Federal Highway Administration
 9 oversight; providing an effective date.

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

12
 13 Section 1. The School District of Palm Beach County
 14 Business Partnership Recognition Program is hereby established.
 15 The school district may recognize its business partners by
 16 publicly displaying the names of the business partners on school
 17 district property in the unincorporated areas of Palm Beach
 18 County.

19 Section 2. Names of participants in the program shall be
 20 printed on signs and mounted on school district property
 21 pursuant to the following placement and design standards:

22 (1) Signs must not be mounted in a manner that obstructs
 23 driver visibility.

24 (2) One or more signs mounted on a fence facing
 25 residential uses are limited in the aggregate to no more than 50
 26 percent of the fence frontage.

27 (3) Multiple signs must be placed side by side next to one
 28 another at a uniform height, aligned at the top rail of the
 29 fence.

30 (4) Signs must not exceed a height of 6 feet, a width of
 31 10 feet, and a font size of 8 inches.

32 (5) A maximum of two colors is allowed on each sign. When
 33 multiple signs are mounted side by side on one fence, the
 34 background and font color and size must be uniform. Additional
 35 colors may be used for a business logo. The logo may not exceed
 36 a height of 18 inches and a width of 18 inches.

37 (6) Photographs must not be printed on any sign.

38 (7) Illumination of signs is prohibited.

39 Section 3. This act shall prevail over county ordinances
 40 relating to signs in the unincorporated areas of the county to
 41 the extent of any conflict.

42 Section 4. If the Federal Highway Administration
 43 determines that the Department of Transportation is not
 44 providing effective control of outdoor advertising as a result
 45 of this act, the department shall notify the school district by
 46 certified mail of any nonconforming recognition, and the school
 47 district shall remove the recognition specified in the notice
 48 within 30 days after receiving the notification.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1253 School District of Palm Beach County
SPONSOR(S): Rooney, Jr. and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	12 Y, 0 N	Darden	Miller
2) K-12 Subcommittee		Flynn <i>RF</i>	Fudge <i>ef</i>
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The Legislature established a pilot program in 2008, enabling the School District of Palm Beach County (District) to recognize its business partners. The business partners provide funds for school programs, including Project Graduation and athletic sponsorship, and in turn the District displays the names of the partners on school property. The program was subsequently reauthorized in 2012 and 2014.

The bill would establish the School District of Palm Beach County Business Partnership Program, removing the need for periodic renewal of the pilot program. The bill also sets standards for signs erected as part of the Program and provides that its provisions prevail in a conflict with any county signage ordinances to the contrary.

The Economic Impact Statement for HB 1253 states the bill will provide the school district with \$150,000 in additional funding for fiscal years 2015-2016 and 2016-2017.

The bill shall take effect upon becoming law.

The United States Supreme Court has applied a four factor test for regulations of commercial speech, holding that the First Amendment only protects commercial speech that is not misleading and concerns lawful activity, seeks to advance a substantial government interest, directly advances that interest, and reaches no further than necessary to accomplish the advancement of that interest.¹⁴ The Court stated that aesthetic concerns are a substantial governmental interest.¹⁵ Review of restrictions on speech based on the content face strict scrutiny,¹⁶ while time, place, and manner restrictions face intermediate scrutiny.¹⁷

The United States Supreme Court has held in other cases that local governments are allowed to recognize a distinction between on-premise and off-premises advertising.¹⁸ Local governments are also allowed to choose and reject certain advertisements when the government is a market participant, as long as it does not do so in an arbitrary, capricious, or invidious manner.¹⁹

The Palm Beach County Board of County Commissioners has shown concern in the past about authorizing the program at the local level.²⁰ The County Attorney's Office for Palm Beach County expressed concern that providing an exception to the sign ordinance for the school district would run afoul of the 11th Circuit's decision in *Solantic, LLC v. City of Neptune Beach*.²¹ The *Solantic* court reiterated that a content-based restriction on speech is impermissible.²² The county maintains that the ordinance is a content-based restriction, and therefore would be vulnerable to challenge under *Solantic*.²³

Effect of Proposed Changes

The bill establishes the School District of Palm Beach County Business Partnership Program, to allow the school district to recognize its business partners by displaying the names of the business partners on school district property in unincorporated areas of Palm Beach County.

The bill sets standards for the signs feature the names of participants in the Program and provides that its provisions shall prevail over county ordinances relating to signs in unincorporated areas to the extent they are in conflict.

The bill states that if the Federal Highway Administration determines that the Department of Transportation is not providing effective control of outdoor advertising as a result of this act, the Department must notify the District, who shall remove the signs within thirty days.

The concerns of the county regarding *Solantic* appear to be unfounded. In *Solantic*, the city was providing a content-based exemption for an otherwise general ban. The Program is not a content-based exemption, but a location-based one. The Program would only represent an abridgment to a person's First Amendment rights to the extent the county selected or denied potential business partners in an arbitrary, capricious, or invidious manner.

¹⁴ *Id.* at 507.

¹⁵ *Id.*

¹⁶ *Id.* at 514.

¹⁷ *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984).

¹⁸ *Young v. American Mini Theaters, Inc.* 427 U.S. 50, 68 (1976) (citing *Markham Advertising Co. v. State*, 73 Wash.2d 405, 417 (Wash. 1968), appeal denied *Markham Advertising Co. v. Washington*, 393 U.S. 1112 (1969)).

¹⁹ *Lehman v. City of Shaker Heights*, 418 U.S. 298, 303 (1974).

²⁰ Agenda Item 7B-1, Palm Beach County Board of County Commissioners, April 22, 2008.

²¹ Email from Ron LaFace, Jr., Capital City Consulting, Re: HB 1253, regarding basis for county's reasoning for seeking bill, citing to *Solantic, LLC v. City of Neptune Beach*, 410 F. 3d 1250(2005) (email dated 3/16/15). Copy retained by House Local Government Affairs Subcommittee staff.

²² *Solantic, LLC v. City of Neptune Beach*, 410 F. 3d 1250, 1260 (2005).

²³ Email from Ron LaFace, Jr., *supra* note 21.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School District of Palm Beach County Business Partner Program

In 2014, the Legislature reauthorized a pilot program for the School District of Palm Beach County (District) to recognize its business partners.¹ The business partners fund programs such as Project Graduation and athletic sponsorship, and in return have their names publicly displayed on school district property.² The size, color, and placement of signs under the pilot program must be consistent with county standards for other signs.³

If any provisions of the pilot program conflict with county ordinances or regulations relating to signs in the unincorporated areas of the county, or are inconsistent with ch. 125, F.S. or ch. 166, F.S., the provisions set forth for the pilot program prevail.⁴ Without the pilot program, the placement of the signs would violate Palm Beach County ordinances. The County prohibits the construction of any new billboard or "similar off-site signs," for the purpose of "improve[ing] the aesthetic appearance of unincorporated [Palm Beach County]."⁵

If the Department of Transportation (DOT) is informed by the Federal Highway Administration that the pilot program is not providing effective control of outdoor advertising, DOT is required to inform the District of any problematic sign(s) and the District must remove the sign(s) within thirty days.⁶

The current pilot program expires June 30, 2015.⁷ The pilot program was created in 2008⁸ and subsequently reauthorized in 2012⁹ and 2014.¹⁰

The pilot program provided \$105,104 in additional funding in fiscal year in 2013-2014 and has provided \$63,873 in fiscal year 2014-2015 as of December 17, 2014.¹¹

Commercial Speech and the Constitution

Billboards, like any form of communication, contain both ideas and a method for transmitting those ideas.¹² While regulation of the underlying ideas is impermissible under the First and Fourteenth Amendments, the government may regulate the method of transmission in a manner that balances "the government's regulatory interests with the individual's right to expression."¹³

¹ Section 24, ch. 2014-215, L.O.F.

² *Id.*

³ *Id.* For detailed description of county standards, see art. 8, ch. A, s. 2, Palm Beach County Unified Land Development Code (general design principles for signs); see also art. 8, ch. F, Palm Beach County Unified Land Development Code (general provisions for all signs types, setting standards for measuring sign size).

⁴ Section 24, ch. 2014-215, L.O.F.

⁵ Art. 8, ch. H, s. 2, Palm Beach County Unified Land Development Code.

⁶ Section 24, ch. 2014-215, L.O.F.

⁷ *Id.*

⁸ Section 3, ch. 2008-174, L.O.F.

⁹ Section 77, ch. 2012-174, L.O.F.

¹⁰ Section 24, ch. 2014-215, L.O.F.

¹¹ Email from Ron LaFace, Jr., Capital City Consulting, Re: HB 1253, regarding revenues provided by pilot program in fiscal years 2013-2014 and 2014-2015 and a 2008 Palm Beach County Board of County Commissioners agenda item from 2008 stating the need for state preemption (3/11/15). Copy retained by House Local Government Affairs Subcommittee staff.

¹² *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 502 (1981).

¹³ *Id.*

The Economic Impact Statement for HB 1253 states the bill will provide the school district with \$150,000 in additional funding for fiscal years 2015-2016 and 2016-2017.

B. SECTION DIRECTORY:

- Section 1: Establishes the School District of Palm Beach County Business Partnership Recognition Program.
- Section 2: Sets standards for signs placed by participants in the program.
- Section 3: Provides that the provisions of this bill would prevail, to the extent of any conflict, over any county ordinances relating to signs.
- Section 4: Provides that Department of Transportation shall inform School District of Palm Beach County if the act is not providing effective control of outdoor advertising.
- Section 5: Provides the bill shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 25, 2014.

WHERE? *The Palm Beach Post*, a daily newspaper published in Palm Beach County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

See III.C. *Drafting Issues or Other Comments*.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to instruction for homebound and
3 hospitalized students; amending s. 1003.57, F.S.;
4 requiring districts to provide instruction to
5 homebound or hospitalized students in accordance with
6 state board rule; requiring certain provisions to be
7 adopted in state board rule; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (6) is added to section 1003.57,
13 Florida Statutes, to read:

14 1003.57 Exceptional students instruction.-

15 (1)

16 (b) Each district school board shall provide for an
17 appropriate program of special instruction, facilities, and
18 services for exceptional students as prescribed by the State
19 Board of Education as acceptable. Each district program must,
20 ~~including provisions that:~~

21 1. ~~The district school board~~ Provide the necessary
22 professional services for diagnosis and evaluation of
23 exceptional students. At least once every 3 years, the district
24 school board must submit to the department its proposed
25 procedures for the provision of special instruction and services
26 for exceptional students.

27 2. ~~The district school board~~ Provide the special
 28 instruction, classes, and services, either within the district
 29 school system, in cooperation with other district school
 30 systems, or through contractual arrangements with approved
 31 private schools or community facilities that meet standards
 32 established by the commissioner.

33 3. ~~The district school board~~ Annually provide information
 34 describing the Florida School for the Deaf and the Blind and all
 35 other programs and methods of instruction available to the
 36 parent of a sensory-impaired student.

37 4. ~~The district school board, once every 3 years, submit~~
 38 ~~to the department its proposed procedures for the provision of~~
 39 ~~special instruction and services for exceptional students.~~

40 4. Provide instruction to homebound or hospitalized
 41 students in accordance with this section and rules adopted by
 42 the state board, which must establish, at minimum, the
 43 following:

44 a. Criteria for eligibility of K-12 homebound or
 45 hospitalized students for specially designed instruction.

46 b. Procedures for determining student eligibility.



47 c. A list of appropriate methods for providing instruction
 48 to homebound or hospitalized students.

49 d. Requirements for initiating instructional services for
 50 a homebound or hospitalized student once the student is
 51 determined to be eligible.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1045 Instruction for Homebound and Hospitalized Students
SPONSOR(S): K-12 Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Brink 	Fudge 

SUMMARY ANALYSIS

Although the State Board of Education has adopted rules regulating instruction for homebound or hospitalized students, current law does not expressly provide minimum requirements for providing instruction to such students.

Accordingly, the bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill also streamlines provisions relating to school district programs of special instruction, facilities, and services for exceptional students.

The bill does not appear to have a fiscal impact.

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A student who is homebound or hospitalized qualifies as an exceptional student, and is thus eligible for certain exceptional student education services.¹

A homebound or hospitalized student is a student who "has a medically diagnosed physical or psychiatric condition which is acute or catastrophic in nature, or a chronic illness, or a repeated intermittent illness due to a persisting medical problem and which confines the student to home or hospital, and restricts activities for an extended period of time."²

State Board of Education rule provides criteria for determining when a student qualifies as hospitalized or homebound for purposes of receiving specially designed instruction.³ A licensed physician⁴ must certify that the student:

- Is expected to be absent from school due to a physical or psychiatric condition for at least fifteen consecutive school days, or, for students with a chronic condition, for at least 15 consecutive or nonconsecutive school days;
- Is confined to home or hospital;
- Will be able to participate in and benefit from an instructional program;
- Is under medical care for illness or injury which is acute, catastrophic, or chronic in nature; and
- Can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.⁵

In addition, unless a student already meets eligibility criteria for other exceptional student education services, the student must be enrolled in a public school in kindergarten through 12th grade prior to the referral for homebound or hospitalized services.⁶ Finally, the student's parent, guardian, or primary caregiver must sign an agreement concerning homebound or hospitalized policies and parental cooperation.⁷

At minimum, an annual report from a licensed physician must be used to determine the student's eligibility for specially designed instruction. The report must:

- State that the student is unable to attend school;
- Describe the plan of treatment;
- Provide recommendations regarding school reentry; and
- Give an estimated duration of condition or prognosis.⁸

The team determining eligibility may require additional evaluation data, at no cost to the parent. A physical reexamination and medical report by a licensed physician may be requested on a more frequent basis and may be required if the student is scheduled to attend school part of a day while the

¹ Section 1003.01(3)(a), F.S.; rule 6A-6.03020, F.A.C.

² Rule 6A-6.03020(1), F.A.C. A licensed physician must make the medical diagnosis. *Id.*

³ Rule 6A-6.03020(3), F.A.C.

⁴ The physician must be licensed under chapter 458 or 459, F.S.

⁵ Rule 6A-6.03020(3)(a), F.A.C.

⁶ Rule 6A-6.03020(3)(b), F.A.C.

⁷ Rule 6A-6.03020(3)(c), F.A.C.

⁸ Rule 6A-6.03020(4)(a), F.A.C.

student readjusts to a full school schedule. Reexaminations and reports must be provided at no cost to the parent.⁹

The school district is responsible for conducting all initial evaluations to determine if the student is eligible for services and to determine the student's educational needs.¹⁰ An individual educational plan must be developed or revised for the student before he or she is assigned to a homebound or hospitalized student services program.¹¹

State board rule specifies appropriate instructional methods for homebound or hospitalized students, including in-home instruction, instruction in a hospital,¹² and instruction through telecommunications or computer devices.¹³

Effect of Proposed Changes

The bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill also streamlines provisions relating to school district programs of special instruction, facilities, and services for exceptional students.

B. SECTION DIRECTORY:

Section 1. Amends 1003.57, F.S; requiring districts to provide instruction to homebound or hospitalized students in accordance with state board rule; requiring certain provisions to be adopted in state board rule.

Section 2. Providing 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.

⁹ Rule 6A-6.03020(4)(b), F.A.C.

¹⁰ See Rule 6A-6.03020(5); rule 6A-6.0331(3)(e), F.A.C.

¹¹ Rule 6A-6.03020(6), F.A.C.

¹² "The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits." Rule 6A-6.03020(7)(b), F.A.C.

¹³ Rules 6A-6.03020(7)(a), (b), and (c), F.A.C.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to education; amending s. 1002.20,
3 F.S.; including specific certifications and programs
4 in the public educational choice options available to
5 students; providing that parents of certain public
6 school students may use the Florida Personal Learning
7 Scholarship Accounts Program to seek private
8 educational choice options; requiring that specified
9 financial information be included in a school
10 financial report and that the parent guide or a
11 similar publication include the financial report;
12 amending s. 1002.21, F.S.; requiring state
13 universities and Florida College System institutions
14 to annually notify students of certain financial
15 information related to the cost of instruction;
16 amending 1002.31, F.S.; requiring school districts to
17 establish a controlled open enrollment policy;
18 requiring a controlled open enrollment policy to
19 define school capacity; requiring that a district
20 school board annually report the number of students
21 exercising school choice; authorizing a parent to
22 enroll his or her child in any public school in the
23 state that has not reached capacity; requiring
24 district school boards to establish a process for a
25 parent to request that his or her child be transferred
26 to another classroom teacher; amending s. 1002.33,

27 F.S.; authorizing a charter school not having reached
 28 capacity to be open to any student in the state;
 29 amending s. 1010.215, F.S; requiring certain
 30 information to be included in a school financial
 31 report; requiring the report to be included in the
 32 parent guide or a similar publication and, if
 33 possible, published on the school's website; amending
 34 s. 1012.2315, F.S.; specifying which teachers are
 35 deemed to be in need of improvement for certain
 36 purposes; deleting a provision related to rulemaking;
 37 renaming the term "salary incentives" as "salary
 38 supplements"; amending s. 1012.57, F.S.; requiring the
 39 State Board of Education to adopt rules for the
 40 issuance of adjunct teaching certificates; providing
 41 that adjunct teaching certificates may be used for
 42 full-time teaching positions in certain circumstances;
 43 authorizing charter school governing boards to issue
 44 adjunct teaching certificates; providing an effective
 45 date.

46
 47 Be It Enacted by the Legislature of the State of Florida:
 48

49 Section 1. Paragraphs (a) and (b) of subsection (6) and
 50 subsection (16) of section 1002.20, Florida Statutes, are
 51 amended to read:

52 1002.20 K-12 student and parent rights.—Parents of public

53 school students must receive accurate and timely information
 54 regarding their child's academic progress and must be informed
 55 of ways they can help their child to succeed in school. K-12
 56 students and their parents are afforded numerous statutory
 57 rights including, but not limited to, the following:

58 (6) EDUCATIONAL CHOICE.—

59 (a) Public educational ~~school~~ choices.—Parents of public
 60 school students may seek whatever public school choice options
 61 that are applicable and available to students in their school
 62 districts. These options may include controlled open enrollment,
 63 single-gender programs, lab schools, virtual instruction
 64 programs, charter schools, charter technical career centers,
 65 magnet schools, alternative schools, special programs, auditory-
 66 oral education programs, career and professional education
 67 (CAPE) digital tool certificates, CAPE industry certifications,
 68 collegiate high school programs, advanced placement, dual
 69 enrollment, International Baccalaureate, International General
 70 Certificate of Secondary Education (pre-AICE), Advanced
 71 International Certificate of Education, early admissions, credit
 72 by examination or demonstration of competency, the New World
 73 School of the Arts, the Florida School for the Deaf and the
 74 Blind, and the Florida Virtual School. These options may also
 75 include the public educational ~~school~~ choice options of the
 76 Opportunity Scholarship Program and the McKay Scholarships for
 77 Students with Disabilities Program.

78 (b) Private educational ~~school~~ choices.—Parents of public

79 | school students may seek private educational ~~school~~ choice
 80 | options under certain programs.

81 | 1. Under the McKay Scholarships for Students with
 82 | Disabilities Program, the parent of a public school student with
 83 | a disability may request and receive a McKay Scholarship for the
 84 | student to attend a private school in accordance with s.
 85 | 1002.39.

86 | 2. Under the Florida Tax Credit Scholarship Program, the
 87 | parent of a student who qualifies for free or reduced-price
 88 | school lunch or who is currently placed, or during the previous
 89 | state fiscal year was placed, in foster care as defined in s.
 90 | 39.01 may seek a scholarship from an eligible nonprofit
 91 | scholarship-funding organization in accordance with s. 1002.395.

92 | 3. Under the Florida Personal Learning Scholarship
 93 | Accounts Program, the parent of a student with a qualifying
 94 | disability may apply for a personal learning scholarship to be
 95 | used for educational purposes pursuant to s. 1002.385.

96 | (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
 97 | REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
 98 | have the right ~~are entitled~~ to an easy-to-read report card about
 99 | the school's grade designation or, if applicable under s.
 100 | 1008.341, the school's improvement rating, and the school's
 101 | accountability report, including the school financial report as
 102 | required under s. 1010.215. The school financial report must
 103 | indicate the average amount of money expended per student in the
 104 | school and must be included in the parent guide or a similar

105 | publication.

106 | Section 2. Subsection (6) is added to section 1002.21,
107 | Florida Statutes, to read:

108 | 1002.21 Postsecondary student and parent rights.—

109 | (6) FISCAL TRANSPARENCY.—Each state university and Florida
110 | College System institution shall annually notify students of the
111 | amount and percentage of tuition per credit hour subsidized by
112 | the state. This information shall also include the average
113 | amount of money, by source, estimated to be expended for the
114 | education of the student.

115 | Section 3. Section 1002.31, Florida Statutes, is amended
116 | to read:

117 | 1002.31 Controlled open enrollment; public school parental
118 | choice.—

119 | (1) As used in this section, "controlled open enrollment"
120 | means a public education delivery system that allows school
121 | districts to make student school assignments using parents'
122 | indicated preferential school choice as a significant factor.

123 | (2) In addition to the existing choice programs provided
124 | in s. 1002.20(6)(a), each district school board shall allow a
125 | parent to enroll his or her child in and transport his or her
126 | child to any public school that has not reached capacity in the
127 | district. ~~may offer controlled open enrollment within the public~~
128 | ~~schools which is in addition to the existing choice programs~~
129 | ~~such as virtual instruction programs, magnet schools,~~
130 | ~~alternative schools, special programs, advanced placement, and~~

131 ~~dual enrollment.~~

132 (3) Each district school board ~~offering controlled open~~
 133 ~~enrollment~~ shall ~~adopt by rule and post on its website~~ the
 134 process required to participate in controlled open enrollment.

135 The process ~~a controlled open enrollment plan~~ which must:

136 (a) Adhere to federal desegregation requirements.

137 ~~(b) Include an application process required to participate~~
 138 ~~in controlled open enrollment that allows parents to declare~~
 139 ~~school preferences, including placement of siblings within the~~
 140 ~~same school.~~

141 (b)(e) Provide a lottery procedure to determine student
 142 assignment and establish an appeals process for hardship cases.

143 (c)(d) Afford parents of students in multiple session
 144 schools preferred access to controlled open enrollment.

145 (d)(e) Maintain socioeconomic, demographic, and racial
 146 balance.

147 (e)(f) Address the availability of transportation.

148 (f) Identify schools that have not reached capacity,
 149 determined by grade level as 90 percent of the allowable core
 150 class size for the class average based upon the class size
 151 calculation pursuant to s. 1003.03.

152 (4) In accordance with the reporting requirements of s.
 153 1011.62, each district school board shall annually report the
 154 number of students exercising public school choice, by type of
 155 choice attending the various types of public schools of choice
 156 in the district, in accordance with including schools such as

157 ~~virtual instruction programs, magnet schools, and public charter~~
 158 ~~schools, according to~~ rules adopted by the State Board of
 159 Education.

160 (5) A parent may enroll his or her child in and transport
 161 his or her child to any public school that has not reached
 162 capacity in any school district in the state. The school
 163 district shall accept the student and report the student for
 164 purposes of the school district's funding pursuant to the
 165 Florida Education Finance Program ~~For a school or program that~~
 166 ~~is a public school of choice under this section, the calculation~~
 167 ~~for compliance with maximum class size pursuant to s. 1003.03 is~~
 168 ~~the average number of students at the school level.~~

169 (6) Each district school board shall establish a transfer
 170 process for a parent to request that his or her child be
 171 transferred to another classroom teacher. This subsection does
 172 not give a parent the right to choose a specific classroom
 173 teacher. A school must grant or deny the transfer within 2 weeks
 174 after receiving the request. If a request for transfer is
 175 denied, the school shall notify the parent and specify the
 176 reasons for the denial. An explanation of the transfer process
 177 must be made available in the parent guide or a similar
 178 publication.

179 Section 4. Paragraph (a) of subsection (10) of section
 180 1002.33, Florida Statutes, is amended to read:

181 1002.33 Charter schools.—

182 (10) ELIGIBLE STUDENTS.—

183 (a) A charter school shall be open to any student covered
 184 in an interdistrict agreement or residing in the school district
 185 in which the charter school is located; however, in the case of
 186 a charter lab school, the charter lab school shall be open to
 187 any student eligible to attend the lab school as provided in s.
 188 1002.32 or who resides in the school district in which the
 189 charter lab school is located. Any eligible student shall be
 190 allowed interdistrict transfer to attend a charter school when
 191 based on good cause. Good cause shall include, but is not
 192 limited to, geographic proximity to a charter school in a
 193 neighboring school district. A charter school that has not
 194 reached capacity as defined in s. 1002.31(3)(g) may be open to
 195 any student in the state.

196 Section 5. Subsection (5) of section 1010.215, Florida
 197 Statutes, is amended to read:

198 1010.215 Educational funding accountability.-

199 (5) The annual school public accountability report
 200 required by ss. 1001.42(18) and 1008.345 must include a school
 201 financial report. The purpose of the school financial report is
 202 to better inform parents and the public concerning how funds
 203 were spent to operate the school during the prior fiscal year
 204 and to inform parents of the average amount of money expended
 205 per student in the school, including operating and capital
 206 outlay expenses. Each school's financial report must follow a
 207 uniform, districtwide format that is easy to read and
 208 understand. The school financial report must be included in the

209 parent guide required under s. 1002.23(5) or a similar
 210 publication and, if possible, published on the school's website.

211 (a) Total revenue must be reported at the school,
 212 district, and state levels. The revenue sources that must be
 213 addressed are state and local funds, other than lottery funds;
 214 lottery funds; federal funds; and private donations.

215 (b) Expenditures must be reported as the total
 216 expenditures per unweighted full-time equivalent student at the
 217 school level and the average expenditures per full-time
 218 equivalent student at the district and state levels in each of
 219 the following categories and subcategories:

220 1. Teachers, excluding substitute teachers, and education
 221 paraprofessionals who provide direct classroom instruction to
 222 students enrolled in programs classified by s. 1011.62 as:

- 223 a. Basic programs;
- 224 b. Students-at-risk programs;
- 225 c. Special programs for exceptional students;
- 226 d. Career education programs; and
- 227 e. Adult programs.

228 2. Substitute teachers.

229 3. Other instructional personnel, including school-based
 230 instructional specialists and their assistants.

231 4. Contracted instructional services, including training
 232 for instructional staff and other contracted instructional
 233 services.

234 5. School administration, including school-based

235 administrative personnel and school-based education support
 236 personnel.

237 6. The following materials, supplies, and operating
 238 capital outlay:

- 239 a. Textbooks;
- 240 b. Computer hardware and software;
- 241 c. Other instructional materials;
- 242 d. Other materials and supplies; and
- 243 e. Library media materials.
- 244 7. Food services.
- 245 8. Other support services.
- 246 9. Operation and maintenance of the school plant.

247 (c) The school financial report must also identify the
 248 types of district-level expenditures that support the school's
 249 operations. The total amount of these district-level
 250 expenditures must be reported and expressed as total
 251 expenditures per full-time equivalent student.

252 Section 6. Subsections (1), (2), (3), and (4) and
 253 paragraph (a) of subsection (5) of section 1012.2315, Florida
 254 Statutes, are amended to read:

255 1012.2315 Assignment of teachers.—

256 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
 257 disparities between teachers assigned to teach in a majority of
 258 schools that do not need improvement and schools that do need
 259 improvement pursuant to s. 1008.33. The disparities may be found
 260 in the assignment of temporarily certified teachers, teachers

261 who received a performance evaluation rating of needs
 262 improvement or unsatisfactory pursuant to s. 1012.34 ~~in need of~~
 263 ~~improvement~~, and out-of-field teachers and in the performance of
 264 the students. It is the intent of the Legislature that district
 265 school boards have flexibility through the collective bargaining
 266 process to assign teachers more equitably across the schools in
 267 the district.

268 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".-

269 (a) A school district may not assign a higher percentage
 270 than the school district average of temporarily certified
 271 teachers, teachers who received a performance evaluation rating
 272 of needs improvement or unsatisfactory pursuant to s. 1012.34 ~~in~~
 273 ~~need of improvement~~, or out-of-field teachers to schools graded
 274 "D" or "F" pursuant to s. 1008.34.

275 (b)1. ~~Beginning July 1, 2014,~~ A school district may assign
 276 an individual newly hired as instructional personnel to a school
 277 that has earned a grade of "F" in the previous year or any
 278 combination of three consecutive grades of "D" or "F" in the
 279 previous 3 years pursuant to s. 1008.34 if the individual:

280 a. Has received an effective rating or highly effective
 281 rating in the immediate prior year's performance evaluation
 282 pursuant s. 1012.34;

283 b. Has successfully completed or is enrolled in a teacher
 284 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
 285 1012.56, or a teacher preparation program specified in State
 286 Board of Education rule, is provided with high quality mentoring

287 during the first 2 years of employment, holds a certificate
 288 issued pursuant to s. 1012.56, and holds a probationary contract
 289 pursuant to s. 1012.335(2)(a); or

290 c. Holds a probationary contract pursuant to s.
 291 1012.335(2)(a), holds a certificate issued pursuant to s.
 292 1012.56, and has successful teaching experience, and if, in the
 293 judgment of the school principal, students would benefit from
 294 the placement of that individual.

295 2. As used in this paragraph, the term "mentoring"
 296 includes the use of student achievement data combined with at
 297 least monthly observations to improve the educator's
 298 effectiveness in improving student outcomes. Mentoring may be
 299 provided by a school district, a teacher preparation program
 300 approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a
 301 teacher preparation program specified in State Board of
 302 Education rule.

303 ~~3. The State Board of Education shall adopt rules under~~
 304 ~~ss. 120.536(1) and 120.54 to implement this paragraph.~~

305
 306 Each school district shall annually certify to the Commissioner
 307 of Education that the requirements in this subsection have been
 308 met. If the commissioner determines that a school district is
 309 not in compliance with this subsection, the State Board of
 310 Education shall be notified and shall take action pursuant to s.
 311 1008.32 in the next regularly scheduled meeting to require
 312 compliance.

313 (3) SALARY SUPPLEMENTS ~~INCENTIVES~~.—District school boards
 314 are authorized to provide salary supplements ~~incentives~~ to meet
 315 the requirement of subsection (2). A district school board may
 316 not sign a collective bargaining agreement that precludes the
 317 school district from providing sufficient supplements ~~incentives~~
 318 to meet this requirement.

319 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
 320 chapter 447 relating to district school board collective
 321 bargaining, collective bargaining provisions may not preclude a
 322 school district from providing supplements ~~incentives~~ to high-
 323 quality teachers and assigning such teachers to low-performing
 324 schools.

325 (5) REPORT.—

326 (a) ~~By July 1, 2012,~~ The Department of Education shall
 327 annually report on its website, in a manner that is accessible
 328 to the public, the performance rating data reported by district
 329 school boards under s. 1012.34. The report must include the
 330 percentage of classroom teachers, instructional personnel, and
 331 school administrators receiving each performance rating
 332 aggregated by school district and by school.

333 Section 7. Section 1012.57, Florida Statutes, is amended
 334 to read:

335 1012.57 Certification of adjunct educators.—

336 (1) Notwithstanding the provisions of ss. 1012.32,
 337 1012.55, and 1012.56, or any other provision of law or rule to
 338 the contrary, the State Board of Education ~~district school~~

339 ~~boards~~ shall adopt rules to allow for the issuance of an adjunct
 340 teaching certificate by a district school board and charter
 341 school governing board to any applicant who fulfills the
 342 requirements of s. 1012.56(2)(a)-(f) and (10) and who has
 343 expertise in the subject area to be taught. An applicant shall
 344 be considered to have expertise in the subject area to be taught
 345 if the applicant demonstrates sufficient subject area mastery
 346 pursuant to rules of the state board ~~through passage of a~~
 347 ~~subject area test~~. The adjunct teaching certificate shall be
 348 used for part-time teaching positions and may be used for full-
 349 time teaching positions upon demonstrating competency in the
 350 following:

- 351 (a) The Florida Educator Accomplished Practices.
- 352 (b) The state-adopted student content standards.
- 353 (c) Scientifically research-based reading instruction.
- 354 (d) Content literacy and mathematical practices.
- 355 (e) Strategies appropriate for instruction of English
 356 language learners.
- 357 (f) Strategies appropriate for instruction of students
 358 with disabilities.

359 (2) Adjunct certification enables ~~The Legislature intends~~
 360 ~~that this section allow school districts to tap the wealth of~~
 361 ~~talent and expertise represented in Florida's citizens who may~~
 362 ~~wish to teach part-time in a Florida public school by permitting~~
 363 school districts and charter schools to enhance the diversity of
 364 course offerings, whether face-to-face or online, by using the

365 wealth of talent and expertise represented by the residents of
 366 the state ~~issue adjunct certificates to qualified applicants.~~

367 ~~(3) Adjunct certificateholders should be used as a~~
 368 ~~strategy to enhance the diversity of course offerings offered to~~
 369 ~~all students. School districts may use the expertise of~~
 370 ~~individuals in the state who wish to provide online instruction~~
 371 ~~to students by issuing adjunct certificates to qualified~~
 372 ~~applicants.~~

373 (3)(4) Each adjunct teaching certificate is valid through
 374 the term of the annual contract between the educator and the
 375 school district or charter school. An additional annual
 376 certification and an additional annual contract may be awarded
 377 ~~by the district at the district's discretion but only if the~~
 378 applicant is rated effective or highly effective under s.
 379 1012.34 during each year of teaching under adjunct teaching
 380 certification.

381 (4)(5) Individuals who are certified and employed under
 382 this section shall have the same rights and protection of laws
 383 as teachers certified under s. 1012.56.

384 Section 8. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1145 Education
SPONSOR(S): K-12 Subcommittee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Brink	Fudge

SUMMARY ANALYSIS

The bill enhances K-20 fiscal transparency and revises provisions relating to public and private educational choice options and assignment and certification of teachers by:

- Specifying that CAPE digital tools, CAPE industry certifications, and collegiate high school programs are considered public educational choice options and that the Florida Personal Learning Savings Account Program is a private educational choice option.
- Requiring that parents be provided information about the average amount expended per student in their child's school using the parent guide or a similar publication.
- Requiring that each state university and Florida College System institution annually notify students of state expenditures used for the education of the student.
- Requiring district school boards to publish an open controlled enrollment process that allows a parent to enroll his or her child and transport the child to any public school.
- Defining the term "capacity" for purposes of determining choices available for public K-12 enrollment.
- Specifying that a charter school that has not reached capacity may be open to any student in the state.
- Requiring district school boards to establish a transfer process by which a parent may request that his or her child be transferred to another teacher.
- Conforming language related to the assignment of teachers.
- Requiring the state board to establish rules for the issuance of adjunct certificates, allowing adjunct certificates to be used for full-time positions in certain circumstances, and authorizing charter school boards to issue adjunct certificates.

The bill does not appear to have a fiscal impact.

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Fiscal Transparency

Present Situation

Each public school must provide parents of students a school financial report as part of its annual public school accountability report.¹ The purpose of the school financial report is to better inform parents and the public concerning how funds were spent to operate the school during the prior fiscal year.²

Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.³ The report must indicate revenues and their sources.⁴ In addition, the report must include expenditures per unweighted full-time equivalent student at the district and state levels for teachers, substitute teachers, other instructional personnel, contracted instructional services, school administration and support personnel, certain materials and supplies, food services, support services, operation and maintenance of the school plant, and district-level expenditures the support the school's operations.⁵

Current law requires each state university and Florida College System institution to provide its students with a student handbook that includes student rights and responsibilities, available appeals processes, the student conduct code, and other specified information.⁶ However, there is no requirement that students be notified of how state-appropriated monies and their tuition are used to fund their postsecondary education.

Effect of Proposed Changes

The bill requires the school financial report to include the average amount expended per student in the school, including operating and capital outlay expenses. In addition, the report must also be included in the school's parent guide and, if possible, posted to the school's website.

The bill requires each state university and Florida College System institution to annually notify students of the amount and percentage of tuition per credit hour subsidized by the state. This information must also include the average amount of money, by source, estimated to be expended for the education of the student.

Public and Private Education Choice Options

Present Situation

Parents of public school students may seek school choice options such as controlled open enrollment, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, Advanced International Certificate of Education, credit by examination or demonstration of competency, the School for Deaf and the Blind, the Florida Virtual

¹ See ss. 1002.20(16); 1010.215(5), F.S.

² *Id.*

³ Section 1010.215(5), F.S.

⁴ See s. 1010.215(5)(a), F.S.

⁵ See s. 1010.215(5)(b) and (c), F.S.

⁶ Section 1002.21(4), F.S.

School, and the public school options for the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.⁷

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that gives school districts the option of making student school assignments using a parent's indicated preferential public school choice as a significant factor.⁸

Each district school board offering the controlled open enrollment must adopt by rule a controlled open enrollment plan and post the plan on the district's website.⁹ The plan must:¹⁰

- Adhere to federal desegregation requirements.
- Include an application process required to participate in controlled open enrollment that allows parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.

During the 2013-14 school year, 52 districts offered some form of controlled open enrollment.¹¹

Private Educational Choices

Current law allows parents of public school students to seek private school choice options under the McKay Scholarships for Students with Disabilities Program and the Florida Tax Credit Scholarship Program.¹² Under the McKay program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school.¹³ Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care may seek a scholarship from an eligible nonprofit scholarship-funding organization.¹⁴

Legislation enacted in 2014 established the Florida Personal Learning Scholarship Accounts (PLSA) Program for students who:

- Are Florida residents;
- Are eligible to enroll in kindergarten through grade 12 in a public school;
- Have an eligible disability;¹⁵ and
- Are the subject of an IEP or have a diagnosis of an eligible disability from a physician or psychologist.

⁷ Section 1002.20(6), F.S.

⁸ Section 1002.31(1), F.S.; Implementation of the plan by a district school board is optional. Section 1002.31(2), F.S.

⁹ Section 1002.31(3), F.S.

¹⁰ Section 1002.31(3), F.S.

¹¹ Email, Florida Department of Education, Office of Independent Education and Parental Choice (Mar. 15, 2015). The department no longer collects information related to controlled open enrollment plans, as the districts are no longer required to submit the plans to the department for approval. *See* s. 21, ch. 2014-39, L.O.F.

¹² Section 1002.20(6)(b), F.S.

¹³ Section 1002.20(6)(b)1., F.S.

¹⁴ Section 1002.20(6)(b)2., F.S.

¹⁵ Eligible disabilities are autism; cerebral palsy; Down syndrome; an intellectual disability; Prader-Willi syndrome; Spina bifida; Williams syndrome; and, for a student in kindergarten, being a high-risk child.

Under the program, a parent may exercise his or her “parental option to determine the appropriate placement or the services that best meet the needs of his or her child.”¹⁶ PLSA funds may be used to reimburse purchases of the following items or services:

- Instructional materials;
- Curriculum;
- Specialized services including, but not limited to, applied behavior analysis services and services provided by speech-language pathologists, occupational therapists, physical therapists, and listening and spoken language specialists;
- Enrollment in, or tuition or fees associated with enrollment in, an eligible private school, an eligible postsecondary educational institution, a private tutoring program, a virtual program offered by a department-approved private online provider, or a department-approved online course;
- Fees for standardized assessments;
- Contributions to the Stanley G. Tate Prepaid College Program; and
- Contracted services provided by a public school or school district.¹⁷

Effect of Proposed Changes

The bill requires each district school board to allow a parent to choose to enroll his or her child in and transport his or her child to any public school that has not reached capacity in the district. Further, the bill provides that a parent may enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity in any school district in the state. The school district must accept the student and report the student for purposes of the district’s funding pursuant to the Florida Education Finance Program.

The bill defines capacity by grade level to mean 90% of the allowable core class size¹⁸ for class average based upon class size calculation.¹⁹

Further, the bill requires each district school board to establish a transfer process for a parent to request his or her child be transferred to another classroom teacher. A school must grant or deny the transfer within 2 weeks after receiving a request. If a request for transfer is denied, the school must notify the parent and specify the reasons for a denial. An explanation of the transfer process must be made available in the parent guide or a similar publication.

The bill provides that career and professional education digital tools, career and professional education industry certifications, and collegiate high school programs can be considered public educational choice options. In addition, the bill specifies that the Florida Personal Learning Scholarship Accounts Program is a private educational choice option.

Adjunct Educator Certification

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the department.²⁰

¹⁶ Section 1002.385(11), F.S.

¹⁷ A student who receives contracted public school services is not considered to be enrolled in a public school for eligibility purposes.

¹⁸ The department is required to identify from the Course Code Directory core-curricula courses for the purpose of satisfying the maximum class size requirement. Section 1003.03(6), F.S. Class size maximum requirements are established in Art. IX, s. 1, Fla. Const., and s. 1003.03(1), F.S.

¹⁹ Section 1003.03, F.S. establishes provisions related to calculating class size.

²⁰ Sections 1012.55(1) and 1002.33(12)(f), F.S.

Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.²¹ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”²²

To be eligible for an educator certificate, a person must.²³

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a nonaccredited institution identified by the department as having a quality program resulting in a bachelor's or higher degree;²⁴
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the department.²⁵

The department issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida's highest type of full-time educator certification.²⁶ The professional certificate is valid for five years and is renewable.²⁷ There are multiple ways to obtain a professional certificate, including through teacher preparation programs, certificate reciprocity, and other alternative routes, such as college teaching experience and professional training options.²⁸
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.²⁹ The temporary certificate is valid for three years and is nonrenewable.³⁰
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.³¹ DOE issues two types of athletic coaching certificates – one is valid for five years and is renewable and the other is valid for three years

²¹ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certificated individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

²² Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

²³ Section 1012.56(2)(a)-(f), F.S.

²⁴ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

²⁵ Section 1012.56(1), F.S.; see s. 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

²⁶ Rule 6A-4.004(2), F.A.C.

²⁷ Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year).

²⁸ See Florida Department of Education, *Routes to a Florida Professional Certificate* (2014), available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/Routes2014Chart.pdf>.

²⁹ Rule 6A-4.004(1)(a)2., F.A.C.

³⁰ Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; rule 6A-4.001(1), F.A.C.

³¹ Section 1012.55(2), F.S.

and is nonrenewable.³² The five-year certificate requires satisfaction of certain specialization requirements established in rule.³³

School districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. The teacher must meet the same eligibility and background screening requirements as candidates for department-issued certificates.³⁴ An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.³⁵ An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification.³⁶

Effect of Proposed Changes

The bill requires the state board to adopt rules to allow for the issuance of an adjunct teaching certificate by both district school boards and charter school boards. The bill allows an adjunct certificate to be used for a full-time position upon the teacher demonstrating competency in the following:

- The Florida Educator Accomplished Practices;
- The state-adopted student content standards;
- Scientifically research-based reading instruction;
- Content literacy and mathematical practices;
- Strategies appropriate for instruction of English language learners; and
- Strategies appropriate for instruction of students with disabilities

The bill states that adjunct certification enables school districts and charter schools to issue adjunct certificates to enhance the diversity of course offerings, whether face-to-face or online, by using the wealth of talent and expertise represented in Florida's residents.

Assignment of Teachers

Present Situation

Current law prohibits a school district from assigning to schools graded "D" or "F" a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, and out-of-field teachers.³⁷ However, in 2011, SB 736 established four separate evaluation ratings to be used for instructional personnel and administrators, including the ratings of "needs improvement" and "unsatisfactory."³⁸

Effect of Proposed Changes

The bill updates statutory language by replacing the phrase "teachers in need of improvement" with the statutorily defined ratings of "needs improvement" or "unsatisfactory."

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.20, F.S.; including certain public and private education options.

³² Rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

³³ See rule 6A-4.0282, F.A.C.

³⁴ Section 1012.57(1), F.S.

³⁵ Section 1012.57(1) and (4), F.S.

³⁶ Section 1012.57(4), F.S.

³⁷ Section 1012.2315(2), F.S.

³⁸ Ch. 2011-1, L.O.F.

Section 2. Amends s. 1002.21, F.S.; requiring state universities and Florida College System institutions to annually notify students of certain financial information related to cost of instruction.

Section 3. Amends s. 1002.31, F.S.; requiring districts to publish a process for controlled open enrollment; defining capacity; requiring a district school board to annually report the number of student exercising school choice; allowing a parent to enroll his or her child in a public school in the state that has not reached capacity; requiring districts to establish a process for a parent to request his or her child to be transferred to another teacher and providing requirements for the process.

Section 4. Amends s. 1002.33, F.S.; specifying that a charter school with capacity may be open to any student in the state.

Section 5. Amends s. 1010.215, F.S.; requiring certain information to be included in a school financial report.

Section 6. Amends s. 1012.2315, F.S.; conforming language relating to assignment of teachers.

Section 7. Amends s. 1012.57, F.S.; requiring the state board to adopt rules for the issuance of adjunct teaching certificates; allowing adjunct certificates to be used for full-time positions in certain circumstances; allowing charter school boards to issue adjunct certificates.

Section 8. 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:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules for the issuance of adjunct teaching certificates. The bill eliminates district school board authority to adopt such rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.