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# **PreK-12 Innovation Subcommittee**

**March 21, 2017**

**8:00 AM**

**Mashburn Hall (306 HOB)**

**Meeting Packet**

**Richard Corcoran  
Speaker**

**Chris Latvala  
Chair**

**Committee Meeting Notice**  
**HOUSE OF REPRESENTATIVES**

**PreK-12 Innovation Subcommittee**

**Start Date and Time:** Tuesday, March 21, 2017 08:00 am  
**End Date and Time:** Tuesday, March 21, 2017 11:00 am  
**Location:** Mashburn Hall (306 HOB)  
**Duration:** 3.00 hrs

**Consideration of the following bill(s):**

HB 655 Exceptional Student Instruction by Porter  
HB 757 Voluntary Prekindergarten Education by Donalds, Fischer  
HB 1131 Shared Use of Public School Playground Facilities by Drake  
HB 1391 Education by Eisnaugle

**NOTICE FINALIZED on 03/17/2017 4:13PM by Jones.Missy**



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 655 Exceptional Student Instruction  
SPONSOR(S): Porter  
TIED BILLS: None IDEN./SIM. BILLS: SB 1368

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer DD	Healy <i>GH</i>
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Exceptional Student Education (ESE) is specially designed instruction and services that are provided to students with disabilities and students who are identified as gifted. Student enrollment in ESE programs is one factor considered in determining the funding a school district receives. With regard to students with disabilities, the federal Individuals with Disabilities Education Act (IDEA) requires school districts to make a free appropriate public education (FAPE) available to such students ages three through 21.

An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident.

Within 10 business days after receiving the notification that an exceptional student is located in a residential facility, the receiving school district must review the student's individual educational plan (IEP) to determine if it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district. The receiving school district must:

- provide educational instruction to the student;
- contract with another provider or facility to provide the educational instruction;
- contract with the residential care facility in which the student resides to provide the educational instruction; or
- decline to provide or contract for educational instruction.

The bill removes the option for the school district receiving an exceptional student with a disability who resides in a residential facility to decline to provide or contract for educational instruction.

There is no fiscal impact to the state.

The bill takes effect July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

ESE is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.<sup>1</sup> Student enrollment in ESE programs is one factor considered in determining the funding a school district receives.<sup>2</sup>

With regard to students with disabilities, the IDEA requires school districts to make a FAPE available to such students ages three through 21.<sup>3</sup> A school district, at its discretion, may provide services to eligible infants and toddlers with disabilities below three years of age.<sup>4</sup> A FAPE must include special education and related services<sup>5</sup> that are provided by the public school system at no cost to the parent, which meet the standards of the state and which are in conformity with the student's IEP.<sup>6</sup>

Each district school board must provide an appropriate program of special instruction, facilities and services for exceptional students. Each district program must:

- provide the necessary professional services for diagnosis and evaluation of exceptional students;
- provide the special instruction, classes and services within the district school system, in cooperation with the other district school systems or through contractual arrangements with the approved private school or community facilities;
- annually provide information describing all programs and methods of instruction available to parents of a sensory impaired student;
- provide instruction to homebound or hospitalized students.<sup>7</sup>

An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident. The cost of such instruction, facilities and services for a nonresident student with a disability shall be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority or parent. A nonresident student with a disability may not be reported by any school district for full-time equivalent student funding in the Florida Education Finance Program.<sup>8</sup>

Within 10 business days after an exceptional student is placed in a residential care facility, the agency or private residential care facility licensed by the agency, as appropriate, shall provide written

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<sup>1</sup> Section 1003.57(1)(b), F.S.; rule 6A-6.03411(1)(m) and (n), F.A.C. The Office of Program Policy Analysis and Government Accountability (OPPAGA) identified the advantages and disadvantages of classifying gifted students as exceptional students by reviewing available research and holding focus group discussions with parents, gifted students, teachers, and district administrators. See Office of Program Policy Analysis and Government Accountability, *Florida Gifted Grew Faster Than the Overall School Enrollment*, Report No. 08-01, at 11 (Jan. 2008), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0801rpt.pdf> [hereinafter *OPPAGA Report No. 08-01*].

<sup>2</sup> See s. 1011.62(1)(c), F.S.

<sup>3</sup> 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

<sup>4</sup> Rules 6A-6.0331 and 6A-6.03026, F.A.C.

<sup>5</sup> "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34 (a).

<sup>6</sup> 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C.

<sup>7</sup> Section 1003.57(1)(b), F.S.

<sup>8</sup> Section 1003.57(2)(a), F.S.

notification of the placement to the school district where the student is currently counted for funding and the receiving school district. The exceptional student shall be enrolled in school and receive a FAPE, special education and related services while the notice and procedures regarding payment are pending.<sup>9</sup>

Within 10 business days after receiving the notification, the receiving school district must review the student's IEP to determine if it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district. The receiving school district must:

- provide educational instruction to the student;
- contract with another provider or facility to provide the educational instruction;
- contract with the private residential care facility in which the student resides to provide the educational instruction; or
- decline to provide or contract for educational instruction.<sup>10</sup>

If the receiving school district declines to provide or contract for the educational instruction, the school district in which the legal residence of the student is located shall provide or contract for the educational instruction to the student. The school district that provides educational instruction or contracts to provide educational instruction shall report the student for funding purposes.

### **Effect of Proposed Changes**

The bill removes the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1003.57, F.S., relating to exceptional students.

**Section 2.** Provides an effective date of July 1, 2017.

## **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.

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<sup>9</sup> Section 1003.57(3)(b), F.S.

<sup>10</sup> Section 1003.57(3)(c), F.S.

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:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1                                   A bill to be entitled  
 2           An act relating to exceptional student instruction;  
 3           amending s. 1003.57, F.S.; prohibiting certain school  
 4           districts from declining to provide or contract for  
 5           certain students' educational instruction; providing  
 6           for funding of such students; providing an effective  
 7           date.

8  
 9   Be It Enacted by the Legislature of the State of Florida:

10  
 11           Section 1. Subsection (3) of section 1003.57, Florida  
 12   Statutes, is amended to read:

13           1003.57 Exceptional students instruction.—

14           (3)(a) For purposes of this subsection and subsection (4),  
 15   the term:

16           1. "Agency" means the Department of Children and Families  
 17   or its contracted lead agency, the Agency for Persons with  
 18   Disabilities, and the Agency for Health Care Administration.

19           2. "Exceptional student" means an exceptional student, as  
 20   defined in s. 1003.01, who has a disability.

21           3. "Receiving school district" means the district in which  
 22   a private residential care facility is located.

23           4. "Placement" means the funding or arrangement of funding  
 24   by an agency for all or a part of the cost for an exceptional  
 25   student to reside in a private residential care facility and the



26 placement crosses school district lines.

27 (b) Within 10 business days after an exceptional student  
 28 is placed in a private residential care facility by an agency,  
 29 the agency or private residential care facility licensed by the  
 30 agency, as appropriate, shall provide written notification of  
 31 the placement to the school district where the student is  
 32 currently counted for funding purposes under s. 1011.62 and the  
 33 receiving school district. The exceptional student shall be  
 34 enrolled in school and receive a free and appropriate public  
 35 education, special education, and related services while the  
 36 notice and procedures regarding payment are pending. This  
 37 paragraph applies when the placement is for the primary purpose  
 38 of addressing residential or other noneducational needs and the  
 39 placement crosses school district lines.

40 (c) Within 10 business days after receiving the  
 41 notification, the receiving school district must review the  
 42 student's individual educational plan (IEP) to determine if the  
 43 student's IEP can be implemented by the receiving school  
 44 district or by a provider or facility under contract with the  
 45 receiving school district. The receiving school district shall:

- 46 1. Provide educational instruction to the student;
- 47 2. Contract with another provider or facility to provide
- 48 the educational instruction; or
- 49 3. Contract with the private residential care facility in
- 50 which the student resides to provide the educational

51 instruction; ~~or~~

52 ~~4. Decline to provide or contract for educational~~  
 53 ~~instruction.~~

54

55 ~~If the receiving school district declines to provide or contract~~  
 56 ~~for the educational instruction, the school district in which~~  
 57 ~~the legal residence of the student is located shall provide or~~  
 58 ~~contract for the educational instruction to the student. The~~  
 59 receiving school district providing ~~that provides~~ educational  
 60 instruction or contracting ~~contracts~~ to provide educational  
 61 instruction shall report the student for funding purposes  
 62 pursuant to s. 1011.62.

63 (d)1. The Department of Education, in consultation with  
 64 the agencies and school districts, shall develop procedures for  
 65 written notification to school districts regarding the placement  
 66 of an exceptional student in a residential care facility. The  
 67 procedures must:

68 a. Provide for written notification of a placement that  
 69 crosses school district lines; and

70 b. Identify the entity responsible for the notification  
 71 for each facility that is operated, licensed, or regulated by an  
 72 agency.

73 2. The State Board of Education shall adopt the procedures  
 74 by rule pursuant to ss. 120.536(1) and 120.54, and the agencies  
 75 shall implement the procedures.

76  
77 The requirements of paragraphs (c) and (d) do not apply to  
78 written agreements among school districts which specify each  
79 school district's responsibility for providing and paying for  
80 educational services to an exceptional student in a residential  
81 care facility. However, each agreement must require a school  
82 district to review the student's IEP within 10 business days  
83 after receiving the notification required under paragraph (b).

84 Section 2. This act shall take effect July 1, 2017.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 757 Voluntary Prekindergarten Education  
SPONSOR(S): Donalds and others  
TIED BILLS: None IDEN./SIM. BILLS: SB 468

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer DD	Healy JH
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill:

- requires the Just Read, Florida! Office to train Voluntary Prekindergarten (VPK) through grade 3 personnel on effective research-based reading instructional strategies and interventions;
- requires each Early Learning Coalition to coordinate with the Florida’s Office of Early Learning (OEL) to assign student identification numbers to each VPK student;
- requires each public and private school in the VPK program to provide parents the results of the evidence based pre- and post-assessments within 10 days after administration of each assessment;
- requires statewide kindergarten screening to emphasize and directly assess early literacy and numeracy skills;
- authorizes a child that is at risk of not attaining the VPK performance standards to reenroll in one of the school-year programs for the subsequent year at the request of the child’s parent; and
- changes the date the DOE must report its findings on district implementation of reading plans from February 1, to December 1, and clarifies that the report must include findings from the previous school year.

The bill appropriates \$10 million to the DOE for development and training of VPK through grade 3 teachers, reading coaches and school principals on research-based reading instructional strategies and interventions.

See fiscal impact to state government.

This bill takes effect July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Just Read! Florida**

###### **Present Situation**

The Just Read, Florida! Office (office):

- trains highly effective reading coaches;
- creates effective reading instruction and trains K-12 teachers and principals on effective content-area-specific reading strategies (the strategies must be developed for all content areas in the K-12 curriculum);
- provides parents with strategies for assisting their children in reading;
- reviews, evaluates and provides technical assistance to school districts' implementation of the K-12 comprehensive reading plan;
- works with the Florida Center for Reading Research to provide information on research-based reading programs;
- periodically reviews teacher certification examinations and works with teacher preparation programs to integrate research-based reading instructional strategies into teacher preparation programs; and
- administers grants and perform other functions as necessary to meet the goal that all students read at grade level.

###### **Effect of Proposed Changes**

The bill requires the office to train Voluntary Prekindergarten (VPK) through grade 3 teachers, reading coaches and school principals on effective research-based reading instructional strategies and interventions for all students. The training must be consistently delivered statewide in an appropriate format. The office shall collaborate with the Office of Early Learning (OEL) to develop the training.

The bill also requires the office to train teachers and principals in grades 4 through 12 in content-area-specific reading strategies instead of teachers and principals in grades kindergarten through 12. These strategies must be developed for all content areas in the grade 4-12 curriculum instead of grades kindergarten through 12 curriculum.

##### **Voluntary Prekindergarten (VPK) Education Program**

###### **Present Situation**

In 2004, the Legislature established the VPK Education Program, a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.<sup>1</sup> A child must be a Florida resident and attain four years of age on or before September 1, of the program year and not be enrolled in the Gardiner Scholarship program to be eligible for the VPK Education Program.<sup>2</sup> The child is eligible for the VPK Education Program during that program year or the subsequent year and remains eligible until enrollment in kindergarten or attaining six years of age by February 1, of any

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<sup>1</sup>Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; see also Art. IX, s. 1(b)-(c), Fla. Const. The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year. Voters approved the amendment by a total of 59 percent. Art. IX, s. 1(b)-(c), Fla. Const.; see also Florida Department of State, Division of Elections, *Voluntary Universal Prekindergarten Education*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=34708&seqnum=1> (last visited March 9, 2017).

<sup>2</sup> Section 1002.53(2), F.S.

school year.<sup>3</sup> Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.<sup>4</sup>

Local oversight of the VPK Education Program is provided by early learning coalitions (ELC) and school districts. Each ELC is the single point of entry for VPK Education Program registration and enrollment in the coalition's county or multi-county service area.<sup>5</sup> Each ELC must coordinate with each school district in the coalition's service area to develop procedures for enrolling children in public school VPK Education Programs.<sup>6</sup> Local oversight of individual VPK Education Program providers is split, with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK Education Programs.<sup>7</sup>

The OEL,<sup>8</sup> and the Department of Children and Family Services each play a role in the state-level oversight of the VPK program. As lead agency for Florida's school readiness system, Florida's OEL governs the day-to-day operations of the VPK Education Program.<sup>9</sup> OEL oversees ELCs regarding child enrollment, attendance reporting and reimbursement of VPK Education Program providers and monitors VPK Education Program providers for compliance with program requirements.<sup>10</sup> OEL administers the accountability requirements of the VPK Education Program at the state level.

### **Effect of Proposed Changes**

The bill requires each ELC to coordinate with the OEL to assign student identification numbers to each VPK student.

### **VPK Curricular Requirements**

#### **Present Situation**

Each private provider and public school may select or design its own curriculum,<sup>11</sup> which must:

- be developmentally appropriate;
- be designed to prepare a student for early literacy;
- enhance the age-appropriate progress of students in attaining VPK Educational Program performance standards adopted by OEL; and
- prepare students to be ready for kindergarten based on the statewide kindergarten screening.<sup>12</sup>

<sup>3</sup> Section 1002.53(2), F.S. Children who attain five years of age on or before September 1, of the academic year are eligible for admission to public kindergarten. Section 1003.21(1)(a)2., F.S.

<sup>4</sup> Section 1002.53(3), F.S. In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the VPK program. Section 3, ch. 2010-227, *codified at* s. 1002.53(3)(d), F.S. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK program and has a current Individual Education Plan (IEP) developed by the district school board. Specialized instructional services include applied behavior analysis, speech-language pathology, occupational therapy and physical therapy. The DOE is responsible for approving SIS providers. Section 1002.66, F.S. Children who participate in the program are eligible to receive a McKay Scholarship to enroll in and attend a private school. *See* s. 1002.39(2)(a)1., F.S.

<sup>5</sup> Section 1002.53(4)(a)-(b), F.S. There are currently 30 ELCs. Florida's Office of Early Learning, *Early Learning Coalitions*, available at [http://www.floridaearlylearning.com/parents/find\\_quality\\_child\\_care/locate\\_a\\_child\\_care\\_resource\\_referral\\_program/countys\\_early\\_learning\\_coalition.aspx](http://www.floridaearlylearning.com/parents/find_quality_child_care/locate_a_child_care_resource_referral_program/countys_early_learning_coalition.aspx).

<sup>6</sup> Section 1002.53(4)(c), F.S.

<sup>7</sup> Sections 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

<sup>8</sup> In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the DOE. The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties and functions prescribed by law, as well as adopt rules for the establishment and operation of the school readiness program and the VPK Education Program. s. 1, ch. 2013-252, *codified at* 1001.213, F.S.

<sup>9</sup> Sections 1001.213 and 1002.75(1)-(2), F.S.

<sup>10</sup> Section 1002.75(2), F.S.

<sup>11</sup> Section 1002.67(2)(a), F.S.

However, a public school or private prekindergarten provider that is placed on probation for failing to meet the minimum kindergarten readiness rate adopted by OEL must take certain corrective actions, including the use of an OEL-approved curriculum or a staff development plan to strengthen instruction in language development and phonological awareness.<sup>13</sup>

Each public and private school in the VPK Education Program must implement evidence-based pre- and post-assessments that are valid, reliable, developmentally appropriate and designed to measure student progress.<sup>14</sup>

### **Effect of Proposed Changes**

The bill requires that each public and private school in the VPK Education Program provide parents the results of the pre- and post-assessments, including any resources that might be helpful to their students, within 10 days after administration of the assessment. The results must be reported at the aggregate level, distributed to the respective ELC and districts and be available on the office's webpage 30 days after administering the assessment.

The bill authorizes the OEL to determine the eligibility criteria for enrollment and reenrollment in the school year VPK Education Program.

### **Statewide Kindergarten Screening**

#### **Present Situation**

Within the first 30 school days of each academic year, each school district must screen each kindergarten student in the school district to determine his or her readiness for kindergarten. Nonpublic schools are authorized to administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled in the VPK Education Program. Historically, the DOE has adopted instruments for this purpose.<sup>15</sup> Currently, the instrument is a developmental screening tool based on the Work Sampling System (WSS). A subset of WSS performance indicators is provided in five domains: Personal and Social Development; Language and Literacy; Mathematical Thinking; Scientific Thinking and Physical Development, Health, and Safety.<sup>16</sup>

#### **Effect of Proposed Changes**

The bill requires the statewide kindergarten screening to be a single instrument that emphasizes and directly assesses early literacy and numeracy skills.

### **VPK Attendance and Reporting**

#### **Present Situation**

The OEL established payment procedures and a uniform student attendance policy used for funding purposes.<sup>17</sup> Funds are distributed monthly to ELCs for payments to public schools or private

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<sup>12</sup> Section 1002.67(2)(b), F.S.

<sup>13</sup> Section 1002.67(4), F.S.

<sup>14</sup> Section 1002.67(3)(a) and (b), F.S.

<sup>15</sup> Section 1002.69(1), F.S.

<sup>16</sup> Florida's Office of Early Learning, *VPK Prekindergarten Readiness Rate Resources for Parents*,

<https://vpk.fldoe.org/InfoPages/ParentInfo.aspx> (last visited March 9, 2017); Florida's Office of Early Learning, *Florida Kindergarten Readiness Screener (FLKRS)*,

[http://www.floridaearlylearning.com/providers/provider\\_resources/florida\\_kindergarten\\_readiness\\_screener.aspx](http://www.floridaearlylearning.com/providers/provider_resources/florida_kindergarten_readiness_screener.aspx) (last visited March 9, 2017).

<sup>17</sup> Section 1002.71(5)(b) and (6)(d), F.S.; *see also* rule 6M-8.204, F.A.C.



prekindergarten providers.<sup>18</sup> Each ELC is advanced funds based on projected attendance. Once a public school or private prekindergarten provider begins delivery of VPK Educational Program services, the parent of each student in the VPK Educational Program must verify and certify the student's attendance each month for the prior month, and submit the monthly verification of the student's attendance to the public school or private prekindergarten provider.<sup>19</sup> Payments disbursed after the initial advance payment are reconciled based on actual attendance.<sup>20</sup> Each ELC must report student enrollment to the OEL on a monthly basis.<sup>21</sup>

A VPK student may withdraw and reenroll in a program for good cause if the student has not completed more than 70 percent of the authorized program hours or expended more than 70 percent of the authorized funds. A child that has not substantially completed any VPK Education Program can withdraw from the program due to an extreme hardship beyond the child's or parent's control, reenroll in one of the summer programs and be reported as a full-time equivalent student in the summer program.

### **Effect of Proposed Changes**

The bill authorizes a child that is at risk of not attaining the VPK performance standards to reenroll in one of the school-year programs, which is offered by a provider that has met the adopted minimum kindergarten readiness rate, for the subsequent year at the request of the child's parent. The prekindergarten program may report the child for funding purposes as a full-time equivalent student in the school-year program in which they are enrolled.

### **Research Based Reading Instruction**

#### **Present Situation**

School districts and the office annually negotiate a comprehensive reading plan. Based on the reading plan, the DOE allocates specific funds to the district for implementation. The DOE is responsible for monitoring and tracking the implementation of each district's reading plan. The DOE must report its findings to the Legislature by February 1, of each year.<sup>22</sup>

#### **Effect of Proposed Changes**

The bill changes the date the DOE must report its findings to the Legislature from February 1, to December 1, and clarifies that the report will include findings from the previous school year.

## **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1001.215, F.S., relating to the Just Read, Florida! Office.

**Section 2.** Amends s. 1002.53, F.S., relating to VPK Education Program.

**Section 3.** Amends s. 1002.67, F.S., relating to performance standards, curricula and accountability.

**Section 4.** Amends s. 1002.69, F.S., relating to statewide kindergarten screening, kindergarten readiness rates, state-approved prekindergarten enrollment screening and good cause exemptions.

**Section 5.** Amends s. 1002.71, F.S., relating to funding, financial and attendance reporting.

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<sup>18</sup> Section 1002.71(5)(b), F.S.

<sup>19</sup> Section 1002.71(6)(b)1.-2., F.S.

<sup>20</sup> Section 1002.71(5)(b), F.S.

<sup>21</sup> Section 1002.71(3)(c), F.S.

<sup>22</sup> Section 1011.62(9)(d), F.S.

**Section 6.** Amends s. 1011.62, F.S. relating to funds for operation of schools.

**Section 7.** Provides an appropriation from the General Revenue Fund to the Department of Education.

**Section 8.** Provides an effect date of July 1, 2017.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$10 million dollars from the General Revenue Fund to the DOE for the development and training of VPK through grade 3 teachers, reading coaches and school principals on research-based reading instructional strategies and interventions.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

In 2016-2017, there are 154,359 VPK full-time equivalent (FTE) students as of the March 10, 2017 Early Learning Estimating Conference. Applying an estimated 20 percent of students not being ready for kindergarten, it is estimated to cost \$78,244,163 for 30,872 students to retake the VPK school year program.

154,359.38	2016-17 VPK FTE as of 3-10-17
20%	Estimated students not ready for kindergarten
30,871.88	
\$2,437	2016-17 School Year BSA
\$75,234,772	
4%	Administrative Fee
\$3,009,391	
\$78,244,163	Estimated Cost of VPK "retakes"

### 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.

1                                   A bill to be entitled  
 2           An act relating to voluntary prekindergarten  
 3           education; amending s. 1001.215, F.S.; requiring the  
 4           Just Read, Florida! Office to provide teachers,  
 5           reading coaches, and principals in prekindergarten  
 6           through grade 3 with specified training; amending s.  
 7           1002.53, F.S.; requiring each early learning coalition  
 8           to coordinate with the Office of Early Learning to  
 9           assign student identification numbers for the  
 10          Voluntary Prekindergarten Education Program; amending  
 11          s. 1002.67, F.S.; requiring voluntary prekindergarten  
 12          providers to provide parents with pre- and post-  
 13          assessment results within a specified timeframe;  
 14          providing for the reporting and distribution of the  
 15          results; requiring the office to determine eligibility  
 16          criteria for reenrollment; amending s. 1002.69, F.S.;  
 17          revising requirements for the adoption and use of the  
 18          statewide kindergarten screening; conforming cross-  
 19          references; amending s. 1002.71, F.S.; authorizing a  
 20          child to reenroll in certain school-year programs  
 21          under certain circumstances; amending s. 1011.62,  
 22          F.S.; revising the date by which the Department of  
 23          Education must submit specified information regarding  
 24          the implementation of school district K-12  
 25          comprehensive reading plans to the Legislature;

26 providing an appropriation; providing an effective  
 27 date.

28  
 29 Be It Enacted by the Legislature of the State of Florida:

30  
 31 Section 1. Present subsections (3) through (11) of section  
 32 1001.215, Florida Statutes, are redesignated as subsections (4)  
 33 through (12), respectively, a new subsection (3) is added to  
 34 that section, and present subsection (3) of that section is  
 35 amended, to read:

36 1001.215 Just Read, Florida! Office.—There is created in  
 37 the Department of Education the Just Read, Florida! Office. The  
 38 office shall be fully accountable to the Commissioner of  
 39 Education and shall:

40 (3) Train Voluntary Prekindergarten through grade 3  
 41 teachers, reading coaches, and school principals on effective  
 42 research-based reading instructional strategies and  
 43 interventions for all students. Contingent upon legislative  
 44 appropriation, this training must be designed to be consistently  
 45 delivered statewide in an appropriate format. The office shall  
 46 collaborate with the Office of Early Learning to develop the  
 47 training.

48 (4)~~(3)~~ Train grade 4-12 ~~K-12~~ teachers and school  
 49 principals on effective content-area-specific reading  
 50 strategies. For secondary teachers, emphasis shall be on

51 technical text. These strategies must be developed for all  
 52 content areas in the grade 4-12 ~~K-12~~ curriculum.

53 Section 2. Paragraph (d) is added to subsection (4) of  
 54 section 1002.53, Florida Statutes, to read:

55 1002.53 Voluntary Prekindergarten Education Program;  
 56 eligibility and enrollment.—

57 (4)

58 (d) Each early learning coalition shall coordinate with  
 59 the Office of Early Learning to assign student identification  
 60 numbers to each student who enrolls in the Voluntary  
 61 Prekindergarten Education Program.

62 Section 3. Paragraphs (a) and (c) of subsection (2) of  
 63 section 1002.67, Florida Statutes, are amended, paragraphs (d)  
 64 and (e) are added to subsection (3) of that section, present  
 65 subsection (4) of that section is redesignated as subsection  
 66 (5), and a new subsection (4) is added to that section, to read:

67 1002.67 Performance standards; curricula and  
 68 accountability.—

69 (2) (a) Each private prekindergarten provider and public  
 70 school may select or design the curriculum that the provider or  
 71 school uses to implement the Voluntary Prekindergarten Education  
 72 Program, except as otherwise required for a provider or school  
 73 that is placed on probation under paragraph (5) (c) ~~(4) (e)~~.

74 (c) The office shall review and approve curricula for use  
 75 by private prekindergarten providers and public schools that are

76 placed on probation under paragraph (5) (c) ~~(4) (e)~~. The office  
 77 shall maintain a list of the curricula approved under this  
 78 paragraph. Each approved curriculum must meet the requirements  
 79 of paragraph (b).

80 (3)

81 (d) Each private prekindergarten provider and public  
 82 school in the Voluntary Prekindergarten Education Program shall  
 83 provide parents with the results of the pre- and post-  
 84 assessments, including any resources that might be helpful for  
 85 their students, within 10 days after administration of the  
 86 assessment.

87 (e) The results of the pre- and post-assessments must be  
 88 reported at the aggregate level, distributed to the respective  
 89 early learning coalitions and school districts, and displayed on  
 90 the office's website within 30 days after administration of the  
 91 assessment.

92 (4) The office shall determine the eligibility criteria  
 93 for enrollment, as authorized by s. 1002.71(4) (c), and for  
 94 reenrollment in the school year Voluntary Prekindergarten  
 95 Education Program.

96 Section 4. Subsections (1) and (2) and paragraphs (a),  
 97 (e), and (f) of subsection (7) of section 1002.69, Florida  
 98 Statutes, are amended to read:

99 1002.69 Statewide kindergarten screening; kindergarten  
 100 readiness rates; state-approved prekindergarten enrollment

101 screening; good cause exemption.-

102 (1) The department shall adopt a single statewide  
 103 kindergarten screening that assesses the readiness of each  
 104 student for kindergarten based upon the performance standards  
 105 adopted by the department under s. 1002.67(1) for the Voluntary  
 106 Prekindergarten Education Program. The department shall require  
 107 that each school district administer the statewide kindergarten  
 108 screening to each kindergarten student in the school district  
 109 within the first 30 school days of each school year. Nonpublic  
 110 schools may administer the statewide kindergarten screening to  
 111 each kindergarten student in a nonpublic school who was enrolled  
 112 in the Voluntary Prekindergarten Education Program.

113 (2) The statewide kindergarten screening must ~~shall~~  
 114 provide objective data concerning each student's readiness for  
 115 kindergarten and progress in attaining the performance standards  
 116 adopted by the office under s. 1002.67(1), with an emphasis on  
 117 early literacy and numeracy skills. The screening must be a  
 118 direct assessment of these skills.

119 (7)(a) Notwithstanding s. 1002.67(5)(c)3. ~~s.~~  
 120 ~~1002.67(4)(e)3.~~, the office, upon the request of a private  
 121 prekindergarten provider or public school that remains on  
 122 probation for 2 consecutive years or more and subsequently fails  
 123 to meet the minimum rate adopted under subsection (6) and for  
 124 good cause shown, may grant to the provider or school an  
 125 exemption from being determined ineligible to deliver the



126 Voluntary Prekindergarten Education Program and receive state  
 127 funds for the program. Such exemption is valid for 1 year and,  
 128 upon the request of the private prekindergarten provider or  
 129 public school and for good cause shown, may be renewed.

130 (e) A private prekindergarten provider or public school  
 131 granted a good cause exemption shall continue to implement its  
 132 improvement plan and continue the corrective actions required  
 133 under s. 1002.67(5)(c)1. ~~s. 1002.67(4)(c)1.~~, including the use  
 134 of a curriculum approved by the office, until the provider or  
 135 school meets the minimum rate adopted under subsection (6).

136 (f) If a good cause exemption is granted to a private  
 137 prekindergarten provider who remains on probation for 2  
 138 consecutive years, the office shall notify the early learning  
 139 coalition of the good cause exemption and direct that the  
 140 coalition, notwithstanding s. 1002.67(5)(c)3. ~~s.~~  
 141 ~~1002.67(4)(c)3.~~, not remove the provider from eligibility to  
 142 deliver the Voluntary Prekindergarten Education Program or to  
 143 receive state funds for the program, if the provider meets all  
 144 other applicable requirements of this part.

145 Section 5. Paragraph (c) is added to subsection (4) of  
 146 section 1002.71, Florida Statutes, to read:

147 1002.71 Funding; financial and attendance reporting.-

148 (4) Notwithstanding s. 1002.53(3) and subsection (2):

149 (c) A child who is at risk of not attaining the  
 150 performance standards specified by s. 1002.67(1) may reenroll in

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151 one of the school-year programs, which is offered by a provider  
152 that has met the adopted minimum readiness rate provided under  
153 s. 1002.69(6), for the subsequent year at the request of the  
154 child's parent. The prekindergarten program may report the child  
155 for funding purposes as a full-time equivalent student in the  
156 school-year program for which he or she is enrolled.

157

158 A child may reenroll only once in a prekindergarten program  
159 under this section. A child who reenrolls in a prekindergarten  
160 program under this subsection may not subsequently withdraw from  
161 the program and reenroll, unless the child is granted a good  
162 cause exemption under this subsection. The Office of Early  
163 Learning shall establish criteria specifying whether a good  
164 cause exists for a child to withdraw from a program under  
165 paragraph (a), whether a child has substantially completed a  
166 program under paragraph (b), and whether an extreme hardship  
167 exists which is beyond the child's or parent's control under  
168 paragraph (b).

169 Section 6. Paragraph (d) of subsection (9) of section  
170 1011.62, Florida Statutes, is amended to read:

171 1011.62 Funds for operation of schools.—If the annual  
172 allocation from the Florida Education Finance Program to each  
173 district for operation of schools is not determined in the  
174 annual appropriations act or the substantive bill implementing  
175 the annual appropriations act, it shall be determined as

176 follows:

177 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

178 (d) Annually, by a date determined by the Department of  
 179 Education but before May 1, school districts shall submit a K-12  
 180 comprehensive reading plan for the specific use of the research-  
 181 based reading instruction allocation in the format prescribed by  
 182 the department for review and approval by the Just Read,  
 183 Florida! Office created pursuant to s. 1001.215. The plan  
 184 annually submitted by school districts shall be deemed approved  
 185 unless the department rejects the plan on or before June 1. If a  
 186 school district and the Just Read, Florida! Office cannot reach  
 187 agreement on the contents of the plan, the school district may  
 188 appeal to the State Board of Education for resolution. School  
 189 districts shall be allowed reasonable flexibility in designing  
 190 their plans and shall be encouraged to offer reading  
 191 intervention through innovative methods, including career  
 192 academies. The plan format shall be developed with input from  
 193 school district personnel, including teachers and principals,  
 194 and shall allow courses in core, career, and alternative  
 195 programs that deliver intensive reading remediation through  
 196 integrated curricula, provided that the teacher is deemed highly  
 197 qualified to teach reading or is working toward that status. No  
 198 later than July 1 annually, the department shall release the  
 199 school district's allocation of appropriated funds to those  
 200 districts having approved plans. A school district that spends

201 100 percent of this allocation on its approved plan shall be  
 202 deemed to have been in compliance with the plan. The department  
 203 may withhold funds upon a determination that reading instruction  
 204 allocation funds are not being used to implement the approved  
 205 plan. The department shall monitor and track the implementation  
 206 of each district plan, including conducting site visits and  
 207 collecting specific data on expenditures and reading improvement  
 208 results. By December ~~February~~ 1 of each year, the department  
 209 shall report its findings from the previous school year to the  
 210 Legislature.

211 Section 7. For the 2017-2018 fiscal year, the sum of \$10  
 212 million from the General Revenue Fund is appropriated to the  
 213 Department of Education for the development of training for  
 214 Voluntary Prekindergarten through grade 3 teachers, reading  
 215 coaches, and school principals on research-based reading  
 216 instructional strategies and interventions.

217 Section 8. This act shall take effect July 1, 2017.



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: PreK-12 Innovation  
 2 Subcommittee

3 Representative Donalds offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove lines 40-52 and insert:

7 (3) Train Voluntary Prekindergarten through grade ~~K-12~~ 5  
 8 teachers and reading coaches ~~school principals~~ on effective  
 9 content area specific research based reading strategies and  
 10 intervention strategies for all students; the integration of  
 11 content-rich texts from other core subject areas into reading  
 12 instruction; evidence-based reading strategies identified in  
 13 subsection (7); and technology tools to improve student reading  
 14 performance. Contingent upon legislative appropriation, this  
 15 training must be designed to be consistently delivered statewide  
 16 in an appropriate format. The office shall collaborate with the



Amendment No. 1

17 Office of Early Learning and The Florida Center for Reading  
18 Research to develop the training. For secondary teachers,  
19 emphasis shall be on technical text. These strategies must be  
20 developed for all content areas in the grade 4-12 ~~K-12~~  
21 curriculum.

22 (4) Provide parents with information and strategies for  
23 assisting their children in reading in the content area.

24 (5) Provide technical assistance to school districts in the  
25 development and implementation of district plans for use of the  
26 research-based reading instruction allocation provided in s.  
27 1011.62(9) and annually review and approve such plans.

28 (6) Review, evaluate, and provide technical assistance to  
29 school districts' implementation of the K-12 comprehensive  
30 reading plan required in s. 1011.62(9).

31 (7) Work with the Florida Center for Reading Research to  
32 identify evidence-based reading instructional and intervention  
33 programs that incorporate explicit, systematic, and sequential  
34 approaches to teaching phonemic awareness, phonics, vocabulary,  
35 fluency, and text comprehension and incorporate decodable or  
36 phonetic text instructional ~~to provide information on research-~~  
37 ~~based reading programs and effective reading in the content area~~  
38 strategies.

39 (8) Work with the Florida Center for Reading Research to  
40 develop and provide access to sequenced curriculum programming,  
41 instructional practices, and resources that help elementary

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Amendment No. 1

42 schools use state-adopted instructional materials and content  
43 rich texts to increase students' background knowledge and  
44 literacy skills consistent with the state academic standards.

45 ~~(8)~~(9) Periodically review the ~~Sunshine~~Next Generation  
46 Sunshine State Standards for reading at all grade levels.

47 ~~(9)~~(10) Periodically review teacher certification  
48 examinations, including alternative certification exams, to  
49 ascertain whether the examinations measure the skills needed for  
50 research-based reading instruction and instructional strategies  
51 for teaching reading in the content areas.

52 ~~(10)~~(11) Work with teacher preparation programs approved  
53 pursuant to s. 1004.04 to integrate research-based reading  
54 instructional strategies and reading in the content area  
55 instructional strategies into teacher preparation programs.

56 ~~(11)~~(12) Administer grants and perform other functions as  
57 necessary to meet the goal that all students read at grade  
58 level.

59

60

61

62

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

63

Remove lines 3-6 and insert:

64 education; amending s. 1001.215, F.S.; requiring the Just Read,  
65 Florida! Office to provide teachers, reading coaches, and  
66 principals in prekindergarten through grade 5 with specified

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Amendment No. 1

67 training; requiring the Just Read, Florida! Office to identify  
68 specific instructional and intervention programs; requiring the  
69 Just Read, Florida! Office to provide access to programming,  
70 practices and resources that help schools to increase student  
71 knowledge and literacy; 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: PreK-12 Innovation  
 2 Subcommittee

3 Representative Donalds offered the following:

4  
5 **Amendment**

6 Remove line 149 and insert:

7 (c) Beginning in the 2018-2019 school year, a child who has  
 8 completed a school-year Voluntary Prekindergarten program but is  
 9 at risk of not attaining the




## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1131 Shared Use of Public School Playground Facilities

**SPONSOR(S):** Drake and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 984

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer DD	Healy 
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

While obesity flourishes due in part to inactivity, many of the state's playgrounds and athletic facilities on the grounds of public schools are closed to the public due in part to a lack in shared use agreements between a school district and a governmental or nongovernmental entity. The bill:

- requires the Department of Education (DOE) to provide technical assistance to school districts to promote community use of shared facilities;
- provides funding to the DOE to provide short-term grants to districts, establish guidelines for funding eligibility for the grants and develop a grant application process; and
- creates a Shared Use Task Force to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities.

This bill has an indeterminate fiscal impact on state government. A district school board may have a negative fiscal impact related to maintenance expenses, but only if it elects to enact a policy or enter into an agreement. See Fiscal Analysis & Economic Impact Statement.

The bill has an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Overweight Children and Adults**

The Centers for Disease Control and Prevention (CDC) estimates that 37.9% of American adults are obese and another 32.8% are overweight. The CDC also estimates that 17.4% of children age 6-11 and 20.6% of children age 12-19 and 17.4% are obese.<sup>1</sup> The prevalence of obesity among children has more than tripled since the 1970s.<sup>2</sup> The Surgeon General estimates 300,000 deaths per year may be attributed to obesity and reports that individuals who are obese have a 50-100% increased risk of premature death from all causes, when compared to individuals with a healthy weight.<sup>3</sup>

According to the CDC, youth who have access to opportunities for physical activity during non-school hours have higher overall levels of physical activity and are less likely to be overweight or obese.<sup>4</sup> The CDC cites increasing access to safe and appealing places to play and being active as strategies that communities can employ to combat youth obesity.<sup>5</sup> CDC's research indicates that approximately half of Florida's youth have access to parks and community centers in their neighborhood.<sup>6</sup>

##### **Public Access to Public School Facilities**

Florida law broadly authorizes district school boards and the boards of trustees of Florida College System institutions, state universities, and the Florida School for the Deaf and the Blind to allow the public access to educational facilities and grounds for any legal assembly, as a community use center, or a polling location.<sup>7</sup> Additionally, the law specifically requires each county and municipality located within the geographic area of a school district to enter into an interlocal agreement with the district school board to coordinate their respective growth and development plans and processes. Among other things, the interlocal agreement must include a process for determining where and how the school boards and local governments can share facilities for mutual benefit and efficiency.<sup>8</sup> Some district school boards currently authorize, through their interlocal agreements, public access to sports and recreational facilities on school campuses. The specific details related to such access, such as the hours the facility will be open and which party is liable for any damages or injuries sustained on the property, are contained in a separate "joint-use" agreement.<sup>9</sup>

<sup>1</sup> Centers for Disease Control and Prevention, *Obesity and Overweight*, <http://www.cdc.gov/nchs/fastats/overwt.htm> (last visited Mar. 17, 2017).

<sup>2</sup> Centers for Disease Control and Prevention, Data and Statistics, *Childhood Obesity Facts*, <https://www.cdc.gov/healthyschools/obesity/facts.htm> (last visited Mar. 17, 2017).

<sup>3</sup> Office of the Surgeon General, *Overweight and Obesity as Public Health Problems in America*, <https://www.ncbi.nlm.nih.gov/books/NBK44210/> (last visited Mar. 17, 2017).

<sup>4</sup> Centers for Disease Control and Prevention, *Overweight and Obesity: A Growing Problem*, <http://www.cdc.gov/obesity/childhood/problem.html> (last visited Mar. 17, 2017).

<sup>5</sup> Centers for Disease Control and Prevention, *Strategies to Prevent Obesity and Other Chronic Diseases, The CDC Guide to Strategies to Increase Physical Activity in the Community*, [https://www.cdc.gov/obesity/downloads/PA\\_2011\\_WEB.pdf](https://www.cdc.gov/obesity/downloads/PA_2011_WEB.pdf) (last visited Mar. 17, 2017).

<sup>6</sup> Centers for Disease Control and Prevention, *Florida Action Plan*,

[https://www.cdc.gov/physicalactivity/downloads/state\\_pdfs/14\\_248165\\_fl\\_tag508.pdf](https://www.cdc.gov/physicalactivity/downloads/state_pdfs/14_248165_fl_tag508.pdf) (last visited Mar. 17, 2017).

<sup>7</sup> Section 1013.10, F.S.; see also s. 1013.01(3), F.S. (defines "Board").

<sup>8</sup> Sections 163.31777(1) and (2)(g) and 1013.33(2) F.S.

<sup>9</sup> See, e.g., *Interlocal Agreement between Pinellas County, Florida, et al. and the School Board of Pinellas County, Florida*, at 4 (2012), available at [www.pinellascounty.org/Plan/pdf\\_files/1906\\_IA.pdf](http://www.pinellascounty.org/Plan/pdf_files/1906_IA.pdf) [hereinafter *Pinellas County Agreement*] (last visited Mar. 15, 2017).

According to the Florida Department of Education (DOE), school district facilities personnel have informally expressed support for providing public access to recreation and sports facilities. However, such personnel indicate that reaching a joint-use agreement to provide such access is highly dependent on variables related to individual facilities. Thus, agreements are typically considered on a facility-by-facility basis. Such personnel indicate that one barrier to expanding joint-use of, and public access to, school facilities is premises liability concerns.<sup>10</sup>

District school boards are not limited to partnering with governmental entities in joint-use agreements. If authorized by the school board's interlocal agreements, boards may establish joint-use agreements with private entities. For example, in 2003, a Best Financial Management Practices Review of the Duval County School District indicated that the school district had established 47 joint-use agreements with the City of Jacksonville, the YMCA and various community groups for the use of school facilities.<sup>11</sup>

### **Effect of Proposed Changes**

The bill requires the DOE to provide technical assistance to school districts including, but not limited to:

- individualized assistance;
- the creation of a shared use technical assistance toolkit containing useful information for school districts; and
- the development of a publicly accessible online database of shared use resources and existing shared use agreements.

The bill authorizes the DOE to:

- provide short-term grants to help school districts open their facilities for shared use before or after school hours;
- establish guidelines for funding eligibility;
- promote the availability of the funding statewide;
- provide technical assistance to applicants;
- evaluate applicants;
- determine allowable expenses, and disburse funding;
- annually post on its website and report to the Senate President and the Speaker of the House on the expenditure of funds;
- develop an application process for school districts to receive funding. The application must require that a school district:
  - demonstrate an active partnership with a local governmental agency or nonprofit organization or that the funds will be used to open school facilities for use by the public;
  - agree to fully implement its shared use project within the grant period;
  - abide by the conditions for receiving assistance;
  - provide the department with a copy of the school district's shared use agreement or shared use policy; and
  - collect and provide data and other information required by the department for monitoring, accountability and evaluation purposes.
- give funding priority to high-need communities, defined as communities in which at least 50 percent of children are eligible to receive free or reduced-price meals.

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<sup>10</sup> Florida Department of Education, *Legislative Bill Analysis for HB 431* (2012). For example, the Pinellas County interlocal agreement with the School Board of Pinellas County, among others, authorizes the parties to establish an agreement "for each instance of collocation and shared use to address legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from collocation or shared use." *Pinellas County Agreement*, *supra* note 6, at 4.

<sup>11</sup> Office of Program Policy Analysis and Government Accountability, *Best Financial Management Practices Review of the Duval County School District*, Report No. 03-41, ch. 7 Facilities Construction, at 18-19 (Aug. 2003), available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=03-41> (last visited Mar. 15, 2017).

The bill creates a Shared Use Task Force to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities. The task force is composed of seven members appointed by the DOE, including a chair and vice chair, and shall submit a report of its findings and recommendations to the Senate President and the Speaker of the House by June 30, 2018.

**B. SECTION DIRECTORY:**

**Section 1.** Creates s. 1013.101, F.S., relating to shared use agreements.

**Section 2.** Creates the Shared Use Task Force.

**Section 3.** Provides an effective date of July 1, 2017.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

The bill requires DOE to execute a number of provisions "...with funds as established in the General Appropriations Act...", however no specific amount is identified.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

The bill may have a minimal indeterminate fiscal impact on school districts that elect to utilize the provisions created by this bill. See Fiscal Comments.

**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.





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Section 1. Section 1013.101, Florida Statutes, is created to read:

1013.101 Shared use agreements.-

(1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds that greater public access to recreation and sports facilities is needed to reduce the impact of obesity, diabetes, and other chronic diseases on personal health and health care expenditures. Public schools are equipped with taxpayer-funded indoor and outdoor recreation facilities that offer easily accessible opportunities for physical activity for residents of the community. The Legislature also finds that it is the policy of the state for district school boards to allow the shared use of school buildings and property by adopting policies allowing for shared use and implementing shared use agreements with local governmental entities and nonprofit organizations. The Legislature intends to increase the number of school districts that open their playground facilities to community use outside of school hours.

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

(a) "High-need communities" means communities in which at least 50 percent of children are eligible to receive free or reduced-price meals at the school that will be the subject of the shared use agreement.

(b) "Shared use" means allowing access to school

51 playground facilities by community members for recreation or  
 52 another purpose of importance to the community through a shared  
 53 use agreement or a school district or school policy that opens  
 54 school facilities for use by government or nongovernmental  
 55 entities or the public.

56 (c) "Shared use agreement" means a written agreement  
 57 between a school district and a government or nongovernmental  
 58 entity which defines the roles, responsibilities, terms, and  
 59 conditions for community use of a school-owned facility for  
 60 recreation or other purposes.

61 (3) PROMOTION OF COMMUNITY USE OF SHARED FACILITIES.—The  
 62 department shall provide technical assistance to school  
 63 districts, including, but not limited to, individualized  
 64 assistance, the creation of a shared use technical assistance  
 65 toolkit containing useful information for school districts, and  
 66 the development of a publicly accessible online database of  
 67 shared use resources and existing shared use agreements.

68 (4) FUNDING.—The department shall do all of the following  
 69 with funds as established in the General Appropriations Act:

70 (a) Provide short-term grants to help school districts  
 71 open their facilities for shared use before or after school  
 72 hours, including evenings, weekends, and school vacations.

73 (b) Establish guidelines for funding eligibility  
 74 consistent with this section, promote the availability of the  
 75 funding statewide, provide technical assistance to applicants,

76 evaluate applicants, determine allowable expenses, and disburse  
 77 funding.

78 (c) Annually post on its website and report to the  
 79 President of the Senate and the Speaker of the House of  
 80 Representatives the expenditure of the funds used to administer  
 81 this section, including the total amount of funding distributed,  
 82 the school districts that received funding, the amount of  
 83 funding each school district received, and the department's  
 84 evaluation results.

85 (d) Develop an application process for school districts to  
 86 receive funding. The application must require that a school  
 87 district:

88 1. Demonstrate that it has an active partnership with a  
 89 local governmental agency or nonprofit organization or that the  
 90 funds will be used to open school facilities for use by the  
 91 public;

92 2. Agree to fully implement its shared use project within  
 93 the grant period;

94 3. Abide by the conditions for receiving assistance;

95 4. Provide the department with a copy of the school  
 96 district's shared use agreement or shared use policy; and

97 5. Collect and provide data and other information required  
 98 by the department for monitoring, accountability, and evaluation  
 99 purposes.

100 (e) Give funding priority to high-need communities. In

101 consultation with the Shared Use Task Force, the department may  
 102 establish additional criteria for funding priorities consistent  
 103 with this section.

104 Section 2. Shared Use Task Force.—The Shared Use Task  
 105 Force, a task force as defined in s. 20.03, Florida Statutes, is  
 106 created within the Department of Education. The task force is  
 107 created to identify barriers in creating shared use agreements  
 108 and to make recommendations to facilitate the shared use of  
 109 school facilities generally and in high-need communities.

110 (1) The task force is composed of 7 members appointed by  
 111 the department, as follows:

112 (a) Two representatives from school districts, including 1  
 113 representative from school districts 1 through 33 and 1  
 114 representative from school districts 34 through 67;

115 (b) One representative from a public health department;

116 (c) Two representatives from community-based programs in  
 117 high-need communities; and

118 (d) Two representatives from recreational organizations.

119 (2) The task force shall elect a chair and vice chair. The  
 120 chair and vice chair may not be representatives from the same  
 121 member category. Members of the task force shall serve without  
 122 compensation, but are entitled to reimbursement for per diem and  
 123 travel expenses pursuant to s. 112.061, Florida Statutes.

124 (3) The task force shall meet by teleconference or other  
 125 electronic means, if possible, to reduce costs.

126        (4) The department shall provide the task force with staff  
127 necessary to assist the task force in the performance of its  
128 duties.

129        (5) The task force shall submit a report of its findings  
130 and recommendations to the President of the Senate and the  
131 Speaker of the House of Representatives by June 30, 2018. Upon  
132 submission of the report, the task force shall expire.

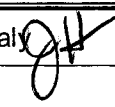
133        (6) The State Board of Education shall adopt rules to  
134 implement and administer this section.

135        Section 3. This act shall take effect July 1, 2017.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1391 Education  
**SPONSOR(S):** Eisnaugle  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1556

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer DD	Healy 
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

Home education is a parent-directed educational option that satisfies the requirement for regular school attendance. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education program students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program.

#### The bill:

- requires a parent's notice of intent to provide home education to their child(ren) include the student's full legal name and provides that the notice is prima facie evidence of the validity of the provided information;
- authorizes school districts to provide a home education student access to career and technical courses and programs;
- authorizes school districts to offer industry certifications, national assessments and statewide, standardized assessments to a home education student;
- reimburses dual enrollment instructional materials expenses to a home education program student;
- prohibits a district school superintendent from requiring evidence of a child's age if the child meets regular attendance requirements by attending certain educational institutions or programs;
- limits the documentation a school district can require from a home education student;
- exempts a home education program student from the grade point average requirement for admission to a dual enrollment program if the student meets the minimum score on a college placement test;
- exempts dual enrollment students from paying postsecondary institution technology fees and explicitly exempts public school, private school or home education dual enrollment students from payment of registration, tuition, technology and laboratory fees; and
- clarifies that private school and a home education program students are not required to reimburse tuition for dual enrollment.

The bill provides an appropriation of \$1 million of recurring general revenue for the 2017-2018 fiscal year to be disbursed by a nonprofit Scholarship Funding Organization to provide reimbursement of up to \$80 per course for dual enrollment instruction materials expenditures made by home education students.

The bill is effective on July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Home Education Programs

###### **Present Situation**

Home education is a parent-directed educational option that satisfies the requirement for regular school attendance. Florida laws protecting home education became effective in 1985. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program. More than 84,000 students in approximately 58,000 families are in Home Education Programs throughout Florida.<sup>1</sup>

Parents of home school students are required to provide a signed, written notice of intent that includes the names of the students who will be home schooled to the district school superintendent in the parent's county of residence.<sup>2</sup>

###### **Effect of Proposed Changes**

The bill requires the notice of intent to include the student's full legal name and provides that the notice is prima facie evidence that the information is valid. The bill requires the superintendent to accept the notice of intent and immediately register the home education program. The bill prohibits the superintendent from requesting additional information unless the student chooses to participate in a school district program or services or the school district receives evidence rebutting the notice of intent.

The bill also allows, but does not require, a school district to provide access to career and technical courses and programs to a home education student and to report those students as full-time equivalent students (FTE) for funding in the Florida Education Finance Program (FEFP).

The bill requires school districts to notify home education students in the district of the date, time and availability of industry certifications, national assessments and statewide standardized assessments. A home education student must notify the school district of intent to take the available certificates or assessments.

The bill also prohibits a school district from further regulating, exercising control over or requiring documentation from parents of home education students beyond the requirements of law.

##### School Attendance

###### **Present Situation**

With few exceptions, all children who will be six years of age on February 1, of each school year and are less than 16 years of age are required to attend school regularly. Children who will be five years of age by September 1, of each school year are eligible for public kindergarten.<sup>3</sup>

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<sup>1</sup> Department of Education at: <http://www.fldoe.org/schools/school-choice/other-school-choice-options/home-edu/> (last visited March 14, 2017).

<sup>2</sup> Section 1002.41(1)(a), F.S.

<sup>3</sup> Section 1003.21(1)(a), F.S.



A principal may request evidence that a child has attained the appropriate age for kindergarten before admitting the student. The district superintendent may require evidence of the age of any child believed to be within the limits of compulsory attendance.<sup>4</sup>

### **Effect of Proposed Change**

The bill prohibits a district school superintendent from requiring evidence of a child's age when the child meets regular attendance requirements by attending a:

- parochial, religious or denominational school;
- private school supported by tuition charges, endowments or gifts;
- home education program; or
- private tutoring program.

### **Court Procedure and Penalties**

#### **Present Situation**

Florida law defines "habitual truant" as a student who has 15 or more unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or guardian and who is subject to compulsory school attendance.<sup>5</sup>

In cases where an unexcused student does not enroll or attend school as required by law, the district school superintendent must institute a criminal prosecution against the student's parent.<sup>6</sup> Each public school principal or designee must notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days.<sup>7</sup>

#### **Effect of Proposed Changes**

The bill clarifies that court procedures and penalties for the enforcement of compulsory school attendance may not be instituted against a student's parent until the school and district comply with the steps to promote and enforce regular school attendance.

### **Dual Enrollment Program**

#### **Present Situation**

The dual enrollment program is an acceleration mechanism that allows an eligible secondary<sup>8</sup> or home education student to enroll in a postsecondary course creditable toward high school completion and an associate or baccalaureate degree or career certificate.<sup>9</sup> Upon successful completion of a dual enrollment course, the student simultaneously receives high school and college, university or career certificate credit.<sup>10</sup>

Students must demonstrate readiness for college-level or career-level coursework. The student must have a 3.0 unweighted grade point average (GPA) for enrollment in college-level courses and a 2.0

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<sup>4</sup> Section 1003.21(4), F.S.

<sup>5</sup> Section 984.03(27)(a), F.S.

<sup>6</sup> Section 1003.27(2)(a), F.S.

<sup>7</sup> Section 1003.27(2)(b), F.S.

<sup>8</sup> For purposes of dual enrollment, "secondary" is defined as a student who is enrolled in grades 6-12 in a Florida public school or Florida private school. Section 1007.271(2), F.S.

<sup>9</sup> Section 1007.271(1), F.S.

<sup>10</sup> Florida Department of Education, Office of Articulation, *Dual Enrollment Frequently Asked Questions*, available at

<http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf> (last visited March 15, 2017).

unweighted GPA for enrollment in career certificate courses. Students must demonstrate adequate pre-collegiate preparation on a basic computation and communication skills assessment through the common placement examination when enrolling in a college credit course. Exceptions to the required GPAs may be granted if the participating educational entities agree and the terms of such agreement are contained in the dual enrollment interinstitutional articulation agreement.<sup>11</sup>

Home education students can participate in the dual enrollment program. To participate in dual enrollment, a home education student must:<sup>12</sup>

- provide proof of enrollment in a home education program that meets statutory requirements;<sup>13</sup>
- be responsible for his or her own instructional materials unless provided for in the articulation agreement; and
- sign a home education articulation agreement<sup>14</sup> with the postsecondary institution in which the student plans to enroll.

Each postsecondary institution eligible to participate in the dual enrollment program is required to enter into a home education articulation agreement with each eligible home education student seeking enrollment in a dual enrollment course and the student's parent. Initial and continued eligibility requirements for home education students may not exceed those required of other dually enrolled students. Articulation agreements must be annually submitted by the postsecondary institution to the DOE on or before August 1.<sup>15</sup>

Currently, a dual enrollment student is not required to pay registration, tuition or lab fees for dual enrollment courses taken at a public postsecondary career center, Florida College System (FCS) institution or state university.<sup>16</sup> Home education students are responsible for their instructional materials and transportation. However, a FCS institution is not prohibited from providing instructional materials at no cost to a home education student.<sup>17</sup>

### **Effect of Proposed Changes**

The bill permits a home education program student to participate in a dual enrollment course without a high school GPA if the home school program student meets a minimum score on a common placement test. The home education program student is required to maintain a minimum GPA for continued enrollment.

The bill exempts dual enrollment students from paying postsecondary institution technology fees and explicitly states that eligible public school, private school or home education program students are exempt from paying registration, tuition, technology and laboratory fees.

The bill clarifies that private schools and a home education program student are not required to reimburse tuition for dual enrollment students. Public schools continue to be required to reimburse tuition for each dual enrollment student in the district.

The bill provides, subject to an appropriation, a reimbursement of up to \$80 per dual enrollment course for instructional materials for a home education student. The reimbursement must be verified by an eligible nonprofit Scholarship Funding Organization. If the number of submissions for dual enrollment

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<sup>11</sup> Section 1007.271(3), F.S.

<sup>12</sup> Section 1007.271(13), F.S.

<sup>13</sup> Requirements for home education programs are outlined in s. 1002.41, F.S.

<sup>14</sup> Section 1007.271(13)(b), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 1009.25(1)(a), F.S.; section 1007.271(2) and (16), F.S.

<sup>17</sup> Section 1007.271(17), F.S.

textbook reimbursement is greater than the appropriation, the available funds shall be prorated among the eligible requests.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1002.41, F.S., relating to home education programs.

**Section 2.** Amends s. 1003.21, F.S., relating to school attendance.

**Section 3.** Amends s. 1003.27, F.S., relating to court procedures and penalties for students who do not enroll or attend class.

**Section 4.** Amends s. 1007.271, F.S., relating to dual enrollment programs.

**Section 5.** Provides an appropriation from the General Revenue Fund.

**Section 6.** Provides and effective date of July 1, 2017.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$1 million dollars in recurring funds from the General Revenue Fund to the Department of Education for purposes of implementing section 1002.41, 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.

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. 1002.41,  
 3           F.S.; revising the content requirements of a notice of  
 4           enrollment of a student in a home education program;  
 5           providing that the notice constitutes prima facie  
 6           evidence of certain information; requiring the  
 7           district school superintendent to immediately register  
 8           a home education program upon receipt of the notice;  
 9           providing that registration of a home education  
 10          program is a ministerial act by the district school  
 11          superintendent; prohibiting a school district from  
 12          requiring additional information or verification of a  
 13          home education student except in specified  
 14          circumstances; specifying that a home education  
 15          program is not a school district program; authorizing  
 16          a school district to provide home education program  
 17          students with access to certain courses and programs  
 18          offered by the school district; requiring reporting  
 19          and funding through the Florida Education Finance  
 20          Program; requiring home education program students be  
 21          provided access to certain certifications and  
 22          assessments offered by the school district; providing  
 23          for an instructional materials reimbursement for  
 24          certain home education program students; prohibiting a  
 25          school district from taking certain actions against a

26 home education program student's parent unless such  
27 action is required for a school district program;  
28 amending s. 1003.21, F.S.; prohibiting a district  
29 school superintendent from requiring certain evidence  
30 relating to a child's age from children enrolled in  
31 specified schools and programs; amending s. 1003.27,  
32 F.S.; requiring a school and school district to comply  
33 with specified provisions before instituting criminal  
34 prosecution against certain parents relating to  
35 compulsory school attendance; amending s. 1007.271,  
36 F.S.; exempting dual enrollment students from paying  
37 technology fees; prohibiting dual enrollment course  
38 and program limitations for home education students  
39 from exceeding limitations for other students;  
40 providing an exemption from the grade point average  
41 requirement for initial enrollment in a dual  
42 enrollment program for certain home education  
43 students; providing that articulation agreements for  
44 private schools and home education students may not  
45 contain specified payment provisions; providing an  
46 appropriation; providing an effective date.

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

49  
50 Section 1. Paragraph (a) of subsection (1) and subsection

51 (3) of section 1002.41, Florida Statutes, are amended, and  
 52 subsections (11) through (14) are added to that section, to  
 53 read:

54 1002.41 Home education programs.—

55 (1) A "home education program" is defined in s. 1002.01.  
 56 The parent is not required to hold a valid regular Florida  
 57 teaching certificate.

58 (a)1. The parent shall notify the district school  
 59 superintendent of the county in which the parent resides of her  
 60 or his intent to establish and maintain a home education  
 61 program. The notice shall be in writing, signed by the parent,  
 62 and shall include the full legal names, addresses, and  
 63 birthdates of all children who shall be enrolled as students in  
 64 the home education program. The notice constitutes prima facie  
 65 evidence of the validity of each student's information provided  
 66 in the written notice. The notice shall be filed in the district  
 67 school superintendent's office within 30 days of the  
 68 establishment of the home education program.

69 2. The district school superintendent shall accept the  
 70 notice provided in subparagraph 1. and immediately register the  
 71 home education program upon receipt of the notice. The  
 72 registration of a home education program is a ministerial act by  
 73 the school district and may not require the parent to provide  
 74 additional information or verification unless the student  
 75 chooses to participate in a school district program or service

76 or the school district receives evidence rebutting information  
 77 provided in the notice.

78 3. The parent shall file a written notice of termination  
 79 of the home education program ~~shall be filed~~ in the district  
 80 school superintendent's office within 30 days after said  
 81 termination.

82 (3) A home education program is not a school district  
 83 program and shall be excluded from meeting the requirements of a  
 84 school day.

85 (11) A school district may provide access to career and  
 86 technical courses and programs for a home education program  
 87 student who enrolls in a public school solely for the career and  
 88 technical courses or programs. The school district providing the  
 89 career and technical courses and programs shall report each  
 90 student as a full-time equivalent student in the class and in a  
 91 manner prescribed by the Department of Education, and funding  
 92 shall be provided through the Florida Education Finance Program  
 93 pursuant to s. 1011.62.

94 (12) Industry certifications, national assessments, and  
 95 statewide, standardized assessments offered by the school  
 96 district shall be available to home education program students.  
 97 Each school district shall notify home education program  
 98 students of the available certifications and assessments; the  
 99 date, time, and locations for the administration of each  
 100 certification and assessment; and the deadline for notifying the



101 school district of the student's intent to participate and the  
 102 student's preferred location.

103 (13) Subject to appropriation by the Legislature, home  
 104 education program students enrolled in a dual enrollment course  
 105 are eligible to request an annual reimbursement of up to \$80 for  
 106 instructional materials assigned for use within the course. The  
 107 reimbursement shall be disbursed by an eligible nonprofit  
 108 scholarship-funding organization, as defined in s. 1002.395,  
 109 selected by the Department of Education. A student's enrollment  
 110 in a dual enrollment course must be verified by the  
 111 postsecondary institution before the reimbursement may be  
 112 awarded. If the total amount of the reimbursements for all  
 113 students exceeds the total appropriation by the Legislature,  
 114 each student shall receive a prorated amount based on the number  
 115 of students requesting reimbursement for dual enrollment  
 116 instructional materials.

117 (14) A school district may not further regulate, exercise  
 118 control over, or require documentation from parents of home  
 119 education program students beyond the requirements of this  
 120 section unless the regulation, control, or documentation is  
 121 necessary for participation in a school district program.

122 Section 2. Subsection (4) of section 1003.21, Florida  
 123 Statutes, is amended to read:

124 1003.21 School attendance.—

125 (4) Before admitting a child to kindergarten, the

126 principal shall require evidence that the child has attained the  
 127 age at which he or she should be admitted in accordance with the  
 128 provisions of subparagraph (1)(a)2. The district school  
 129 superintendent may require evidence of the age of any child whom  
 130 he or she believes to be within the limits of compulsory  
 131 attendance as provided for by law; however, he or she may not  
 132 require evidence from children meeting regular attendance  
 133 requirements by attending a school or program listed in s.  
 134 1003.01(13)(b)-(e). If the first prescribed evidence is not  
 135 available, the next evidence obtainable in the order set forth  
 136 below shall be accepted:

137 (a) A duly attested transcript of the child's birth record  
 138 filed according to law with a public officer charged with the  
 139 duty of recording births;

140 (b) A duly attested transcript of a certificate of baptism  
 141 showing the date of birth and place of baptism of the child,  
 142 accompanied by an affidavit sworn to by the parent;

143 (c) An insurance policy on the child's life that has been  
 144 in force for at least 2 years;

145 (d) A bona fide contemporary religious record of the  
 146 child's birth accompanied by an affidavit sworn to by the  
 147 parent;

148 (e) A passport or certificate of arrival in the United  
 149 States showing the age of the child;

150 (f) A transcript of record of age shown in the child's

151 school record of at least 4 years prior to application, stating  
 152 date of birth; or

153 (g) If none of these evidences can be produced, an  
 154 affidavit of age sworn to by the parent, accompanied by a  
 155 certificate of age signed by a public health officer or by a  
 156 public school physician, or, if these are not available in the  
 157 county, by a licensed practicing physician designated by the  
 158 district school board, which states that the health officer or  
 159 physician has examined the child and believes that the age as  
 160 stated in the affidavit is substantially correct. Children and  
 161 youths who are experiencing homelessness and children who are  
 162 known to the department, as defined in s. 39.0016, shall be  
 163 given temporary exemption from this section for 30 school days.

164 Section 3. Subsection (2) of section 1003.27, Florida  
 165 Statutes, is amended to read:

166 1003.27 Court procedure and penalties.—The court procedure  
 167 and penalties for the enforcement of the provisions of this  
 168 part, relating to compulsory school attendance, shall be as  
 169 follows:

170 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

171 (a) In each case of nonenrollment or of nonattendance upon  
 172 the part of a student who is required to attend some school,  
 173 when no valid reason for such nonenrollment or nonattendance is  
 174 found, the district school superintendent shall institute a  
 175 criminal prosecution against the student's parent. However,

176 criminal prosecution may not be instituted against the student's  
 177 parent until the school and school district have complied with  
 178 s. 1003.26.

179 (b) Each public school principal or the principal's  
 180 designee shall notify the district school board of each minor  
 181 student under its jurisdiction who accumulates 15 unexcused  
 182 absences in a period of 90 calendar days. ~~Each designee of the~~  
 183 ~~governing body of each private school, and each parent whose~~  
 184 ~~child is enrolled in a home education program, may provide the~~  
 185 ~~Department of Highway Safety and Motor Vehicles with the legal~~  
 186 ~~name, sex, date of birth, and social security number of each~~  
 187 ~~minor student under his or her jurisdiction who fails to satisfy~~  
 188 ~~relevant attendance requirements and who fails to otherwise~~  
 189 ~~satisfy the requirements of s. 322.091.~~ The district school  
 190 superintendent must provide the Department of Highway Safety and  
 191 Motor Vehicles the legal name, sex, date of birth, and social  
 192 security number of each minor student who has been reported  
 193 under this paragraph and who fails to otherwise satisfy the  
 194 requirements of s. 322.091. The Department of Highway Safety and  
 195 Motor Vehicles may not issue a driver license or learner's  
 196 driver license to, and shall suspend any previously issued  
 197 driver license or learner's driver license of, any such minor  
 198 student, pursuant to the provisions of s. 322.091.

199 (c) Each designee of the governing body of each private  
 200 school and each parent whose child is enrolled in a home

201 education program may provide the Department of Highway Safety  
 202 and Motor Vehicles with the legal name, sex, date of birth, and  
 203 social security number of each minor student under his or her  
 204 jurisdiction who fails to satisfy relevant attendance  
 205 requirements and who fails to otherwise satisfy the requirements  
 206 of s. 322.091. The Department of Highway Safety and Motor  
 207 Vehicles may not issue a driver license or learner's driver  
 208 license to, and shall suspend any previously issued driver  
 209 license or learner's driver license of, any such minor student,  
 210 pursuant to the provisions of s. 322.091.

211 Section 4. Subsections (2), (10), and (11), paragraph (b)  
 212 of subsection (13), subsection (16), and paragraph (n) of  
 213 subsection (21) of section 1007.271, Florida Statutes, are  
 214 amended, to read:

215 1007.271 Dual enrollment programs.—

216 (2) For the purpose of this section, an eligible secondary  
 217 student is a student who is enrolled in any of grades 6 through  
 218 12 in a Florida public school or in a Florida private school  
 219 that is in compliance with s. 1002.42(2) and provides a  
 220 secondary curriculum pursuant to s. 1003.4282. A student  
 221 ~~Students who~~ is ~~are~~ eligible for dual enrollment pursuant to  
 222 this section may enroll in dual enrollment courses conducted  
 223 during school hours, after school hours, and during the summer  
 224 term. However, if the student is projected to graduate from high  
 225 school before the scheduled completion date of a postsecondary

226 course, the student may not register for that course through  
 227 dual enrollment. The student may apply to the postsecondary  
 228 institution and pay the required registration, tuition, and fees  
 229 if the student meets the postsecondary institution's admissions  
 230 requirements under s. 1007.263. Instructional time for dual  
 231 enrollment may vary from 900 hours; however, the full-time  
 232 equivalent student membership value is ~~shall be~~ subject to the  
 233 ~~provisions in~~ s. 1011.61(4). A student enrolled as a dual  
 234 enrollment student is exempt from the payment of registration,  
 235 tuition, technology, and laboratory fees. Applied academics for  
 236 adult education instruction, developmental education, and other  
 237 forms of precollegiate instruction, as well as physical  
 238 education courses that focus on the physical execution of a  
 239 skill rather than the intellectual attributes of the activity,  
 240 are ineligible for inclusion in the dual enrollment program.  
 241 Recreation and leisure studies courses shall be evaluated  
 242 individually in the same manner as physical education courses  
 243 for potential inclusion in the program.

244 (10) Early admission is a form of dual enrollment through  
 245 which an eligible secondary student enrolls ~~students enroll~~ in a  
 246 postsecondary institution on a full-time basis in courses that  
 247 are creditable toward the high school diploma and the associate  
 248 or baccalaureate degree. A student must enroll in a minimum of  
 249 12 college credit hours per semester or the equivalent to  
 250 participate in the early admission program; however, a student

251 may not be required to enroll in more than 15 college credit  
 252 hours per semester or the equivalent. A student ~~Students~~  
 253 enrolled pursuant to this subsection is ~~are~~ exempt from the  
 254 payment of registration, tuition, technology, and laboratory  
 255 fees.

256 (11) Career early admission is a form of career dual  
 257 enrollment through which an eligible secondary student enrolls  
 258 ~~students enroll~~ full time in a career center or a Florida  
 259 College System institution in postsecondary programs leading to  
 260 industry certifications, as listed in the CAPE Postsecondary  
 261 Industry Certification Funding List pursuant to s. 1008.44,  
 262 which are creditable toward the high school diploma and the  
 263 certificate or associate degree. Participation in the career  
 264 early admission program is limited to students who have  
 265 completed a minimum of 4 semesters of full-time secondary  
 266 enrollment, including studies undertaken in ~~the ninth~~ grade 9. A  
 267 student ~~Students~~ enrolled pursuant to this section is ~~are~~ exempt  
 268 from the payment of registration, tuition, technology, and  
 269 laboratory fees.

270 (13)

271 (b) Each postsecondary institution eligible to participate  
 272 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
 273 enter into a home education articulation agreement with each  
 274 home education student seeking enrollment in a dual enrollment  
 275 course and the student's parent. By August 1 of each year, the

276 eligible postsecondary institution shall complete and submit the  
 277 home education articulation agreement to the Department of  
 278 Education. The home education articulation agreement must  
 279 include, at a minimum:

280 1. A delineation of courses and programs available to  
 281 dually enrolled home education students. Courses and programs  
 282 may be added, revised, or deleted at any time by the  
 283 postsecondary institution. Any course or program limitations may  
 284 not exceed the limitations for other dually enrolled students.

285 2. The initial and continued eligibility requirements for  
 286 home education student participation, not to exceed those  
 287 required of other dually enrolled students. A high school grade  
 288 point average may not be required for home education students  
 289 who meet the minimum score on a common placement test adopted by  
 290 the State Board of Education which indicates that the student is  
 291 ready for college-level coursework; however, home education  
 292 student eligibility requirements for continued enrollment in  
 293 college credit dual enrollment courses must include the  
 294 maintenance of the minimum postsecondary grade point average  
 295 established by the postsecondary institution.

296 3. The student's responsibilities for providing his or her  
 297 own instructional materials and transportation.

298 4. A copy of the statement on transfer guarantees  
 299 developed by the Department of Education under subsection (15).

300 (16) Public school, private school, or home education



301 program students who meet the eligibility requirements of this  
 302 section and who choose to participate in dual enrollment  
 303 programs are exempt from the payment of registration, tuition,  
 304 technology, and laboratory fees.

305 (21) Each district school superintendent and each public  
 306 postsecondary institution president shall develop a  
 307 comprehensive dual enrollment articulation agreement for the  
 308 respective school district and postsecondary institution. The  
 309 superintendent and president shall establish an articulation  
 310 committee for the purpose of developing the agreement. Each  
 311 state university president may designate a university  
 312 representative to participate in the development of a dual  
 313 enrollment articulation agreement. A dual enrollment  
 314 articulation agreement shall be completed and submitted annually  
 315 by the postsecondary institution to the Department of Education  
 316 on or before August 1. The agreement must include, but is not  
 317 limited to:

318 (n) A funding provision that delineates costs incurred by  
 319 each entity.

320 1. School districts shall pay public postsecondary  
 321 institutions the standard tuition rate per credit hour from  
 322 funds provided in the Florida Education Finance Program when  
 323 dual enrollment course instruction takes place on the  
 324 postsecondary institution's campus and the course is taken  
 325 during the fall or spring term. When dual enrollment is provided

326 on the high school site by postsecondary institution faculty,  
 327 the school district shall reimburse the costs associated with  
 328 the postsecondary institution's proportion of salary and  
 329 benefits to provide the instruction. When dual enrollment course  
 330 instruction is provided on the high school site by school  
 331 district faculty, the school district is not responsible for  
 332 payment to the postsecondary institution. A postsecondary  
 333 institution may enter into an agreement with the school district  
 334 to authorize teachers to teach dual enrollment courses at the  
 335 high school site or the postsecondary institution. A school  
 336 district may not deny a student access to dual enrollment unless  
 337 the student is ineligible to participate in the program subject  
 338 to provisions specifically outlined in this section.

339 2. Subject to annual appropriation in the General  
 340 Appropriations Act, a public postsecondary institution shall  
 341 receive an amount of funding equivalent to the standard tuition  
 342 rate per credit hour for each dual enrollment course taken by a  
 343 student during the summer term.

344 3. The payment provisions of this paragraph do not apply  
 345 to an articulation agreement with a private school or a home  
 346 education student.

347 Section 5. For the 2017-2018 fiscal year, the sum of \$1  
 348 million in recurring funds is appropriated from the General  
 349 Revenue Fund to the Department of Education for the purpose of  
 350 implementing s. 1002.41(13), Florida Statutes.

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351 | Section 6. This act shall take effect July 1, 2017. |



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: PreK-12 Innovation  
 2 Subcommittee

3 Representative Eisnaugle offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove lines 103-116

7  
8  
9 -----

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

11 Remove lines 2-24 and insert:

12 An act relating to home education; amending s. 1002.41, F.S.;

13 revising the content requirements of a notice of enrollment of a

14 student in a home education program; providing that the notice

15 constitutes prima facie evidence of certain information;

16 requiring the district school superintendent to immediately



Amendment No. 1

17 register a home education program upon receipt of the notice;  
18 providing that registration of a home education program is a  
19 ministerial act by the district school superintendent;  
20 prohibiting a school district from requiring additional  
21 information or verification of a home education student except  
22 in specified circumstances; specifying that a home education  
23 program is not a school district program; authorizing a school  
24 district to provide home education program students with access  
25 to certain courses and programs offered by the school district;  
26 requiring reporting and funding through the Florida Education  
27 Finance Program; requiring home education program students be  
28 provided access to certain certifications and assessments  
29 offered by the school district; prohibiting a



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: PreK-12 Innovation  
 2 Subcommittee

3 Representative Eisnaugle offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove lines 347-350

7  
 8  
 9 -----

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

11 Remove lines 45-46 and insert:  
 12 contain specified payment provisions; providing an effective  
 13 date.