

Tab 1 | **SB 62** by **Stargel**; (Compare to H 00641) K-12 Education

Tab 2 | **SB 72** by **Stargel**; (Compare to CS/H 00613) Postsecondary Education

Tab 3 | **SB 536** by **Diaz**; Charter Schools

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Tab 4 | **SB 836** by **Simmons**; (Identical to H 00641) Funds for the Operation of Schools

Tab 5 | **SB 1088** by **Diaz**; Teacher Salary Enhancement

Tab 6 | **SB 1164** by **Perry**; Gardiner Scholarship

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Tab 7 | **SB 1218** by **Diaz**; Anti-bullying and Anti-harassment in Schools

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Monday, January 13, 2020
TIME: 1:00—3:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 62 Stargel (Compare H 641, S 836, S 1246)	K-12 Education; Requiring that a resolution to levy discretionary sales tax include a statement containing certain information; defining the term “early college program”; changing the calculation of full-time equivalent student membership for dual enrollment purposes; providing for calculation of full-time equivalent membership for students earning the Capstone Diploma; requiring school board mental health policies and procedures to include certain items, etc.	ED 01/13/2020 AED AP
2	SB 72 Stargel (Compare CS/H 613, S 1402)	Postsecondary Education; Clarifying requirements for new construction, remodeling, or renovation projects; establishing state universities of distinction throughout the State University System; requiring that grant awards administered through the Florida Public Postsecondary Career Education Student Assistance Grant Program not exceed a certain amount; specifying eligibility for initial awards under the Benacquisto Scholarship Program; revising the dates by which a spending plan must be submitted to a Florida College System institution’s board of trustees for approval, etc.	ED 01/13/2020 AED AP

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, January 13, 2020, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 536 Diaz	Charter Schools; Establishing the High-Performing Charter School Council; providing the process for approving or denying a charter school application submitted to the council; authorizing charter school sponsors and applicants to provide input to the state board regarding the council's recommendation; providing grounds on which the council may recommend denial of, or the state board may deny, an application submitted by a high-performing charter school or a high-performing charter school system, etc.	ED 01/13/2020 AED AP
4	SB 836 Simmons (Identical H 641, Compare S 62)	Funds for the Operation of Schools; Revising the annual allocation to school districts to include an additional calculation of full-time equivalent membership for students who earn a College Board Advanced Placement Capstone Diploma, etc.	ED 01/13/2020 AED AP
5	SB 1088 Diaz	Teacher Salary Enhancement; Establishing a teacher salary enhancement allocation in the General Appropriations Act; requiring each school district to use the allocated funds to increase teacher salaries; authorizing school districts that meet the teacher salary requirements specified in the appropriations act to use any additional funds provided in the allocation for any lawful operating expenditure, etc.	ED 01/13/2020 AED AP
6	SB 1164 Perry	Gardiner Scholarship; Revising eligibility requirements for the Gardiner Scholarship Program; revising an authorized use of scholarship funds; providing that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theater; revising terms under which a student's scholarship account is closed and program funds revert to the state, etc.	ED 01/13/2020 AED AP

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, January 13, 2020, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1218 Diaz	Anti-bullying and Anti-harassment in Schools; Expanding the information that private schools participating in an educational scholarship program are required to publish and provide to parents; requiring such private schools to adopt bullying and harassment policies; requiring such schools to report bullying and harassment incidents to the Department of Education, etc.	
		ED 01/13/2020 CF RC	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 62
 INTRODUCER: Senator Stargel
 SUBJECT: K-12 Education
 DATE: January 10, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues, Bouck, Brick	Sikes	ED	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

SB 62 renames the “collegiate high school” program to the “early college” program and modifies a number of provisions related to education funding. Specifically, the bill:

- Specifies that the resolution required for voters to approve the levy of a discretionary sales surtax for school capital outlay must include a statement that the revenues collected must be shared with charter schools based on their proportionate share of the total school district enrollment.
- Expands the Florida Education Finance Program (FEFP) funding for secondary student access to advanced coursework through dual enrollment and early college programs. The bill:
 - Provides bonus full-time equivalent (FTE) funding to public school districts for each dual enrollment general education core course with an earned grade of “C” or better:
 - Students enrolled in an early college program generate a 0.16 FTE student membership bonus.
 - Students not enrolled in an early college program generate a 0.08 FTE student membership bonus.
 - Provides bonus funding of 0.3 FTE student membership for each student who completes an associate degree through the dual enrollment program with at least a 3.0 grade point average.
 - Requires school districts to allocate at least 50 percent of the bonus funds for dual enrollment and early college programs to the schools that generated the funds to support academic guidance and postsecondary related activities.
- Provides bonus funding in the FEFP of 0.3 FTE for each student who receives an Advanced Placement (AP) Capstone Diploma in addition to a standard high school diploma.
- Adds new requirements to the mental health plans required to be submitted by school districts and charter schools in order to receive the mental health assistance allocation in the FEFP.

- Removes the July 1, 2020 expiration date for the funding compression allocation within the FEFP.

The bill does not require appropriation of additional state funds. The bill may provide additional FEFP funds to those school districts with more students successfully completing dual enrollment coursework and school districts that offer the AP Capstone Diploma.

The bill takes effect on July 1, 2020.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

School Capital Outlay Surtax

Present Situation

School districts are authorized by law to levy a discretionary sales surtax for school capital outlay. The school board in each county may levy, pursuant to approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate not to exceed 0.5 percent.¹

The resolution must include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax.² The resolution must include a plan for the use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of five or more years, and any land acquisition, land improvement, design, and related engineering costs.³ The plan must also include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district.⁴ Surtax revenues may be used for the purpose of servicing bond indebtedness to finance authorized projects, and any interest accrued may be held in trust to finance the projects.⁵

The surtax revenues are collected by the Department of Revenue and required to be distributed to the district school board imposing the tax.⁶ There is currently no provision in law requiring school districts to share the capital outlay surtax funds with charter schools.

Effect of Proposed Changes

The bill establishes an additional requirement for the resolution that is required for voters to approve the levy of a discretionary sales surtax at a rate that may not exceed 0.5 percent. Such

¹ Section 212.055, F.S.

² *Id.* at (6)(b).

³ *Id.* at (6)(c).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at (6)(d).

resolution must include a statement that the revenues collected shall be shared with charter schools based on their proportionate share of the total school district enrollment.

The bill also requires that charter schools expend the surtax funds in a manner consistent with the plan specified in law that requires the school board set forth a surtax fund plan for fixed capital expenditures or fixed capital costs.

Collegiate High School Program

Present Situation

In 2014, the Legislature codified the collegiate high school program and specified related requirements.⁷ Florida law requires each Florida College System (FCS) institution to work with each district school board in its designated service area⁸ to establish one or more collegiate high school programs.⁹ In fall 2018, there were 11,146 students enrolled in a collegiate high school or collegiate high school program.¹⁰

Purpose

At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least one full school year, to earn Career and professional education (CAPE) industry certifications and to successfully complete 30 credit hours through dual enrollment toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.¹¹

Program Contract

Each district school board and its local FCS institution must execute a contract to establish one or more collegiate high school programs at a mutually agreed upon location or locations. If the FCS institution does not establish a program with a district school board in its designated service area, another FCS institution may execute a contract with that district school board to establish the program.¹²

In addition to executing a contract with the local FCS institution, Florida law authorizes a district school board to execute a contract to establish a collegiate high school program with a state university or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is nonprofit and located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.¹³

⁷ Section 10, ch. 2014-184, L.O.F.

⁸ Section 1000.21(3), F.S.

⁹ Section 1007.273(1), F.S.

¹⁰ Email, Florida Department of Education (Jan. 8, 2020).

¹¹ Section 1007.273(2), F.S.

¹² Section 1007.273(3), F.S.

¹³ Section 1007.273(5), F.S.

Florida law specifies the information that must be addressed in the contract which must be executed by January 1 of each school year for implementation of the program during the next school year.¹⁴

Student Performance Contract

Each student participating in a collegiate high school program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable FCS institution, state university, or independent college or university.¹⁵ The performance contract must include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.

Effect of Proposed Changes

The bill modifies s. 1007.273, F.S., and changes the name of the collegiate high school program to the early college program. In addition, the bill:

- Changes the purpose of the program to remove specified grade levels and credit thresholds to specify that an early college program means a structured high school acceleration program in which a cohort of students is enrolled full-time in postsecondary courses toward an associate degree. The bill requires that the early college program prioritize courses applicable as general education core courses¹⁶ for an associate degree or a baccalaureate degree.
- Specifies that the early college program contract between a district school board and the local FCS institution, which includes a delineation of dual enrollment courses available, must include general education core courses.¹⁷
- Requires the student performance contract for the early college program include a provision describing the applicability of dual enrollment courses in the program to an associate degree or a baccalaureate degree.
- Specifies that a charter school may execute a contract directly with the local FCS institution or another institution to establish an early college program at a mutually agreed upon location.

The bill establishes a reporting requirement relating to early college programs. Specifically, by November 30, 2021, and annually thereafter, the commissioner must report to the Governor, President of the Senate, and the Speaker of the House of Representatives the status of early

¹⁴ Section 1007.273(3), F.S.

¹⁵ Section 1007.273(4), F.S. To participate in a collegiate high school program, an independent college or university must be an institution that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. *Id.*, at (5).

¹⁶ s. 1007.25 and Rule 6A-14.0303, F.A.C.

¹⁷ General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. Beginning with students initially entering an FCS institution or state university in 2015-2016 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements. The general education core course options must be adopted in rule by the SBE and in regulation by the Board of Governors. Section 1007.25(3), F.S. See also Rule 6A-10.0303 and BOG Regulation 8.005.

college programs, including, at a minimum, a summary of student enrollment and completion at public and private postsecondary institutions.

Additionally, the bill includes a conforming provision to change the name of the collegiate high school program to the early college program related to the requirements for a standards high school diploma for students with a disability.¹⁸

Florida Education Finance Program (FEFP)

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.¹⁹ The number of FTE students in each of the funded education programs is multiplied by cost factors²⁰ relative to each program to obtain weighted FTE student values.²¹ The base student allocation from state and local funds is determined annually by the Legislature in the General Appropriations Act (GAA) and is a component in the calculation of each school district's base funding.²² In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes, such as for mental health assistance, and funding compression.²³ School districts may also earn supplemental FTE funding through the FEFP for programs based on performance, such as College Board Advanced Placement bonus funding.²⁴

Incentive Funding for Acceleration Programs

Present Situation

Dual enrollment funding for public schools is included in the calculation of FTE students within the FEFP.²⁵ There is no provision in law to allow for additional performance funding for students earning dual enrollment credit.

The Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) programs are utilized in Florida schools to shorten the time necessary for a student to earn a high school diploma and a postsecondary degree, broaden the scope of curricular options available, and increase the depth of study available for a particular

¹⁸ Section 1003.4282(10)(c)2., F.S.

¹⁹ See s. 1011.62, F.S.

²⁰ Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

²¹ Section 1011.62, F.S.; Department of Education, *2019-20 Funding for Florida School Districts available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>* at 1.

²² Department of Education, *2019-20 Funding for Florida School Districts available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>* at 17.

²³ 1011.62(6) F.S.

²⁴ 1011.62(1) F.S.

²⁵ Department of Education, *2019-20 Funding for Florida School Districts*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 11.

subject.²⁶ The law provides the following benefits to schools and students engaged in these programs:

- Successful completion of a course examination in any of these programs qualifies for college credit.²⁷
- The percentage of a school's students eligible to earn college credit through any of these programs favorably affects the school's grade.²⁸
- A grade earned in any of these programs is assigned additional weight for determining student eligibility for a Bright Futures Scholarship.²⁹

The FEFP also provides a funding incentive for school districts with students in AP, IB, AICE courses who successfully complete AP, IB, and AICE examinations or earn an IB or AICE diploma.³⁰ The additional FTE is calculated as follows:

- A value of 0.16 FTE student membership is calculated for each student in each AP course who receives a score of 3 or higher on the College Board AP examination.³¹
- A value of 0.16 FTE student membership is calculated for each student enrolled in an IB course who receives a score of 4 or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an IB diploma.³²
- A value of 0.16 FTE student membership is calculated for each student enrolled in a full-credit AICE course, and 0.08 FTE student membership for each student enrolled in a half-credit AICE course, for each student who receives a score of E or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an AICE diploma.³³

Additionally, classroom teachers may receive bonus funds for the performance of their students on AP, IB, and AICE examinations. School districts must use the additional FTE funds for purposes specified in law.³⁴

The AP Program enables willing and academically prepared students to pursue college-level studies while still in high school.³⁵ The program consists of college-level courses developed by the AP Program that high schools can choose to offer, and corresponding exams that are administered once a year.³⁶ A student must score a '3' or higher, on a 5-point scale, to earn postsecondary credit through the AP Program.³⁷

²⁶ Section 1007.27(1), F.S.

²⁷ Section 1003.4295, F.S.

²⁸ Section 1008.34(3)(b)2.b., F.S.

²⁹ Section 1009.531(3)(a), F.S.

³⁰ See 1011.62, F.S. Accelerated mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Section 1007.27(1), F.S.

³¹ Section 1011.62(1)(n), F.S.

³² Section 1011.62(1)(l), F.S.

³³ Section 1011.62(1)(m), F.S.

³⁴ Section 1011.62(1)(l)-(n), F.S.

³⁵ College Board, AP Central, *AP at a Glance*, <https://apcentral.collegeboard.org/about-ap/ap-a-glance> (last visited Mar. 20, 2019).

³⁶ *Id.*

³⁷ See ss. 1007.27(5) and 1007.23(1), F.S.

AP Capstone is a diploma granted to students who earn a score of ‘3’ or higher in AP Seminar and AP Research and on four additional AP exams chosen by the student. The program is based on the AP Seminar and AP Research courses, which are yearlong AP courses.³⁸ These courses are designed to complement the other AP courses that the AP Capstone student must take.³⁹ AP Seminar and AP Research use an interdisciplinary approach to develop skills students need for college-level work.⁴⁰ In the 2018-2019 academic year, 1,402 students in 228 high schools in Florida earned an AP Capstone Diploma.⁴¹

The IB Diploma is only awarded to students who complete, over the course of a two-year program:⁴²

- Six subjects chosen from six subject groups, which include:
 - Studies in language and literature
 - Language acquisition
 - Individuals and societies
 - Sciences
 - Mathematics
 - The arts
- An extended essay with a prescribed limit of 4,000 words.
- A theory of knowledge course exploring the nature of knowledge across all disciplines.
- At least three hours each week in creativity, action, and service, which includes participation in the arts, individual and team sports or expeditions or projects, and community and social service activities.

To earn the AICE Diploma, learners must achieve seven credits within a 25-month period, including at least one credit in:⁴³

- A Cambridge International Global Perspectives & Research course;
- Mathematics and science;
- Languages; and
- Arts and humanities.

Successful completion of an IB or AICE curriculum satisfies the credit requirement for receipt of a standard high school diploma,⁴⁴ but no similar recognition exists for completion of an AP Capstone Diploma.

³⁸ College Board, AP Capstone Diploma Program, *How it Works*, <https://apcentral.collegeboard.org/courses/ap-capstone/how-ap-capstone-works#awards> (last visited Mar. 20, 2019).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Email, College Board (Jan. 6, 2020).

⁴² International Baccalaureate, *The IB Diploma Programme*, <https://web.archive.org/web/20100703000358/http://www.ibo.org/diploma/> (last visited Jan. 8, 2020).

⁴³ Cambridge Assessment International Education, *Cambridge AICE Diploma*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/> (last visited Jan. 8, 2020). Students may also complete up to two credits in Interdisciplinary subjects.

⁴⁴ Section 1003.4282(1)(a), F.S.

Effect of Proposed Changes

The bill adds new provisions for FEFP funding for students enrolled in dual enrollment courses and early college programs similar to full-time equivalent (FTE) student membership incentives for completion of Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) examinations. Specifically, for the 2020-2021 school year and thereafter, the bill:

- Provides bonus FTE funding to public school districts for any student who completes a general education core course through dual enrollment with an earned grade of “C” or better. Specifically:
 - Students enrolled in an early college program generate a 0.16 FTE student membership bonus.
 - Students not enrolled in an early college program generate a 0.08 FTE student membership bonus.
- Provides bonus FTE funding for each associate degree earned through the dual enrollment program with 3.0 GPA or better. Students earning an associate degree with the required GPA generate a 0.3 FTE student membership bonus. Courses taken prior to 2020-2021 may be included in the associate degree.
- Specifies that bonus funding will be added to the total FTE student membership in basic programs for grades 9-12 in the subsequent fiscal year and requires school districts to allocate at least 50 percent of the bonus funds to the schools that generated the funds to support academic guidance and postsecondary readiness.

Adding performance funding incentives for students taking dual enrollment core courses may incentivize school districts to increase the number of students enrolled in dual enrollment core courses in both dual enrollment and early college programs.

The bill provides for school districts to receive additional funding through the FEFP for each student who receives an AP Capstone Diploma and meets the requirements for a standard high school diploma. The additional value is assigned to the full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

In effect, the bill provides the same additional FTE funding of 0.3 FTE for each student who receives an AP Capstone Diploma as a student who receives an IB or AICE diploma. This change may result in more districts offering, and more students earning, AP Capstone Diplomas.

Mental Health Assistance Allocation

Present Situation

The mental health assistance allocation is a categorical fund established to provide funding to assist school districts in establishing or expanding school-based mental health care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services.⁴⁵ Each school district must receive at least \$100,000 through the appropriation, and any remaining balance is distributed based on each school district's proportionate share of the state's

⁴⁵ Section 1011.62(16), F.S.

total unweighted full-time equivalent student enrollment.⁴⁶ A total of \$75 million was appropriated to school districts through the mental health assistance allocation for the 2019-2020 school year.⁴⁷ In order to receive the allocation, a school district must develop and submit a plan outlining the local program and planned expenditures to the district school board for approval. A charter school may develop and submit a plan outlining the local program and planned expenditures to its governing board for approval.⁴⁸

The plans must be focused on a multi-tiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with mental health or substance abuse diagnoses and to students at high risk of such diagnoses. The plans must include:⁴⁹

- Direct employment of school based mental health service providers, including certified school counselors, school psychologists, school social workers and other licensed mental health professionals.
- Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools.
- Policies and procedures to ensure that students who are referred to school-based or community-based mental health services are assessed within 15 days of the referral.
- Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health programs, depression, anxiety disorders, suicidal tendencies, or substance use disorders.
- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

Effect of Proposed Changes

The bill adds new requirements to the mental health plans that must be submitted by school districts and charter schools in order to receive the mental health assistance allocation. In addition to existing requirements, the bill requires plans to include input from school and community stakeholders, which is informed by a needs assessment, and includes mental health policies and procedures that include:

- Universal supports to promote psychological well-being, and safe and supportive school environments.
- Policies and procedures for responding to a student with suicidal ideation, including suicide risk assessment, guidelines for informing parents of suicide risk, and school board policies for initiating involuntary examination of students with suicide risk.
- A school crisis response plan that includes strategies to prevent, prepare for, respond to, and recover from a range of school crises and the establishment of district-level and school-level response teams, including, but not limited to, administration and school-based mental health service providers.

⁴⁶ Section 1011.62(16), F.S.

⁴⁷ Specific Appropriation 93, s. 2, ch. 2019-115, L.O.F.

⁴⁸ Section 1011.62(16), F.S.

⁴⁹ Section 1011.62(16)2.(b). F.S.

The bill also modifies district reporting requirements to the Department of Education (DOE). Specifically, the bill adds to the current requirement that each school district report program outcomes and expenditures for the previous fiscal year, and requires each school district report to include:

- Program outcomes and expenditures for all public schools in the district, including charter schools that submitted a separate plan.
- The number of students who receive screenings or assessments.
- The number of students who are referred to either school-based or community-based providers for services or assistance.
- The number of students who receive either school-based and community-based interventions, services, or assistance.
- The number of school-based and community-based mental health providers, including licensure type, paid for from the funds provided through the allocation.
- The number and ratio of school social workers, school psychologists, and certified school counselors employed by the district or charter school and the total number of licensed mental health professionals employed directly by the district or charter school.

The bill also requires that the amount of mental health assistance allocation funds appropriated subsequent to the 2019-2020 fiscal year that are in excess of the amount appropriated in the 2019-2020 fiscal year must be used exclusively to fund additional providers of school-based mental health services.

Funding Compression Allocation

Present Situation

The funding compression allocation is a categorical fund established to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average.⁵⁰ Florida law specifies that the Legislature may provide an annual funding compression allocation in the GAA.⁵¹ In 2019, the Legislature appropriated \$54,190,616⁵² for a funding compression allocation to school districts and developmental research schools whose total funds per FTE in the prior school year were less than the statewide average.⁵³ A district's allocation must not be greater than \$100 per FTE.⁵⁴ The funding compression allocation is scheduled to expire July 1, 2020.⁵⁵

Effect of Proposed Changes

The bill removes the July 1, 2020 expiration date for the funding compression allocation within the FEFP.

The bill takes effect on July 1, 2020.

⁵⁰ Section 1011.62(17), F.S.

⁵¹ Section 1011.62(17), F.S.

⁵² Florida Department of Education, *2019-20 FEFP Second Calculation, Prekindergarten through Grade 12 Funding Summary-Page 3* (July 19, 2019), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 6.

⁵³ Specific appropriation 93, ch. 2019-115, L.O.F.

⁵⁴ *Id.*

⁵⁵ Section 1011.62(17), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The financial supports for the dual enrollment, early college, and Advanced Placement Capstone programs may increase opportunities for Florida secondary students to take college-credit courses that will count toward an associate or baccalaureate degree while still in high school, which may reduce costs for students and families.

C. Government Sector Impact:

The bill does not require the appropriation of additional state funds. Based on 2018-2019 data, dual enrollment bonus funding within the Florida Education Finance Program is estimated to be \$61.3 million, and based on the number of 2019 Advanced Placement (AP) Capstone Diploma recipients, AP Capstone Diploma bonus funding is estimated to be \$1.8 million.⁵⁶

VI. Technical Deficiencies:

None.

⁵⁶ \$1,290 multiplied by 1402 AP Capstone Diploma recipients in 2019. College Board, *Building on Advanced Placement (AP) Capstone Success in Florida*, 2019.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.055, 1007.273, 1011.62, and 1003.4282.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Stargel

22-01672-20

202062__

1 A bill to be entitled
 2 An act relating to K-12 education; amending s.
 3 212.055, F.S.; requiring that a resolution to levy
 4 discretionary sales tax include a statement containing
 5 certain information; requiring surtax revenues shared
 6 with charter schools to be expended by the charter
 7 schools in a certain manner; amending s. 1007.273,
 8 F.S.; defining the term "early college program";
 9 deleting a provision related to collegiate high school
 10 programs; changing the term "collegiate high school
 11 program" to "early college program"; requiring early
 12 college programs to prioritize certain courses for
 13 degree purposes; authorizing a charter school to
 14 execute a contract with a local Florida College System
 15 institution or another institution as authorized by
 16 law to establish an early college program; requiring
 17 that the Commissioner of Education report to the
 18 Governor and the Legislature on the status of early
 19 college programs by a specified date and annually
 20 thereafter; requiring the report contain certain
 21 information; amending s. 1011.62, F.S.; changing the
 22 calculation of full-time equivalent student membership
 23 for dual enrollment purposes; providing that full-time
 24 equivalent membership can be calculated based on a
 25 student earning a College Board Advanced Placement
 26 Capstone Diploma; providing for calculation of full-
 27 time equivalent membership for students earning the
 28 Capstone Diploma; requiring that before distribution
 29 of the mental health assistance allocation occurs, a

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30 school district submit a detailed plan that includes
 31 the input of school and community stakeholders and is
 32 informed by a needs assessment; requiring school board
 33 mental health policies and procedures to include
 34 certain items; requiring each school district to
 35 submit a report to the Department of Education which
 36 reflects certain program outcomes and expenditures for
 37 all charter schools in the district; requiring the
 38 report to include certain information; requiring that
 39 certain excess funds be used for specified mental
 40 health expenses; abrogating the scheduled repeal of
 41 provisions relating to the annual funding compression
 42 allocation; amending s. 1003.4282, F.S.; conforming a
 43 provision to changes made by the act; providing an
 44 effective date.

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

47
 48 Section 1. Subsection (6) of section 212.055, Florida
 49 Statutes, is amended to read:

50 212.055 Discretionary sales surtaxes; legislative intent;
 51 authorization and use of proceeds.—It is the legislative intent
 52 that any authorization for imposition of a discretionary sales
 53 surtax shall be published in the Florida Statutes as a
 54 subsection of this section, irrespective of the duration of the
 55 levy. Each enactment shall specify the types of counties
 56 authorized to levy; the rate or rates which may be imposed; the
 57 maximum length of time the surtax may be imposed, if any; the
 58 procedure which must be followed to secure voter approval, if

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59 required; the purpose for which the proceeds may be expended;
60 and such other requirements as the Legislature may provide.
61 Taxable transactions and administrative procedures shall be as
62 provided in s. 212.054.

63 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

64 (a) The school board in each county may levy, pursuant to
65 resolution conditioned to take effect only upon approval by a
66 majority vote of the electors of the county voting in a
67 referendum, a discretionary sales surtax at a rate that may not
68 exceed 0.5 percent.

69 (b) The resolution must ~~shall~~ include a statement that
70 provides a brief and general description of the school capital
71 outlay projects to be funded by the surtax. The resolution must
72 also include a statement that the revenues collected must be
73 shared with charter schools based on their proportionate share
74 of total school district enrollment. The statement must ~~shall~~
75 conform to the requirements of s. 101.161 and shall be placed on
76 the ballot by the governing body of the county. The following
77 question shall be placed on the ballot:

78 ...FOR THE ...CENTS TAX

79 ...AGAINST THE ...CENTS TAX

80
81 (c) The resolution providing for the imposition of the
82 surtax must ~~shall~~ set forth a plan for use of the surtax
83 proceeds for fixed capital expenditures or fixed capital costs
84 associated with the construction, reconstruction, or improvement
85 of school facilities and campuses which have a useful life

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86 expectancy of 5 or more years, and any land acquisition, land
87 improvement, design, and engineering costs related thereto.
88 Additionally, the plan shall include the costs of retrofitting
89 and providing for technology implementation, including hardware
90 and software, for the various sites within the school district.
91 Surtax revenues may be used for the purpose of servicing bond
92 indebtedness to finance projects authorized by this subsection,
93 and any interest accrued thereto may be held in trust to finance
94 such projects. Neither the proceeds of the surtax nor any
95 interest accrued thereto shall be used for operational expenses.
96 Surtax revenues shared with charter schools shall be expended by
97 the charter schools in a manner consistent with the plan, as
98 appropriate.

99 (d) Surtax revenues collected by the Department of Revenue
100 pursuant to this subsection shall be distributed to the school
101 board imposing the surtax in accordance with law.

102 Section 2. Section 1007.273, Florida Statutes, is amended
103 to read:

104 1007.273 Early college programs ~~Collegiate high school~~
105 ~~program.~~—

106 (1) Each Florida College System institution shall work with
107 each district school board in its designated service area to
108 establish one or more early college ~~collegiate high school~~
109 programs. As used in this section, the term "early college
110 program" means a structured high school acceleration program in
111 which a cohort of students is taking postsecondary courses full
112 time toward an associate degree. The early college program must
113 prioritize courses applicable as general education core courses
114 under s. 1007.25 for an associate degree or a baccalaureate

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115 degree.

116 ~~(2) At a minimum, collegiate high school programs must~~
 117 ~~include an option for public school students in grade 11 or~~
 118 ~~grade 12 participating in the program, for at least 1 full~~
 119 ~~school year, to earn CAPE industry certifications pursuant to s.~~
 120 ~~1008.44 and to successfully complete 30 credit hours through the~~
 121 ~~dual enrollment program under s. 1007.271 toward the first year~~
 122 ~~of college for an associate degree or baccalaureate degree while~~
 123 ~~enrolled in the program.~~

124 (2)(3) Each district school board and its local Florida
 125 College System institution shall execute a contract to establish
 126 one or more early college ~~collegiate high school~~ programs at a
 127 mutually agreed upon location or locations. ~~Beginning with the~~
 128 ~~2015-2016 school year, if the Florida College System institution~~
 129 ~~does not establish an early college~~ a program with a district
 130 school board in its designated service area, another Florida
 131 College System institution may execute a contract with that
 132 district school board to establish the early college program.
 133 The contract must be executed by January 1 of each school year
 134 for implementation of the program during the next school year.
 135 The contract must:

136 (a) Identify the grade levels to be included in the early
 137 college ~~collegiate high school~~ program ~~which must, at a minimum,~~
 138 ~~include grade 12.~~

139 (b) Describe the early college ~~collegiate high school~~
 140 program, including the delineation of courses ~~that must, at a~~
 141 minimum, include general education core courses pursuant to s.
 142 1007.25; and industry certifications offered, including online
 143 course availability; the high school and college credits earned

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144 for each postsecondary course completed and industry
 145 certification earned; student eligibility criteria; and the
 146 enrollment process and relevant deadlines.

147 (c) Describe the methods, medium, and process by which
 148 students and their parents are annually informed about the
 149 availability of the early college ~~collegiate high school~~
 150 program, the return on investment associated with participation
 151 in the early college program, and the information described in
 152 paragraphs (a) and (b).

153 (d) Identify the delivery methods for instruction and the
 154 instructors for all courses.

155 (e) Identify student advising services and progress
 156 monitoring mechanisms.

157 (f) Establish a program review and reporting mechanism
 158 regarding student performance outcomes.

159 (g) Describe the terms of funding arrangements to
 160 implement the early college ~~collegiate high school~~ program
 161 pursuant to subsection (5).

162 (3)(4) Each student participating in an early college a
 163 ~~collegiate high school~~ program must enter into a student
 164 performance contract ~~that which~~ must be signed by the student,
 165 the parent, and a representative of the school district and the
 166 applicable Florida College System institution ~~partner, state~~
 167 ~~university, or any other eligible postsecondary~~ institution
 168 partner participating pursuant to subsection (4) ~~(5)~~. The
 169 performance contract must, at a minimum, specify include the
 170 schedule of courses, by semester, and industry certifications to
 171 be taken by the student, if any; student attendance
 172 requirements; ~~and~~ course grade requirements; and the

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173 applicability of such courses to an associate degree or a
 174 baccalaureate degree.

175 ~~(4)(5)~~ In addition to executing a contract with the local
 176 Florida College System institution under this section, a
 177 district school board may execute a contract to establish an
 178 early college ~~a collegiate high school~~ program with a state
 179 university or an institution that is eligible to participate in
 180 the William L. Boyd, IV, Effective Access to Student Education
 181 Grant Program, that is a nonprofit independent college or
 182 university located and chartered in this state, and that is
 183 accredited by the Commission on Colleges of the Southern
 184 Association of Colleges and Schools to grant baccalaureate
 185 degrees. Such university or institution must meet the
 186 requirements specified under subsections (2) and (3) ~~subsections~~
 187 ~~(3) and (4)~~. A charter school may execute a contract directly
 188 with the local Florida College System institution or another
 189 institution as authorized under this section to establish an
 190 early college program at a mutually agreed upon location.

191 ~~(5)(6)~~ The early college ~~collegiate high school~~ program
 192 shall be funded pursuant to ss. 1007.271 and 1011.62. The State
 193 Board of Education shall enforce compliance with this section by
 194 withholding the transfer of funds for the school districts and
 195 the Florida College System institutions in accordance with s.
 196 1008.32.

197 (6) By November 30, 2021, and annually thereafter, the
 198 commissioner must report to the Governor, the President of the
 199 Senate, and the Speaker of the House of Representatives the
 200 status of early college programs, including, at a minimum, a
 201 summary of student enrollment in public and private

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202 postsecondary institutions and program completion information.

203 Section 3. Paragraphs (i) and (n) of subsection (1) and
 204 subsections (16) and (17) of section 1011.62, Florida Statutes,
 205 are amended to read:

206 1011.62 Funds for operation of schools.—If the annual
 207 allocation from the Florida Education Finance Program to each
 208 district for operation of schools is not determined in the
 209 annual appropriations act or the substantive bill implementing
 210 the annual appropriations act, it shall be determined as
 211 follows:

212 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 213 OPERATION.—The following procedure shall be followed in
 214 determining the annual allocation to each district for
 215 operation:

216 (i) *Calculation of full-time equivalent membership with*
 217 *respect to dual enrollment instruction.—*

218 1. Full-time equivalent students.—Students enrolled in dual
 219 enrollment instruction pursuant to s. 1007.271 may be included
 220 in calculations of full-time equivalent student memberships for
 221 basic programs for grades 9 through 12 by a district school
 222 board. Instructional time for dual enrollment may vary from 900
 223 hours; however, the full-time equivalent student membership
 224 value shall be subject to the provisions in s. 1011.61(4). Dual
 225 enrollment full-time equivalent student membership shall be
 226 calculated in an amount equal to the hours of instruction that
 227 would be necessary to earn the full-time equivalent student
 228 membership for an equivalent course if it were taught in the
 229 school district. Students in dual enrollment courses may also be
 230 calculated as the proportional shares of full-time equivalent

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231 enrollments they generate for a Florida College System
 232 institution or university conducting the dual enrollment
 233 instruction. Early admission students shall be considered dual
 234 enrollments for funding purposes. Students may be enrolled in
 235 dual enrollment instruction provided by an eligible independent
 236 college or university and may be included in calculations of
 237 full-time equivalent student memberships for basic programs for
 238 grades 9 through 12 by a district school board. However, those
 239 provisions of law which exempt dual enrolled and early admission
 240 students from payment of instructional materials and tuition and
 241 fees, including laboratory fees, shall not apply to students who
 242 select the option of enrolling in an eligible independent
 243 institution. An independent college or university, which is not
 244 for profit, is accredited by a regional or national accrediting
 245 agency recognized by the United States Department of Education,
 246 and confers degrees as defined in s. 1005.02 shall be eligible
 247 for inclusion in the dual enrollment or early admission program.
 248 Students enrolled in dual enrollment instruction shall be exempt
 249 from the payment of tuition and fees, including laboratory fees.
 250 No student enrolled in college credit mathematics or English
 251 dual enrollment instruction shall be funded as a dual enrollment
 252 unless the student has successfully completed the relevant
 253 section of the entry-level examination required pursuant to s.
 254 1008.30.

255 2. Additional full-time equivalent student membership.—For
 256 students enrolled in an early college program, pursuant to s.
 257 1007.273, a value of 0.16 full-time equivalent student
 258 membership shall be calculated for each student who completes a
 259 general education core course through the dual enrollment

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260 program with a grade of "C" or better. For students who are not
 261 enrolled in an early college program, a value of 0.08 full-time
 262 equivalent student membership shall be calculated for each
 263 student who completes a general education core course through
 264 the dual enrollment program with a grade of "C" or better. In
 265 addition, a value of 0.3 full-time equivalent student membership
 266 shall be calculated for any student who receives an associate
 267 degree through the dual enrollment program with a 3.0 grade
 268 point average or better. This value shall be added to the total
 269 full-time equivalent student membership in basic programs for
 270 grades 9 through 12 in the subsequent fiscal year. This section
 271 shall be effective for credit earned by dually enrolled students
 272 for courses taken in the 2020-2021 school year and each school
 273 year thereafter. If the associate degree pursuant to this
 274 paragraph is earned in 2020-2021 following completion of courses
 275 taken in the 2020-2021 school year, then courses taken towards
 276 the degree as part of the dual enrollment program prior to 2020-
 277 2021 may not preclude eligibility for the 0.3 additional full-
 278 time equivalent student membership bonus. Each school district
 279 shall allocate at least 50 percent of the funds received from
 280 the dual enrollment bonus FTE funding, in accordance with this
 281 paragraph, to the schools that generated the funds to support
 282 student academic guidance and postsecondary readiness.

283 3. Qualifying courses.—For the purposes of this paragraph,
 284 general education core courses are those that are identified in
 285 rule by the State Board of Education and in regulation by the
 286 Board of Governors pursuant to s. 1007.25(3).

287 (n) Calculation of additional full-time equivalent
 288 membership based on college board advanced placement scores of

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289 students and earning College Board Advanced Placement Capstone
 290 Diplomas.—A value of 0.16 full-time equivalent student
 291 membership shall be calculated for each student in each advanced
 292 placement course who receives a score of 3 or higher on the
 293 College Board Advanced Placement Examination for the prior year
 294 and added to the total full-time equivalent student membership
 295 in basic programs for grades 9 through 12 in the subsequent
 296 fiscal year. A value of 0.3 full-time equivalent student
 297 membership shall be calculated for each student who receives a
 298 College Board Advanced Placement Capstone Diploma and meets the
 299 requirements for a standard high school diploma under s.
 300 1003.4282. This value shall be added to the total full-time
 301 equivalent student membership in basic programs for grades 9
 302 through 12 in the subsequent fiscal year. Each district must
 303 allocate at least 80 percent of the funds provided to the
 304 district for advanced placement instruction, in accordance with
 305 this paragraph, to the high school that generates the funds. The
 306 school district shall distribute to each classroom teacher who
 307 provided advanced placement instruction:

308 1. A bonus in the amount of \$50 for each student taught by
 309 the Advanced Placement teacher in each advanced placement course
 310 who receives a score of 3 or higher on the College Board
 311 Advanced Placement Examination.

312 2. An additional bonus of \$500 to each Advanced Placement
 313 teacher in a school designated with a grade of "D" or "F" who
 314 has at least one student scoring 3 or higher on the College
 315 Board Advanced Placement Examination, regardless of the number
 316 of classes taught or of the number of students scoring a 3 or
 317 higher on the College Board Advanced Placement Examination.

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318
 319 Bonuses awarded under this paragraph shall be in addition to any
 320 regular wage or other bonus the teacher received or is scheduled
 321 to receive. For such courses, the teacher shall earn an
 322 additional bonus of \$50 for each student who has a qualifying
 323 score.

324 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
 325 assistance allocation is created to provide funding to assist
 326 school districts in establishing or expanding school-based
 327 mental health care; train educators and other school staff in
 328 detecting and responding to mental health issues; and connect
 329 children, youth, and families who may experience behavioral
 330 health issues with appropriate services. These funds shall be
 331 allocated annually in the General Appropriations Act or other
 332 law to each eligible school district. Each school district shall
 333 receive a minimum of \$100,000, with the remaining balance
 334 allocated based on each school district's proportionate share of
 335 the state's total unweighted full-time equivalent student
 336 enrollment. Charter schools that submit a plan separate from the
 337 school district are entitled to a proportionate share of
 338 district funding. The allocated funds may not supplant funds
 339 that are provided for this purpose from other operating funds
 340 and may not be used to increase salaries or provide bonuses.
 341 School districts are encouraged to maximize third-party health
 342 insurance benefits and Medicaid claiming for services, where
 343 appropriate.

344 (a) Before the distribution of the allocation:

345 1. The school district must develop and submit a detailed
 346 plan, which includes the input of school and community

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347 stakeholders and is informed by a needs assessment, outlining
 348 the local program and planned expenditures to the district
 349 school board for approval. This plan must include all district
 350 schools, including charter schools, unless a charter school
 351 elects to submit a plan independently from the school district
 352 pursuant to subparagraph 2.

353 2. A charter school may develop and submit a detailed plan
 354 outlining the local program and planned expenditures to its
 355 governing body for approval. After the plan is approved by the
 356 governing body, it must be provided to the charter school's
 357 sponsor.

358 (b) The plans required under paragraph (a) must be focused
 359 on a multitiered system of supports to deliver evidence-based
 360 mental health care assessment, diagnosis, intervention,
 361 treatment, and recovery services to students with one or more
 362 mental health or co-occurring substance abuse diagnoses and to
 363 students at high risk of such diagnoses. The provision of these
 364 services must be coordinated with a student's primary mental
 365 health care provider and with other mental health providers
 366 involved in the student's care. At a minimum, the plans must
 367 include the following elements:

368 1. Direct employment of school-based mental health services
 369 providers to expand and enhance school-based student services
 370 and to reduce the ratio of students to staff in order to better
 371 align with nationally recommended ratio models. These providers
 372 include, but are not limited to, certified school counselors,
 373 school psychologists, school social workers, and other licensed
 374 mental health professionals. The plan also must identify
 375 strategies to increase the amount of time that school-based

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376 student services personnel spend providing direct services to
 377 students, which may include the review and revision of district
 378 staffing resource allocations based on school or student mental
 379 health assistance needs.

380 2. Contracts or interagency agreements with one or more
 381 local community behavioral health providers or providers of
 382 Community Action Team services to provide a behavioral health
 383 staff presence and services at district schools. Services may
 384 include, but are not limited to, mental health screenings and
 385 assessments, individual counseling, family counseling, group
 386 counseling, psychiatric or psychological services, trauma-
 387 informed care, mobile crisis services, and behavior
 388 modification. These behavioral health services may be provided
 389 on or off the school campus and may be supplemented by
 390 telehealth.

391 3. Policies and procedures, including contracts with
 392 service providers, which will ensure that students who are
 393 referred to a school-based or community-based mental health
 394 service provider for mental health screening for the
 395 identification of mental health concerns and ensure that the
 396 assessment of students at risk for mental health disorders
 397 occurs within 15 days of referral. School-based mental health
 398 services must be initiated within 15 days after identification
 399 and assessment, and support by community-based mental health
 400 service providers for students who are referred for community-
 401 based mental health services must be initiated within 30 days
 402 after the school or district makes a referral.

403 4. School board mental health policies and procedures,
 404 including the following:

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405 a. Universal supports to promote students' psychological
 406 well-being and ensure safe and supportive school environments;
 407 b. Evidence-based strategies or programs to reduce the
 408 likelihood of at-risk students developing social, emotional, or
 409 behavioral health problems, depression, anxiety disorders,
 410 suicidal tendencies, or substance use disorders.
 411 c. ~~5-~~ Strategies to improve the early identification of
 412 social, emotional, or behavioral problems or substance use
 413 disorders, to provide ~~improve the provision of~~ early
 414 intervention services, and to assist students in dealing with
 415 trauma and violence.
 416 d. Policies and procedures for responding to a student with
 417 suicidal ideation, including risk assessment, guidelines for
 418 informing parents of suicide risk, and school board policies for
 419 initiating involuntary examination of students with suicide
 420 ideation.
 421 e. A school crisis response plan that includes prevention,
 422 preparation for, response to, and recovery from a range of
 423 crises. The plan should include establishment of district-level
 424 and school-level crisis response teams, including, but not
 425 limited to, administration and school-based mental health
 426 service providers.
 427 (c) School districts shall submit approved plans, including
 428 approved plans of each charter school in the district, to the
 429 commissioner by August 1 of each fiscal year.
 430 (d) Beginning September 30, 2019, and annually by September
 431 30 thereafter, each school district shall submit to the
 432 Department of Education a report on its program outcomes and
 433 expenditures for the previous fiscal year. The report must

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434 reflect program outcomes and expenditures for all charter
 435 schools in the district, including charter schools that
 436 submitted a separate plan. The report must ~~that~~, at a minimum,
 437 must include the number of each of the following:
 438 1. The number of students who receive screenings or
 439 assessments.
 440 2. The number of students who are referred to either
 441 school-based or community-based providers for services or
 442 assistance.
 443 3. The number of students who receive either school-based
 444 or community-based interventions, services, or assistance.
 445 4. The number of school-based and community-based mental
 446 health providers, including licensure type, paid for from funds
 447 provided through the allocation.
 448 5. The number and ratio of school social workers, school
 449 psychologists, and certified school counselors employed by the
 450 district and the total number of licensed mental health
 451 professionals employed directly by the district.
 452 6. ~~5-~~ Contract-based collaborative efforts or partnerships
 453 with community mental health programs, agencies, or providers.
 454 (e) The amount of mental health assistance allocation funds
 455 appropriated subsequent to the 2019-2020 fiscal year that are in
 456 excess of the amount appropriated in the 2019-2020 fiscal year
 457 shall be used exclusively to fund additional providers of
 458 school-based mental health services.
 459 (17) FUNDING COMPRESSION ALLOCATION.—The Legislature may
 460 provide an annual funding compression allocation in the General
 461 Appropriations Act. The allocation is created to provide
 462 additional funding to school districts and developmental

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463 research schools whose total funds per FTE in the prior year
 464 were less than the statewide average. Using the most recent
 465 prior year FEEP calculation for each eligible school district,
 466 the total funds per FTE shall be subtracted from the state
 467 average funds per FTE, not including any adjustments made
 468 pursuant to paragraph (19)(b). The resulting funds per FTE
 469 difference, or a portion thereof, as designated in the General
 470 Appropriations Act, shall then be multiplied by the school
 471 district's total unweighted FTE to provide the allocation. If
 472 the calculated funds are greater than the amount included in the
 473 General Appropriations Act, they must be prorated to the
 474 appropriation amount based on each participating school
 475 district's share. ~~This subsection expires July 1, 2020.~~

476 Section 4. Paragraph (c) of subsection (10) of section
 477 1003.4282, Florida Statutes, is amended to read:

478 1003.4282 Requirements for a standard high school diploma.—

479 (10) STUDENTS WITH DISABILITIES.—Beginning with students
 480 entering grade 9 in the 2014-2015 school year, this subsection
 481 applies to a student with a disability.

482 (c) A student with a disability who meets the standard high
 483 school diploma requirements in this section may defer the
 484 receipt of a standard high school diploma if the student:

485 1. Has an individual education plan that prescribes special
 486 education, transition planning, transition services, or related
 487 services through age 21; and

488 2. Is enrolled in accelerated college credit instruction
 489 pursuant to s. 1007.27, industry certification courses that lead
 490 to college credit, an early college ~~a collegiate high school~~
 491 program, courses necessary to satisfy the Scholar designation

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492 requirements, or a structured work-study, internship, or
 493 preapprenticeship program.

494
 495 The State Board of Education shall adopt rules under ss.
 496 120.536(1) and 120.54 to implement this subsection, including
 497 rules that establish the minimum requirements for students
 498 described in this subsection to earn a standard high school
 499 diploma. The State Board of Education shall adopt emergency
 500 rules pursuant to ss. 120.536(1) and 120.54.

501 Section 5. This act shall take effect July 1, 2020.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 72

INTRODUCER: Senator Stargel

SUBJECT: Postsecondary Education

DATE: January 10, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck, Dew	Sikes	ED	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

SB 72 modifies provisions relating to the prioritization of capital outlay projects at Florida College System (FCS) institutions, the carry forward of operational funds at state universities and FCS institutions, state student financial aid, and textbook affordability at public postsecondary institutions. Specifically, the bill:

- Modifies a criterion for new construction, remodeling, or renovation projects at FCS institutions that have not been previously state funded to be added to the Public Education Capital Outlay (PECO) priority list.
- Modifies reporting deadlines and spending plan provisions relating to the carry forward of operational funds at state universities and FCS institutions.
- Replaces the State University System Programs of Excellence with the State Universities of Distinction program, and establishes requirements.
- Aligns student eligibility, maximum awards, fund distribution, remittance deadlines, and reporting requirements between the four Florida Student Assistance Grant programs.
- Clarifies initial and renewal award requirements for the Benacquisto Scholarship Program.
- Provides that pricing and payment options relating to textbook affordability may include either an opt-in or opt-out provision for students.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

The present situation for each relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Public Education Capital Outlay

Present Situation

Florida's Public Education Capital Outlay (PECO) program provides funding for capital outlay projects for Florida's public education system, including universities, colleges, public schools and other state owned educational facilities that have no other source for funding for capital outlay. As specified by the Florida Constitution,¹ the PECO program is funded by gross receipts taxes on utilities, including electricity and natural gas, and communication services (cable, wireless, telephone landline, miscellaneous services, and direct to home satellite tax bases).

The Commissioner of Education (commissioner) must annually submit to the Governor and to the Legislature an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, Florida College System (FCS) institutions, and state universities, subject to provisions in law.² The commissioner must use estimates for PECO funds by the Revenue Estimating Conference³ in determining the budget request. In addition, the commissioner, in consultation with the appropriations committees of the Legislature, must provide annually an estimate of funds for FCS institutions and state universities in developing three-year priority lists required in law.⁴

FCS institution and state university boards of trustees (BOT) receive funds for projects based on the 3-year priority list, to be updated annually, which is submitted to the Legislature in the legislative budget request (LBR) at least 90 days prior to the legislative session.⁵ The State Board of Education (SBE) submits a 3-year priority list for FCS institutions, and the Board of Governors of the State University System (BOG) submits a 3-year priority list for state universities. The lists reflect decisions by the SBE and BOG concerning program priorities that implement the statewide plan for program growth and quality improvement in education.⁶

In 2019,⁷ the process by which FCS projects are evaluated for inclusion on the priority list was modified. Projects considered for prioritization are required to be chosen from a preliminary selection group consisting of previously state-funded projects that have not been completed, and the top two priorities of each FCS institution. The SBE is required to develop a points-based prioritization method to rank projects for consideration that awards points for the degree to which a project meets specific criteria compared to other projects.⁸ The criteria specified in law⁹

¹ Art. XII, s. 9, Fla. Const.

² Section 1013.60(1), F.S., and applicable provisions of ch. 216.

³ The Revenue Estimating Conference develops official information with respect to anticipated state and local government revenues as the conference determines is needed for the state planning and budgeting system. Section 216.136(3), F.S.

⁴ Section 1013.60(1), F.S.

⁵ Section 1013.64(4), F.S.

⁶ Section 1013.31, F.S.

⁷ Section 3, ch. 2019-103, L.O.F.

⁸ On Sept. 20, 2019, the SBE approved a prioritized list of PECO for 2020-2021 and the FCS PECO project priority methodology.

⁹ Section 1001.03(18)(a), F.S.

may be weighted, but no weight may exceed the criterion regarding space needs due to increased instructional capacity.¹⁰

A new construction, remodeling, or renovation project that has not received an appropriation in a previous year may not be considered for inclusion on the required prioritized list, unless:

- A plan is provided to reserve funds in an escrow account, specific to the project, into which must be deposited each year an amount of funds equal to 0.5 percent of the total value of the building for future maintenance;
- There are sufficient excess funds from the allocation provided pursuant the LBR within the 3-year planning period which are not needed to complete the projects for which state funds were previously appropriated which have not been completed;¹¹ and
- The project has been recommended based on results relating to an educational plant survey.¹²

Effect of Proposed Changes

The bill modifies s. 1001.03, F.S., to replace the existing sufficient excess PECO funds criterion for a specified new construction, remodeling, or renovation project to be added to the priority list. The bill changes the criterion to specify that an FCS project may only be included on the priority list if there is sufficient capacity within the cash and bonding estimate of funds by the Revenue Estimating Conference to accommodate the project within the three-year PECO funding cycle. This modification aligns the requirements for new projects to be considered on the priority list between the FCS and the State University System (SUS).¹³

End-of-Year Balance of Funds – State Universities and Florida College System Institutions

Present Situation

At the end of each fiscal year, state operational funds for state agencies and departments revert to the fund from which they were appropriated for reappropriation by the Legislature.¹⁴ However, state universities¹⁵ and FCS institutions¹⁶ are authorized to carry forward unexpended amounts in operating funds for subsequent fiscal years.

Each state university, and FCS institution with a final FTE of 15,000 or greater for the prior year, must maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If such university or FCS institution fails to maintain a 7 percent balance in state operating funds, the university and FCS institution must submit a plan to the BOG and SBE, respectively, to attain the 7 percent balance of state operating funds within the next fiscal year.¹⁷

¹⁰ Section 1001.03(18)(b), F.S.

¹¹ The SBE must continually maintain a list of all public education capital outlay projects for which state funds were previously appropriated which have not been completed. The list must include an estimate of the amount of state funding needed for the completion of each project. Section 1001.03(18)(d), F.S.

¹² Section 1013.31, F.S. Educational plant surveys must be completed every five years, and reflect the capacity of existing facilities in school districts, FCS institutions, and state universities, as well as projections of facility space needs. *Id.*

¹³ Section 1001.706(12)(c), F.S.

¹⁴ Section 216.301(1)(a), F.S.

¹⁵ Section 1011.45, F.S.

¹⁶ Section 1013.841(1), F.S.

¹⁷ Sections 1011.45(1) and 1013.841(3)(a), F.S.

An FCS institution with a final FTE less than 15,000 for the prior must maintain a carry forward balance of at least 5 percent, or submit a similar plan to the SBE.¹⁸

A state university or FCS institution that retains a state operating fund carry forward balance in excess of the required minimum must submit a spending plan for its excess carry forward balance. The spending plan must be submitted to the state university or FCS institution BOT for approval by September 1, 2020, and each September 1 thereafter.¹⁹ The BOG must review, approve, and amend, if necessary, each university's carry forward spending plan by October 1, 2020, and each October 1 thereafter.²⁰ The SBE must review and publish each FCS institution's carry forward spending plan by October 1, 2020, and each October 1 thereafter.²¹

The carry forward spending plan for each state university, and FCS institution with a final FTE of 15,000 or greater for the prior year, must include the estimated cost per planned expenditure and a timeline for completion of the expenditure. The law specifies authorized expenditures, which include nonrecurring operating expenditures that support the university's or FCS institution's mission.²²

Effect of Proposed Changes

The bill modifies provisions in ss. 1011.45 and 1013.841, F.S., relating to the carry forward of operational funds by state universities and FCS institutions to align fund approval activities and provide greater flexibility in spending plan expenditures. Specifically, the bill:

- Modifies the submission and approval dates by an institution BOT, BOG, and SBE, to require that:
 - The spending plan be submitted to the state university or FCS institution BOT for approval by September 30, 2020, and each September 30 thereafter.²³
 - The BOG review, approve, and amend, if necessary, university spending plans, and the SBE review and publish FCS institution spending plans by November 15, 2020, and each November 15 thereafter.
- Removes the requirement that operating expenditures that support the mission of the state university or FCS institution mission be nonrecurring.
- Authorizes the spending plans of state universities and FCS institutions to include a commitment of funds to a contingency reserve to assist in addressing unforeseen circumstances that may arise, including natural disasters and other emergencies.²⁴

¹⁸ Section 1013.841(2)(a), F.S.

¹⁹ Sections 1011.45(2) and 1013.841(2)(b), F.S.

²⁰ Section 1011.45(2), F.S.

²¹ Section 1013.841(2)(b), F.S.

²² Sections 1011.45(3) and 1013.841(4), F.S.

²³ The deadline is consistent with current laws that require the chief financial officer of a state university or FCS institution to certify, annually by September 30, the unexpended amount of state funds remaining in the general fund of an institution as of June 30 of the previous fiscal year. Sections 1011.45(4) and 1011.84(3)(e), F.S.

²⁴ Current law authorizes state universities to spend the minimum carry forward balance of 7 percent for a demonstrated emergency, subject to state university BOT and BOG approval. Section 1011.45(5), F.S.

State University System Programs of Excellence

Present Situation

In 2018,²⁵ the BOG was required to establish standards and measures whereby individual degree programs that objectively reflect national excellence in state universities could be identified, and make recommendations to the Legislature by September 1, 2018, regarding the enhancement and promotion of such programs.²⁶

The goal of this initiative was to achieve and improve upon world-class, nationally recognized university programs of excellence within the SUS. The BOG approved a framework to identify programs of excellence that:²⁷

- Provide opportunities for all 12 SUS institutions to participate.
- Allow for universities to elevate both research and academic programs that are nationally recognized.
- Allow for programs across disciplines and degree levels to be recognized.
- Encourage institution collaboration.
- Address key areas important to Florida.
- Provide for flexibility in implementation.

The BOG requested \$30 million for this initiative in its 2019-2020 legislative budget request.²⁸ This request was not funded by the 2019 Legislature.

Effect of Proposed Changes

The bill modifies s. 1001.7065, F.S., to replace the SUS Programs of Excellence with a State Universities of Distinction program, which requires the BOG to establish standards and measures to identify state universities that focus on one core competency unique to the SUS that:

- Achieves excellence at the national or state level;
- Meets state workforce needs; and
- Fosters an innovation economy that focuses on areas such as health care, security, transportation, and science, technology, engineering, and mathematics (STEM), including supply chain management.

The bill requires the BOG to annually submit such programs to the Legislature by January 1 for funding.

²⁵ Section 3, ch. 2018-4, L.O.F.

²⁶ Section 1001.7065(7), F.S.

²⁷ Board of Governors, *Programs of Excellence Report* (Sept. 2018), available at https://www.flbog.edu/wp-content/uploads/0273_1154_8738_10.3.2-AREC-03b-Programs-of-Excellence-Report_CE.pdf.

²⁸ Board of Governors, *State University System of Florida, Education and General, 2019-2020 Executive Summary, Universities and Special Units* (Sept. 13, 2018), available at https://www.flbog.edu/wp-content/uploads/0273_1152_8727_8.8.1.2-BUD-10a-2019-20-LBR_SUS-Executive-Summary-updated-8-31.pdf.

This bill provision aligns with a recent BOG initiative targeting Universities of Distinction as a path towards excellence that will produce high-quality talent to diversify Florida's economy, stimulate innovation, and provide a return on investment to the state.²⁹

Financial Aid and Tuition Assistance Programs

Present Situation

Various student financial aid and tuition assistance programs have been created to assist students in accessing and continuing higher education in Florida. Student financial assistance available in Florida³⁰ includes a variety of grant and scholarship programs outlined in law³¹ or SBE rule³² and loans through Federal Student Aid.

Florida Student Assistance Grant Program

The Florida Student Assistance Grant (FSAG) Program, created in 1972, is Florida's largest need-based grant program, consisting of FSAG Public, FSAG Public Postsecondary Career Education (FSAGCE), FSAG Private, and FSAG Postsecondary.³³ The FSAG Program administers state student assistance grants to students who meet general eligibility requirements³⁴ and stipulations specific to each program. The procedures for application, eligibility, award, renewal, disbursement, and reinstatement are similar across the FSAG Program.

The FSAG Program is administered by participating institutions in accordance with SBE rule.³⁵ A total of \$269,396,012 was appropriated for the FSAG Program for the 2019-2020 fiscal year.³⁶ The current maximum award amount of \$2,610 has not changed since 2013.³⁷

Similarities and differences in specified provisions across the FSAG Program are depicted in the table below.

²⁹ Board of Governors, *Universities of Distinction* (draft document), available at <https://www.flbog.edu/wp-content/uploads/University-of-Distinction.pdf>.

³⁰ See Florida Student Financial Aid, *Office of Student Financial Assistance*, <http://www.floridastudentfinancialaid.org/> (last visited Dec. 11, 2019).

³¹ See ss. 1009.50-1009.894, F.S.

³² See Rule 6A-20.001 - 20.111, F.A.C.

³³ Florida Department of Education Office of Student Financial Assistance, *Annual Report to the Commissioner 2018-19* (2019), at 11, available at <https://www.floridastudentfinancialaidsg.org/pdf/annualreportcurrent.pdf>.

³⁴ See s. 1009.40, F.S.

³⁵ Sections 1009.50(6), 1009.505(5), 1009.51(6), and 1009.52(7), F.S. See also Rule 6A-20.031, F.A.C. Postsecondary educational institution administrative responsibilities for state student aid and tuition assistance programs are outlined in Rule 6A-20.002, F.A.C.

³⁶ Florida Department of Education Office of Student Financial Assistance, *Annual Report to the Commissioner 2018-19* (2019), at 5, available at <https://www.floridastudentfinancialaidsg.org/pdf/annualreportcurrent.pdf>. See also Specific Appropriation 75, ch. 2019-115, L.O.F.

³⁷ *Id.* at 12.

	FSAG Public	FSAGCE	FSAG Private	FSAG Postsecondary
Student Eligibility³⁸	Degree-seeking and enrolled in at least 6 hours at an FCS institution or state university.	Certificate-seeking and enrolled in a career center or FCS institution at least half-time. ³⁹	Full-time, degree-seeking enrollment at an eligible independent nonprofit college or university. ⁴⁰	Full-time, degree-seeking enrollment at an eligible private nursing school or an eligible independent college or university. ⁴¹
Grant Award	Between \$200 and weighted average of cost of tuition and fees for 30 hours at state universities, up to 110 percent of the program, or as specified in the GAA. ⁴²	Between \$200 and the student’s unmet need for the cost of education, which may not exceed the average annual cost of tuition and other registration fees, or as specified in the GAA. ⁴³	Between \$200 and the amount of demonstrated unmet need for tuition and fees, not to exceed an amount equal to the average tuition and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the GAA. ⁴⁴	Similar to FSAG Private.
Priority in Distribution of Funds	Priority given to students with the lowest total family resources; requires the DOE to establish a maximum expected family contribution.	No provision.	Identical to FSAG Public.	Identical to FSAG Public.
Reporting Requirements	Report and certify students receiving disbursements to DOE. ⁴⁵	Similar to FSAG Public.	Similar to FSAG Public; requires biennial report with financial audit. ⁴⁶	Identical to FSAG Private. ⁴⁷

³⁸ A demonstrated unmet need of less than \$200 renders an applicant ineligible for a state student assistance grant. Sections 1009.50(2)(a), 1009.51(2)(a), and 1009.52(2)(a), F.S. *See also* Rule 6A-20.031, F.A.C.

³⁹ Section 1009.505(3)(a), F.S. “Half-time” means the equivalent in clock hours at a public postsecondary career certificate program of 6 semester credit hours at a FCS institution. Section 1009.505(2)(b), F.S.

⁴⁰ An eligible independent college or university is nonprofit, baccalaureate-degree-granting, accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, and located in and chartered as a domestic corporation by the state. Section 1009.51(2)(a), F.S.

⁴¹ An eligible nursing diploma school must be approved by the Florida Board of Nursing, and an eligible independent college or university must be licensed by the Commission for Independent Education. Section 1009.52(2)(a), F.S. The Commission for Independent Education has statutory responsibilities in matters relating to nonpublic, postsecondary, educational institutions, including the licensure of independent schools, colleges, and universities. Florida Department of Education, *Commission For Independent Education*, <http://www.fldoe.org/policy/cie/> (last visited Dec. 16, 2019).

⁴² Section 1009.50(3), F.S. The amount is specified in the GAA. *Id.* *See s.* 1009.50(2)(a), F.S. The legal requirement is contained in s. 1009.40(3), F.S.

⁴³ Section 1009.505(3)(a), F.S.

⁴⁴ No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment. Section 1009.51(2)(a), F.S.

⁴⁵ Sections 1009.50(2)(d) and 1009.50(4)(d), F.S. All eligible students are required to be reported. Rule 6A-20.031(7), F.A.C.

⁴⁶ Section 1009.51(4)(e), F.S. The DOE retains the ability to suspend or revoke an institution’s eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution.

⁴⁷ The DOE retains the ability to suspend or revoke an institution’s eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution. Section 1009.52(4)(e), F.S.

In addition, the FSAG Public, FSAG Private, and FSAG Postsecondary programs provide for deposit of funds appropriated by the Legislature for grants through the FSAG program into the State Student Financial Assistance Trust Fund.⁴⁸ The FSAGCE program does not have this provision.

For the 2018-2019 fiscal year, amounts disbursed through the FSAG Program include:

- A total of \$234,334,619 for FSAG Public, disbursed to 157,003 students with an average award amount of \$1,492.55.⁴⁹
- A total of \$3,144,476 for FSAGCE, disbursed to 4,308 students with an average award amount of \$729.92.⁵⁰
- A total of \$24,500,519 for FSAG Private, disbursed to 16,345 students with an average award amount of \$1,498.96.⁵¹
- A total of \$6,799,009 for FSAG Postsecondary, disbursed to 6,284 students with an average award amount of \$1,081.96.⁵²

Benacquisto Scholarship Program

The Benacquisto Scholarship Program (scholarship)⁵³ was created in 2014 to reward a Florida high school graduate who achieves recognition as a National Merit Scholar (NMS)⁵⁴ or National Achievement Scholar (NAS)⁵⁵ and enrolls in a baccalaureate degree program at an eligible Florida public or independent postsecondary educational institution.⁵⁶

In addition to achieving recognition as an NMS or NAS, in order to be eligible for an award under the scholarship, a student must:⁵⁷

- Be a state resident as determined by statute and SBE rules;
- Earn a standard Florida high school diploma or its equivalent pursuant to statute, unless:

⁴⁸ Sections 1009.50(5), 1009.51(5), and 1009.52(6), F.S.

⁴⁹ Florida Department of Education (DOE) Office of Financial Assistance, *End-of-Year-Report 2018-19* (Sept. 3, 2019), at 4, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/FSAGPU_2018_2019.pdf.

⁵⁰ *Id.* at 5.

⁵¹ *Id.* at 4.

⁵² *Id.* at 6.

⁵³ The scholarship was renamed in 2016 from the Florida National Merit Scholar Incentive Program to the Benacquisto Scholarship Program. Section 26, ch. 2016-237, L.O.F.

⁵⁴ Florida Department of Education Office of Student Financial Assistance, *Annual Report to the Commissioner 2018-19* (2019), at 17, available at <https://www.floridastudentfinancialaidsg.org/pdf/annualreportcurrent.pdf>. The National Merit Scholarship Corporation (NMSC) is a private, not-for-profit organization that operates without government assistance to recognize and honor academically talented students. National Merit Scholarship Corporation, Mission, <https://www.nationalmerit.org/s/1758/interior.aspx?sid=1758&gid=2&pgid=395> (last visited Dec. 11, 2019). NMSC organizes the National Merit Scholarship Program, which began in 1955 as an academic competition for recognition and scholarship. High school students enter the National Merit Program by taking the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), which serves as an initial screen of approximately 1.6 million entrants each year, and meeting the program participation requirements. National Merit Scholarship Corporation, *National Merit Scholarship Program*, <https://www.nationalmerit.org/s/1758/interior.aspx?sid=1758&gid=2&pgid=424> (last visited Dec. 11, 2019).

⁵⁵ The National Merit Scholarship Corporation discontinued the National Achievement Scholarship Program with the conclusion of the 2015 program. National Merit Scholarship Corporation, *National Achievement Scholarship Program*, <http://www.nationalmerit.org/s/1758/interior.aspx?sid=1758&gid=2&pgid=433> (last visited Dec. 26, 2019).

⁵⁶ Section 1009.893(2), F.S.

⁵⁷ Section 1009.893(4)(a), F.S.

- The student completes a home education program pursuant to statute;⁵⁸ or
- The student earns a high school diploma from a non-Florida school while living with a parent who is on military or public service assignment out of this state;
- Be accepted by and enroll in a Florida public or independent postsecondary educational institution that is regionally accredited; and
- Be enrolled full-time in a baccalaureate degree program at an eligible regionally accredited Florida public or independent postsecondary educational institution during the fall academic term following high school graduation.

In 2018, eligibility was expanded to allow out-of-state students to qualify for a scholarship.⁵⁹

Scholarship recipients attending a public postsecondary institution, who qualify as a Florida resident, receive an award equal to the institutional cost of attendance minus the sum of the student's Florida Bright Futures Scholarship and NMS or NAS award. Scholarship recipients attending a public postsecondary institution, who qualify as non-residents of Florida, receive an award equal to the institutional cost of attendance for a Florida resident minus the student's NMS award. Eligible students who attend independent postsecondary educational institutions in Florida each receive scholarship awards equal to the highest cost of attendance for a resident of this state enrolled at a Florida public university, as reported by the BOG, minus the sum of the student's Florida Bright Futures Scholarship and NMS or NAS award.⁶⁰

A student must earn all credits for which he or she was enrolled and maintain a 3.0 or higher grade point average to be eligible for a renewal award. A student may receive an award for up to 100 percent of the number of credit hours required to complete a baccalaureate degree program.⁶¹

For the 2019-2020 fiscal year, \$21,372,911⁶² was appropriated to fund 1,416 scholarship recipients.⁶³

Effect of Proposed Changes

Florida Student Assistance Grant Program

The bill aligns specific requirements across the FSAG programs. Specifically, the bill:

- Establishes that the maximum award amount for each FSAG program is as specified in the General Appropriations Act (GAA).
- Allows a student who received a FSAG award in the fall or spring term to receive the FSAG award during the summer, if funds are available.⁶⁴

⁵⁸ See section 1002.41, F.S.

⁵⁹ Section 22, ch. 2018-4, L.O.F. See s. 1009.893(4)(b), F.S.

⁶⁰ Section 1009.893(5)(b), F.S.

⁶¹ Section 1009.893(5)(a), F.S. The National Achievement Scholarship Program has since been discontinued. National Merit Scholarship Corporation, *supra* note 57.

⁶² Specific Appropriation 68, ch. 2019-115, L.O.F.

⁶³ Education Estimating Conference on Student Financial Aid, *Executive Summary* (March 2019), available at <http://edr.state.fl.us/Content/conferences/financialaid/archives/190315financialaid.pdf>.

⁶⁴ All students entering a SUS university with fewer than 60 semester hours credit are required to earn at least 9 semester hours prior to graduation by attendance at one or more summer sessions. BOG Regulation 6.016. Allowing students to use

- Specifies that, for all FSAG programs, institutions must report to the DOE all eligible students, regardless of actual disbursements.⁶⁵
- Modifies the fund distribution formula to include part-time and full-time eligible students, and requires that the formula account for changes in the number of eligible students across all FSAG programs.
- Establishes a disbursement deadline of 30 days after the end of regular registration each term and deadline of 60 days after the end of regular registration each spring term for return of undisbursed funds, which aligns to other financial aid programs, in accordance with DOE rule. However, the bill authorizes an exception to the remittance deadline if the institution documents to the DOE how the institution plans to disburse awards to students for the subsequent summer term. Such reporting and remittance deadlines may ensure that returned funds can be disbursed to qualified students prior to the end of the fiscal year.
- Removes the required DOE need analysis from the FSAG Public, FSAG Private, and FSAG Postsecondary programs to specify that a grant may not be made to a student whose expected family contribution exceeds one and one-half times the maximum Pell Grant-eligible family contribution.⁶⁶
- Requires institutions receiving funds through the FSAG Public and FSAGCE programs to prepare the same biennial report currently required of the FSAG Private and FSAG Postsecondary programs. The requirement specifies that:
 - Each institution that receives moneys through the FSAG program must prepare a biennial report that includes a financial audit, conducted by the Auditor General, of the institution's administration of the program and a complete accounting of moneys allocated to the institution for the program to the DOE by March 1 every other year.
 - The DOE may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and financial audit report.
 - The DOE may suspend or revoke an institution's eligibility to receive future moneys for the program or request a refund of any moneys overpaid to the institution for the program if the DOE finds that an institution has not complied and specifies that any refund requested must be remitted within 60 days after notification by the DOE.

Benacquisto Scholarship Program

The bill modifies s. 1009.893, F.S., to clarify requirements for initial eligibility and modify scholarship renewal provisions. Specifically, the bill:

- Removes an outdated reference to the National Achievement Scholar program.

FSAG awards during the summer may assist students to fulfill this requirement, take more credits in a year, and graduate on-time in four years.

⁶⁵ Reporting all eligible students, rather than only those students who received a disbursement, is consistent with requirements in rule 6A-20.031(7), 6A-20.032(7), and 6A-20.033(7), F.A.C.

⁶⁶ Expected Family Contribution is calculated using a student's: family size; family's taxed and untaxed income, assets, and benefits; and number of family members who will attend college or career school during the year. Federal Student Aid, *How Aid is Calculated*, <https://studentaid.gov/complete-aid-process/how-calculated#efc> (last visited Dec. 23, 2019).

- Requires scholarship renewal students to be enrolled full-time. However, the bill authorizes a student to be enrolled less than full-time and receive funding for one term to complete his or her degree, if the student has less than 12 credits remaining to graduate.⁶⁷
- Specifies that a student's renewal status is not affected by subsequent changes in the residency status of the student or the student's family.
- Authorizes that students who fail to meet renewal requirements due to a verifiable illness or other documented emergency may be granted an exception pursuant to law.⁶⁸
- Specifies that a student may receive an award for up to five years following high school graduation and may not receive the award for more than 10 semesters, which may encourage students to complete degree programs in a timely manner and may lower some program costs.

Textbook and Instructional Materials Affordability

Present Situation

In 2008, the federal government⁶⁹ and Florida Legislature⁷⁰ addressed measures to reduce costs and make textbooks more affordable for needy students. Since 2016,⁷¹ each FCS institution and state university BOT has been authorized to adopt policies in consultation with textbook and instructional materials providers, including bookstores, which allow for the use of innovative pricing techniques and payment options for textbooks and instructional materials. Such policies are authorized to include bulk pricing arrangements that enable students to purchase course materials or texts that are delivered digitally; delivered through other technologies that are, or the licenses of which are, required for use within a course; or delivered in a print format.⁷²

FCS institution and state university BOT innovative pricing techniques and payment options policies may only be approved if there is documented evidence that the options reduce the cost of textbooks and instructional materials for students taking a course and if the policy includes an opt-in provision for students.⁷³ An institution may not automatically enroll students in services that provide textbooks or other materials electronically, students must opt-in to such programs.

⁶⁷ Modifying provisions relating to full-time enrollment will more closely align the law with DOE implementation of the scholarship program.

⁶⁸ Section 1009.40(1)(b)4., F.S.

⁶⁹ The Higher Education Opportunity Act (Public Law 110-315).

⁷⁰ Section 1004.0085, F.S.

⁷¹ Section 3, ch. 2016-236, L.O.F.

⁷² Section 1004.085(4), F.S. Such policies are often called "inclusive access." Where previously students might have been assigned textbooks individually, now many institutions are signing up whole classes of students to automatically receive digital course materials at a discounted rate, rather than purchasing individually. Every student has the same materials on the first day of class, with the charge included as part of their tuition. Many institutions automatically sign up students for such services, requiring students to opt-out if they do not wish to receive such digital materials or services. Inside Higher Education, *'Inclusive Access' Takes Off*, <https://www.insidehighered.com/news/2017/11/07/inclusive-access-takes-model-college-textbook-sales> (last visited Jan. 2, 2020). For federal financial assistance, an institution may include the cost of textbooks and supplies as part of tuition and fees if the institution has an arrangement with a publisher or other entity that makes books or supplies cheaper, provides a way for students to get timely access to materials, and includes a student opt out provision. Section 668.164(c) (2)(i), C.F.R.

⁷³ Section 1004.085(4), F.S.

Effect of Proposed Changes

The bill modifies s. 1004.085, F.S., to require that each FCS institution and state university BOT that adopts innovative pricing techniques and payment options policies include either an opt in or opt out provision for students. Therefore, if an institution adopts such a policy, the institution may automatically assign all students in a course to receive digital materials or other pricing payment options unless the student opts out of the policy.

Performance Funding Incentive for Industry Certifications***Present Situation***

Performance funding for industry certifications for school district workforce education programs and FCS institutions is contingent upon specific appropriation in the GAA. Performance funding of this type is determined based on criteria specified in law,⁷⁴ which include a provision of \$1,000 to each school district or FCS institution for each industry certification its students earn.

Prior to 2019, the industry certification performance funding incentive was limited to a maximum amount of \$15 million annually. In 2019, the maximum amount provision was removed in chapter 2019-103, Laws of Florida,⁷⁵ and also in the GAA Implementing Bill.⁷⁶ The GAA Implementing Bill also includes a provision that the removal of the \$15 million cap on awards expires on July 1, 2020.⁷⁷

Effect of Proposed Changes

The bill repeals section 11, ch. 2019-116, L.O.F., that removes the \$15 million cap on workforce performance funding for completion of industry certifications, which expires on July 1, 2020. This provision is no longer necessary because the award cap was permanently removed from law in 2019.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷⁴ Sections 1011.80(6)(b) and 1011.81(2), F.S.

⁷⁵ Sections 16 and 17, ch. 2019-103, L.O.F.

⁷⁶ Sections 9 and 10, ch. 2019-116, L.O.F.

⁷⁷ Section 11, ch. 2019-116, L.O.F.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Providing for Florida Student Assistance Grant (FSAG) Program summer awards may provide additional financial assistance to students who attend during the summer term.

Establishing a deadline for the return of undisbursed funds to the Department of Education may provide opportunities for additional students to receive an FSAG program scholarship. Returned funds may then be repurposed to fund other eligible students at the same or another institution.⁷⁸

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.03, 1001.7065, 1004.085, 1009.50, 1009.505, 1009.51, 1009.52, 1009.893, 1011.45, and 1013.841.

This bill repeals section 11 of chapter 2019-116, Laws of Florida.

⁷⁸ In the 2019 General Appropriations Act, student financial aid funds may be reallocated among the FSAG programs, the children and spouses of deceased and disabled veterans scholarship program, the Florida Work Experience program, and the Rosewood Family and Florida Farmworker scholarships. Specific Appropriation 75, ch. 2019-115, L.O.F.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Stargel

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1 A bill to be entitled
 2 An act relating to postsecondary education; amending
 3 s. 1001.03, F.S.; clarifying requirements for new
 4 construction, remodeling, or renovation projects;
 5 amending s. 1001.7065, F.S.; establishing state
 6 universities of distinction throughout the State
 7 University System; amending s. 1004.085, F.S.;
 8 requiring certain innovative pricing techniques and
 9 payment options to contain an opt-out provision;
 10 amending s. 1009.50, F.S.; requiring that grant awards
 11 administered through the Florida Public Student
 12 Assistance Grant Program not exceed a certain amount;
 13 providing that students who receive a grant award in
 14 the fall or spring term may also receive an award in
 15 the summer term, subject to availability of funds;
 16 prohibiting institutions from dispensing grants to
 17 students whose expected family contribution exceeds a
 18 certain amount; requiring the formula used to
 19 distribute funds for the program to account for
 20 changes in the number of eligible students across all
 21 student assistance grant programs; requiring
 22 institutions to certify the amount of funds disbursed
 23 within a certain timeframe; requiring institutions to
 24 remit any undisbursed advances within a specified
 25 timeframe; providing an exception; requiring
 26 institutions that receive moneys through the program
 27 to submit to the department by a specified date a
 28 biennial report that includes a financial audit
 29 conducted by the Auditor General; authorizing the

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30 department to conduct its own annual or biennial audit
 31 under certain circumstances; authorizing the
 32 department to suspend or revoke an institution's
 33 eligibility or request a refund of moneys overpaid to
 34 such institution under certain circumstances;
 35 providing a timeframe for such refunds; amending s.
 36 1009.505, F.S.; requiring that grant awards
 37 administered through the Florida Public Postsecondary
 38 Career Education Student Assistance Grant Program not
 39 exceed a certain amount; providing that students who
 40 receive a grant award in the fall or spring term may
 41 also receive an award in the summer term, subject to
 42 the availability of funds; requiring the formula used
 43 to distribute funds for the program to account for
 44 changes in the number of eligible students across all
 45 student assistance grant programs; requiring
 46 institutions to certify within a certain timeframe the
 47 amount of funds disbursed; requiring institutions to
 48 remit within a specified timeframe any undisbursed
 49 advances; providing an exception; requiring
 50 institutions that receive moneys through the program
 51 to submit to the department by a specified date a
 52 biennial report that includes a financial audit
 53 conducted by the Auditor General; authorizing the
 54 department to conduct its own annual or biennial audit
 55 under certain circumstances; authorizing the
 56 department to suspend or revoke an institution's
 57 eligibility or to request a refund of moneys overpaid
 58 to such institution under certain circumstances;

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59 authorizing funds appropriated for state student
 60 assistance grants to be deposited in a specified trust
 61 fund; requiring that any balance in the trust fund at
 62 the end of a fiscal year which has been allocated to
 63 the Florida Public Postsecondary Career Education
 64 Student Assistance Grant Program remain therein,
 65 subject to certain statutory exceptions; amending s.
 66 1009.51, F.S.; requiring that grant awards
 67 administered through the Florida Private Student
 68 Assistance Grant Program not exceed a certain amount;
 69 providing that students who receive an award in the
 70 fall or spring term may also receive an award in the
 71 summer term, subject to the availability of funds;
 72 prohibiting institutions from dispensing grants to
 73 students whose expected family contribution exceeds a
 74 certain amount; requiring the formula used to
 75 distribute funds for the program to account for
 76 changes in the number of eligible students across all
 77 student assistance grant programs; requiring
 78 institutions to certify within a certain timeframe the
 79 amount of funds disbursed; requiring institutions to
 80 remit within a specified timeframe any undisbursed
 81 advances; providing an exception; revising a
 82 requirement for a biennial report; amending s.
 83 1009.52, F.S.; requiring that grants administered
 84 through the Florida Postsecondary Student Assistance
 85 Grant Program not exceed a certain amount; providing
 86 that students who receive a grant award in the fall or
 87 spring term may also receive an award in the summer

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88 term, subject to the availability of funds;
 89 prohibiting institutions from dispensing grants to
 90 students whose expected family contribution exceeds a
 91 certain amount; requiring the formula used to
 92 distribute funds for the program to account for
 93 changes in the number of eligible students across all
 94 student assistance grant programs; requiring
 95 institutions to certify within a certain timeframe the
 96 amount of funds disbursed; requiring institutions to
 97 remit within a specified timeframe any undisbursed
 98 advances; providing an exception; revising a
 99 requirement for a biennial report; amending s.
 100 1009.893, F.S.; specifying eligibility for initial
 101 awards under the Benacquisto Scholarship Program;
 102 revising requirements for a student to receive a
 103 renewal award; providing a timeframe within which
 104 students can receive an award; providing an exception
 105 to renewal requirements; amending s. 1011.45, F.S.;
 106 revising the date by which a spending plan must be
 107 submitted to a university's board of trustees for
 108 approval; revising the date by which the Board of
 109 Governors must review and approve such spending plan;
 110 authorizing certain expenditures in a carry forward
 111 spending plan to include a commitment of funds to a
 112 contingency reserve for certain purposes; amending s.
 113 1013.841, F.S.; revising the dates by which a spending
 114 plan must be submitted to a Florida College System
 115 institution's board of trustees for approval; revising
 116 the dates by which the Board of Education shall review

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117 and publish such plans; authorizing certain
 118 expenditures in a carry forward spending plan to
 119 include a commitment of funds to a contingency reserve
 120 for certain purposes; repealing s. 11, chapter 2019-
 121 116, Laws of Florida, relating to the scheduled
 122 reversion of provisions placing a limitation on the
 123 maximum amount of funding that may be appropriated for
 124 performance funding relating to funds for the
 125 operation of workforce education programs and industry
 126 certifications for Florida College System
 127 institutions; providing an effective date.

128
 129 Be It Enacted by the Legislature of the State of Florida:

130
 131 Section 1. Paragraph (c) of subsection (18) of section
 132 1001.03, Florida Statutes, is amended to read:

133 1001.03 Specific powers of State Board of Education.—

134 (18) PUBLIC EDUCATION CAPITAL OUTLAY.—The State Board of
 135 Education shall develop and submit the prioritized list required
 136 by s. 1013.64(4). Projects considered for prioritization shall
 137 be chosen from a preliminary selection group which shall include
 138 the list of projects maintained pursuant to paragraph (d) and
 139 the top two priorities of each Florida College System
 140 institution.

141 (c) A new construction, remodeling, or renovation project
 142 that has not received an appropriation in a previous year shall
 143 not be considered for inclusion on the prioritized list required
 144 by s. 1013.64(4), unless:

145 1. A plan is provided to reserve funds in an escrow

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146 account, specific to the project, into which shall be deposited
 147 each year an amount of funds equal to 0.5 percent of the total
 148 value of the building for future maintenance;

149 2. There ~~exists are~~ sufficient capacity within the cash and
 150 bonding estimate of funds by the Revenue Estimating Conference
 151 to accommodate the project excess funds from the allocation
 152 provided pursuant to s. 1013.60 within the 3-year Public
 153 Education Capital Outlay funding cycle planning period which are
 154 not needed to complete the projects listed pursuant to paragraph
 155 (d); and

156 3. The project has been recommended pursuant to s. 1013.31.

157 Section 2. Subsection (7) of section 1001.7065, Florida
 158 Statutes, is amended to read:

159 1001.7065 Preeminent state research universities program.—

160 (7) STATE UNIVERSITIES PROGRAMS OF DISTINCTION EXCELLENCE
 161 THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors
 162 shall establish standards and measures whereby state
 163 universities that focus on one core competency unique to the
 164 State University System which achieve excellence at the national
 165 or state level, meet state workforce needs, and foster an
 166 innovation economy that focuses on areas such as health care,
 167 security, transportation, and science, technology, engineering,
 168 and mathematics (STEM), including supply chain management,
 169 individual undergraduate, graduate, and professional degree
 170 programs in state universities which objectively reflect
 171 national excellence can be identified. The Board of Governors
 172 may annually submit such programs and make recommendations to
 173 the Legislature by January September 1 for funding, 2018, as to
 174 how any such programs could be enhanced and promoted.

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175 Section 3. Subsection (4) of section 1004.085, Florida
176 Statutes, is amended to read:

177 1004.085 Textbook and instructional materials
178 affordability.-

179 (4) Each Florida College System institution and state
180 university board of trustees is authorized to adopt policies in
181 consultation with providers, including bookstores, which allow
182 for the use of innovative pricing techniques and payment options
183 for textbooks and instructional materials. Such policies may
184 include bulk pricing arrangements that enable students to
185 purchase course materials or texts that are delivered digitally;
186 delivered through other technologies that are, or the licenses
187 of which are, required for use within a course; or delivered in
188 a print format. Innovative pricing techniques and payment
189 options must include an opt-in or opt-out provision for students
190 and may be approved only if there is documented evidence that
191 the options reduce the cost of textbooks and instructional
192 materials for students taking a course.

193 Section 4. Section 1009.50, Florida Statutes, is amended to
194 read:

195 1009.50 Florida Public Student Assistance Grant Program;
196 eligibility for grants.-

197 (1) There is hereby created a Florida Public Student
198 Assistance Grant Program. The program shall be administered by
199 the participating institutions in accordance with rules of the
200 state board.

201 (2) (a) State student assistance grants through the program
202 may be made only to degree-seeking students who enroll in at
203 least 6 semester hours, or the equivalent per term, and who meet

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204 the general requirements for student eligibility as provided in
205 s. 1009.40, except as otherwise provided in this section. The
206 grants shall be awarded annually for the amount of demonstrated
207 unmet need for the cost of education and may not exceed the
208 maximum annual award ~~an amount equal to the average prior~~
209 ~~academic year cost of tuition fees and other registration fees~~
210 ~~for 30 credit hours at state universities or such other amount~~
211 ~~as specified in the General Appropriations Act, to any~~
212 ~~recipient~~. A demonstrated unmet need of less than \$200 shall
213 render the applicant ineligible for a state student assistance
214 grant. Recipients of the grants must have been accepted at a
215 state university or Florida College System institution
216 authorized by Florida law. If funds are available, a student who
217 received an award in the fall or spring term may receive a
218 summer award. A student is eligible for the award for 110
219 percent of the number of credit hours required to complete the
220 program in which enrolled, except as otherwise provided in s.
221 1009.40(3).

222 (b) A student applying for a Florida public student
223 assistance grant shall be required to apply for the Pell Grant.
224 The Pell Grant entitlement shall be considered when conducting
225 an assessment of the financial resources available to each
226 student.

227 (c) Priority in the distribution of grant moneys shall be
228 given to students with the lowest total family resources, in
229 accordance with a nationally recognized system of need analysis.
230 ~~Using the system of need analysis, the department shall~~
231 ~~establish a maximum expected family contribution~~. An institution
232 may not make a grant from this program to a student whose

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233 expected family contribution exceeds one and one-half times the
 234 maximum Pell Grant-eligible family contribution level
 235 ~~established by the department~~. An institution may not impose
 236 additional criteria to determine a student's eligibility to
 237 receive a grant award.

238 (d) Each participating institution shall report, to the
 239 department by the established date, the eligible students
 240 eligible for the program for to whom grant moneys are disbursed
 241 each academic term. Each institution shall also report to the
 242 department necessary demographic and eligibility data for such
 243 students.

244 (3) Based on the unmet financial need of an eligible
 245 applicant, the amount of a Florida public student assistance
 246 grant must be between \$200 and the weighted average of the cost
 247 of tuition and other registration fees for 30 credit hours at
 248 state universities per academic year or the amount specified in
 249 the General Appropriations Act.

250 (4) (a) The funds appropriated for the Florida Public
 251 Student Assistance Grant shall be distributed to eligible
 252 institutions in accordance with a formula approved by the State
 253 Board of Education. The formula shall consider at least the
 254 prior year's distribution of funds, the number of ~~full-time~~
 255 eligible applicants who did not receive awards, the
 256 standardization of the expected family contribution, and
 257 provisions for unused funds. The formula shall account for
 258 changes in the number of eligible students across all student
 259 assistance grant programs established pursuant to this section
 260 and ss. 1009.505, 1009.51, and 1009.52.

261 (b) Payment of Florida public student assistance grants

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262 shall be transmitted to the president of the state university or
 263 Florida College System institution, or to his or her
 264 representative, in advance of the registration period.
 265 Institutions shall notify students of the amount of their
 266 awards.

267 (c) The eligibility status of each student to receive a
 268 disbursement shall be determined by each institution as of the
 269 end of its regular registration period, inclusive of a drop-add
 270 period. Institutions shall not be required to reevaluate a
 271 student's eligibility status after this date for purposes of
 272 changing eligibility determinations previously made.

273 (d) Institutions shall certify to the department within 30
 274 days after the end of regular registration each term the amount
 275 of funds disbursed to each student and shall remit to the
 276 department any undisbursed advances within 60 days after the end
 277 of regular registration each spring term any advances by June 1
 278 of each year. An exception to the remittance deadline may be
 279 granted if the institution documents to the department how it
 280 plans to disburse awards to students for the subsequent summer
 281 term. An institution that uses funds for the summer term shall
 282 certify to the department the amount of funds disbursed to each
 283 student and shall remit to the department any undisbursed
 284 advances within 30 days after the end of the summer term.

285 (e) Each institution that receives moneys through the
 286 Florida Public Student Assistance Grant Program shall prepare a
 287 biennial report that includes a financial audit conducted by the
 288 Auditor General of the institution's administration of the
 289 program and a complete accounting of moneys allocated to the
 290 institution for the program. Such report shall be submitted to

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291 the department by March 1 every other year. The department may
 292 conduct its own annual or biennial audit of an institution's
 293 administration of the program and its allocated funds in lieu of
 294 the required biennial report and financial audit report. The
 295 department may suspend or revoke an institution's eligibility to
 296 receive future moneys for the program or request a refund of any
 297 moneys overpaid to the institution for the program if the
 298 department finds that an institution has not complied with this
 299 section. Any refund requested pursuant to this paragraph shall
 300 be remitted within 60 days after notification by the department.

301 (5) Funds appropriated by the Legislature for state student
 302 assistance grants may be deposited in the State Student
 303 Financial Assistance Trust Fund. Notwithstanding ~~the provisions~~
 304 ~~of~~ s. 216.301 and pursuant to s. 216.351, any balance in the
 305 trust fund at the end of any fiscal year which has been
 306 allocated to the Florida Public Student Assistance Grant Program
 307 shall remain therein and shall be available for carrying out the
 308 purposes of this section.

309 (6) The State Board of Education shall establish rules
 310 necessary to implement this section.

311 Section 5. Present subsections (5) and (6) of section
 312 1009.505, Florida Statutes, are redesignated as subsections (6)
 313 and (7), respectively, a new subsection (5) is added to that
 314 section, and subsections (3) and (4) of that section are
 315 amended, to read:

316 1009.505 Florida Public Postsecondary Career Education
 317 Student Assistance Grant Program.—

318 (3) (a) Student assistance grants through the program may be
 319 made only to certificate-seeking students enrolled at least

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320 half-time in a public postsecondary career certificate program
 321 who meet the general requirements for student eligibility as
 322 provided in s. 1009.40, except as otherwise provided in this
 323 section. The grants shall be awarded annually to any recipient
 324 for the amount of demonstrated unmet need for the cost of
 325 education and may not exceed the ~~average annual cost of tuition~~
 326 ~~and registration fees or such other~~ amount as specified in the
 327 General Appropriations Act. A demonstrated unmet need of less
 328 than \$200 shall render the applicant ineligible for a grant
 329 under this section. Recipients of the grants must have been
 330 accepted at a Florida College System institution authorized by
 331 Florida law or a career center operated by a district school
 332 board under s. 1001.44. If funds are available, a student who
 333 received an award in the fall or spring term may receive a
 334 summer award. A student is eligible for the award for 110
 335 percent of the number of clock hours required to complete the
 336 program in which enrolled.

337 (b) A student applying for a Florida public postsecondary
 338 career education student assistance grant shall be required to
 339 apply for the Pell Grant. A Pell Grant entitlement shall be
 340 considered when conducting an assessment of the financial
 341 resources available to each student; however, a Pell Grant
 342 entitlement shall not be required as a condition of receiving a
 343 grant under this section.

344 (c) Each participating institution shall report~~7~~ to the
 345 department by the established date~~7~~ the ~~eligible~~ students
 346 eligible for the program for to whom grant moneys are disbursed
 347 each academic term. Each institution shall also report to the
 348 department necessary demographic and eligibility data for such

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349 students.

350 (4) (a) The funds appropriated for the Florida Public
 351 Postsecondary Career Education Student Assistance Grant Program
 352 shall be distributed to eligible Florida College System
 353 institutions and district school boards in accordance with a
 354 formula approved by the department. The formula shall account
 355 for changes in the number of eligible students across all
 356 student assistance grant programs established pursuant to this
 357 section and ss. 1009.50, 1009.51, and 1009.52.

358 (b) Payment of Florida public postsecondary career
 359 education student assistance grants shall be transmitted to the
 360 president of the Florida College System institution or to the
 361 district school superintendent, or to the designee thereof, in
 362 advance of the registration period. Institutions shall notify
 363 students of the amount of their awards.

364 (c) The eligibility status of each student to receive a
 365 disbursement shall be determined by each institution as of the
 366 end of its regular registration period, inclusive of a drop-add
 367 period. Institutions shall not be required to reevaluate a
 368 student's eligibility status after this date for purposes of
 369 changing eligibility determinations previously made.

370 (d) Participating institutions shall certify to the
 371 department within 30 days after the end of regular registration
 372 each term the amount of funds disbursed to each student and
 373 shall remit to the department any undisbursed advances within 60
 374 days after the end of regular registration each spring term ~~by~~
 375 ~~June 1 of each year.~~ An exception to the remittance deadline may
 376 be granted if the institution documents to the department how it
 377 plans to disburse awards to students for the subsequent summer

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378 term. An institution that uses funds for the summer term shall
 379 certify to the department the amount of funds disbursed to each
 380 student and shall remit to the department any undisbursed
 381 advances within 30 days after the end of the summer term.

382 (e) Each institution that receives moneys through the
 383 Florida Public Postsecondary Career Education Student Assistance
 384 Grant Program shall prepare a biennial report that includes a
 385 financial audit, conducted by the Auditor General, of the
 386 institution's administration of the program and a complete
 387 accounting of moneys allocated to the institution for the
 388 program. Such report shall be submitted to the department by
 389 March 1 every other year. The department may conduct its own
 390 annual or biennial audit of an institution's administration of
 391 the program and its allocated funds in lieu of the required
 392 biennial report and financial audit report. The department may
 393 suspend or revoke an institution's eligibility to receive future
 394 moneys for the program or request a refund of any moneys
 395 overpaid to the institution if the department finds that an
 396 institution has not complied with this section. Any refund
 397 requested pursuant to this paragraph shall be remitted within 60
 398 days after notification by the department.

399 (5) Funds appropriated by the Legislature for state student
 400 assistance grants may be deposited in the State Student
 401 Financial Assistance Trust Fund. Notwithstanding s. 216.301, and
 402 pursuant to s. 216.351, any balance in the trust fund at the end
 403 of any fiscal year which has been allocated to the Florida
 404 Public Postsecondary Career Education Student Assistance Grant
 405 Program shall remain therein and shall be available for carrying
 406 out the purposes of this section.

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407 Section 6. Section 1009.51, Florida Statutes, is amended to
408 read:

409 1009.51 Florida Private Student Assistance Grant Program;
410 eligibility for grants.—

411 (1) There is created a Florida Private Student Assistance
412 Grant Program. The program shall be administered by the
413 participating institutions in accordance with rules of the State
414 Board of Education.

415 (2) (a) Florida private student assistance grants ~~from the~~
416 ~~State Student Financial Assistance Trust Fund~~ may be made only
417 to full-time degree-seeking students who meet the general
418 requirements for student eligibility as provided in s. 1009.40,
419 except as otherwise provided in this section. Such grants shall
420 be awarded for the amount of demonstrated unmet need for tuition
421 and fees and may not exceed the maximum annual award ~~an~~ amount
422 ~~equal to the average tuition and other registration fees for 30~~
423 ~~credit hours at state universities plus \$1,000 per academic~~
424 ~~year, or as specified in the General Appropriations Act, to any~~
425 ~~applicant~~. A demonstrated unmet need of less than \$200 shall
426 render the applicant ineligible for a Florida private student
427 assistance grant. Recipients of such grants must have been
428 accepted at a baccalaureate-degree-granting independent
429 nonprofit college or university, which is accredited by the
430 Commission on Colleges of the Southern Association of Colleges
431 and Schools and which is located in and chartered as a domestic
432 corporation by the state. If funds are available, a student who
433 received an award in the fall or spring term may receive a
434 summer award. No student may receive an award for more than the
435 equivalent of 9 semesters or 14 quarters of full-time

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436 enrollment, except as otherwise provided in s. 1009.40(3).

437 (b) A student applying for a Florida private student
438 assistance grant shall be required to apply for the Pell Grant.
439 The Pell Grant entitlement shall be considered when conducting
440 an assessment of the financial resources available to each
441 student.

442 (c) Priority in the distribution of grant moneys shall be
443 given to students with the lowest total family resources, in
444 accordance with a nationally recognized system of need analysis.
445 ~~Using the system of need analysis, the department shall~~
446 ~~establish a maximum expected family contribution~~. An institution
447 may not make a grant from this program to a student whose
448 expected family contribution exceeds one and one-half times the
449 maximum Pell Grant-eligible family contribution level
450 ~~established by the department~~. An institution may not impose
451 additional criteria to determine a student's eligibility to
452 receive a grant award.

453 (d) Each participating institution shall report, to the
454 department by the established date, ~~the eligible students~~
455 eligible for the program for to whom grant moneys are disbursed
456 each academic term. Each institution shall also report to the
457 department necessary demographic and eligibility data for such
458 students.

459 (3) Based on the unmet financial need of an eligible
460 applicant, the amount of a Florida private student assistance
461 grant must be between \$200 and ~~the average cost of tuition and~~
462 ~~other registration fees for 30 credit hours at state~~
463 ~~universities plus \$1,000 per academic year~~ or the amount
464 specified in the General Appropriations Act.

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465 (4) (a) The funds appropriated for the Florida Private
 466 Student Assistance Grant shall be distributed to eligible
 467 institutions in accordance with a formula approved by the State
 468 Board of Education. The formula shall consider at least the
 469 prior year's distribution of funds, the number of ~~full-time~~
 470 eligible applicants who did not receive awards, the
 471 standardization of the expected family contribution, and
 472 provisions for unused funds. The formula shall account for
 473 changes in the number of eligible students across all student
 474 assistance grant programs established pursuant to this section
 475 and ss. 1009.50, 1009.505, and 1009.52.

476 (b) Payment of Florida private student assistance grants
 477 shall be transmitted to the president of the college or
 478 university, or to his or her representative, in advance of the
 479 registration period. Institutions shall notify students of the
 480 amount of their awards.

481 (c) The eligibility status of each student to receive a
 482 disbursement shall be determined by each institution as of the
 483 end of its regular registration period, inclusive of a drop-add
 484 period. Institutions shall not be required to reevaluate a
 485 student's eligibility status after this date for purposes of
 486 changing eligibility determinations previously made.

487 (d) Institutions shall certify to the department within 30
 488 days after the end of regular registration each term the amount
 489 of funds disbursed to each student and shall remit to the
 490 department any undisbursed advances within 60 days after the end
 491 of regular registration each spring term by June 1 of each year.
 492 An exception to the remittance deadline may be granted if the
 493 institution documents to the department how it plans to disburse

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494 awards to students for the subsequent summer term. An
 495 institution that uses funds for the summer term shall certify to
 496 the department the amount of funds disbursed to each student and
 497 shall remit to the department any undisbursed advances within 30
 498 days after the end of the summer term.

499 (e) Each institution that receives moneys through the
 500 Florida Private Student Assistance Grant Program shall prepare a
 501 biennial report that includes a financial audit, conducted by an
 502 independent certified public accountant, of the institution's
 503 administration of the program and a complete accounting of
 504 moneys ~~in the State Student Financial Assistance Trust Fund~~
 505 allocated to the institution for the program. Such report shall
 506 be submitted to the department by March 1 every other year. The
 507 department may conduct its own annual or biennial audit of an
 508 institution's administration of the program and its allocated
 509 funds in lieu of the required biennial report and financial
 510 audit report. The department may suspend or revoke an
 511 institution's eligibility to receive future moneys ~~from the~~
 512 ~~trust fund~~ for the program or request a refund of any moneys
 513 overpaid to the institution ~~through the trust fund~~ for the
 514 program if the department finds that an institution has not
 515 complied with ~~the provisions of~~ this section. Any refund
 516 requested pursuant to this paragraph shall be remitted within 60
 517 days after notification by the department.

518 (5) Funds appropriated by the Legislature for Florida
 519 private student assistance grants may be deposited in the State
 520 Student Financial Assistance Trust Fund. Notwithstanding ~~the~~
 521 ~~provisions of~~ s. 216.301 and pursuant to s. 216.351, any balance
 522 in the trust fund at the end of any fiscal year which has been

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523 allocated to the Florida Private Student Assistance Grant
 524 Program shall remain therein and shall be available for carrying
 525 out the purposes of this section and as otherwise provided by
 526 law.

527 (6) The State Board of Education shall adopt rules
 528 necessary to implement this section.

529 Section 7. Section 1009.52, Florida Statutes, is amended to
 530 read:

531 1009.52 Florida Postsecondary Student Assistance Grant
 532 Program; eligibility for grants.—

533 (1) There is created a Florida Postsecondary Student
 534 Assistance Grant Program. The program shall be administered by
 535 the participating institutions in accordance with rules of the
 536 State Board of Education.

537 (2) (a) Florida postsecondary student assistance grants
 538 ~~through the State Student Financial Assistance Trust Fund~~ may be
 539 made only to full-time degree-seeking students who meet the
 540 general requirements for student eligibility as provided in s.
 541 1009.40, except as otherwise provided in this section. Such
 542 grants shall be awarded for the amount of demonstrated unmet
 543 need for tuition and fees and may not exceed the maximum annual
 544 award an amount equal to the average prior academic year cost of
 545 ~~tuition and other registration fees for 30 credit hours at state~~
 546 ~~universities plus \$1,000 per academic year, or as~~ specified in
 547 the General Appropriations Act, ~~to any applicant~~. A demonstrated
 548 unmet need of less than \$200 shall render the applicant
 549 ineligible for a Florida postsecondary student assistance grant.
 550 Recipients of such grants must have been accepted at a
 551 postsecondary institution that is located in this ~~the~~ state and

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552 that is:

553 1. A private nursing diploma school approved by the Florida
 554 Board of Nursing; or

555 2. A college or university licensed by the Commission for
 556 Independent Education, excluding those institutions the students
 557 of which are eligible to receive a Florida private student
 558 assistance grant pursuant to s. 1009.51.

559

560 If funds are available, a student who received an award in the
 561 fall or spring term may receive a summer award. No student may
 562 receive an award for more than the equivalent of 9 semesters or
 563 14 quarters of full-time enrollment, except as otherwise
 564 provided in s. 1009.40(3).

565 (b) A student applying for a Florida postsecondary student
 566 assistance grant shall be required to apply for the Pell Grant.
 567 The Pell Grant entitlement shall be considered when conducting
 568 an assessment of the financial resources available to each
 569 student.

570 (c) Priority in the distribution of grant moneys shall be
 571 given to students with the lowest total family resources, in
 572 accordance with a nationally recognized system of need analysis.
 573 ~~Using the system of need analysis, the department shall~~
 574 ~~establish a maximum expected family contribution.~~ An institution
 575 may not make a grant from this program to a student whose
 576 expected family contribution exceeds one and one-half times the
 577 maximum Pell Grant-eligible family contribution level
 578 ~~established by the department~~. An institution may not impose
 579 additional criteria to determine a student's eligibility to
 580 receive a grant award.

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581 (d) Each participating institution shall report, to the
 582 department by the established date, the ~~eligible~~ students
 583 eligible for the program for to whom grant moneys are disbursed
 584 each academic term. Each institution shall also report to the
 585 department necessary demographic and eligibility data for such
 586 students.

587 (3) Based on the unmet financial need of an eligible
 588 applicant, the amount of a Florida postsecondary student
 589 assistance grant must be between \$200 and ~~the average cost of~~
 590 tuition and other registration fees for 30 credit hours at state
 591 universities plus \$1,000 per academic year or the amount
 592 specified in the General Appropriations Act.

593 (4) (a) The funds appropriated for the Florida Postsecondary
 594 Student Assistance Grant shall be distributed to eligible
 595 institutions in accordance with a formula approved by the State
 596 Board of Education. The formula shall consider at least the
 597 prior year's distribution of funds, the number of ~~full-time~~
 598 eligible applicants who did not receive awards, the
 599 standardization of the expected family contribution, and
 600 provisions for unused funds. The formula shall account for
 601 changes in the number of eligible students across all student
 602 assistance grant programs established pursuant to this section
 603 and ss. 1009.50, 1009.505, and 1009.51.

604 (b) Payment of Florida postsecondary student assistance
 605 grants shall be transmitted to the president of the eligible
 606 institution, or to his or her representative, in advance of the
 607 registration period. Institutions shall notify students of the
 608 amount of their awards.

609 (c) The eligibility status of each student to receive a

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610 disbursement shall be determined by each institution as of the
 611 end of its regular registration period, inclusive of a drop-add
 612 period. Institutions shall not be required to reevaluate a
 613 student's eligibility status after this date for purposes of
 614 changing eligibility determinations previously made.

615 (d) Institutions shall certify to the department within 30
 616 days after the end of regular registration each term the amount
 617 of funds disbursed to each student and shall remit to the
 618 department any undisbursed advances within 60 days after the end
 619 of regular registration each spring term by June 1 of each year.
 620 An exception to the remittance deadline may be granted if the
 621 institution documents to the department how it plans to disburse
 622 awards to students for the subsequent summer term. An
 623 institution that uses funds for the summer term shall certify to
 624 the department the amount of funds disbursed to each student and
 625 shall remit to the department any undisbursed advances within 30
 626 days after the end of the summer term.

627 (e) Each institution that receives moneys through the
 628 Florida Postsecondary Student Assistance Grant Program shall
 629 prepare a biennial report that includes a financial audit,
 630 conducted by an independent certified public accountant, of the
 631 institution's administration of the program and a complete
 632 accounting of moneys ~~in the State Student Financial Assistance~~
 633 ~~Trust Fund allocated to the institution~~ for the program. Such
 634 report shall be submitted to the department by March 1 every
 635 other year. The department may conduct its own annual or
 636 biennial audit of an institution's administration of the program
 637 and its allocated funds in lieu of the required biennial report
 638 and financial audit report. The department may suspend or revoke

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639 an institution's eligibility to receive future moneys ~~from the~~
 640 ~~trust fund~~ for the program or request a refund of any moneys
 641 overpaid to the institution ~~through the trust fund~~ for the
 642 program if the department finds that an institution has not
 643 complied with ~~the provisions of~~ this section. Any refund
 644 requested pursuant to this paragraph shall be remitted within 60
 645 days after notification by the department.

646 (5) Any institution that was eligible to receive state
 647 student assistance grants on January 1, 1989, and that is not
 648 eligible to receive grants pursuant to s. 1009.51 is eligible to
 649 receive grants pursuant to this section.

650 (6) Funds appropriated by the Legislature for Florida
 651 postsecondary student assistance grants may be deposited in the
 652 State Student Financial Assistance Trust Fund. Notwithstanding
 653 ~~the provisions of~~ s. 216.301 and pursuant to s. 216.351, any
 654 balance in the trust fund at the end of any fiscal year which
 655 has been allocated to the Florida Postsecondary Student
 656 Assistance Grant Program shall remain therein and shall be
 657 available for carrying out the purposes of this section and as
 658 otherwise provided by law.

659 (7) The State Board of Education shall adopt rules
 660 necessary to implement this section.

661 Section 8. Subsections (2), (4), (5), and (6) of section
 662 1009.893, Florida Statutes, are amended to read:

663 1009.893 Benacquisto Scholarship Program.—

664 (2) The Benacquisto Scholarship Program is created to
 665 reward a high school graduate who receives recognition as a
 666 National Merit Scholar ~~or National Achievement Scholar~~ and who
 667 initially enrolls in the 2014-2015 academic year or, later, in a

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668 baccalaureate degree program at an eligible Florida public or
 669 independent postsecondary educational institution.

670 (4) In order to be eligible for an initial award under the
 671 scholarship program, a student must meet the requirements of
 672 paragraph (a) or paragraph (b).

673 (a) A student who is a resident of this state, as
 674 determined in s. 1009.40 and rules of the State Board of
 675 Education, must:

676 1. Earn a standard Florida high school diploma or its
 677 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,
 678 or s. 1003.435 unless:

679 a. The student completes a home education program according
 680 to s. 1002.41; or

681 b. The student earns a high school diploma from a non-
 682 Florida school while living with a parent who is on military or
 683 public service assignment out of this state;

684 2. Be accepted by and enroll in a Florida public or
 685 independent postsecondary educational institution that is
 686 regionally accredited; and

687 3. Be enrolled full-time in a baccalaureate degree program
 688 at an eligible regionally accredited Florida public or
 689 independent postsecondary educational institution during the
 690 fall academic term following high school graduation.

691 (b) A student who initially enrolls in a baccalaureate
 692 degree program in the 2018-2019 academic year or later and who
 693 is not a resident of this state, as determined in s. 1009.40 and
 694 rules of the State Board of Education, must:

695 1. Physically reside in this state on or near the campus of
 696 the postsecondary educational institution in which the student

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697 is enrolled;

698 2. Earn a high school diploma from a school outside Florida
699 which is comparable to a standard Florida high school diploma or
700 its equivalent pursuant to s. 1002.3105, s. 1003.4281, s.
701 1003.4282, or s. 1003.435 or must complete a home education
702 program in another state; and

703 3. Be accepted by and enrolled full-time in a baccalaureate
704 degree program at an eligible regionally accredited Florida
705 public or independent postsecondary educational institution
706 during the fall academic term following high school graduation.

707 (5) (a) 1. An eligible student who meets the requirements of
708 paragraph (4) (a), who is a National Merit Scholar ~~or National~~
709 ~~Achievement Scholar~~, and who attends a Florida public
710 postsecondary educational institution shall receive a
711 scholarship award equal to the institutional cost of attendance
712 minus the sum of the student's Florida Bright Futures
713 Scholarship and National Merit Scholarship ~~or National~~
714 ~~Achievement Scholarship~~.

715 2. An eligible student who meets the requirements of
716 paragraph (4) (b), who is a National Merit Scholar, and who
717 attends a Florida public postsecondary educational institution
718 shall receive a scholarship award equal to the institutional
719 cost of attendance for a resident of this state minus the
720 student's National Merit Scholarship. Such student is exempt
721 from the payment of out-of-state fees.

722 (b) An eligible student who is a National Merit Scholar ~~or~~
723 ~~National Achievement Scholar~~ and who attends a Florida
724 independent postsecondary educational institution shall receive
725 a scholarship award equal to the highest cost of attendance for

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726 a resident of this state enrolled at a Florida public
727 university, as reported by the Board of Governors of the State
728 University System, minus the sum of the student's Florida Bright
729 Futures Scholarship and National Merit Scholarship ~~or National~~
730 ~~Achievement Scholarship~~.

731 (6) (a) To be eligible for a renewal award, a student must
732 be enrolled full-time, earn all credits for which he or she was
733 enrolled, and maintain a 3.0 or higher grade point average. An
734 eligible Benacquisto Scholar who has fewer than 12 credits to
735 complete their first baccalaureate degree may receive funding
736 for one term in order to complete their degree.

737 (b) A student's renewal status is not affected by
738 subsequent changes in the residency status of the student or
739 residency status of the student's family.

740 (c) ~~(b)~~ A student may receive the scholarship award for a
741 maximum of 100 percent of the number of credit hours required to
742 complete a baccalaureate degree program, or until completion of
743 a baccalaureate degree program, whichever comes first.

744 (d) A student may receive an award for up to 5 years
745 following high school graduation and may not receive the award
746 for more than 10 semesters.

747 (e) A student who receives an award under this program and
748 fails to meet the renewal requirements due to a verifiable
749 illness or other documented emergency may be granted an
750 exception pursuant to s. 1009.40(1)(b)4.

751 Section 9. Section 1011.45, Florida Statutes, is amended to
752 read:

753 1011.45 End of year balance of funds.—Unexpended amounts in
754 any fund in a university current year operating budget shall be

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755 carried forward and included as the balance forward for that
756 fund in the approved operating budget for the following year.

757 (1) Each university shall maintain a minimum carry forward
758 balance of at least 7 percent of its state operating budget. If
759 a university fails to maintain a 7 percent balance in state
760 operating funds, the university shall submit a plan to the Board
761 of Governors to attain the 7 percent balance of state operating
762 funds within the next fiscal year.

763 (2) Each university that retains a state operating fund
764 carry forward balance in excess of the 7 percent minimum shall
765 submit a spending plan for its excess carry forward balance. The
766 spending plan shall be submitted to the university's board of
767 trustees for review, approval, or, if necessary, amendment by
768 September 30 ~~±~~, 2020, and each September 30 ~~±~~ thereafter. The
769 Board of Governors shall review, approve, and amend, if
770 necessary, each university's carry forward spending plan by
771 November 15 ~~October 1~~, 2020, and each November 15 ~~October 1~~
772 thereafter.

773 (3) A university's carry forward spending plan shall
774 include the estimated cost per planned expenditure and a
775 timeline for completion of the expenditure. Authorized
776 expenditures in a carry forward spending plan may include:

777 (a) Commitment of funds to a public education capital
778 outlay project for which an appropriation has previously been
779 provided that requires additional funds for completion and which
780 is included in the list required by s. 1001.706(12) (d);

781 (b) Completion of a renovation, repair, or maintenance
782 project that is consistent with ~~the provisions of~~ s. 1013.64(1),
783 up to \$5 million per project, and replacement of a minor

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784 facility that does not exceed 10,000 gross square feet in size
785 up to \$2 million;

786 (c) Completion of a remodeling or infrastructure project,
787 including a project for a development research school, up to \$10
788 million per project, if such project is survey recommended
789 pursuant to s. 1013.31;

790 (d) Completion of a repair or replacement project necessary
791 due to damage caused by a natural disaster for buildings
792 included in the inventory required pursuant to s. 1013.31;

793 (e) Operating expenditures that support the university
794 mission ~~and that are nonrecurring; and~~

795 (f) Any purpose specified by the board or in the General
796 Appropriations Act; and

797 (g) A commitment of funds to a contingency reserve to
798 assist in addressing unforeseen circumstances that may arise,
799 including natural disasters and other emergencies.

800 (4) Annually, by September 30, the chief financial officer
801 of each university shall certify the unexpended amount of funds
802 appropriated to the university from the General Revenue Fund,
803 the Educational Enhancement Trust Fund, and the
804 Education/General Student and Other Fees Trust Fund as of June
805 30 of the previous fiscal year.

806 (5) A university may spend the minimum carry forward
807 ~~carry forward~~ balance of 7 percent if a demonstrated emergency
808 exists and the plan is approved by the university's board of
809 trustees and the Board of Governors.

810 Section 10. Section 1013.841, Florida Statutes, is amended
811 to read:

812 1013.841 End of year balance of Florida College System

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813 institution funds.-

814 (1) Unexpended amounts in any fund in any Florida College
815 System institution current year state operating budget shall be
816 carried forward and included as the balance forward for that
817 fund in the approved operating budget for the following year.

818 (2) (a) Each Florida College System institution with a final
819 FTE less than 15,000 for the prior year shall maintain a minimum
820 carry forward balance of at least 5 percent of its state
821 operating budget. If a Florida College System institution fails
822 to maintain a 5 percent balance in state operating funds, the
823 president shall provide written notification to the State Board
824 of Education.

825 (b) Each Florida College System institution with a final
826 FTE less than 15,000 for the prior year that retains a state
827 operating fund carry forward balance in excess of the 5 percent
828 minimum shall submit a spending plan for its excess carry
829 forward balance. The spending plan shall include all excess
830 carry forward funds from state operating funds. The spending
831 plan shall be submitted to the Florida College System
832 institution's board of trustees for approval by September 30 †,
833 2020, and each September 30 † thereafter. The State Board of
834 Education shall review and publish each Florida College System
835 institution's carry forward spending plan by November 15 ~~October~~
836 †, 2020, and each November 15 ~~October 1~~ thereafter.

837 (3) (a) Each Florida College System institution with a final
838 FTE of 15,000 or greater for the prior year shall maintain a
839 minimum carry forward balance of at least 7 percent of its state
840 operating budget. If a Florida College System institution fails
841 to maintain a 7 percent balance in state operating funds, the

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842 institution shall submit a plan to the State Board of Education
843 to attain the minimum balance.

844 (b) Each Florida College System institution with a final
845 FTE of 15,000 or greater for the prior year that retains a state
846 operating fund carry forward balance in excess of the 7 percent
847 minimum shall submit a spending plan for its excess carry
848 forward balance. The spending plan shall include all excess
849 carry forward funds from state operating funds. The spending
850 plan shall be submitted to the Florida College System
851 institution's board of trustees for approval by September 30 †,
852 2020, and each September 30 † thereafter. The State Board of
853 Education shall review and publish each Florida College System
854 institution's carry forward spending plan by November 15 ~~October~~
855 †, 2020, and each November 15 ~~October 1~~ thereafter.

856 (4) A Florida College System institution identified in
857 paragraph (3) (a) must include in its carry forward spending plan
858 the estimated cost per planned expenditure and a timeline for
859 completion of the expenditure. Authorized expenditures in a
860 carry forward spending plan may include:

861 (a) Commitment of funds to a public education capital
862 outlay project for which an appropriation was previously
863 provided, which requires additional funds for completion, and
864 which is included in the list required by s. 1001.03(18) (d);

865 (b) Completion of a renovation, repair, or maintenance
866 project that is consistent with ~~the provisions of~~ s. 1013.64(1),
867 up to \$5 million per project;

868 (c) Completion of a remodeling or infrastructure project,
869 up to \$10 million per project, if such project is survey
870 recommended pursuant to s. 1013.31;

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871 (d) Completion of a repair or replacement project necessary
872 due to damage caused by a natural disaster for buildings
873 included in the inventory required pursuant to s. 1013.31;

874 (e) Operating expenditures that support the Florida College
875 System institution's mission ~~which are nonrecurring; and~~

876 (f) Any purpose approved by the state board or specified in
877 the General Appropriations Act; and

878 (g) A commitment of funds to a contingency reserve to
879 assist in addressing unforeseen circumstances that may arise,
880 including natural disasters and other emergencies.

881 Section 11. Section 11 of chapter 2019-116, Laws of
882 Florida, is repealed.

883 Section 12. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 536

INTRODUCER: Senator Diaz

SUBJECT: Charter Schools

DATE: January 10, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 536 establishes the High-Performing Charter School Council, appointed by the Commissioner of Education, to review charter school applications submitted by high-performing charter schools and by high-performing charter school systems and recommend approval or denial to the State Board of Education (SBE). Approval by the SBE requires development of a charter between the sponsor and the applicant.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

Charter schools are public schools that operate under a performance contract, or a “charter,” which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results. The charter contract between the charter school governing board and the sponsor details the school’s mission, program, goals, students served, methods of assessment, and ways to measure success.¹

Under current law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.² Additionally, a state university may grant a charter to a

¹ Florida Department of Education, *FAQ, What are charter schools?*, <http://www.fl DOE.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 22, 2019).

² Section 1002.33(5)(a)1., F.S.

developmental research (laboratory) school³ and must be considered to be the school's sponsor.⁴ Such school must be considered a charter lab school.⁵

In the 2018-2019 school year, over 313,000 students were enrolled in 658 charter schools in 47 Florida school districts.⁶

Charter School Application Process

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.⁷

A sponsor receives and reviews all charter school applications⁸ and, within 90 calendar days of receipt, must by majority vote approve or deny the application.⁹ All charter applicants must prepare and submit an application on a standard application form prepared by the Department of Education (DOE), which:¹⁰

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require.
- For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services in accordance with the law.¹¹

³ Section 1002.32, F.S.

⁴ Section 1002.33(5)(a)2., F.S.

⁵ *Id.*

⁶ Florida Department of Education, *Florida's Charter Schools* (Sept. 2019), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2019.pdf>.

⁷ Section 1002.33(3)(a), F.S.

⁸ Section 1002.33(6)(b), F.S.

⁹ Section 1002.33(6)(b)3.a., F.S.

¹⁰ Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education (SBE) Rule 6A-6.0786, F.A.C.

¹¹ Section 1002.45(1)(d), F.S.

A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant.¹²

Application by a High-Performing Charter School or High-Performing Charter School System

An application submitted by a high-performing charter school or a high-performing charter school system may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:¹³

- The application of a high-performing charter school does not materially comply¹⁴ with the charter school application requirements or, for a high-performing charter school system, the application does not materially comply with high-performing charter school system application requirements specified in law;¹⁵
- The charter school proposed in the application does not materially comply with charter school requirements specified in law;¹⁶
- The proposed charter school's educational program does not substantially replicate¹⁷ that of the applicant or one of the applicant's high-performing charter schools;
- The applicant has made a material misrepresentation or false statement, or concealed an essential or material fact during the application process; or
- The proposed charter school's educational program and financial management practices do not materially comply with the charter school requirements specified in law.

If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based on identified criteria, supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the DOE. The applicant may appeal the sponsor's denial of the application to the State Board of Education.¹⁸

¹² Section 1002.33(6)(b), F.S. A sponsor may receive and consider applications after February 1, if it chooses. *Id.*

¹³ Section 1002.33(6)(b)3.b., F.S.

¹⁴ Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. Section 1002.33(6)(b)3.b., F.S.

¹⁵ Section 1002.332(2)(b), F.S.

¹⁶ Section 1002.33(9)(a)-(f), F.S.

¹⁷ An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools. Section 1002.33(6)(b)3.b., F.S.

¹⁸ Section 1002.33(6)(b)3.c., F.S. An applicant may appeal any denial of that applicant's application or failure to act on an application to the SBE no later than 30 calendar days after receipt of the sponsor's decision or failure to act, and must notify the sponsor of its appeal. The SBE must by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed. The SBE must remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The SBE's decision is a final action subject to judicial review in the district court of appeal, and the sponsor must act upon the decision of the SBE within 30 calendar days after it is received. Section 1002.33(6)(c), F.S.

High Performing Charter Schools and Charter School Systems

High Performing Charter Schools

A charter school is a high-performing charter school if it:¹⁹

- Received at least two school grades of “A” and no school grade below “B” during each of the previous 3 school years or received at least two consecutive school grades of “A” in the most recent 2 school years.
- Received an unqualified opinion on each required annual financial audit²⁰ in the most recent 3 fiscal years for which such audits are available, or 2 most recent fiscal years if the charter school earns two consecutive grades of “A.”
- Did not receive a financial audit that revealed one or more of the financial emergency conditions specified in law²¹ in the most recent 3 fiscal years for which such audits are available, or 2 most recent fiscal years if the charter school earns two consecutive grades of “A.”

A high-performing charter school may submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program.²² If the sponsor fails to act on the application within 90 days after receipt, the application is deemed approved.²³

The Commissioner of Education (commissioner), upon request by a charter school, must verify that the charter school meets the specified criteria and provide a letter to the charter school and the sponsor stating that the charter school is a high-performing charter school. The commissioner must also annually determine whether a high-performing charter school continues to meet the specified criteria.²⁴ An application submitted by a high-performing charter school must include the verification letter provided by the commissioner.²⁵

There are currently 213 charter schools in the state designated as high-performing charter schools.²⁶

¹⁹ Section 1002.331(1), F.S.

²⁰ Any local governmental entity, district school board, charter school, or charter technical career center that will not undergo a financial audit for that fiscal year by the Auditor General must have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds. Section 218.39(1), F.S.

²¹ Section 218.503(1), F.S.

²² Section 1002.331(3)(a)1., F.S. A high-performing charter school may not establish more than two charter schools within the state in any year. However, a high-performing charter school may establish more than one charter school within the state in any year if it operates in the area of a persistently low-performing school and serves students from that school. Section 1002.331(3)(b), F.S.

²³ Section 1002.331(3)(a)2., F.S.

²⁴ Section 1002.331(4), F.S.

²⁵ Section 1002.331(3)(a)1., F.S.

²⁶ Florida Department of Education, *Active High Performing Schools* (Dec. 18, 2019), available at <http://app4.fldoe.org/CSA/PostToWeb/ManageSearch.aspx>.

High-Performing Charter School Systems

A high-performing charter school system means an entity²⁷ that:²⁸

- Operated at least three high-performing charter schools in the state during each of the previous 3 school years;
- Operated a system of charter schools in which at least 50 percent of the charter schools were designated as high-performing charter schools, and no charter school earned a school grade of “D” or “F” in any of the previous 3 school year, with exceptions identified in law;²⁹ and
- Did not receive a financial audit that revealed one or more of the financial emergency conditions specified in law³⁰ in the most recent 3 fiscal years for which such audits are available.

A high-performing charter school system may replicate its high-performing charter schools in any school district in the state. The applicant must submit an application using the standard application form prepared by the DOE which:³¹

- Contains goals and objectives for improving student learning and a process for measuring student improvement.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider when deciding whether to approve or deny the application.

If the sponsor fails to act on the application within 90 days after receipt, the application is deemed approved.

The commissioner must verify all charter schools served by an entity, verify that the entity meets the specified criteria, and provide a letter to the entity stating that it is a high-performing charter school system. The commissioner must annually determine whether a high-performing charter school system continues to meet specified criteria.³² An application submitted by a high-performing charter school system must include the verification letter provided by the commissioner.³³

There are currently three entities identified as high-performing charter school systems, with an additional entity expected to be designated shortly.³⁴

²⁷ “Entity” means a municipality or other public entity that is authorized by law to operate a charter school; a private, nonprofit corporation with tax-exempt status under s. 501(c)(3) of the Internal Revenue Code; or a private, for-profit education management corporation. Section 1002.332(1)(a), F.S.

²⁸ Section 1002.332(1)(b), F.S.

²⁹ Section 1002.332(1)(b)2.a. and b., F.S.

³⁰ Section 218.503(1), F.S.

³¹ Section 1002.332(2)(b), F.S.

³² Section 1002.332(2)(a), F.S.

³³ Section 1002.332(2)(c), F.S.

³⁴ Email, Florida Department of Education (Dec. 18, 2019).

III. Effect of Proposed Changes:

SB 536 modifies s. 1002.33, F.S., to create the High-Performing Charter School Council (council),³⁵ to review charter school applications submitted by high-performing charter schools and by high-performing charter school systems and recommend approval or denial to the State Board of Education (SBE). The bill maintains an application process similar to current law, but requires a high-performing charter school and a high-performing charter school system to submit an application directly to the council rather than to the sponsor.

The bill requires the Commissioner of Education (commissioner) to appoint a sufficient number of members to the council to ensure a fair and impartial review of applications. Additionally:

- Of the members reviewing an application, one-half must represent currently operating charter schools and one-half must represent sponsors.
- At least one of the members representing charter schools must be from a high-performing charter school or a high-performing charter school system.
- The commissioner or a named designee must chair the council.
- Members serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service.

The bill requires that applications submitted to the council by high-performing charter schools and by high-performing charter school systems must comply with the application format developed by the Department of Education (DOE). The bill also establishes an application process, which includes the following:

- The applicant must provide a copy of the application to the sponsor within 3 days after it is submitted to the council.
- The council must review applications using an evaluation instrument developed by the DOE, and must consider the requirements specified in law for all charter school applications in making its recommendation to approve or deny an application.³⁶
- The council must consider applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant. The council may receive an application submitted after February 1 if the council chooses. The council must allow an applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantial corrections and clarifications if such errors may cause the council to recommend denial of the application.
- A sponsor may provide input to the council within 15 days after receiving a copy of the final application submitted to the council. The council must consider such input in reviewing the application.

The bill requires the council to recommend to approve or deny an application by majority vote no later than 30 calendar days after the final application is received, unless the council and the applicant mutually agree in writing to temporarily postpone the vote to a specific date. If the

³⁵ A "council" is an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives. Section 20.03(7), F.S.

³⁶ Section 1002.33(6)(a), F.S.

council fails to act on the application within 30 days after receipt, the application must be submitted to the SBE for action. The recommendation to the SBE must be in writing, and must include fact-based justification to the SBE as to whether an application should be approved or denied within 10 days after the council's decision. If the council recommends denial of the application, the council must state in writing the specific reasons, based on the criteria established in existing law.³⁷ The council must also provide the written recommendation and justification to the applicant and the sponsor within 10 days after making its decision. The bill specifies that the recommendation of the council is not subject to the Administrative Procedures Act (APA),³⁸ which is consistent with current law regarding charter school application decisions.³⁹

The bill requires the SBE to accept or deny the recommendation of the council by majority vote no later than 60 calendar days after receiving the recommendation of the council, and:

- No later than 30 days after receipt of the council's decision, the sponsor and applicant may provide input to the state board regarding the council's recommendation. The commissioner shall receive and make such input available to the state board at least 7 calendar days before the date on which the recommendation by the council is considered.
- If the SBE approves an application, the sponsor must begin development of the charter within 30 days.
- If the SBE denies an application, the SBE must identify in writing the specific reasons, based upon the criteria established in law.⁴⁰
- The SBE's decision is a final action subject to judicial review in the district court of appeal. The decision of the SBE is not subject to the APA.

The bill specifies that an application submitted by a high-performing charter school or a high-performing charter school system may be recommended for denial by the council or denied by the SBE only if the council or SBE demonstrates by clear and convincing evidence the provisions specified in existing law governing denial of such charter applications by a sponsor.⁴¹

The bill modifies s. 1002.331, F.S., to specify that a high-performing charter school may submit an application to replicate its educational program to the council. Additionally, the bill:

- Authorizes a high-performing charter school to submit an application to operate in any school district in the state.
- Requires the commissioner to verify the designation of a charter school as a high-performing charter school and submit a verification letter to the charter school only.

³⁷ Section 1002.33(6)(b)3.b., F.S.

³⁸ In Chapter 120, Florida Statutes, the Administrative Procedure Act (APA) outlines a comprehensive administrative process by which agencies exercise the authority granted by the Legislature while offering opportunities for citizen involvement. This process subjects state agencies to a uniform procedure in enacting rules and issuing orders and allows citizens to challenge an agency's decision. The APA serves to protect the citizens of Florida from thousands of unauthorized rules that would otherwise be in effect. Joint Administrative Procedures Committee, *A Primer of Florida's Administrative Procedures Act*, available at <http://www.japc.state.fl.us/Documents/Publications/PocketGuideFloridaAPA.pdf>, at 3.

³⁹ The recommendation by the Charter School Appeal Commission (commission), established in s. 1002.33(6)(e)1., F.S., and the decision by the SBE to approve or deny the commission's recommendation is not subject to the Administrative Procedures Act. Section 1002.33(6)(c)3.a. and (6)(e)2., F.S.

⁴⁰ Section 1002.33(6)(b)3.b., F.S.

⁴¹ *Id.*

The bill modifies s. 1002.332, F.S., to specify that a high-performing charter school system that seeks to replicate its high-performing charter schools must submit an application to the council. The bill also includes the council, rather than the sponsor, as the entity that must review the information disclosure that is required to be included in the high-performing charter school system application.

The new application process established in the bill may shorten the time necessary for approval of an application by a high-performing charter school and a high-performing charter school system.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education may incur some costs in establishing and administering the High-Performing Charter School Council.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.331, and 1002.332.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



574540

LEGISLATIVE ACTION

Senate

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. .

House

The Committee on Education (Berman) recommended the following:

Senate Amendment

Delete lines 199 - 202

and insert:

c. A sponsor shall provide input to the council within 15 days after receiving a copy of the final application submitted to the council. The sponsor shall articulate in writing the specific reasons, based upon good cause shown, for its recommendation for denial or approval of the application and shall provide supporting documentation to the applicant. The input provided by the sponsor must be included in the



574540

12 application that is provided to the state board.

By Senator Diaz

36-00680-20

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1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; conforming provisions relating to
 4 changes made by the act; establishing the High-
 5 Performing Charter School Council; providing the
 6 purpose of the council; providing for membership of
 7 the council; providing that applications submitted to
 8 the council must comply with specified requirements;
 9 providing the review process for applications for
 10 charter schools submitted to the council; providing
 11 the process for approving or denying a charter school
 12 application submitted to the council; requiring the
 13 State Board of Education as to whether an application
 14 should be approved or denied within a specified
 15 timeframe; providing requirements for such
 16 recommendation; providing construction; requiring the
 17 state board to accept or deny such recommendation
 18 within a specified timeframe; providing the process
 19 for the acceptance or denial of such recommendation;
 20 providing construction; authorizing charter school
 21 sponsors and applicants to provide input to the state
 22 board regarding the council's recommendation;
 23 requiring the Commissioner of Education to receive and
 24 make such input available to the state board within a
 25 specified timeframe; providing grounds on which the
 26 council may recommend denial of, or the state board
 27 may deny, an application submitted by a high-
 28 performing charter school or a high-performing charter
 29

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30 school system; providing construction; amending s.
 31 1002.331, F.S.; conforming a provision to changes made
 32 by the act; deleting a requirement that the
 33 commissioner provide a letter to the sponsor verifying
 34 that a charter school meets specified criteria;
 35 amending s. 1002.332, F.S.; conforming provisions to
 36 changes made by the act; providing an effective date.
 37

38 Be It Enacted by the Legislature of the State of Florida:
 39

40 Section 1. Present paragraphs (f) and (g) of subsection (6)
 41 of section 1002.33, Florida Statutes, are redesignated as
 42 paragraphs (g) and (h), respectively, a new paragraph (f) is
 43 added to that subsection, and paragraph (b) of that subsection
 44 is amended, to read:

45 1002.33 Charter schools.—

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

48 (b) A sponsor shall receive and review ~~all~~ applications for
 49 a charter school using the evaluation instrument developed by
 50 the Department of Education. A sponsor shall receive and
 51 consider charter school applications received on or before
 52 August 1 of each calendar year for charter schools to be opened
 53 at the beginning of the school district's next school year, or
 54 to be opened at a time agreed to by the applicant and the
 55 sponsor. A sponsor may not refuse to receive a charter school
 56 application submitted before August 1 and may receive an
 57 application submitted later than August 1 if it chooses.
 58 Beginning in 2018 and thereafter, a sponsor shall receive and

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59 consider charter school applications received on or before
 60 February 1 of each calendar year for charter schools to be
 61 opened 18 months later at the beginning of the school district's
 62 school year, or to be opened at a time determined by the
 63 applicant. A sponsor may not refuse to receive a charter school
 64 application submitted before February 1 and may receive an
 65 application submitted later than February 1 if it chooses. A
 66 sponsor may not charge an applicant for a charter any fee for
 67 the processing or consideration of an application, and a sponsor
 68 may not base its consideration or approval of a final
 69 application upon the promise of future payment of any kind.
 70 Before approving or denying any application, the sponsor shall
 71 allow the applicant, upon receipt of written notification, at
 72 least 7 calendar days to make technical or nonsubstantive
 73 corrections and clarifications, including, but not limited to,
 74 corrections of grammatical, typographical, and like errors or
 75 missing signatures, if such errors are identified by the sponsor
 76 as cause to deny the final application.

77 1. In order to facilitate an accurate budget projection
 78 process, a sponsor shall be held harmless for FTE students who
 79 are not included in the FTE projection due to approval of
 80 charter school applications after the FTE projection deadline.
 81 In a further effort to facilitate an accurate budget projection,
 82 within 15 calendar days after receipt of a charter school
 83 application, a sponsor shall report to the Department of
 84 Education the name of the applicant entity, the proposed charter
 85 school location, and its projected FTE.

86 2. In order to ensure fiscal responsibility, an application
 87 for a charter school shall include a full accounting of expected

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88 assets, a projection of expected sources and amounts of income,
 89 including income derived from projected student enrollments and
 90 from community support, and an expense projection that includes
 91 full accounting of the costs of operation, including start-up
 92 costs.

93 ~~3.a.~~ A sponsor shall ~~by a majority vote~~ approve or deny an
 94 application by a majority vote no later than 90 calendar days
 95 after the application is received, unless the sponsor and the
 96 applicant mutually agree in writing to temporarily postpone the
 97 vote to a specific date, at which time the sponsor shall by a
 98 majority vote approve or deny the application. If the sponsor
 99 fails to act on the application, an applicant may appeal to the
 100 State Board of Education as provided in paragraph (c). If an
 101 application is denied, the sponsor ~~shall~~, within 10 calendar
 102 days after such denial, shall articulate in writing the specific
 103 reasons, based upon good cause, supporting its denial of the
 104 application and shall provide the letter of denial and
 105 supporting documentation to the applicant and to the Department
 106 of Education.

107 ~~b. An application submitted by a high performing charter~~
 108 ~~school identified pursuant to s. 1002.331 or a high performing~~
 109 ~~charter school system identified pursuant to s. 1002.332 may be~~
 110 ~~denied by the sponsor only if the sponsor demonstrates by clear~~
 111 ~~and convincing evidence that:~~

112 ~~(I) The application of a high performing charter school~~
 113 ~~does not materially comply with the requirements in paragraph~~
 114 ~~(a) or, for a high performing charter school system, the~~
 115 ~~application does not materially comply with s. 1002.332(2)(b);~~

116 ~~(II) The charter school proposed in the application does~~

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117 not materially comply with the requirements in paragraphs
 118 (9) (a) - (f);

119 ~~(III) The proposed charter school's educational program~~
 120 ~~does not substantially replicate that of the applicant or one of~~
 121 ~~the applicant's high performing charter schools;~~

122 ~~(IV) The applicant has made a material misrepresentation or~~
 123 ~~false statement or concealed an essential or material fact~~
 124 ~~during the application process; or~~

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

128

129 ~~Material noncompliance is a failure to follow requirements or a~~
 130 ~~violation of prohibitions applicable to charter school~~
 131 ~~applications, which failure is quantitatively or qualitatively~~
 132 ~~significant either individually or when aggregated with other~~
 133 ~~noncompliance. An applicant is considered to be replicating a~~
 134 ~~high-performing charter school if the proposed school is~~
 135 ~~substantially similar to at least one of the applicant's high-~~
 136 ~~performing charter schools and the organization or individuals~~
 137 ~~involved in the establishment and operation of the proposed~~
 138 ~~school are significantly involved in the operation of replicated~~
 139 ~~schools.~~

140 ~~e. If the sponsor denies an application submitted by a~~
 141 ~~high-performing charter school or a high-performing charter~~
 142 ~~school system, the sponsor must, within 10 calendar days after~~
 143 ~~such denial, state in writing the specific reasons, based upon~~
 144 ~~the criteria in sub-subparagraph b., supporting its denial of~~
 145 ~~the application and must provide the letter of denial and~~

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146 ~~supporting documentation to the applicant and to the Department~~
 147 ~~of Education. The applicant may appeal the sponsor's denial of~~
 148 ~~the application in accordance with paragraph (c).~~

149 4. For budget projection purposes, the sponsor shall report
 150 to the Department of Education the approval or denial of an
 151 application within 10 calendar days after such approval or
 152 denial. In the event of approval, the report to the Department
 153 of Education shall include the final projected FTE for the
 154 approved charter school.

155 5. Upon approval of an application, the initial startup
 156 shall commence with the beginning of the public school calendar
 157 for the district in which the charter is granted. A charter
 158 school may defer the opening of the school's operations for up
 159 to 3 years to provide time for adequate facility planning. The
 160 charter school must provide written notice of such intent to the
 161 sponsor and the parents of enrolled students at least 30
 162 calendar days before the first day of school.

163 (f)1. The High-Performing Charter School Council is
 164 established to review and recommend approval or denial to the
 165 state board of applications submitted by high-performing charter
 166 schools, pursuant to s. 1002.331, and by high-performing charter
 167 school systems, pursuant to s. 1002.332.

168 2. The commissioner shall appoint a sufficient number of
 169 members to the council to ensure a fair and impartial review of
 170 applications. Members shall serve without compensation but may
 171 be reimbursed for travel and per diem expenses in conjunction
 172 with their service. Of the members reviewing an application,
 173 one-half must represent currently operating charter schools and
 174 one-half must represent sponsors. At least one of the members

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175 representing charter schools must be from a high-performing
 176 charter school or a high-performing charter school system. The
 177 commissioner or a named designee shall chair the council.

178 3.a. Applications submitted to the council by high-
 179 performing charter schools and high-performing charter school
 180 systems must comply with the application format developed by the
 181 department and the applicant must provide a copy of the
 182 application to the sponsor within 3 days after it is submitted
 183 to the council. Applications are subject to the requirements of
 184 paragraph (a), which the council shall consider in making its
 185 recommendation to approve or deny an application.

186 b. The council shall review applications for a high-
 187 performing charter school using the evaluation instrument
 188 developed by the department. The council shall consider high-
 189 performing charter school applications received on or before
 190 February 1 of each calendar year for charter schools to be
 191 opened 18 months later at the beginning of the school district's
 192 school year, or to be opened at a time determined by the
 193 applicant. The council may receive an application submitted
 194 after February 1 if the council chooses. The council shall allow
 195 an applicant, upon receipt of written notification, at least 7
 196 calendar days to make technical or nonsubstantial corrections
 197 and clarifications if such errors may cause the council to
 198 recommend denial of the application.

199 c. A sponsor may provide input to the council within 15
 200 days after receiving a copy of the final application submitted
 201 to the council. The council shall consider such input in
 202 reviewing the application.

203 4.a. The council shall recommend to approve or deny an

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204 application by majority vote no later than 30 calendar days
 205 after the final application is received, unless the council and
 206 the applicant mutually agree in writing to temporarily postpone
 207 the vote to a specific date. If the council fails to act on the
 208 application within 30 days after receipt, the application must
 209 be submitted to the state board for action.

210 b. The council shall submit a written recommendation, which
 211 must include fact-based justification, to the state board as to
 212 whether an application should be approved or denied within 10
 213 days after its decision. If the council recommends denial of the
 214 application, the council must state in writing the specific
 215 reasons, based on the criteria in sub-subparagraph 5.c.,
 216 supporting its denial of the application. The council shall also
 217 provide the written recommendation and justification to the
 218 applicant and the sponsor within 10 days after it makes its
 219 decision. The recommendation of the council is not subject to
 220 chapter 120.

221 5.a. The state board shall accept or deny the
 222 recommendation of the council by majority vote no later than 60
 223 calendar days after it receives the recommendation of the
 224 council. If the state board approves an application, the sponsor
 225 must begin development of the charter pursuant to subsection (7)
 226 within 30 days. If the state board denies an application
 227 submitted by a high-performing charter school or a high-
 228 performing charter school system, the state board must identify
 229 in writing the specific reasons, based upon the criteria in sub-
 230 paragraph c., for its denial of the application. The state
 231 board's decision is a final action subject to judicial review in
 232 the district court of appeal. The decision of the state board is

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233 not subject to chapter 120.

234 b. No later than 30 days after receipt of the council's
 235 decision, the sponsor and applicant may provide input to the
 236 state board regarding the council's recommendation. The
 237 commissioner shall receive and make such input available to the
 238 state board at least 7 calendar days before the date on which
 239 the recommendation by the council is considered.

240 c. An application submitted by a high-performing charter
 241 school identified pursuant to s. 1002.331 or a high-performing
 242 charter school system identified pursuant to s. 1002.332 may be
 243 recommended for denial by the council or denied by the state
 244 board only if the council or state board demonstrates by clear
 245 and convincing evidence that:

246 (I) The application of a high-performing charter school
 247 does not materially comply with the requirements in paragraph
 248 (a) or, for a high-performing charter school system, the
 249 application does not materially comply with s. 1002.332 (2) (b);

250 (II) The charter school proposed in the application does
 251 not materially comply with the requirements in paragraphs
 252 (9) (a) - (f);

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

256 (IV) The applicant has made a material misrepresentation or
 257 false statement or concealed an essential or material fact
 258 during the application process; or

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

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262
 263 Material noncompliance is a failure to follow requirements or a
 264 violation of prohibitions applicable to charter school
 265 applications, which failure is quantitatively or qualitatively
 266 significant either individually or when aggregated with other
 267 noncompliance. An applicant is considered to be replicating a
 268 high-performing charter school if the proposed school is
 269 substantially similar to at least one of the applicant's high-
 270 performing charter schools and the organization or individuals
 271 involved in the establishment and operation of the proposed
 272 school are significantly involved in the operation of replicated
 273 schools.

274 Section 2. Paragraph (a) of subsection (3) and subsection
 275 (4) of section 1002.331, Florida Statutes, are amended to read:
 276 1002.331 High-performing charter schools.—

277 (3) (a) ~~1~~ A high-performing charter school may submit an
 278 application to the High-Performing Charter School Council
 279 pursuant to s. 1002.33(6) to operate in any school district in
 280 the state to establish and operate a new charter school that
 281 will substantially replicate its educational program. An
 282 application submitted by a high-performing charter school must
 283 state that the application is being submitted pursuant to this
 284 paragraph and must include the verification letter provided by
 285 the Commissioner of Education pursuant to subsection (4).

286 ~~2. If the sponsor fails to act on the application within 90~~
 287 ~~days after receipt, the application is deemed approved and the~~
 288 ~~procedure in s. 1002.33(7) applies.~~

289 (4) The Commissioner of Education, upon request by a
 290 charter school, shall verify that the charter school meets the

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 291 criteria in subsection (1) and provide a letter to the charter
 292 school ~~and the sponsor~~ stating that the charter school is a
 293 high-performing charter school pursuant to this section. The
 294 commissioner shall annually determine whether a high-performing
 295 charter school under subsection (1) continues to meet the
 296 criteria in that subsection. Such high-performing charter school
 297 shall maintain its high-performing status unless the
 298 commissioner determines that the charter school no longer meets
 299 the criteria in subsection (1), at which time the commissioner
 300 shall send a letter providing notification of its
 301 declassification as a high-performing charter school.

Section 3. Paragraphs (b) and (c) of subsection (2) of
 section 1002.332, Florida Statutes, are amended to read:

1002.332 High-performing charter school system.—

(2)

(b) A high-performing charter school system may replicate
 its high-performing charter schools in any school district in
 the state. The applicant must submit an application to the High-
Performing Charter School Council using the standard application
 form prepared by the Department of Education which:

1. Contains goals and objectives for improving student
 learning and a process for measuring student improvement. These
 goals and objectives must indicate how much academic improvement
 students are expected to demonstrate each year, how success will
 be evaluated, and the specific results to be attained through
 instruction.

2. Contains an annual financial plan for each year
 requested by the charter for operation of the school for up to 5
 years. This plan must contain anticipated fund balances based on

36-00680-20 2020536__
 320 revenue projections, a spending plan based on projected revenue
 321 and expenses, and a description of controls that will safeguard
 322 finances and projected enrollment trends.

3. Discloses the name of each applicant, governing board
 member, and all proposed education services providers; the name
 and sponsor of any charter school operated by each applicant,
 each governing board member, and each proposed education
 services provider that has closed and the reasons for the
 closure; and the academic and financial history of such charter
 schools, which the High-Performing Charter School Council
~~sponsor~~ shall consider when deciding whether to recommend
approval or denial of ~~approve or deny~~ the application.

(c) An application submitted by a high-performing charter
 school system must state that the application is being submitted
 pursuant to this section and must include the verification
 letter provided by the Commissioner of Education pursuant to
 this subsection. ~~If the sponsor fails to act on the application~~
~~within 90 days after receipt, the application is deemed approved~~
~~and the procedure in s. 1002.33(7) applies.~~

Section 4. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 836

INTRODUCER: Senator Simmons

SUBJECT: Funds for the Operation of Schools

DATE: January 10, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 836 provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an Advanced Placement (AP) Capstone Diploma and meets the requirements for a standard high school diploma.

The bill does not require appropriation of additional state funds. The bill may increase funding provided through the FEFP to those school districts that offer the AP Capstone Diploma.

The bill takes effect July 1, 2020.

II. Present Situation:

The Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) programs are utilized in Florida schools to shorten the time necessary for a student to earn a high school diploma and a postsecondary degree, broaden the scope of curricular options available, and increase the depth of study available for a particular subject.¹ The law provides the following benefits to schools and students engaged in these programs:

- Successful completion of a course in any of these programs qualifies for college credit.²
- The percentage of a school's students eligible to earn college credit through any of these programs favorably affects the school's grade.³
- A grade earned in any of these programs is assigned additional weight for determining student eligibility for a Bright Futures Scholarship.⁴

¹ Section 1007.27(1), F.S.

² Section 1003.4295, F.S.

³ Section 1008.34(3)(b)2.b., F.S.

⁴ Section 1009.531(3)(a), F.S.

The AP Program

The AP Program enables willing and academically prepared students to pursue college-level studies while still in high school.⁵ The program consists of college-level courses developed by the AP Program that high schools can choose to offer, and corresponding exams that are administered once a year.⁶ A student must score a ‘3’ or higher, on a 5-point scale, to earn postsecondary credit through the AP Program.⁷

AP Capstone is a diploma granted to students who earn a score of ‘3’ or higher in AP Seminar and AP Research and on four additional AP exams chosen by the student. The program is based on the AP Seminar and AP Research courses, which are yearlong AP courses.⁸ These courses are designed to complement the other AP courses that the AP Capstone student must take.⁹ AP Seminar and AP Research use an interdisciplinary approach to develop skills students need for college-level work.¹⁰ In the 2018-2019 academic year, 1,402 students in 228 high schools in Florida earned an AP Capstone Diploma.¹¹

IB and AICE Diploma Programs

The IB Diploma is only awarded to students who complete, over the course of a two-year program:¹²

- Six subjects chosen from six subject groups, which include:
 - Studies in language and literature
 - Language acquisition
 - Individuals and societies
 - Sciences
 - Mathematics
 - The arts
- An extended essay with a prescribed limit of 4,000 words.
- A theory of knowledge course exploring the nature of knowledge across all disciplines.
- At least three hours each week in creativity, action, and service, which includes participation in the arts, individual and team sports or expeditions or projects, and community and social service activities.

⁵ College Board, AP Central, *AP at a Glance*, <https://apcentral.collegeboard.org/about-ap/ap-a-glance> (last visited Jan. 8, 2020).

⁶ *Id.*

⁷ See ss. 1007.27(5) and 1007.23(1), F.S.

⁸ College Board, *AP Capstone Diploma Program*, <https://apcentral.collegeboard.org/courses/ap-capstone> (last visited Jan. 3, 2020).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Email, College Board (Jan. 7, 2020).

¹² International Baccalaureate, *The IB Diploma Programme*, <https://web.archive.org/web/20100703000358/http://www.ibo.org/diploma/> (last visited Jan. 8, 2020).

To earn the AICE Diploma, students must achieve seven credits within a 25-month period, including at least one credit in:¹³

- A Cambridge International Global Perspectives & Research course;
- Mathematics and science;
- Languages; and
- Arts and humanities.

Successful completion of an IB or AICE curriculum satisfies the credit requirement for receipt of a standard high school diploma,¹⁴ but no similar recognition exists for completion of an AP Capstone Diploma.

Florida Education Finance Program

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in the public schools.¹⁵ The number of FTE students in each of the funded education programs is multiplied by cost factors¹⁶ relative to each program to obtain weighted FTE student values.¹⁷

A student who is enrolled in the AP, IB, or AICE programs and earns a qualifying score on a subject exam in an AP, IB, or full-credit AICE course generates an additional value of 0.16 FTE student membership for a school district.¹⁸ Additionally, classroom teachers may receive bonus funds for the performance of their students on AP, IB, and AICE examinations. School districts must use the additional FTE funds for purposes specified in law.¹⁹

During the 2018-2019 school year, 107,237 Florida public school students received a score of ‘3’ or higher on 183,438 AP exams.²⁰ In the 2019-2020 fiscal year, the additional FTE membership value associated with each student who earns a qualifying score on an AP exam is approximately \$688.²¹

Florida law currently provides additional bonus funding through the FEFP for school districts for each student who receives an IB or AICE diploma. A student earning an IB or AICE diploma

¹³ Cambridge Assessment International Education, *Cambridge AICE Diploma*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/> (last visited Jan. 8, 2020). Students may also complete up to two credits in Interdisciplinary subjects.

¹⁴ Section 1003.4282(1)(a), F.S.

¹⁵ *See* s. 1011.62, F.S.

¹⁶ Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

¹⁷ Section 1011.62, F.S.; Florida Department of Education, *2019-2020 Funding for Florida School Districts*, <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

¹⁸ Section 1011.62(1)(1-n), F.S. A student enrolled in a half-credit AICE course generates an additional value of 0.08 FTE.

¹⁹ Section 1011.62(1)(1)-(n), F.S.

²⁰ Email, College Board (Jan. 7, 2020).

²¹ This figure was calculated with the base student allocation of \$4,279.49, as provided in Specific Appropriation 93, s. 2, ch. 2019-115, L.O.F., and a cost factor of 1.005 for the 9-12 Grade program. No district cost differential was applied.

generates a value of 0.3 FTE.²² In the 2017-2018 fiscal year, approximately 7,271 students received either an IB or an AICE diploma, generating approximately \$9.2 million²³ in additional funding to the school districts.²⁴

III. Effect of Proposed Changes:

SB 836 provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an Advanced Placement (AP) Capstone Diploma and meets the requirements for a standard high school diploma. The bill requires that a value of 0.3 full-time equivalent (FTE) student membership be calculated for each student who receives an AP Capstone Diploma. Such value must be added to the total FTE in basic programs for grades 9 through 12 in the subsequent fiscal year.

In effect, the bill provides the same additional FTE funding for each student who receives an AP Capstone Diploma as a student who receives an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) diploma. The bill may result in more districts offering, and more students earning, the AP Capstone Diploma.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²² Section 1011.62(1)(1-m), F.S.

²³ *Supra* note 18.

²⁴ Department of Education, Office of Funding and Financial Reporting, *Florida Education Finance Program 2018-19 Third Calculation*, at 14 (2019), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/18193rdCalc.pdf>.

B. Private Sector Impact:

Students and families of students who earn college credits in high school through the Advanced Placement (AP) Capstone Diploma program may experience cost savings.

C. Government Sector Impact:

The bill does not require appropriation of additional state funds. The fiscal impact for the AP Capstone Diploma bonus funding within the Florida Education Finance Program is estimated to be \$1.8 million.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 1011.62, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁵ 0.3 additional FTE value of \$1,290 multiplied by 1,402 AP Capstone Diploma recipients in 2019.

By Senator Simmons

9-01151-20

2020836__

1 A bill to be entitled
 2 An act relating to funds for the operation of schools;
 3 amending s. 1011.62, F.S.; revising the annual
 4 allocation to school districts to include an
 5 additional calculation of full-time equivalent
 6 membership for students who earn a College Board
 7 Advanced Placement Capstone Diploma; providing an
 8 effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraph (n) of subsection (1) of section
 13 1011.62, Florida Statutes, is amended to read:
 14 1011.62 Funds for operation of schools.—If the annual
 15 allocation from the Florida Education Finance Program to each
 16 district for operation of schools is not determined in the
 17 annual appropriations act or the substantive bill implementing
 18 the annual appropriations act, it shall be determined as
 19 follows:
 20 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 21 OPERATION.—The following procedure shall be followed in
 22 determining the annual allocation to each district for
 23 operation:
 24 (n) *Calculation of additional full-time equivalent*
 25 *membership based on College Board Advanced Placement scores of*
 26 *students and earning College Board Advanced Placement Capstone*
 27 *Diplomas*.—A value of 0.16 full-time equivalent student
 28 membership shall be calculated for each student in each advanced
 29 placement course who receives a score of 3 or higher on the

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30 College Board Advanced Placement Examination for the prior year
 31 and added to the total full-time equivalent student membership
 32 in basic programs for grades 9 through 12 in the subsequent
 33 fiscal year. A value of 0.3 full-time equivalent student
 34 membership shall be calculated for each student who receives a
 35 College Board Advanced Placement Capstone Diploma and meets the
 36 requirements for a standard high school diploma under s.
 37 1003.4282. Such value shall be added to the total full-time
 38 equivalent student membership in basic programs for grades 9
 39 through 12 in the subsequent fiscal year. Each district must
 40 allocate at least 80 percent of the funds provided to the
 41 district for advanced placement instruction, in accordance with
 42 this paragraph, to the high school that generates the funds. The
 43 school district shall distribute to each classroom teacher who
 44 provided advanced placement instruction:
 45 1. A bonus in the amount of \$50 for each student taught by
 46 the Advanced Placement teacher in each advanced placement course
 47 who receives a score of 3 or higher on the College Board
 48 Advanced Placement Examination.
 49 2. An additional bonus of \$500 to each Advanced Placement
 50 teacher in a school designated with a grade of "D" or "F" who
 51 has at least one student scoring 3 or higher on the College
 52 Board Advanced Placement Examination, regardless of the number
 53 of classes taught or of the number of students scoring a 3 or
 54 higher on the College Board Advanced Placement Examination.
 55
 56 Bonuses awarded under this paragraph shall be in addition to any
 57 regular wage or other bonus the teacher received or is scheduled
 58 to receive. For such courses, the teacher shall earn an

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2020836__

59 additional bonus of \$50 for each student who has a qualifying
60 score.

61 Section 2. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1088

INTRODUCER: Senator Diaz

SUBJECT: Teacher Salary Enhancement

DATE: December 19, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1088 establishes a new teacher salary enhancement to increase teacher salaries as prescribed by the Legislature in the General Appropriations Act (GAA). The bill allows a school district that meets the teacher salary enhancement requirements specified in the GAA to use any additional funds provided in the allocation for any district operating expenditure.

The bill takes effect on July 1, 2020.

II. Present Situation:

Teacher Compensation

Financial incentives play a role in teacher recruitment and retention. Low pay keeps potentially promising candidates away and contributes to turnover.¹ Research indicates that state financial incentive programs have the potential to direct teachers to shortage areas and ensure they stay, but these programs lose their effectiveness if they are not sufficient, sustainable and paired with improvements to working conditions.² A national study of teachers from 2007-12 found that those who earned a base salary of less than \$40,000 were 17 percent less likely to continue teaching after five years than those who earned more than \$40,000.³

The U.S. average public school teacher salary for 2017–18 was \$60,477. State average teacher salaries ranged from those in New York (\$84,227), California (\$80,680), and Massachusetts (\$80,357) at the high end to Mississippi (\$44,926), West Virginia (\$45,642) and Oklahoma

¹ Education Commission of the States, *Mitigating Teacher Shortages: Financial Incentives May 2016* available at <https://www.ecs.org/wp-content/uploads/Mitigating-Teacher-Shortages-Financial-incentives.pdf> at 3.

² *Id.*

³ *Id.*

(\$46,300) at the low end. On average, public school teacher salaries increased by 1.58 percent from the 2016–17 to 2017–18 school years.⁴

The Department of Education (DOE) annually collects and publishes salary data for Florida school district instructional personnel, including teachers. There were 176,984 classroom teachers in public schools in the 2018-2019 school year with an average salary of \$48,486.⁵ The average salaries of other instructional personnel were as follows:⁶

- \$49,326 for social workers;
- \$52,259 for guidance personnel;
- \$54,308 for librarians or media specialists; and
- \$60,662 for school psychologists.

According to the National Education Association (NEA), Florida ranks 26th in the nation for beginning teacher pay for teachers with a bachelor's degree. In 2017-2018, beginning teachers in Florida with a bachelor's degree, earned an average salary of \$37,636.⁷

Salary Schedules

Currently, there is not a statewide minimum salary for instructional personnel, including teachers. The salaries of instructional personnel are set by each school district.⁸ Salary schedules provide differentiated pay for instructional personnel based on district-determined factors including employee performance.⁹

The performance salary schedule provides the opportunity for annual salary adjustments for instructional personnel and school administrators based on performance.¹⁰ Instructional personnel and school administrators hired on or after July 1, 2014,¹¹ and instructional personnel on annual contracts as of July 1, 2014,¹² must be placed on the performance salary schedule. Only teachers rated effective or highly effective may receive a salary adjustment under a performance salary schedule.¹³

A grandfathered salary schedule is a salary schedule adopted by a district school board for paying personnel hired before July 1, 2014, in which compensation is generally based on seniority and educational degree level. In determining the grandfathered salary schedule for

⁴ National Education Association, *Rankings of the States 2018 and Estimates of School Statistics 2019* (April 2019), available at <http://www.nea.org/assets/docs/2019%20Rankings%20and%20Estimates%20Report.pdf>, at 8.

⁵ Florida Department of Education, *Staff in Florida's Public Schools, Full-Time Instructional Staff Summary, 2018-19, Final Survey 2, State/District Level Report*, available at <http://www.fldoe.org/core/fileparse.php/7584/urlt/ARInstructionalDistStaff1819.xlsx>.

⁶ Florida Department of Education, *District Staff Salaries of Selected Positions, 2018-19*, available at <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/staff.stml>.

⁷ National Education Association, *2017-2018 Teacher Benchmark Data* available at <http://www.nea.org/assets/docs/2017-2018%20Teacher%20Benchmark%20Data.pdf> at 3.

⁸ Section 1012.22(1)(c)4., F.S.

⁹ Section 1011.60(4), F.S.

¹⁰ Section 1012.22(1)(c)5. Requirements for the performance evaluation are contained in s. 1012.34, F.S.

¹¹ Section 1012.22(1)(c)5., F.S.

¹² Section 1012.22(1)(c)4., F.S.

¹³ Section 1012.22(1)(c)5.b., F.S.

instructional personnel, a district school board must base a portion of each employee's compensation on the performance evaluation and must provide differentiated pay for instructional personnel and school administrators based on district-determined factors including, but not limited to, additional responsibilities, school demographics, critical teacher shortage areas, and level of job performance difficulties.¹⁴

Florida Education Finance Program

In 1973 the Florida Legislature enacted the Florida Education Finance Program (FEFP) and established the state policy on equalized funding to guarantee to each student in the Florida public education system the availability of programs and services appropriate to his or her educational needs that are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors. To equalize educational opportunities, the FEFP formula recognizes varying:¹⁵

- Local property tax bases;
- Education program costs;
- Costs of living; and
- Costs for equivalent educational programs due to sparsity and dispersion of the student population.

The FEFP is the primary mechanism for funding the operating costs of Florida school districts, including salaries. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.¹⁶ The number of FTE students in each of the funded education programs is multiplied by cost factors¹⁷ relative to each program to obtain weighted FTE student values.¹⁸ The base student allocation from state and local funds is determined annually by the Legislature in the General Appropriations Act (GAA) and is a component in the calculation of each school district's base funding.¹⁹ In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes.²⁰

Currently, the only component of the FEFP that directly addresses teacher compensation is the Florida Best and Brightest Teacher Scholarship Program. The Florida Best and Brightest Teacher Scholarship Program was established in 2015 to provide eligible classroom teachers with an award based on the teacher's evaluation rating and performance on the SAT or ACT standardized assessment.²¹ In 2019, the Florida Best and Brightest Teacher Scholarship Program

¹⁴ Section 1012.22(1)(c)4., F.S.

¹⁵ Department of Education, 2019-20 Funding for Florida School Districts available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

¹⁶ See s. 1011.62, F.S.

¹⁷ Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

¹⁸ Section 1011.62, F.S.; Department of Education, 2019-20 Funding for Florida School Districts available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

¹⁹ Department of Education, 2019-20 Funding for Florida School Districts available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 17.

²⁰ Section 1011.62(6), F.S.

²¹ Section 2, ch.2015-232, L.O.F.

was revised to authorize three types of awards with distinct criteria for determining eligibility.²² The funding for the program is provided through the Florida Best and Brightest Teacher and Principal Allocation categorical fund within the FEFP.²³ In 2018-2019, \$284.5 million was appropriated for the Florida Best and Brightest Teacher and Principal Allocation.²⁴

In 2013, the Legislature appropriated \$480 million in the GAA for the Teacher Salary Increase Allocation for salary increases for school district and charter school classroom teachers, guidance counselors, social workers, psychologists, librarians, principals, and assistant principals. The salary increases were based on performance evaluations and were required to be at least \$2,500 for personnel evaluated as “effective” and up to \$3,500 for personnel evaluated as “highly effective”.²⁵

III. Effect of Proposed Changes:

SB 1088 establishes a new teacher salary enhancement operating categorical fund to increase teacher salaries as prescribed by the Legislature annually in the General Appropriations Act (GAA). In addition to establishing this new operating categorical fund, the bill:

- Requires each school district to use the appropriated funds to increase teacher salaries as prescribed by the Legislature in the GAA.
- Requires funds provided in the teacher salary enhancement allocation to move into the Florida Education Finance Program (FEFP) base student allocation in the subsequent fiscal year.
- Allows a school district that meets the teacher salary enhancement requirements specified in the GAA to use any additional funds provided in the allocation for any district operating expenditure.
- Requires each school district to report to the Department of Education the amount expended for teacher salary increases and the amount expended for any other operating expenditures by January 1 of any fiscal year in which the teacher salary enhancement is appropriated.

Establishing a new categorical fund within the FEFP specifically for teacher salary increases may improve teacher compensation. Increasing teacher compensation may incentivize more people to choose the teaching profession and may improve teacher retention.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²² Section 1012.731, F.S.

²³ Section 1011.62(18), F.S.

²⁴ Section 2, ch.2018-9, L.O.F.

²⁵ Section 2, ch.2013-40, L.O.F.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Funding for the teacher salary enhancement categorical fund would be determined by the Legislature in the General Appropriations Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1011.687 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Diaz

36-01580-20

20201088__

1 A bill to be entitled
 2 An act relating to teacher salary enhancement;
 3 creating s. 1011.687, F.S.; establishing a teacher
 4 salary enhancement allocation in the General
 5 Appropriations Act; requiring each school district to
 6 use the allocated funds to increase teacher salaries;
 7 authorizing school districts that meet the teacher
 8 salary requirements specified in the appropriations
 9 act to use any additional funds provided in the
 10 allocation for any lawful operating expenditure;
 11 requiring each school district to report to the
 12 department by a specified date the amounts expended
 13 for salary increases and any operating expenditures;
 14 providing an effective date.

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

17
 18 Section 1. Section 1011.687, Florida Statutes, is created
 19 to read:

20 1011.687 Teacher salary enhancement; operating categorical
 21 fund.—

22 (1) A teacher salary enhancement allocation shall be
 23 provided for in the General Appropriations Act. Each school
 24 district shall use the allocated funds to increase teacher
 25 salaries as prescribed by the Legislature in the General
 26 Appropriations Act. Funds provided pursuant to this subsection
 27 shall move into the base student allocation in the subsequent
 28 fiscal year.

29 (2) A school district that meets the teacher salary

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30 enhancement requirements specified in the General Appropriations
 31 Act may use any additional funds provided in the allocation for
 32 any district operating expenditure.

33 (3) By January 1 of any fiscal year in which the teacher
 34 salary enhancement is appropriated, each school district must
 35 report to the department, in a manner prescribed by the
 36 department, the amount expended for teacher salary increases and
 37 the amount expended for any other operating expenditures.

38 Section 2. This act shall take effect July 1, 2020.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1164

INTRODUCER: Senator Perry

SUBJECT: Gardiner Scholarship

DATE: January 10, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dew		ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1164 revises eligibility requirements for the Gardiner Scholarship Program (scholarship). Specifically, the bill:

- Allows a student with a disability who turns 3 years of age after September 1 to be determined eligible for the scholarship.
- Provides that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theater in which the instructor meets specified criteria.
- Clarifies the conditions under which a student’s account must be closed and funds revert to the state.

The bill takes effect July 1, 2020.

II. Present Situation:

The Office of K-12 School Choice within the Department of Education (DOE) supports quality public and private educational choice programs by providing information and assistance to promote successful outcomes for students, families, institutions, and communities.¹ Florida provides a variety of school choice scholarship programs, including the:²

- Gardiner Scholarship Program;³
- John M. McKay Scholarship for Students with Disabilities Program;⁴
- Family Empowerment Scholarship;⁵
- Florida Tax Credit Scholarship Program;⁶

¹ Florida Department of Education, *School Choice*, <http://www.fldoe.org/schools/school-choice/> (last visited Dec. 17, 2019).

² Florida Department of Education, *K-12 Scholarship Programs*, <http://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/> (last visited Dec. 17, 2019).

³ Section 1002.385, F.S., and Rule 6A-6.0961, F.A.C.

⁴ Section 1002.39, F.S., and Rule 6A-6.0970, F.A.C.

⁵ Section 1002.394, F.S.

⁶ Section 1002.395, F.S., and Rule 6A-6.0960, F.A.C.

- Hope Scholarship Program;⁷ and
- Reading Scholarship Accounts.⁸

Gardiner Scholarship Program

The Gardiner Scholarship Program (scholarship) was established in 2014 to provide eligible students with a disability a scholarship that can be used to meet the individual educational needs of the student. In order to be eligible for receipt of a scholarship, a student must:

- Be a resident of this state;
- Be at least 3 years of age before September 1;
- Have a disability as specified in law; and
- Have an individual education plan (IEP) written in accordance the rules of the State Board of Education (SBE)⁹ or the rules of another state; or
- Have the diagnosis of a disability from a physician or psychologist who holds an active license.¹⁰

The scholarship is directly administered by state-approved nonprofit scholarship funding organizations (SFOs).¹¹ Moneys through scholarships can be used to meet the education needs of students including, but not limited to:¹²

- Applied behavior analysis services;
- Speech or occupational therapy;
- Physical therapy;
- Instructional materials;
- Tuition or fees associated with enrollment in an eligible private school, tutoring program, home education program, or virtual program;
- Fees for nationally standardized achievement tests or other assessments;
- Fees or services provided by, among others, a therapist certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.;¹³
- Fees for specialized summer education programs or specialized after-school education programs;
- Transition services provided by job coaches;¹⁴ and
- Contributions to a college prepaid account.

⁷ Section 1002.40, F.S., and Rule 6A-60951, F.A.C.

⁸ Section 1002.411, F.S., and Rule 6A-6.0962, F.A.C.

⁹ Rule 6A-6.0961, F.A.C. See also Rules 6A-6.03028, 6A-6.030281, 6A-6.03029, and 6A-6.03311, F.A.C.

¹⁰ Florida Department of Education, Office of Independent Education and Parental Choice, *Gardiner Scholarship Program* (October 2019), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner.pdf>. See s. 1002.385(3), F.S. IEPs are planning instruments for the successful transition of students with disabilities to postsecondary education and career opportunities. Section 1003.5716(1), F.S. See also ss. 1003.4282(10), 1003.5716, and 1002.385, F.S.

¹¹ Florida Department of Education, *supra* note 10. See s. 1002.385(12), F.S.

¹² Section 1002.385(5), F.S.

¹³ Section 1002.385(5)(o), F.S.

¹⁴ “Transition services” means a coordinated set of activities for a student, designed within an outcome-oriented process, that promote movement from school to postschool activities, including postsecondary education; vocational training; integrated employment; supported employment; continuing and adult education; adult services; independent living, or community participation. Section 413.20(26), F.S.

The term of the scholarship continues until one of the following occurs:¹⁵

- The parent does not renew scholarship eligibility;
- The organization determines that the student is ineligible;
- The Commissioner of Education (commissioner) suspends or revokes scholarship participation or use of funds;
- The student's parent fails to comply with parent and student responsibilities for scholarship participation;¹⁶
- The student enrolls in a public school; or
- The student graduates from high school or attains 22 years of age.

Any remaining funds revert to the state after denial or revocation of scholarship eligibility by the commissioner for fraud or abuse, or after three consecutive fiscal years in which an account has been inactive or three consecutive years after high school completion or graduation during which the student is not enrolled in an eligible postsecondary educational institution or a program offered by the institution.¹⁷

The scholarship program has experienced significant growth over the six years since it was established. For the 2014-2015 school year, scholarships totaling \$15.2 million were awarded to 1,560 students.¹⁸ For the 2019-2020 school year, \$145.9 million has been awarded to 13,884 students through scholarships.¹⁹ The average scholarship amount is approximately \$10,500 per student.²⁰

Teacher Certification

Certification of instructional personnel in Florida is required by law to ensure that educators in the state are professionally qualified.²¹ Applicants for Florida educator certifications are governed by law and rules in effect at the time of application and qualification for an initial certification.²² Teaching experience for educator certification purposes is defined as full-time teaching, administrative, or supervisory service.²³

Specialization requirements for certification in K-12 art, music, and drama are outlined in SBE rule.²⁴ Either a bachelor's or higher degree with an undergraduate or graduate major specific to art, music, or drama is required to obtain certification in the subject. Alternatively, a bachelor's or higher degree with 30 semester hours in art, music, or drama in areas specified by SBE rule can substitute for this requirement.

¹⁵ Section 1002.385(6), F.S.

¹⁶ Section 1002.385(11), F.S.

¹⁷ *Id.*

¹⁸ Florida Department of Education, *supra* note 10.

¹⁹ *Id.* Data for 2019-2020 was current as of Oct. 10, 2019.

²⁰ *Id.*

²¹ Rule 6A-4.001(1), F.A.C.

²² Rule 6A-4.002(1)(b), F.A.C. *See* s. 1012.56, F.S.

²³ Rule 6A-4.002(5)(a), F.A.C.

²⁴ Rules 6A-4.0101, 6A-4.0271, and 6A-4.0342, F.A.C. *See also* Rules 6A-4.0021 and 6A-4.003, F.A.C.

III. Effect of Proposed Changes:

SB 1164 revises eligibility requirements for the Gardiner Scholarship Program (scholarship). Specifically, the bill:

- Allows a student with a disability who turns 3 years of age after September 1 to be determined eligible for the scholarship.
- Provides that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theater in which the instructor meets specified criteria.
- Clarifies the conditions under which a student's account must be closed and funds revert to the state.

The bill authorizes a student with a disability who turns 3 years of age after September 1 to be determined to be eligible for the scholarship on or after his or her third birthday if scholarship funds are available and there are no other students on the wait list.

The bill modifies the authorized uses of scholarship funds for transition services; art, music, or theater classes or lessons; and summer and after-school education programs. The bill specifies that transition services that may be funded through the scholarship include a coordinated set of activities that are focused on improving the academic and functional achievement of the student to facilitate his or her movement from school to post-school activities and are based on the student's needs. Transition services may be, but are not required to be, provided by job coaches.

The bill adds tuition and fees associated with a student's participation in a series of classes or lessons relating to art, music, or theater to the list of authorized uses of scholarship funds. The bill specifies that the instructor of the classes or lessons must:

- Hold a valid or expired Florida educator's certificate in art, music or theater;
- Have 3 years of employment experience in art, music, or theater, as demonstrated by employment records;
- Hold a baccalaureate degree or higher from a postsecondary educational institution with a major in music, art, theater, or drama; or
- Hold a certification or national accreditation in music, art, theater, or drama.

The bill removes the requirement that summer and after-school programs be specialized programs to qualify as eligible uses of scholarship funds. Removing this requirement may provide additional flexibility for parents to use scholarship funds.

The bill also reduces the number of consecutive fiscal years an account must be inactive before a student's scholarship account must be closed from three consecutive fiscal years to two consecutive fiscal years. The bill requires that a parent must annually renew participation in the scholarship for a student to be eligible to receive funding. A student whose participation in the scholarship is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account is closed due to fraud or abuse, lapse of enrollment, or inactivity of the account.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may provide additional Gardiner Scholarship Program (scholarship) opportunities to more students. The bill may also allow parents greater flexibility in meeting their children's individual needs through the scholarship.

C. Government Sector Impact:

The bill modifies the student eligibility criteria for participating in the scholarship to include additional students, if funds are available and there are no students on the wait list. The number of additional students who may become eligible is not known. Funding for the scholarship is determined annually in the General Appropriations Act (GAA). These additional students will not receive funding unless adequate funds are appropriated in the GAA.

VI. Technical Deficiencies:

The bill outlines an option for instructors holding a Florida educator's certificate in theater. However, State Board of Education (SBE) rule references specialized certification for Grades 6-

12 in drama, not theater.²⁵ The word used in the bill may need to be modified to ensure alignment with SBE rule.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill amends section 1002.385 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁵ See Rule 6A-4.0342, F.A.C.



465780

LEGISLATIVE ACTION

Senate

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. .

House

The Committee on Education (Cruz) recommended the following:

Senate Amendment

Delete lines 138 - 139

and insert:

postsecondary educational institution; or

By Senator Perry

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20201164__

A bill to be entitled

An act relating to the Gardiner Scholarship; amending s. 1002.385, F.S.; revising eligibility requirements for the Gardiner Scholarship Program; revising an authorized use of scholarship funds; providing that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theater; providing requirements for instructors of such programs; revising terms under which a student's scholarship account is closed and program funds revert to the state; authorizing certain students to continue spending scholarship funds under certain circumstances; revising a certain obligation of scholarship-funding organizations; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3), subsection (5), paragraph (b) of subsection (6), subsection (11), and paragraph (j) of subsection (12) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(3) PROGRAM ELIGIBILITY.—A parent of a student with a disability may request and receive from the state a Gardiner Scholarship for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;
2. Is 3 or 4 years of age on or before September 1 of the

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year in which the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a public school in this state;

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

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

A student with a disability who meets the requirements of this paragraph, but who turns 3 years of age after September 1, may be determined to be eligible for a Gardiner Scholarship on or after his or her third birthday if program funds are available and there are no other students on the wait list.

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

(a) Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.

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

(c) Specialized services by approved providers or by a hospital in this state which are selected by the parent. These

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59 specialized services may include, but are not limited to:

60 1. Applied behavior analysis services as provided in ss.
61 627.6686 and 641.31098.

62 2. Services provided by speech-language pathologists as
63 defined in s. 468.1125.

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

65 4. Services provided by physical therapists as defined in
66 s. 486.021.

67 5. Services provided by listening and spoken language
68 specialists and an appropriate acoustical environment for a
69 child who is deaf or hard of hearing and who has received an
70 implant or assistive hearing device.

71 (d) Tuition or fees associated with full-time or part-time
72 enrollment in a home education program, an eligible private
73 school, an eligible postsecondary educational institution or a
74 program offered by the postsecondary institution, a private
75 tutoring program authorized under s. 1002.43, a virtual program
76 offered by a department-approved private online provider that
77 meets the provider qualifications specified in s. 1002.45(2)(a),
78 the Florida Virtual School as a private paying student, or an
79 approved online course offered pursuant to s. 1003.499 or s.
80 1004.0961.

81 (e) Fees for nationally standardized, norm-referenced
82 achievement tests, Advanced Placement Examinations, industry
83 certification examinations, assessments related to postsecondary
84 education, or other assessments.

85 (f) Contributions to the Stanley G. Tate Florida Prepaid
86 College Program pursuant to s. 1009.98 or the Florida College
87 Savings Program pursuant to s. 1009.981, for the benefit of the

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88 eligible student.

89 (g) Contracted services provided by a public school or
90 school district, including classes. A student who receives
91 services under a contract under this paragraph is not considered
92 enrolled in a public school for eligibility purposes as
93 specified in subsection (4).

94 (h) Tuition and fees for part-time tutoring services
95 provided by a person who holds a valid Florida educator's
96 certificate pursuant to s. 1012.56; a person who holds an
97 adjunct teaching certificate pursuant to s. 1012.57; a person
98 who has a bachelor's degree or a graduate degree in the subject
99 area in which instruction is given; or a person who has
100 demonstrated a mastery of subject area knowledge pursuant to s.
101 1012.56(5). As used in this paragraph, the term "part-time
102 tutoring services" does not qualify as regular school attendance
103 as defined in s. 1003.01(13)(e).

104 (i) Fees for ~~specialized~~ summer education programs.

105 (j) Fees for ~~specialized~~ after-school education programs.

106 (k) Transition services, including a coordinated set of
107 activities that are focused on improving the academic and
108 functional achievement of the student to facilitate his or her
109 movement from school to post-school activities and are based on
110 the individual student's needs. Transition services may be
111 provided by job coaches.

112 (l) Fees for an annual evaluation of educational progress
113 by a state-certified teacher under s. 1002.41(1)(f), if this
114 option is chosen for a home education student.

115 (m) Tuition and fees associated with programs offered by
116 Voluntary Prekindergarten Education Program providers approved

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117 pursuant to s. 1002.55 and school readiness providers approved
118 pursuant to s. 1002.88.

119 (n) Fees for services provided at a center that is a member
120 of the Professional Association of Therapeutic Horsemanship
121 International.

122 (o) Fees for services provided by a therapist who is
123 certified by the Certification Board for Music Therapists or
124 credentialed by the Art Therapy Credentials Board, Inc.

125 (p) Tuition or fees associated with enrollment in a
126 nationally or internationally recognized research-based training
127 program for a child with a neurological disorder or brain
128 damage.

129 (q) Tuition and fees associated with a student's
130 participation in a series of classes or lessons relating to art,
131 music, or theater. The instructor of the classes or lessons
132 must:

133 1. Hold a valid or expired Florida educator's certificate

134 pursuant to s. 1012.56 in art, music, or theater;

135 2. Have 3 years of employment experience in art, music, or
136 theater, as demonstrated by employment records;

137 3. Hold a baccalaureate degree or higher from a
138 postsecondary educational institution with a major in music,
139 art, theater, or drama; or

140 4. Hold a certification or national accreditation in music,
141 art, theater, or drama.

142
143 A provider of any services receiving payments pursuant to this
144 subsection may not share, refund, or rebate any moneys from the
145 Gardiner Scholarship with the parent or participating student in

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146 any manner. A parent, student, or provider of any services may
147 not bill an insurance company, Medicaid, or any other agency for
148 the same services that are paid for using Gardiner Scholarship
149 funds.

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

152 (b)1. A student's scholarship account must be closed and
153 any remaining funds, including, but not limited to,
154 contributions made to the Stanley G. Tate Florida Prepaid
155 College Program or earnings from or contributions made to the
156 Florida College Savings Program using program funds pursuant to
157 paragraph (5)(f), shall revert to the state after:

158 a. Denial or revocation of program eligibility by the
159 commissioner for fraud or abuse, including, but not limited to,
160 the student or student's parent accepting any payment, refund,
161 or rebate, in any manner, from a provider of any services
162 received pursuant to subsection (5);

163 b. Any period of 3 consecutive years after high school
164 completion or graduation during which the student has not been
165 enrolled in an eligible postsecondary educational institution or
166 a program offered by the institution; or

167 c. ~~Two~~ Three consecutive fiscal years in which an account
168 has been inactive.

169 2. The commissioner must notify the parent and the
170 organization when a Gardiner Scholarship account is closed and
171 program funds revert to the state.

172 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
173 PARTICIPATION.—A parent who applies for program participation
174 under this section is exercising his or her parental option to

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175 determine the appropriate placement or the services that best
 176 meet the needs of his or her child. The scholarship award for a
 177 student is based on a matrix that assigns the student to support
 178 Level III services. If a parent receives an IEP and a matrix of
 179 services from the school district pursuant to subsection (7),
 180 the amount of the payment shall be adjusted as needed, when the
 181 school district completes the matrix.

182 (a) To satisfy or maintain program eligibility, including
 183 eligibility to receive and spend program payments, the parent
 184 must sign an agreement with the organization and annually submit
 185 a notarized, sworn compliance statement to the organization to:

186 1. Affirm that the student is enrolled in a program that
 187 meets regular school attendance requirements as provided in s.
 188 1003.01(13)(b)-(d).

189 2. Affirm that the program funds are used only for
 190 authorized purposes serving the student's educational needs, as
 191 described in subsection (5).

192 3. Affirm that the parent is responsible for the education
 193 of his or her student by, as applicable:

194 a. Requiring the student to take an assessment in
 195 accordance with paragraph (8)(b);

196 b. Providing an annual evaluation in accordance with s.
 197 1002.41(1)(f); or

198 c. Requiring the child to take any preassessments and
 199 postassessments selected by the provider if the child is 4 years
 200 of age and is enrolled in a program provided by an eligible
 201 Voluntary Prekindergarten Education Program provider. A student
 202 with disabilities for whom a preassessment and postassessment is
 203 not appropriate is exempt from this requirement. A participating

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204 provider shall report a student's scores to the parent.

205 4. Affirm that the student remains in good standing with
 206 the provider or school if those options are selected by the
 207 parent.

208 (b) The parent must file an application for initial program
 209 participation with an organization by the dates established
 210 pursuant to this section.

211 (c) The parent must notify the school district that the
 212 student is participating in the Gardiner Scholarship Program if
 213 the parent chooses to enroll the student in a home education
 214 program as provided in s. 1002.41. This notification is not in
 215 lieu of the required notification a parent must submit to the
 216 district when establishing a home education program pursuant to
 217 s. 1002.41(1)(a).

218 (d) The parent must enroll his or her child in a program
 219 from a Voluntary Prekindergarten Education Program provider
 220 authorized under s. 1002.55, a school readiness provider
 221 authorized under s. 1002.88, or an eligible private school if
 222 either option is selected by the parent.

223 (e) The parent must annually renew participation in the
 224 program in order for a student to be eligible to receive
 225 funding. A student whose participation in the program is not
 226 renewed may continue to spend scholarship funds that are in his
 227 or her account from prior years unless the account must be
 228 closed pursuant to paragraph (6)(b). Notwithstanding any changes
 229 to the student's IEP, a student who was previously eligible for
 230 participation in the program shall remain eligible to apply for
 231 renewal. However, for a high-risk child to continue to
 232 participate in the program in the school year after he or she

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233 reaches 6 years of age, the child's application for renewal of
234 program participation must contain documentation that the child
235 has a disability defined in paragraph (2) (d) other than high-
236 risk status.

237 (f) The parent is responsible for procuring the services
238 necessary to educate the student. If a parent does not procure
239 the necessary educational services for the student and the
240 student's account has been inactive for 2 consecutive fiscal
241 years, the student is ineligible and the student's account must
242 be closed pursuant to paragraph (6) (b) for additional
243 scholarship payments until the scholarship funding organization
244 verifies that expenditures from the account have occurred. When
245 the student receives a Gardiner Scholarship, the district school
246 board is not obligated to provide the student with a free
247 appropriate public education. For purposes of s. 1003.57 and the
248 Individuals with Disabilities in Education Act, a participating
249 student has only those rights that apply to all other
250 unilaterally parentally placed students, except that, when
251 requested by the parent, school district personnel must develop
252 an individual education plan or matrix level of services.

253 (g) The parent is responsible for all eligible expenses in
254 excess of the amount of the Gardiner Scholarship.

255 (h) The parent may not transfer any prepaid college plan or
256 college savings plan funds contributed pursuant to paragraph
257 (5) (f) to another beneficiary while the plan contains funds
258 contributed pursuant to this section.

259 (i) The parent may not receive a payment, refund, or rebate
260 from an approved provider of any services under this program.

261

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262 A parent who fails to comply with this subsection forfeits the
263 Gardiner Scholarship.

264 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An
265 organization may establish Gardiner Scholarships for eligible
266 students by:

267 (j) Documenting each scholarship student's eligibility for
268 a fiscal year before granting a scholarship for that fiscal year
269 pursuant to paragraph (3) (b). A student is ineligible for a
270 scholarship if the student's account has been inactive for 2
271 consecutive fiscal years and the student's account has been
272 closed pursuant to paragraph (6) (b). ~~However, once an eligible~~
273 ~~expenditure is made pursuant to paragraph (11) (f), the student~~
274 ~~is eligible for a scholarship based on available funds.~~

275 Section 2. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1218

INTRODUCER: Senator Diaz

SUBJECT: Anti-bullying and Anti-harassment in Schools

DATE: January 10, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Pre-meeting
2.			CF	
3.			RC	

I. Summary:

SB 1218 enhances student safety by extending requirements related to bullying and harassment policies in public schools to private schools participating in a state educational scholarship program (private scholarship schools). The bill also requires private scholarship schools to:

- Meet with a student and his or her parent or guardian prior to enrollment to review information about the private scholarship school; and
- Publish on the school’s website and provide in a written format information regarding the school, including the code of student conduct, ethical conduct policies, and bullying and harassment policies.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Bullying and Harassment

In 2008,¹ the Florida Legislature enacted the Jeffrey Johnston Stand Up for All Students Act, which prohibits the bullying and harassment of any student or employee of a public K-12 educational institution.² The prohibition applies to bullying and harassment:³

- During any education program or activity conducted by a public K-12 educational institution;
- During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution;

¹ Chapter 2008-123, L.O.F., codified as s. 1006.147, F.S.

² Section 1006.147(2), F.S.

³ Section 1006.147(2), F.S.

- Through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of a public K-12 institution⁴; or
- Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school, or substantially disrupts the education process or orderly operation of a school.

Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public or private humiliation; or destruction of property.⁵

Cyberbullying means bullying through the use of technology or any electronic communication, including electronic mail, internet communications, instant messages, or facsimile communication.⁶ Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions of bullying.⁷ Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the conditions enumerated in the definition of bullying.⁸

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:⁹

- Places a student or school employee in reasonable fear of harm to his or her person or damage or his or her property;
- Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- Has the effect of substantially disrupting the orderly operation of a school.

School District Policy

Each school district must adopt and review, at least every 3 years, a policy prohibiting the bullying and harassment of any student or employee.¹⁰ The school district must involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and

⁴ "Within the scope of a public K-12 educational institution" means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. Section 1006.147(3)(d), F.S.

⁵ Section 1006.147(3)(a), F.S.

⁶ Section 1006.147(3)(b), F.S.

⁷ *Id.*

⁸ Section 1006.147(3)(d), F.S.

⁹ Section 1006.147(3)(c), F.S.

¹⁰ Section 1006.147(4), F.S.

local law enforcement agencies in the process of adopting and reviewing the policy.¹¹ The law outlines minimum requirements that the policy must include, such as:¹²

- A description of the type of behavior expected from each student and employee of a public K-12 educational institution, including a statement prohibiting and defining bullying and harassment.
- The consequences for a student or employee who commits an act of bullying or harassment or who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.
- A procedure for receiving reports of an alleged act of bullying or harassment and for the prompt investigation of such incident, including allowing a person to anonymously report such an act. The policy must not permit formal disciplinary action to be based solely on an anonymous report.¹³
- A procedure to immediately notify the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.
- A procedure to refer victims and perpetrators of bullying or harassment for counseling.
- A procedure for publicizing the policy, which must include publishing the policy in the code of student conduct and in all employee handbooks.

School Safety and Discipline Reporting

The School Environmental Safety Incident Reporting (SESIR) system assists schools, districts, and the Florida Department of Education (DOE) staff in assessing the extent and nature of problems in school safety.¹⁴ The SESIR system requires all public schools to report certain safety incidents, including incidents of bullying and harassment that occur on school grounds, on school transportation, and at off-campus, school-sponsored events.¹⁵

On or before January 1 of each year, the Commissioner of Education (commissioner) must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of bullying and harassment prohibitions in public schools.¹⁶

Private School Choice Programs

Various scholarship programs promote school choice and assist parents in the placement of their children in diverse educational settings, including private schools.¹⁷ For example, the Hope Scholarship Program provides the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, assault, threat, intimidation, or fighting at school, with the option to transfer the student to another public school or a scholarship to attend an eligible private school.¹⁸ During the 2018-

¹¹ *Id.*

¹² *Id.* at (4)(a)-(n).

¹³ Section 1006.147(4)(f), F.S.

¹⁴ Florida Department of Education, *School Environmental Safety Incident Reporting (SESIR)*, <http://www.fldoe.org/safe-schools/sesir-discipline-data/> (last visited Jan. 2, 2020).

¹⁵ *Id.*

¹⁶ Section 1006.147(8), F.S.

¹⁷ Sections 1002.385, 1002.39, 1002.394, 1002.395, and 1002.40, F.S.

¹⁸ Section 1002.40(1), F.S.

2019 academic year, 2,174 private schools participated in at least one state scholarship program.¹⁹

Private School Obligations

A private school participating in an educational scholarship program (private scholarship school) must meet certain statutory accountability requirements.²⁰ For example, a private scholarship school must:

- Not discriminate on the basis of race, color, or national origin.
- Demonstrate fiscal soundness and accountability to the DOE.
- Meet applicable state and local health, safety, and welfare laws, codes, and rules.
- Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.
- Publish on the school's website, or provide in a written format, information for parents regarding the school, including, but not limited to, programs, services, and the qualifications of classroom teachers.
- Require state and national background screening for each employee and contracted personnel with direct student contact.
- Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.

Department of Education Responsibilities

The DOE is required to oversee private scholarship school compliance with statutory accountability requirements.²¹ In this regard, the DOE must:

- Verify private scholarship school eligibility to participate in the various educational scholarship programs.
- Establish a toll-free hotline that provides parents and private schools with information on participation in the scholarship programs.
- Establish a process by which individuals may notify the DOE of any violation by a parent, private school, or school district of state laws relating to scholarship program participation.
- Conduct inquiries or make referrals to appropriate regulatory agencies upon a reasonable belief that an incident of noncompliance has occurred.
- Require annual, notarized, sworn compliance statements from private scholarship schools.
- Coordinate with entities conducting health inspections of private scholarship schools and obtain copies of the inspection reports.
- Conduct site visits to private schools entering a scholarship program for the first time.
- Coordinate with the State Fire Marshal to obtain access to fire inspection reports for private scholarship schools.

¹⁹ Florida Department of Education, Florida School Choice, *Florida Private Schools Directory*, <http://www.floridaschoolchoice.org/information/privateschooldirectory/DownloadExcelFile.aspx> (follow the "All Schools" hyperlink; sort by scholarship participation), (last visited Jan. 2, 2020).

²⁰ Section 1002.421, F.S.

²¹ Section 1002.421(2)(a), F.S.

The DOE is required to suspend the payment of funds to a private scholarship school that knowingly fails to comply with statutory requirements and prohibit the school from enrolling new scholarship students for one fiscal year and until the school complies. If a private school fails to comply with statutory requirements, the commissioner is authorized to determine that the private school is ineligible to participate in a scholarship program.²²

III. Effect of Proposed Changes:

SB 1218 enhances student safety by extending requirements related to bullying and harassment policies in public schools to private schools participating in a state educational scholarship program (private scholarship schools). The bill also requires private scholarship schools to:

- Meet with a student and his or her parent or guardian prior to enrollment to review information about the private scholarship school; and
- Publish on the school's website and provide in a written format information regarding the school, including the code of student conduct, ethical conduct policies, and bullying and harassment policies.

The bill requires a private scholarship school to adopt policies that comply with the bullying and harassment definitions, responsibilities, protections, and reporting required of public schools. The bill also adds to the existing private scholarship school requirements by requiring that the private scholarship school must publish on the school's website and provide in a written format additional information including the school's code of student conduct, policies related to ethical conduct for school personnel, and policies related to bullying and harassment.

The bill requires a private scholarship school principal or the principal's designee to meet with a student and his or her parent or guardian before the student's enrollment in the private scholarship school to review information about the school. The information reviewed must include the school's academic programs and services, customized educational programs, code of student conduct, attendance policies, bullying and harassment policies, and ethical conduct policies.

The bill requires the Department of Education (DOE) to include data on bullying and harassment in private scholarship schools in the DOE's annual reports on bullying and harassment and private school accountability required pursuant to existing law.

Extending requirements related to bullying and harassment policies to private scholarship schools pursuant to this bill may enhance student safety and reduce incidents of bullying and harassment in private scholarship schools. Requiring private scholarship schools to provide additional information and meet with a student and his or her parent or guardian prior to enrollment may assist students and parents in making informed decisions regarding school choice.

The bill takes effect upon becoming law.

²² Section 1002.421, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private schools participating in a state educational scholarship program (private scholarship schools) may experience incidental costs associated with the additional requirements of the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 1002.421, F.S.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Diaz

36-00873-20

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A bill to be entitled

An act relating to anti-bullying and anti-harassment in schools; amending s. 1002.421, F.S.; expanding the information that private schools participating in an educational scholarship program are required to publish and provide to parents; requiring such private schools to adopt bullying and harassment policies; requiring such schools to report bullying and harassment incidents to the Department of Education; requiring the department to include reported incidents in annual accountability reports; requiring private school principals or their designees to meet and share specified information with students and parents prior to student enrollment in the school; providing an effective date.

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

Section 1. Paragraph (j) of subsection (1) of section 1002.421, Florida Statutes, is amended, and paragraphs (r) and (s) are added to that subsection, to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific

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requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(j) Publish on the school's website ~~and~~, ~~or~~ provide in a written format, information for parents regarding the school, including, but not limited to, programs, services, ~~and~~ the qualifications of classroom teachers, the code of student conduct, the ethical conduct policies required by paragraph (n), and the bullying and harassment policies required by paragraph

(r).
(r) Notwithstanding the school's status as a private school, adopt policies that comply with the bullying and harassment definitions, responsibilities, and protections required pursuant to s. 1006.147. The school shall comply with the incident reporting requirements of s. 1006.147(4)(k) according to procedures specified by the department. Such reporting must be made annually by the department in both the report required pursuant to s. 1006.147(8) and the annual private school accountability report required under subsection
(2).

(s) Require the school principal or the principal's designee to meet with any student and his or her parent or guardian before the student's enrollment to review information about the school, including, but not limited to, the school's academic programs and services, customized educational programs, code of student conduct, attendance policies, bullying and harassment policies, and ethical conduct policies.

The department shall suspend the payment of funds to a private

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59 school that knowingly fails to comply with this subsection, and
60 shall prohibit the school from enrolling new scholarship
61 students, for 1 fiscal year and until the school complies. If a
62 private school fails to meet the requirements of this subsection
63 or has consecutive years of material exceptions listed in the
64 report required under paragraph (q), the commissioner may
65 determine that the private school is ineligible to participate
66 in a scholarship program.

67 Section 2. This act shall take effect upon becoming a law.