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|--------------|--|---|--------------|-------------------------|----------------|--|
| Tab 1 | SB 646 by Mayfield; (Similar to H 00287) Postsecondary Student Athletes | | | | | |
| Tab 3 | SB 1100 by Rouson; (Identical to H 01123) Florida Seal of Fine Arts Program | | | | | |
| Tab 4 | CS/SJR 1216 by EE, Gruters; (Identical to H 00157) Limitation on Terms of Office for Members of a District School Board | | | | | |
| 182116 | A | S | ED, Gruters | Delete L.31 - 35: | 02/06 12:22 PM | |
| Tab 5 | SB 1550 by Cruz; (Identical to H 00993) High School Graduation Requirements | | | | | |
| Tab 6 | SB 1628 by Book (CO-INTRODUCERS) Hooper, Rader; (Similar to CS/H 01213) Holocaust Education | | | | | |
| 722274 | D | S | ED, Book | Delete everything after | 02/07 12:57 PM | |
| Tab 7 | SB 1644 by Book (CO-INTRODUCERS) Flores; (Identical to H 01231) Students With Disabilities in Public Schools | | | | | |
| Tab 8 | SB 1750 by Montford; (Identical to H 00403) High School Graduation Requirements | | | | | |
| 463228 | A | S | ED, Montford | Delete L.16 - 21: | 02/07 12:58 PM | |
| Tab 9 | SB 7042 by GO; State University Facility Designations | | | | | |
| Tab 2 | SB 662 by Wright; (Compare to CS/H 00445) School Grading System | | | | | |
| 909356 | A | S | ED, Wright | Delete L.18: | 02/07 01:07 PM | |
| 484754 | A | S | ED, Wright | Delete L.70 - 74: | 02/07 01:06 PM | |

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Monday, February 10, 2020

TIME: 1:30—3:30 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 646 Mayfield (Similar H 287, Compare H 251, H 7051, S 582) | Postsecondary Student Athletes; Citing this act as the "Student Athlete Achievement Act"; providing requirements for contracts made by a minor or his or her parent or guardian relating to the licensing of the minor's name, image, or likeness while participating in intercollegiate athletics; prohibiting a postsecondary educational institution from preventing students participating in intercollegiate athletics from earning specified compensation; prohibiting certain organizations from preventing such students from earning specified compensation; prohibiting certain entities from preventing students participating in intercollegiate athletics from obtaining professional representation, etc. | ED 02/10/2020 IT RC |
| 2 | SB 662 Wright (Compare CS/H 445) | School Grading System; Revising the calculation of school grades to include certain students who completed a specified number of years of coursework as participants in the United States Armed Forces Junior Reserve Officers' Training Corps program and earned a specified score on the Armed Services Vocational Aptitude Battery, etc. | ED 02/10/2020 MS RC |
| 3 | SB 1100 Rouson (Identical H 1123) | Florida Seal of Fine Arts Program; Establishing the Florida Seal of Fine Arts Program to recognize high school graduates who have attained a high level of skill in fine arts coursework; providing criteria to earn the Seal of Fine Arts; requiring the Commissioner of Education and school districts to perform specified duties to administer the program; prohibiting a school district or the Department of Education from charging a fee for the seal, etc. | ED 02/10/2020 AED AP |

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, February 10, 2020, 1:30—3:30 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|---|--|
| 4 | CS/SJR 1216 Ethics and Elections / Gruters (Identical HJR 157, SJR 1480) | Limitation on Terms of Office for Members of a District School Board; Proposing amendments to the State Constitution to limit the terms of office for a member of a district school board, etc. | EE 01/27/2020 Temporarily Postponed EE 02/03/2020 Fav/CS ED 02/10/2020 RC |
| 5 | SB 1550 Cruz (Identical H 993) | High School Graduation Requirements; Requiring students to submit a Free Application for Federal Student Aid in order to be awarded a standard high school diploma; providing an exception, etc. | ED 02/10/2020 AED AP |
| 6 | SB 1628 Book (Similar CS/H 1213) | Holocaust Education; Authorizing the Department of Education to contract with the Florida Holocaust Museum for specified purposes relating to required instruction, etc. | ED 02/10/2020 AED AP |
| 7 | SB 1644 Book (Identical H 1231) | Students With Disabilities in Public Schools; Requiring school districts to prohibit the use of seclusion on students with disabilities in public schools; prohibiting specified restraint techniques; requiring a video camera to be placed in specified classrooms upon the request of a parent; requiring schools to provide written notice to certain individuals of the placement of a video camera; requiring continuing education and inservice training for instructional personnel teaching students with emotional or behavioral disabilities, etc. | ED 02/10/2020 AED AP |
| 8 | SB 1750 Montford (Identical H 403) | High School Graduation Requirements; Revising the credit requirements to earn a standard high school diploma to include career and technical education rather than practical arts, etc. | ED 02/10/2020 AED AP |

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, February 10, 2020, 1:30—3:30 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|---|------------------|
| 9 | SB 7042 Governmental Oversight and Accountability | State University Facility Designations; Requiring the Board of Governors to adopt regulations regarding the naming or renaming of state university facilities; specifying elements that must be addressed in the naming or renaming process; providing applicability; deleting a prohibition against the naming of facilities in a certain manner, etc. | |
| | | ED 02/10/2020 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 646

INTRODUCER: Senator Mayfield

SUBJECT: Postsecondary Student Athletes

DATE: February 7, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------|----------------|-----------|--------------------|
| 1. | Dew, Brick | Sikes | ED | Pre-meeting |
| 2. | _____ | _____ | IT | _____ |
| 3. | _____ | _____ | RC | _____ |

I. Summary:

SB 646, the “Student Athlete Achievement Act,” establishes protections for a student athlete to earn compensation as a result of the use of the student athlete’s name, image, or likeness (NIL). Specifically, the bill:

- Authorizes a minor who is a student athlete to enter into a contract to license his or her NIL while participating in intercollegiate athletics.
- Prohibits a postsecondary educational institution from preventing a student athlete from earning compensation for use of the student athlete’s NIL.
- Prohibits an athletic association, conference, group, or organization from preventing a student athlete from earning compensation for use of the student athlete’s NIL.
- Specifies requirements and restrictions for student athlete contracts concerning the use of a student athlete’s NIL.

The bill has no impact on state revenues or expenditures. The bill may have a negative, indeterminate fiscal impact on postsecondary educational institutions.

The bill takes effect July 1, 2020.

II. Present Situation:

National Collegiate Athletic Association

The National Collegiate Athletic Association (NCAA) is a nonprofit organization comprised of voluntary members, including colleges and universities, athletic conferences, and affiliated organizations. As the governing and regulatory body for the majority of intercollegiate athletic

programs for Division I, Division II, and Division III sports, the NCAA describes its basic purpose as maintaining and retaining:¹

- Intercollegiate athletics as integral to educational programs;
- Athletes as integral to student bodies; and
- A clear line of demarcation between intercollegiate athletics and professional sports.

The NCAA issues and enforces rules governing athletic competitions for member schools. The rules are developed by a governance system in which members introduce and vote on proposed rules, which vary for student athletes by division.

Amateurism and Eligibility

Student athletes must receive amateurism certification before they are deemed eligible to compete in intercollegiate athletics. The NCAA defines the principle of amateurism such that student athletes must be amateurs who should be:²

- Motivated primarily by education and the derived physical, mental, and social benefits of intercollegiate athletic participation; and
- Protected from exploitation by professional and commercial enterprises.

A student athlete can lose amateur status as determined by the NCAA through, among other activities:³

- Receiving payments from a sports team to participate;
- Using a recruiting agency, agent, or scouting service;
- Accepting prize money based on performance;
- Being represented or marketed by a professional sports agent; or
- Promoting or endorsing a commercial product or service.

Compensation for Student Athletes

The NCAA, along with member colleges and universities, awards nearly \$3.5 billion in athletic scholarships every year to more than 180,000 student athletes.⁴ The NCAA also provides almost \$100 million each year to support student athletes' academic pursuits and assist with basic needs of college life, such as computers, clothing, or emergency travel expenses.⁵

Student athletes are permitted to receive scholarships or grants-in-aid from individual postsecondary educational institutions,⁶ which may cover the cost of tuition and fees, books and

¹ NCAA Bylaw 1.3.1, *Division I Manual 2019-20 NCAA* (Jan. 28, 2020), available at <https://web3.ncaa.org/lstdbi/reports/getReport/90008>, at 1.

² NCAA Bylaw 2.9, *Division I Manual*, *supra* note 1, at 3.

³ NCAA, *Amateurism*, <http://www.ncaa.org/student-athletes/future/amateurism> (last visited Jan. 27, 2020); NCAA Bylaw 12.1.2, *Division I Manual*, *supra* note 1, at 63-68.

⁴ NCAA, Big East Conference Commissioner Val Ackerman and Ohio State Athletic Director Gene Smith, *Statement from Federal and State Legislation Working Group co-chairs on name, image and likeness efforts* (Jan. 23, 2020), available at <http://www.ncaa.org/about/resources/media-center/news/statement-federal-and-state-legislation-working-group-co-chairs-name-image-and-likeness-efforts>.

⁵ NCAA, *Finances*, <https://www.ncaa.org/about/resources/finances> (last visited Jan. 28, 2020).

⁶ NCAA, *NCAA Recruiting Facts*, <http://www.ncaa.org/sites/default/files/Recruiting%20Fact%20Sheet%20WEB.pdf>, (last visited Jan. 28, 2020).

supplies, room and board, transportation, and personal expenses.⁷ However, a student athlete's grant-in-aid must not exceed the cost of attendance at the student athlete's institution.⁸

Penalties for violation of NCAA bylaws may include financial sanctions, repayment of moneys received from competition, forfeiture of contents, and expulsion from the association.⁹

Name, Image, and Likeness (NIL)

NCAA rules prohibit student athletes from receiving compensation for the use of the student athlete's name, image, or likeness (NIL) to advertise or promote the sale or use of any kind of commercial product or service.¹⁰ Student athletes who use their NIL to promote sale or use of a commercial product or service are held ineligible to participate in intercollegiate athletics.¹¹ The NCAA has cited concerns about the potentially harmful consequences of increased access to compensation or other features related to NIL for potential student athletes in the recruiting process.¹²

On October 28, 2019, the NCAA Board of Governors voted to permit students participating in intercollegiate athletics to benefit from the use of their NIL in a manner consistent with the collegiate model.¹³ The Board of Governors directed each of the NCAA's three divisions to consider updates to relevant bylaws and policies, with the addition of new rules no later than January 2021.¹⁴ On January 23, 2020, representatives of the NCAA voiced concerns about harmful influences and effects relating to use of NIL, particularly regarding recruitment and national parity in intercollegiate athletics.¹⁵ The Federal and State Legislation Working Group will provide ongoing guidance to members of the NCAA on modifications to permitted uses of a student athlete's NIL.¹⁶

Representation of Student Athletes

A student athlete is defined as a student whose enrollment was solicited by a member of the athletics staff or other representative of athletics interests with a view toward the student's ultimate participation in the intercollegiate athletics program.¹⁷ Under NCAA rules student athletes are not permitted to agree to be represented by an agent or organization to market the

⁷ Office of Student Financial Assistance, *Financial Aid Terms and Definitions*, <https://www.floridastudentfinancialaidsg.org/pdf/TermsAndDefinitions.pdf> (last visited Jan. 28, 2020), at 2.

⁸ NCAA Bylaw 2.13, *Division I Manual*, *supra* note 1, at 3.

⁹ See *Division I Manual*, *supra* note 1.

¹⁰ NCAA Bylaws 12.4.2.3, 12.5.1.3, and 12.5.2.1, *Division I Manual*, *supra* note 1, at 74, 75, and 77.

¹¹ NCAA Bylaw 12.5.2.1, *Division I Manual*, *supra* note 1, at 77.

¹² NCAA, *Statement from Federal and State Legislation Working Group co-chairs on name, image and likeness efforts*, *supra* note 4.

¹³ NCAA, *Board of Governors starts process to enhance name, image and likeness opportunities* (October 29, 2019), available at <http://www.ncaa.org/about/resources/media-center/news/board-governors-starts-process-enhance-name-image-and-likeness-opportunities>.

¹⁴ State University System of Florida, *Agency Bill Analysis for SB 646* (2020), at 2.

¹⁵ *Statement from Federal and State Legislation Working Group co-chairs on name, image and likeness efforts*, *supra* note 4.

¹⁶ *Id.*

¹⁷ NCAA Bylaw 12.02.14, *Division I Manual*, *supra* note 1, at 62. Any other student becomes a student athlete only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department. *Id.* Florida law defines student athlete as any student who participates or formally intends to participate in intercollegiate athletics. Section 468.452(5), F.S.

student athlete's ability or reputation until the completion of the student athlete's last intercollegiate contest. NCAA rules also forbid a student athlete or his or her representative from negotiating or signing a playing contract in any sport in which the student athlete intends to compete, or marketing the student athlete's name or image.

Contracts for Minors

A contract made or proposed to be made by a minor, or a minor's parent or guardian, under which the minor is to perform or render artistic or creative services, may be approved by the probate division of the circuit court, or any other division of the circuit court that has guardianship jurisdiction, where the minor is a resident of this state or the services of the minor are to be performed or rendered in this state.¹⁸

Licensing of Athlete Agents

The licensing and regulation of athlete agents in Florida is a state government function administered by the Department of Business and Professional Regulation (DBPR), which processes licenses and responds to consumer complaints and inquiries in addition to monitoring activities and compliance within the athlete agent industry. An athlete agent is a person who:¹⁹

- Recruits or solicits a student athlete to enter into an agent contract, directly or indirectly;
- Procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, for any type of financial gain; or
- Markets or attempts to market the student athlete's athletic ability or athletic reputation with any promoter.

An agent contract is the contract or agreement in which a student athlete authorizes an athlete agent to represent the student in the marketing of the student's athletic ability or athletic reputation.²⁰ In order to be valid, such contract is specifically required to include any fees paid to the agent and indicate how such fees are calculated. The athlete agent is also required to follow certain procedures during the contracting process, such as alerting the athletic director of the educational institution of the existence of the agent contract. The contracts are generally voidable by the student athlete within 14 days of execution.²¹

In order to be licensed as an athlete agent, an applicant must be at least 18 years of age, of good moral character, and have completed the application form with fingerprints for a background check. Applicants must remit to DBPR an initial application fee of \$250, an initial licensure fee of \$375, an unlicensed activity fee of \$5, and a biennial renewal fee of \$220.²²

¹⁸ Section 743.08, F.S.

¹⁹ Section 468.452(2), F.S.

²⁰ Section 468.452(1), F.S.

²¹ Section 468.454, F.S.

²² Rule 61-24.004, F.A.C.

Athlete agents must establish and maintain complete business and financial records,²³ and athlete agents are subject to disciplinary action for violating practice requirements, including:

- Commingling money or property of another person with the athlete agent's money or property.²⁴
- Committing mismanagement or misconduct which causes financial harm to a student athlete or college or university.²⁵
- Violating or aiding and abetting another person to violate the rules of the athletic conference or collegiate athletic association governing a student athlete or student athlete's college or university.²⁶

An unlicensed person is generally prohibited from acting as an athlete agent.²⁷ However, an unlicensed individual may act as an athlete agent if:²⁸

- A student athlete or person acting on the student athlete's behalf initiates communication with the individual; and
- The individual submits an application for licensure within seven days after an initial act as an athlete agent.

In the 2018-2019 fiscal year, there were 321 licensed athlete agents in Florida.

Intercollegiate Athletic Programs in Florida

Athletic programs in Florida include NCAA Divisions I and II, the National Junior College Athletic Association (NJCAA), the National Association of Intercollegiate Athletics (NAIA), and the National Christian College Athletic Association (NCCAA).²⁹ The number of schools in each program includes:

- 13 schools in NCAA Division I.
- 13 schools in NCAA Division II.
- 25 institutions in the NJCAA.
- 10 institutions in the NAIA.
- 3 institutions in the NCCAA.

The NCAA has levied 30 penalties against Division 1 universities in Florida since 1955. Recent sanctions include recruitment violations at the University of Central Florida in 2010, 2012, and 2019, and improper designations of student eligibility at Florida Agricultural and Mechanical University in 2019.

²³ See s. 468.4565, F.S. DBPR has the right to full inspection of such records and may exercise its subpoena powers to obtain the financial and business records of an athlete agent.

²⁴ Section 468.456(1)(d), F.S.

²⁵ Section 468.456(1)(h), F.S.

²⁶ Section 468.456(1)(k), F.S. In addition, s. 468.4562, F.S., establishes civil actions for institutions damaged by a national association, athletic conference, or relevant entity on account of actions by an agent or student athlete.

²⁷ Section 468.4561, F.S.

²⁸ Section 468.453(3), F.S.

²⁹ There are no NCAA Division III athletic programs in Florida.

NCAA Division I Intercollegiate Athletic Programs³⁰

| Institution Name | Classification | Total Undergraduates | Total Expenses | Total Revenue |
|----------------------------------|-----------------------|-----------------------------|-----------------------|----------------------|
| Florida State University | FBS | 29,187 | \$ 167,054,375.00 | \$ 177,512,950.00 |
| University of Florida | FBS | 30,887 | \$ 157,240,476.00 | \$ 157,240,476.00 |
| University of Miami | FBS | 10,134 | \$ 94,723,980.00 | \$ 94,723,980.00 |
| University of Central Florida | FBS | 39,685 | \$ 60,069,492.00 | \$ 60,069,492.00 |
| University of South Florida | FBS | 24,342 | \$ 51,710,233.00 | \$ 51,710,233.00 |
| Florida International University | FBS | 26,210 | \$ 31,172,655.00 | \$ 38,240,735.00 |
| Florida Atlantic University | FBS | 15,907 | \$ 27,662,831.00 | \$ 27,662,831.00 |
| Stetson University | FCS | 2,998 | \$ 19,391,731.00 | \$ 19,391,731.00 |
| Jacksonville University | FCS | 2,174 | \$ 17,180,946.00 | \$ 17,180,946.00 |
| Florida Gulf Coast University | (no football) | 10,821 | \$ 15,037,882.00 | \$ 15,037,882.00 |
| Bethune-Cookman University | FCS | 3,751 | \$ 14,397,984.00 | \$ 14,397,984.00 |
| University of North Florida | (no football) | 10,147 | \$ 11,835,623.00 | \$ 12,546,853.00 |
| Florida A&M University | FCS | 6,852 | \$ 9,922,955.00 | \$ 9,922,955.00 |

Annual Submission of Disclosures

Each institution of higher education which receives federal funding and is attended by students receiving athletically related student aid must annually submit detailed disclosures with respect to athletically related student aid to the Secretary.³¹ The law allows a similar report required by the NCAA to substitute for the requirements of the federal report.

Recent Developments

NCAA Working Group

In 2019, the NCAA president and Board of Governors appointed a federal and state legislation working group to examine issues related to student athlete NIL and make recommendations to maintain the demarcation between professional and college sports.³² The Board of Governors charged the working group with writing a set of overarching principles to guide each division as it devises consistent legislation regarding NIL payments.³³

Legislation in Other States

California recently passed the first law of its kind allowing college athletes in the state to hire agents and earn compensation for the use of NIL, which will go into effect January, 2023.³⁴

³⁰ See generally, U.S. Department of Education, *Equity in Athletics Data Analysis*, <https://ope.ed.gov/athletics/#/customdata/search> (last visited Jan. 23, 2020).

³¹ 20 U.S.C. s. 1092.

³² Michelle Brutlag Hosick, NCAA, *NCAA working group to examine name, image and likeness* (May 14, 2019), available at <http://www.ncaa.org/about/resources/media-center/news/ncaa-working-group-examine-name-image-and-likeness>.

³³ NCAA, *NCAA Board of Governors Federal and State Legislation Working Group* (2019), https://ncaaorg.s3.amazonaws.com/committees/ncaa/exec_boardgov/BOG_FederalStateLegWGFINAL.pdf, at 1.

³⁴ Cal. Educ. Code § 67456 (West). Legislation undertaken in the state of California does not go into effect until 2023, allowing time for consideration and alignment of NCAA bylaws and legislation in other states.

Other states including Illinois, New York, North Carolina, and Washington have proposed legislation relating to compensation for use of a student athlete's NIL,³⁵ and a federal bill is proposing to rescind tax-exempt status from any organization that denies an athlete compensation for use of NIL.³⁶

Relevant Litigation

Since 2009, numerous former college athletes have sued the NCAA for violating antitrust law by limiting the amount of compensation a college athlete may receive for performance. Courts have ruled that:

- The NCAA must allow an institution to provide an athlete with financial aid at least equal to the cost of attendance.³⁷
- The NCAA may prohibit a college athlete from contracting to profit from his or her NIL without violating antitrust law.³⁸
- A student athlete is not an employee and is not entitled to protection under the Fair Labor Standards Act.³⁹

III. Effect of Proposed Changes:

The "Student Athlete Achievement Act" establishes protections for a student athlete to earn compensation as a result of the use of the student athlete's name, image, or likeness (NIL). Specifically, the bill:

- Authorizes a minor who is a student athlete to enter into a contract to license his or her NIL while participating in intercollegiate athletics.
- Prohibits a postsecondary educational institution from preventing a student athlete from earning compensation for use of the student athlete's NIL.
- Prohibits an athletic association, conference, group, or organization from preventing a student athlete from earning compensation for use of the student athlete's NIL.
- Specifies requirements and restrictions for student athlete contracts concerning the use of a student athlete's NIL.

The bill prohibits a postsecondary educational institution from upholding any rule, requirement, standard, or other limitation that prevents a student of that institution from participating in intercollegiate athletics from earning compensation as a result of the use of the student's NIL. Earning compensation from the use of a student's NIL may not affect scholarship eligibility, and a scholarship may not be revoked as a result of the student earning compensation or obtaining related professional or legal representation. Moreover, a postsecondary educational institution may not provide or offer to provide a prospective student who may participate in intercollegiate athletics compensation in relation to the student's NIL.⁴⁰

³⁵ H.B. 3904, 2019 Leg. (Ill. 2019); S.B. 6722A, 2019 Leg. (N.Y. 2019); S.B. 335, 2019 Leg. (N.C. 2019); H.B. 1084, 2019 Leg. (Wash. 2019). *See also* National Conference of State Legislatures, *Pay for Play for College Athletes?* (Sept. 30, 2019), <https://www.ncsl.org/blog/2019/09/30/pay-for-play-for-college-athletes.aspx>.

³⁶ H.R. 1804, 116th Cong. (2019).

³⁷ *O'Bannon v. Nat'l Collegiate Athletic Ass'n*, 802 F.3d 1049 (9th Cir. 2015).

³⁸ *Id.*

³⁹ *Berger v. Nat'l Collegiate Athletic Ass'n*, 843 F.3d 285, 293 (7th Cir. 2016).

⁴⁰ A scholarship that meets the cost of attendance is not considered compensation for NIL.

The bill specifies that an athletic association, conference, or other group or organization with authority over intercollegiate athletics, including the National Collegiate Athletic Association, may not:

- Prevent a student athlete from earning compensation as a result of use of the student's NIL;
- Prevent a postsecondary educational institution from participating in intercollegiate athletics as a result of compensation of a student athlete for the use of the student's NIL; or
- Provide or offer to provide a prospective student who may participate in intercollegiate athletics with compensation in relation to the student's NIL.

A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics may not prevent a student athlete in this state from obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by an athlete agent or legal representation provided by an attorney, as follows:

- Professional representation obtained by a student athlete must be from persons licensed by the state.⁴¹ An attorney representing a student athlete for purposes of earning compensation as a result of a third party's use of the student's NIL must be licensed to practice in the state and a member in good standing with The Florida Bar.
- An athlete agent representing a student athlete must comply with the federal Sports Agent Responsibility and Trust Act⁴² in his or her relationship with the student.

The bill restricts a student athlete from entering into a contract providing compensation to the student for use of the student's NIL if a provision of such contract is in conflict with a provision of the team contract of the student's postsecondary educational institution. A postsecondary educational institution asserting such conflict must disclose the relevant contractual provisions that are in conflict with a provision of the student's team contract to the student athlete or the student athlete's representation. However, the bill restricts a team contract of a postsecondary educational institution's athletic program entered into, modified, or renewed on or after January 1, 2020 from preventing a student athlete from using the student's NIL for a commercial purpose when the student is not engaged in official team activities.

A student athlete who enters into a contract providing compensation to the student for use of the student's NIL must disclose the contract to a designated official of the postsecondary educational institution in which he or she is enrolled. The bill authorizes a minor, or the parent or guardian of a minor, to enter into a contract to license the minor's NIL while participating in intercollegiate athletics as a student athlete.

The bill defines "postsecondary educational institution" to mean a state university, Florida College System institution, or private college or university. The bill also defines "student athlete" to mean a student who participates in intercollegiate athletics and is enrolled in such an institution.

⁴¹ Notwithstanding s. 468.453(3), F.S., regarding licensure required to practice as an athlete agent in Florida, an athlete agent representing a student athlete for purposes of earning compensation as a result of a third party's use of the student's name, image, or likeness must be licensed under part IX of chapter 468.

⁴² See 15 U.S.C. ss. 7801-7807.

The bill authorizes the Board of Governors of the State University System to adopt regulations and the State Board of Education to adopt rules.

The bill takes effect 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:

Commerce Clause

The bill includes regulations for athletic associations with authority over intercollegiate athletics. These requirements may affect interstate commerce. The U.S. Constitution confers authority upon the federal government to regulate commerce among the states.⁴³ Nondiscriminatory state laws affecting interstate commerce are valid unless the burdens imposed on interstate commerce clearly outweigh the local benefits.⁴⁴

Contract Clause

The Florida Constitution includes a prohibition against laws impairing the obligation of contracts.⁴⁵ The U.S. Constitution includes a similar provision against the substantial impairment of contracts.⁴⁶ The bill may affect the obligations of postsecondary educational institutions to uphold existing contracts prohibiting students participating in intercollegiate athletics from earning compensation through the use of name, image, or likeness. Substantial impairments to existing contracts may be acceptable if the degree of the impairment is both “reasonable and necessary to achieve a valid state interest.”⁴⁷

⁴³ U.S. Const., Art. 1, s. 8, cl. 3.

⁴⁴ Dep’t of Revenue of Ky. v. Davis, 553 U.S. 328, 338–39 (2008).

⁴⁵ Art. 1, s. 10, Fla. Const.

⁴⁶ U.S. Const., Art. 1, s. 10.

⁴⁷ Nat’l Collegiate Athletic Ass’n v. Roberts, TCA 94-40413-WS, 1994 WL 750585 (N.D. Fla. Nov. 8, 1994) (citing Nat’l Collegiate Athletic Ass’n v. Miller, 795 F. Supp. 1476, 1486 (D. Nev. 1992)).

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

None.

B. Private Sector Impact:

Violations of National Collegiate Athletic Association (NCAA) bylaws may impact the eligibility of student athletes in the state to participate in intercollegiate athletics, and different laws in effect in different states may make it difficult to adopt a uniform approach to supporting student athletes.⁴⁸ The pending ruling of the NCAA in January 2021 may place additional pressures on student athletes to attend only institutions in compliance with NCAA rules and bylaws in order to participate in intercollegiate athletics for the 2020-2021 academic year.

C. Government Sector Impact:

The bill may have a negative, indeterminate fiscal impact on postsecondary educational institutions. The bill may require university boards of trustees and related staff to amend university policies and regulations and draft related documents.⁴⁹ Additional athletics staff to provide oversight on student athlete compensation at each institution may also need to be hired.⁵⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 743.08 of the Florida Statutes.

This bill creates section 1004.098 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.

⁴⁸ State University System of Florida, *Agency Bill Analysis for SB 646* (2020), at 4.

⁴⁹ *Id.*, at 3.

⁵⁰ *Id.*

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 Mayfield

17-00954-20

2020646__

1 A bill to be entitled
 2 An act relating to postsecondary student athletes;
 3 providing a short title; amending s. 743.08, F.S.;
 4 providing requirements for contracts made by a minor
 5 or his or her parent or guardian relating to the
 6 licensing of the minor's name, image, or likeness
 7 while participating in intercollegiate athletics;
 8 creating s. 1004.098, F.S.; prohibiting a
 9 postsecondary educational institution from preventing
 10 students participating in intercollegiate athletics
 11 from earning specified compensation; prohibiting
 12 certain organizations from preventing such students
 13 from earning specified compensation; prohibiting
 14 certain organizations from preventing postsecondary
 15 educational institutions from participating in
 16 intercollegiate athletics under certain circumstances;
 17 prohibiting certain entities from providing
 18 compensation to prospective students under certain
 19 conditions; prohibiting certain entities from
 20 preventing students participating in intercollegiate
 21 athletics from obtaining professional representation;
 22 providing requirements for such representation;
 23 providing that specified scholarships are not
 24 considered compensation; prohibiting the revocation of
 25 scholarships for specified reasons; prohibiting
 26 students participating in intercollegiate athletics
 27 from entering into contracts that meet certain
 28 criteria; providing student disclosure requirements
 29 for certain contracts; providing requirements for such

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

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30 disclosure; providing postsecondary education
 31 institution requirements for conflicts with specified
 32 contracts; providing requirements for specified
 33 contracts; providing for retroactive application;
 34 defining terms; requiring the Board of Governors and
 35 the State Board of Education to adopt regulations and
 36 rules, respectively; providing an effective date.
 37
 38 Be It Enacted by the Legislature of the State of Florida:
 39
 40 Section 1. This act may be cited as the "Student Athlete
 41 Achievement Act."
 42 Section 2. Paragraph (a) of subsection (1) of section
 43 743.08, Florida Statutes, is amended to read:
 44 743.08 Removal of disabilities of minors; artistic or
 45 creative services; professional sports contracts; judicial
 46 approval.—
 47 (1) A contract made by a minor or made by a parent or
 48 guardian of a minor, or a contract proposed to be so made, may
 49 be approved by the probate division of the circuit court or any
 50 other division of the circuit court that has guardianship
 51 jurisdiction, where the minor is a resident of this state or the
 52 services of the minor are to be performed or rendered in this
 53 state, where the contract sought to be approved is one under
 54 which:
 55 (a) The minor is to perform or render artistic or creative
 56 services or license his or her name, image, or likeness while
 57 participating in intercollegiate athletics as a student athlete
 58 pursuant to s. 1004.098, including, but not limited to, services

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

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59 as an actor, actress, dancer, musician, vocalist, model, stunt
60 person, conductor, or other performing artist.

61 Section 3. Section 1004.098, Florida Statutes, is created
62 to read:

63 1004.098 Compensation for postsecondary student athletes.-

64 (1) (a) A postsecondary educational institution may not
65 uphold any rule, requirement, standard, or other limitation that
66 prevents a student of that institution from participating in
67 intercollegiate athletics from earning compensation as a result
68 of the use of the student's name, image, or likeness. Earning
69 compensation from the use of a student's name, image, or
70 likeness may not affect the student's scholarship eligibility.

71 (b) An athletic association, conference, or other group or
72 organization with authority over intercollegiate athletics,
73 including, but not limited to, the National Collegiate Athletic
74 Association (NCAA), may not prevent a student athlete from
75 earning compensation as a result of the use of the student's
76 name, image, or likeness.

77 (c) An athletic association, conference, or other group or
78 organization with authority over intercollegiate athletics,
79 including, but not limited to, the NCAA, may not prevent a
80 postsecondary educational institution from participating in
81 intercollegiate athletics as a result of the compensation of a
82 student athlete for the use of the student's name, image, or
83 likeness.

84 (2) A postsecondary educational institution, athletic
85 association, conference, or other group or organization with
86 authority over intercollegiate athletics may not provide or
87 offer to provide a prospective student who may participate in

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88 intercollegiate athletics with compensation in relation to the
89 student's name, image, or likeness.

90 (3) (a) A postsecondary educational institution, athletic
91 association, conference, or other group or organization with
92 authority over intercollegiate athletics may not prevent a
93 student athlete in this state from obtaining professional
94 representation in relation to contracts or legal matters,
95 including, but not limited to, representation provided by an
96 athlete agent or legal representation provided by an attorney.

97 (b) Professional representation obtained by a student
98 athlete must be from persons licensed by the state.
99 Notwithstanding s. 468.453(3), an athlete agent representing a
100 student athlete for purposes of earning compensation as a result
101 of a third party's use of the student's name, image, or likeness
102 must be licensed under part IX of chapter 468. An attorney
103 representing a student athlete for purposes of earning
104 compensation as a result of a third party's use of the student's
105 name, image, or likeness must be licensed to practice in the
106 state and a member in good standing with The Florida Bar.

107 (c) An athlete agent representing a student athlete shall
108 comply with the federal Sports Agent Responsibility and Trust
109 Act, 15 U.S.C. ss. 7801-7807 in his or her relationship with the
110 student.

111 (4) A scholarship from the postsecondary educational
112 institution in which a student is enrolled that meets the cost
113 of attendance is not compensation for purposes of this section,
114 and a scholarship may not be revoked as a result of the student
115 earning compensation or obtaining professional or legal
116 representation under this section.

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117 (5) (a) 1. A student athlete may not enter into a contract
 118 providing compensation to the student for use of the student's
 119 name, image, or likeness if a provision of such contract is in
 120 conflict with a provision of the student's team contract.

121 2. A postsecondary educational institution asserting a
 122 conflict under subparagraph 1. must disclose the relevant
 123 contractual provisions that are in conflict with a provision of
 124 the student's team contract to the student athlete or his or her
 125 representation.

126 (b) A student athlete who enters into a contract providing
 127 compensation to the student for use of the student's name,
 128 image, or likeness shall disclose the contract to an official of
 129 the postsecondary educational institution in which he or she is
 130 enrolled, to be designated by the institution.

131 (6) If a student athlete is under the age of 18 years, any
 132 contract he or she enters into under this section must be
 133 approved pursuant to ss. 743.08 and 743.09.

134 (7) A team contract of a postsecondary educational
 135 institution's athletic program may not prevent a student athlete
 136 from using the student's name, image, or likeness for a
 137 commercial purpose when the student is not engaged in official
 138 team activities. This subsection applies only to contracts
 139 entered into, modified, or renewed on or after January 1, 2020.

140 (8) For purposes of this section:

141 (a) The term "postsecondary educational institution" means
 142 a state university, a Florida College System institution, or a
 143 private college or university.

144 (b) The term "student athlete" means a student enrolled in
 145 a postsecondary educational institution who participates in

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146 intercollegiate athletics.

147 (9) The Board of Governors and the State Board of Education
 148 shall adopt regulations and rules, respectively, to administer
 149 this section.

150 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 1100

INTRODUCER: Senator Rouson

SUBJECT: Florida Seal of Fine Arts Program

DATE: February 7, 2020

REVISED: _____

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

I. Summary:

SB 1100 establishes the Florida Seal of Fine Arts Program to recognize high school graduates who have attained a high level of skill in fine arts coursework. The bill specifies that beginning in the 2020-21 school year, the Florida Seal of Fine Arts is awarded to a high school graduate who:

- Completes three year-long courses or earns three course credits in dance, music, theater, or the visual arts with a grade of “B” or higher in each course;
- Completes an additional year-long course or earns an additional course credit in a qualified art course with a grade of “B” or higher;
- Completes two fine arts-related extracurricular activities; and
- Shares his or her talent and industry knowledge by providing at least 20 hours of art-related community service and presents a comprehensive presentation on his or her experience.

The fiscal impact of the bill is indeterminate. See Section V.

The bill takes effect on July 1, 2020.

II. Present Situation:

Art education refers to learning, instruction and programming based upon the visual and tangible arts. Art education includes performing arts like dance, music, theater, and visual arts like drawing, painting, sculpture, and design works. Design works include design in jewelry, pottery, weaving and fabrics. Art education can also include commercial graphics, photography, video, film, and design. Art education instruction is provided through a standards-based, sequential approach by a qualified instructor as part of the core curriculum.¹

¹ US Legal, *Art Education Law and Legal Definition*, <https://definitions.uslegal.com/a/art-education/> (last visited Feb. 3, 2020).

The Arts Industry

Nationally, the nonprofit arts industry generated \$166.3 billion of economic activity during fiscal year 2015:²

- \$63.8 billion by the nation's nonprofit arts and culture organizations; and
- \$102.5 billion in event-related expenditures by their audiences.

This economic activity supported 4.6 million full-time jobs and generated \$49.4 billion in resident household income. The arts and culture industry also generated \$27.5 billion in revenue to local, state, and federal governments.³

Florida's arts and cultural industry generated \$4.68 billion total economic activity during fiscal year 2015. This includes \$2.29 billion by nonprofit arts and culture organizations and an additional \$2.39 billion in event-related spending by their audiences.⁴ This economic activity supports 132,366 full-time jobs, generates \$3.35 billion in household income to local residents, and delivers \$492.3 million in local and state government revenue.⁵

The Arts and Florida Students

Florida brings the arts to students in a variety of ways; from promoting nationally recognized Arts Education Month⁶ to enacting arts-related legislation such as:

- Requiring each school board to provide courses and instruction in the arts for all students,⁷ and requiring students to take one credit in fine or performing arts, speech and debate, or practical arts to meet graduation requirements.⁸
- Establishing the annual art in the capitol competition as a statewide visual arts competition for all public, private, and home education students in grades six through eight.⁹
- Requiring the Commissioner of Education to annually prepare and post a fine arts report that includes:¹⁰
 - Students access to and participation in fine arts courses, including visual arts, music, dance, and theatre courses;
 - The number and certification status of educators providing instruction in fine art courses;
 - Educational facilities designed and classroom space equipped for fine arts instruction; and
 - The manner in which schools are providing the core curricular content for fine arts established in the Sunshine State Standards.

² Florida Department of State, *Arts and Economic Prosperity 5* (2017), available at <https://ia800603.us.archive.org/13/items/ArtsEconomicProsperityFL/ArtsEconomicProsperityFL.pdf>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Florida Department of Education, *Memorandum, Arts Education Month* (2019), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8491/dps-2019-29.pdf>.

⁷ Section 1003.42(1), F.S.

⁸ Section 1003.4282(3)(e), F.S.

⁹ Section 1003.49965(1) and (2), F.S.

¹⁰ Section 1003.4995, F.S.

During the 2017-2018 school year, as included in the fine arts report,¹¹ all school districts offered courses in the arts and 57.1 percent of students enrolled in arts courses, with:¹²

- Music comprising 45.1 percent of overall arts enrollment;
- Visual arts comprising 43.1 percent of overall arts enrollment;
- Theatre comprising 3.8 percent of overall arts enrollment; and
- Dance comprising 1.9 percent of overall arts enrollment.

Diploma Designations and Seals

Students meeting specific requirements for graduation and demonstrating exemplary performance may be awarded recognition upon graduation. One way this is accomplished is through special diploma designations and seal programs established at the state or local level. For example, Arizona¹³ offers diploma seals in the areas of biliteracy, civic literacy, personal finance, and arts proficiency.¹⁴ Ohio¹⁵ and Georgia¹⁶ also offer diploma seal recognitions for students excelling in the arts. These states require students to earn a minimum grade point average (GPA), take a series of fine arts courses, and complete community service and a final project.

Florida currently offers three diploma recognitions- the Scholar Diploma Designation,¹⁷ the Merit Diploma Designation,¹⁸ and the Seal of Biliteracy.¹⁹

Florida Scholar Diploma Designation

In addition to meeting the 24-credit standard high school diploma requirements, a student must meet all of the following requirements to earn the Scholar Diploma Designation:²⁰

- Earn one credit in Algebra 2 or an equally rigorous course.
- Pass the Geometry End of Course Exam (EOC).
- Earn one credit in Statistics or an equally rigorous mathematics course.
- Pass the Biology 1 EOC.
- Earn one credit in Chemistry or Physics.
- Earn one credit in a course equally rigorous to Chemistry or Physics.
- Pass the U.S. History EOC.
- Earn two credits in the same foreign language.

¹¹ Florida Department of Education, *Florida Fine Arts Education* (2018), available at <http://fldoe.org/core/fileparse.php/5393/urlt/FineArtsInfographics.pdf>.

¹² *Id.*

¹³ Arizona Department of Education, *Diploma Seals*, <https://www.azed.gov/diplomaseals/> (last visited Jan. 29, 2020).

¹⁴ Arizona Department of Education, *Arizona State Seal of Arts Proficiency* <https://www.azed.gov/artseducation/arizona-state-seal-of-arts-proficiency/> (last visited Jan. 30, 2020).

¹⁵ Ohio Department of Education, *Arts Honors Diploma* <http://education.ohio.gov/Topics/Ohio-s-Graduation-Requirements/Honors-Diplomas/Arts-Honors-Diploma> (last visited Jan. 30, 2020).

¹⁶ Georgia Department of Education, *Fine Arts* <https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/Fine-Arts.aspx> (last visited Jan. 30, 2020).

¹⁷ Section 1003.4285(a), F.S.

¹⁸ Section 1003.4285(b), F.S.

¹⁹ Section 1003.432, F.S. Currently, 38 states and Washington D.C. have approved a biliteracy program. Seal of Biliteracy, *Frequently Asked Questions*, <https://sealofbiliteracy.org/faq/> (last visited Jan. 29, 2020).

²⁰ Florida Department of Education, *Standard Diploma Requirements* (2019), available at <http://www.fldoe.org/core/fileparse.php/7764/urlt/StandardDiplomaRequirements.pdf>.

- Earn at least one credit in an Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, or a dual enrollment course.

Florida Merit Diploma Designation

In addition to meeting the 24-credit standard high school diploma requirements, a student must attain one or more qualified industry certifications to earn the Merit Diploma Designation.²¹

During the 2018-2019 school year 12,898 students earned the Scholar Diploma Designation, 21,402 earned the Merit Diploma Designation and 8,856 earned both the Scholar and Merit Diploma Designation.²²

Florida Seal of Biliteracy Program

The Florida Legislature authorized the Florida Seal of Biliteracy Program (biliteracy program) in 2016. The biliteracy program recognizes high school graduates who attain a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, and offers two seals; gold and silver.²³

To earn the gold or silver seal of biliteracy, a Florida high school student who has earned a standard high school diploma must:²⁴

- Earn four foreign language course credits in the same foreign language with a cumulative 3.0 GPA or higher;
- Achieve qualifying scores on the 10th grade English language arts assessment and a foreign language assessment with the gold seal requiring higher qualifying scores;²⁵ or
- Satisfy alternative requirements as determined by the State Board of Education.²⁶

During the 2018-2019 school year 7,353 students earned the Gold Seal of Biliteracy, 1,339 students earned the Silver Seal of Biliteracy, and 2,878 students earned both the Gold Seal and Silver Seal of Biliteracy.

III. Effect of Proposed Changes:

The bill establishes the Florida Seal of Fine Arts Program (Seal of Fine Arts) to recognize high school graduates who have attained a high level of skill in fine arts coursework. The purpose of the Seal of Fine Arts is to encourage students to develop expertise in the performing or visual arts.

Beginning in the 2020-21 school year, the Seal of Fine Arts must be awarded to a high school graduate who:

²¹ *Id.*

²² Email, Florida Department of Education (Feb. 3, 2020).

²³ Florida Department of Education, *World Language (Foreign Languages)* <http://www.fldoe.org/academics/eng-language-learners/world-languages-foreign-languages.shtml> (last visited Feb. 4, 2020).

²⁴ Section 1003.432(4), F.S.

²⁵ Rule 6A-1.09951, F.A.C.

²⁶ *Id.*

- Completes three year-long courses or earns three sequential course credits in dance, music, theater, or the visual arts with a grade of “B” or higher in each course;
- Completes an additional year-long course or earns an additional course credit in a qualified art course with a grade of “B” or higher;
- Completes two fine arts-related extracurricular activities; and
- Shares his or her talent and industry knowledge by providing at least 20 hours of art-related community service and presents a comprehensive presentation on his or her experience.

The bill authorizes the State Board of Education to establish additional criteria for the award of the Seal of Fine Arts.

The bill also requires the Commissioner of Education to create the Seal of Fine Arts and provide information necessary for school districts to implement the program appropriately.

The establishment of the Seal of Fine Arts may encourage more high school students to build expertise in the arts, earn recognition, and follow art-related career paths.

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 costs associated with creating the seal for the Seal of Fine Arts Program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1003.4321 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.

By Senator Rouson

19-01491-20

20201100__

A bill to be entitled

An act relating to the Florida Seal of Fine Arts Program; creating s. 1003.4321, F.S.; establishing the Florida Seal of Fine Arts Program to recognize high school graduates who have attained a high level of skill in fine arts coursework; providing the purpose of the program; providing criteria to earn the Seal of Fine Arts; authorizing the State Board of Education to adopt additional criteria for the award of the seal; requiring the Commissioner of Education and school districts to perform specified duties to administer the program; prohibiting a school district or the Department of Education from charging a fee for the seal; requiring the state board to adopt rules; providing an effective date.

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

Section 1. Section 1003.4321, Florida Statutes, is created to read:

1003.4321 Florida Seal of Fine Arts for high school graduates.-

(1) The Florida Seal of Fine Arts Program is established to recognize a high school graduate who has attained a high level of skill in fine arts coursework.

(2) The purpose of the Florida Seal of Fine Arts Program is to encourage students to develop a high level of skill in the performing or visual arts.

(3) Beginning with the 2020-2021 school year, the Seal of

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

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Fine Arts must be awarded to a high school student who has earned a standard high school diploma and who:

(a) Has completed three year-long courses in dance, music, theater, or the visual arts with a grade of "B" or higher in each course or earned three sequential course credits in such courses with a grade of "B" or higher in each course.

(b) Has completed an additional year-long course or earned an additional course credit in an art course listed in paragraph (a) with a grade of "B" or higher.

(c) Has completed two fine arts-related extracurricular activities.

(d) Has shared his or her talent and industry knowledge by providing at least 20 hours of art-related community service in his or her community and presented a comprehensive presentation on his or her experiences.

The State Board of Education may establish additional criteria for the award of the Seal of Fine Arts.

(4) The Commissioner of Education shall:

(a) Prepare and provide to each school district an appropriate insignia to be affixed to a student's diploma indicating that the student has been awarded the Seal of Fine Arts.

(b) Provide information necessary for a school district to successfully implement the program.

(5) Each school district shall:

(a) Maintain appropriate records to identify a student who has met the requirements to receive the Seal of Fine Arts.

(b) Provide the Commissioner of Education with the number

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59 of students who have met the requirements to receive the Seal of
60 Fine Arts.

61 (c) Affix the appropriate insignia to the student's diploma
62 and indicate on the student's transcript that the student has
63 earned the Seal of Fine Arts.

64 (6) A school district or the Department of Education may
65 not charge a fee for the Seal of Fine Arts.

66 (7) The State Board of Education shall adopt rules to
67 implement this section, including, but not limited to:

68 (a) A process to confirm a student's successful completion
69 of the requirements in subsection (3).

70 (b) Any additional requirements a student must meet to be
71 awarded the Seal of Fine Arts.

72 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: CS/SJR 1216

INTRODUCER: Ethics and Elections Committee and Senator Gruters

SUBJECT: Limitation on Terms of Office for Members of a District School Board

DATE: February 7, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|----------------|-----------|--------------------|
| 1. | <u>Fox</u> | <u>Roberts</u> | <u>EE</u> | <u>Fav/CS</u> |
| 2. | <u>Sagues</u> | <u>Sikes</u> | <u>ED</u> | <u>Pre-meeting</u> |
| 3. | _____ | _____ | <u>RC</u> | _____ |

I. Summary:

CS/SJR 1216 proposes that district school board members be subject to an 8-year consecutive service term limitation. The language mirrors the current “eight is enough” term limit that applies to Cabinet members and legislators. The provision would operate prospectively beginning with the 2020 general election. The likely earliest date that any currently serving school board member could be “termed-out” would be in November 2028.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that specific purpose.

II. Present Situation:

Term Limits

The Florida Constitution provides that a person holding any of the following offices may not have his or her name on the ballot for reelection if the person has served, or but for resignation would have served, in an office for eight consecutive years:

- State Senator;
- State Representative;
- Lieutenant Governor;
- Florida Cabinet member;
- U.S. Representative from Florida; or
- U.S. Senator from Florida.¹

¹ Art. VI, s. 4(b), FLA. CONST.

The U.S. Supreme Court has held that state-imposed limits on the terms of *federal* office holders violate the U.S. Constitution, effectively rendering unenforceable Florida's term limits on its congressional members.²

The term limits provision was proposed by citizen initiative and passed at the 1992 general election by a greater than 3-to-1 margin (approved by over 76 percent of electors voting on the measure).³ The amendment applied *prospectively*; service prior to the 1992 election did not count toward the eight-year restriction. Thus, the term limits amendment did not begin to have a direct impact until the 2000 election cycle.

Florida School Boards

There are currently 358 school board members across the 67 districts in Florida, serving upwards of 2.83 million public school students.⁴ There is no provision in the Florida Constitution or Florida Statutes that limits the term of school board members.

Section 4(a) of Article IX of the Florida Constitution provides that:

Each county shall constitute a school district ... In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

The responsibility of each school district includes operating, controlling, and supervising all free public schools within the school district and determining the rate of school district taxes within the limits of the school district.⁵

III. Effect of Proposed Changes:

CS/SJR 1216 provides that a person may not appear on the ballot for reelection to the office of school board member if by the end of his or her current term he or she served, or but for resignation will have served, in that office for 8 consecutive years. The language mirrors the current constitutional limits that apply to Cabinet members and state legislators. The proposed amendment would operate prospectively beginning with the 2020 general election, unless the Legislature authorizes it to be voted at an earlier special election. Thus, barring a special election on the amendment, the earliest any currently serving school board member could be "termed-out" would be at the 2028 general election.

² See, *U.S. Term Limits, Inc. v. Thornton*, 115 S. Ct. 1842 (1995).

³ See Florida Division of Elections website at <http://dos.elections.myflorida.com/initiatives/> (Year= "1992"; Status = "Passed/Defeated"; Ballot Proposal #9) (last visited Jan. 13, 2020). For more information on the 1992 term-limit constitutional amendment, see <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=1066&seqnum=1> (last visited Jan. 13, 2020).

⁴ The Florida School Boards Association, *State of the Association, Vol. 4* at p.1 (2018-19 Annual Report), available at: <http://fsba.org/wp-content/uploads/2019/12/2018-2019-Annual-Report-FINAL.pdf> (last visited Jan. 13, 2020). For a list of all Florida school boards and a link to the corresponding school boards website see: <http://fsba.org/membership/school-boards/> (last visited Jan. 13, 2020).

⁵ Fla. Const. Art. IX s. 4(b).

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that purpose. The joint resolution would apply upon approval of the voters — at least 60 percent of those voting on the measure.

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 Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

The Division has not completed an agency bill analysis for this bill or for the identical House Bill. Using the Division's 2018 general election estimate of \$120.31 per word, this 318-word amendment should cost just over **\$38,250**.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This joint resolution substantially amends Articles IX and XII of the Florida Constitution.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Ethics and Elections on February 3, 2020:

The CS reduces the term-limit provisions for school board members from 12 to 8 consecutive years.

B. Amendments:

None.



182116

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

The Committee on Education (Gruters) recommended the following:

Senate Amendment

Delete lines 31 - 35

and insert:

(c) A person may not appear on the ballot for reelection to the office of school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for eight consecutive years.

By the Committee on Ethics and Elections; and Senator Gruters

582-03038-20

20201216c1

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IX and the creation of a new section in Article XII of the State Constitution to limit the terms of office for a member of a district school board.

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

That the following amendment to Section 4 of Article IX and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance

Page 1 of 2

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

582-03038-20

20201216c1

joint educational programs.

(c) A person may not appear on the ballot for reelection to the office of school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for eight consecutive years.

ARTICLE XII

SCHEDULE

Limitation on terms of office for members of a district school board.—This section and the amendment to Section 4 of Article IX imposing limits on the terms of office for members of a district school board shall take effect on the date they are approved by the electorate, but no service in a term of office that commenced before November 3, 2020, will be counted toward the limitation imposed by this amendment.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 4

ARTICLE XII

LIMITATION ON TERMS OF OFFICE FOR MEMBERS OF A DISTRICT SCHOOL BOARD.—Proposing an amendment to the State Constitution to limit terms for school board members by prohibiting incumbent members who have held the office for the preceding eight years from appearing on a ballot for reelection to that office and to specify that the amendment applies only to terms of office beginning on or after November 3, 2020.

Page 2 of 2

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

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 1550

INTRODUCER: Senator Cruz

SUBJECT: High School Graduation Requirements

DATE: February 7, 2020

REVISED: _____

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

I. Summary:

SB 1550 requires that, beginning with students entering grade 9 in the 2021-2022 school year, a student must submit the Free Application for Federal Student Aid (FAFSA) in order to be awarded a standard high school diploma. The bill authorizes a waiver of the requirement if the student or parent declines, in writing, to submit the FAFSA.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

Standard High School Diploma Requirements

Florida students entering grade 9 in 2019-2020 and thereafter may choose from one of five options to earn a standard diploma.¹ They are:

- The 24-credit program.²
- The 18-credit, Academically Challenging Curriculum to Enhance Learning (ACCEL) option.³
- The Career and Technical Education (CTE) Pathway option.⁴
- An International Baccalaureate (IB) curriculum.⁵

¹ In addition to the five options available for students to earn a standard diploma listed above, Rule 6A-1.09963, F.A.C., outlines two additional options for students with disabilities.

² Section 1003.4282(1)(a), F.S.

³ Section 1002.3105, F.S.

⁴ Section 1003.4282(11), F.S.

⁵ Section 1003.4282(1)(a), F.S.

- An Advanced International Certificate of Education (AICE) curriculum.⁶

Twenty-four Credit Program

A student must successfully complete 24 credits, with a cumulative grade point average (GPA) of 2.0 on a 4.0 scale,⁷ in the following subject areas:⁸

- Four credits in English Language Arts (ELA) I, II, III, and IV, which includes passing the statewide, standardized grade 10 ELA assessment, or earn a concordant score.
- Four credits in mathematics, including one each in Algebra I and Geometry, which includes passing the statewide, standardized Algebra I EOC assessment, or earn a comparative score.
- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.⁹
- Three credits in social studies, including one credit in United States (U.S.) History; one credit in World History; one-half credit in economics; and one-half credit in U.S. Government.
- One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education that must include the integration of health.
- Eight credits in electives.

Eighteen Credit Academically Challenging Curriculum to Enhance Learning Option

Under the ACCEL option, students must complete 15 credits in ELA; mathematics; science; social studies; and fine or performing arts, speech and debate, or practical arts that are also required of students who earn a standard diploma under the 24-credit program. However, students are required to earn only 3 credits in electives, and are not required to earn one credit in physical education.¹⁰ Additionally, similar to the 24-credit option, under the ACCEL option students must earn a cumulative 2.0 GPA.¹¹

18 Credit Career and Technical Education Pathway

To earn a standard high school diploma under the CTE pathway option, a student must earn a cumulative GPA of at least 2.0 and:

- Meet the credit requirements in ELA, mathematics, science, and social studies established in the 24-credit diploma option.
- Complete two credits in CTE, which must result in a program completion and an industry certification.
- Complete two credits in work-based learning programs, with flexibility authorized for elective credit and credit in financial literacy.

⁶ Section 1003.4282(1)(a), F.S.

⁷ Section 1003.4282(6)(a), F.S.

⁸ Section 1003.4282(3), F.S. One of the 24 credits must be completed through online learning. Section 1003.4282(4), F.S.

⁹ Two of the three required science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

¹⁰ Section 1002.3105(5), F.S.

¹¹ Sections 1002.3105(5) and 1003.4282(6)(a), F.S.

Advanced International Certificate of Education Curriculum

The AICE curriculum requires a student to achieve a minimum of seven credits in the Cambridge International AS Level Global Perspectives & Research and in the following subject groups:¹²

- Group 1: Mathematics and Sciences.
- Group 2: Languages.
- Group 3: Arts and Humanities.
- Group 4: Interdisciplinary subjects (optional).

International Baccalaureate Curriculum

The IB Diploma Programme (DP) is a two-year program made up of the DP core, which includes a Theory of Knowledge course, an extended essay, and a service project, and six courses from the following subject groups:¹³

- Studies in Language and Literature.
- Language Acquisition.
- Individuals and Societies.
- Sciences.
- Mathematics.
- The Arts.

Free Application for Federal Student Aid

To apply for federal student aid, such as federal grants, work-study, and loans, students must complete the Free Application for Federal Student Aid (FAFSA). In addition, many states and colleges use FAFSA information to determine eligibility for state and school aid, and some private financial aid providers may use FAFSA information to determine eligibility for aid.¹⁴

According to the National College Access Network, completion of the FAFSA is one of the best predictors of whether a high school senior will go on to college, as seniors who complete the FAFSA are 84 percent more likely to immediately enroll in postsecondary education. For students in the lowest socioeconomic quintile, FAFSA completion is associated with a 127 percent increase in immediate college enrollment.¹⁵

But while the FAFSA is required to determine eligibility for federal student aid, including Pell Grants, low-cost student loans and federal work-study programs, in 2018 only 60.9 percent of high school graduates completed the FAFSA.¹⁶

¹² Cambridge Assessment International Education, *Cambridge AICE Diploma Curriculum*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/curriculum/> (last visited Feb. 4, 2020).

¹³ International Baccalaureate, *Curriculum*, <https://www.ibo.org/programmes/diploma-programme/curriculum/> (last visited Feb. 4, 2020).

¹⁴ United States Department of Education—Federal Student Aid, *What is the FAFSA?*, <https://studentaid.gov/help/fafsa> (last visited Feb. 4, 2020).

¹⁵ National College Access Network, *National FAFSA Completion Rates for High School Seniors and Graduates*, <https://collegeaccess.org/page/NationalFAFSACompletionRatesforHighSchoolSeniorsandGraduates> (last visited Feb. 4, 2020).

¹⁶ National Conference of State Legislatures, *States Looking at Ways to Promote FAFSA Completion*, <https://www.ncsl.org/blog/2019/12/10/states-looking-at-ways-to-promote-fafsa-completion.aspx> (last visited Feb. 4, 2020).

A national study indicates a variety of reasons why students do not fill out the FAFSA, which include the perception that they may not qualify for or need financial aid, the perception that the forms and application process are too burdensome, and concerns about debt.¹⁷ Low FAFSA completion rates have a serious financial impact on students. Research suggests that millions of students who may otherwise qualify for federal financial aid do not complete the FAFSA, and forgo billions in potential financial aid.¹⁸

Recognizing that completion of the FAFSA is an important step to postsecondary attainment, the 2019 Legislature established the SAIL to 60 Initiative,¹⁹ a component of which seeks to increase the number of high school seniors who submit a completed FAFSA to receive financial aid to help pay for their postsecondary education expenses.

Three states have enacted laws that require FAFSA completion for high school graduation. The Illinois law goes into effect during the 2020-21 academic year, Louisiana's law has been in effect since 2017-2018, and Texas's law is effective for the 2021-2022 academic year. All such policies authorize students to receive waivers for the graduation requirement, including documentation that the student chooses not to participate, or by completion of a state financial aid form.²⁰

III. Effect of Proposed Changes:

The bill modifies the high school graduation requirements in s. 1003.4282, F.S., to require that, beginning with students entering grade 9 in the 2021-2022 school year, a student must submit a Free Application for Federal Student Aid (FAFSA) in order to be awarded a standard high school diploma. The bill specifies, however, that a student meets the requirement to submit the FAFSA

For the class of 2018, 60.9 percent of graduates completed the FAFSA by June 29; among 2017 graduates, 60.6 percent had completed the form by June 30 of that year. The Hechinger Report, *Are too few college students asking for federal aid?* (July 20, 2018), <https://hechingerreport.org/are-too-few-college-students-asking-for-federal-aid/> (last visited Feb. 4, 2020).

¹⁷ United States Department of Education, National Center for Education Statistics, *Why Didn't Students Complete a Free Application for Federal Student Aid (FAFSA)? A Detailed Look* (Dec. 2018), available at <https://nces.ed.gov/pubs2018/2018061.pdf>. Many respondents who did not apply also reported a lack of knowledge about federal financial aid eligibility criteria, erroneously believing they were ineligible because of low test scores, low credit scores, or that they would attend school part time. *Id.*

¹⁸ United States Department of Education, National Center for Education Statistics, *Trends in Free Application for Federal Student Aid (FAFSA) Submissions* (Aug. 2018), available at <https://nces.ed.gov/pubs2018/2018418.pdf>, at 1. Kantowitz, Mark, *Analysis of Why Some Students Do Not Apply for Financial Aid* (Apr. 27, 2009), available at <https://www.finaid.org/educators/20090427CharacteristicsOfNonApplicants.pdf>, at 1. National College Access Network, *Why Invest in Increasing FAFSA Completion?*, <https://collegeaccess.org/page/WhyInvestFAFSA> (last visited Feb. 5, 2020). Kofoed, Michael, *To Apply or Not to Apply: FAFSA Completion and Financial Aid Gaps* (Feb. 12, 2014), available at <https://ssrn.com/abstract=2353846>. The Brookings Institution, *FAFSA completion rates matter: But mind the data* (July 5, 2018), <https://www.brookings.edu/research/fafsa-completion-rates-matter-but-mind-the-data/> (last visited Feb. 5, 2020). Judith Scott-Clayton, *The Role of Financial Aid in Promoting College Access and Success: Research Evidence and Proposals for Reform*, Journal of Student Financial Aid: Vol. 45: Iss. 3, Article 3, available at <https://pdfs.semanticscholar.org/f173/40d5bcc6531bad35794b85469180347278f.pdf>.

¹⁹ Section 17, ch. 2019-119, L.O.F., codified as s. 1004.013, F.S. The Strengthening Alignment between Industry and Learning (SAIL) to 60 Initiative was created to increase to 60 percent the percentage of working-age adults in this state with a high-value postsecondary certificate, degree, or training experience by 2030.

²⁰ National College Access Network, *Illinois Becomes Third State to Require FAFSA Completion for High School Graduation* (Aug. 12, 2019), <https://collegeaccess.org/news/465183/Illinois-Becomes-Third-State-to-Require-FAFSA-Completion-for-High-School-Graduation.htm> (last visited Feb. 4, 2020).

if the student's parent²¹ or the student, if such student is 18 years of age or older, submits a letter to the school district declining to submit the FAFSA.

The bill also modifies s. 1002.3105, F.S., regarding the ACCEL diploma option, and s. 1003.5716, F.S., regarding high school diploma expectations for a student with a disability, to conform cross references to the changes made in s. 1003.4282, F.S.

Requiring students to complete the FAFSA may increase the need for financial aid resources and supports in each school district. Each school district and school may need to establish additional monitoring processes to track student completion of the FAFSA.²² In addition, students and families who wish to participate may require assistance to fill out the FAFSA.

The requirement for students to complete the FAFSA prior to the award of a high school diploma may increase the number of students who are eligible for federal financial aid and for Florida or other state's need-based grants, depending on the chosen postsecondary institution.²³ The requirement may also encourage more students to pursue postsecondary education if they believe that they will have adequate financial resources. However, the effect will not be realized for several years, as the requirement applies only to students entering grade 9 in the 2021-2022 school year.

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.

²¹ "Parent" is either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. Section 1000.21(5), F.S.

²² The *FAFSA Completion Tool* provides high schools with current data about their FAFSA submissions and completions, but lists only numbers of submitted and completed FAFSA forms; no personally identifiable information for any FAFSA filer is shared through the tool. United States Department of Education, Federal Student Aid, *Questions and Answers About FAFSA Completion Data*, <https://studentaid.gov/data-center/student/application-volume/faq#years-data-available> (last visited Feb. 6, 2020). In order to access student-level data, each school district may be required to establish an agreement with the Florida Department of Education, which is responsible for receiving such data, and will have to have the technical infrastructure in place to receive student-level data. United States Department of Education, Federal Student Aid, *Find FAFSA completion data about your high school*, <https://financialaidtoolkit.ed.gov/tk/learn/fafsa/completion.jsp> (last visited Feb. 6, 2020).

²³ Florida need-based grant programs that require an applicant to, among other requirements, submit the FAFSA are the Road-to-Independence Program under s. 409.1451, F.S.; the First Generation Matching Grant Program under s. 1009.701, F.S.; and the Florida Work Experience Program under s. 1009.77, F.S.

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:

Students who complete the Free Application for Federal Student Aid may qualify for and receive federal financial aid and state need-based grants, which may make a postsecondary education more affordable for these students.

C. Government Sector Impact:

More student may qualify for need-based programs that require submission of the FAFSA, which may require additional funds to provide aid under such programs.

VI. Technical Deficiencies:

The requirement in the bill for students to complete the FAFSA in order to earn a standard high school diploma may not apply to students who earn a high school diploma through the Academically Challenging Curriculum to Enhance Learning (ACCEL) option.

Section 1003.4282(6), F.S., specifies that a student who meets the required grade point average (GPA) and meets the requirements specified in that section must be awarded a standard high school diploma. The bill adds the FAFSA requirement to s. 1003.4282, F.S., which would include in the requirement those options established in that section—the 24 credit option, International Baccalaureate or Advanced International Certificate of Education curricula, and the Career and Technical Education Pathway.

Under the ACCEL option established in s. 1002.3105, F.S., a student with a GPA of at least 2.0 who meets the academic requirements of the 24-credit option (except for physical education), and completes three elective credits must be awarded a standard high school diploma. The bill does not include in s. 1002.3105, F.S., a requirement to complete the FAFSA. The requirement to complete the FAFSA should be added to the ACCEL requirements in s. 1002.3105(5), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.4282, 1002.3105, and 1003.5716.

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 Cruz

18-01418-20

20201550__

1 A bill to be entitled
 2 An act relating to high school graduation
 3 requirements; amending s. 1003.4282, F.S.; requiring
 4 students to submit a Free Application for Federal
 5 Student Aid in order to be awarded a standard high
 6 school diploma; providing an exception; amending ss.
 7 1002.3105 and 1003.5716, F.S.; conforming cross-
 8 references to changes made by the act; providing an
 9 effective date.

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

11 Section 1. Present subsections (5) through (12) of section
 12 1003.4282, Florida Statutes, are redesignated as subsections (6)
 13 through (13), respectively, and a new subsection (5) is added to
 14 that section, to read:

15 1003.4282 Requirements for a standard high school diploma.-

16 (5) FREE APPLICATION FOR FEDERAL STUDENT AID REQUIREMENT.-
 17 Beginning with students entering grade 9 in the 2021-2022 school
 18 year, a student must submit a Free Application for Federal
 19 Student Aid in order to be awarded a standard high school
 20 diploma. However, a student meets the requirements of this
 21 subsection if the student's parent or the student, if such
 22 student is 18 years of age or older, submits a letter to the
 23 school district declining to submit the Free Application for
 24 Federal Student Aid.

25 Section 2. Subsection (5) of section 1002.3105, Florida
 26 Statutes, is amended to read:

27 1002.3105 Academically Challenging Curriculum to Enhance
 28
 29

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

18-01418-20

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30 Learning (ACCEL) options.-
 31 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.-A student who
 32 meets the applicable grade 9 cohort graduation requirements of
 33 s. 1003.4282(3)(a)-(e) or ~~s. 1003.4282(10)(a)1.-5. or~~
 34 ~~1003.4282(9)(a)1.-5.,~~ (b)1.-5., (c)1.-5., or (d)1.-5., earns
 35 three credits in electives, and earns a cumulative grade point
 36 average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard
 37 high school diploma in a form prescribed by the State Board of
 38 Education.

39 Section 3. Paragraph (b) of subsection (2) of section
 40 1003.5716, Florida Statutes, is amended to read:

41 1003.5716 Transition to postsecondary education and career
 42 opportunities.-All students with disabilities who are 3 years of
 43 age to 21 years of age have the right to a free, appropriate
 44 public education. As used in this section, the term "IEP" means
 45 individual education plan.

46 (2) Beginning not later than the first IEP to be in effect
 47 when the student attains the age of 16, or younger if determined
 48 appropriate by the parent and the IEP team, the IEP must include
 49 the following statements that must be updated annually:

50 (b) A statement of intent to receive a standard high school
 51 diploma before the student attains the age of 22 and a
 52 description of how the student will fully meet the requirements
 53 in s. 1003.4282, including, but not limited to, a portfolio
 54 pursuant to s. 1003.4282(11)(b) ~~s. 1003.4282(10)(b)~~ which meets
 55 the criteria specified in State Board of Education rule. The IEP
 56 must also specify the outcomes and additional benefits expected
 57 by the parent and the IEP team at the time of the student's
 58 graduation.

Page 2 of 3

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

18-01418-20

20201550__

59

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 1628

INTRODUCER: Senators Book and Hooper

SUBJECT: Holocaust Education

DATE: February 7, 2020

REVISED: _____

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

I. Summary:

SB 1628 authorizes the Department of Education to contract with the Florida Holocaust Museum to develop instructional materials to teach the history of the Holocaust.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2020.

II. Present Situation:

Required Instruction in Florida

Florida law specifies required standards and instruction for public school students. Instructional staff of public schools, subject to the rules of the State Board of Education and the district school board, are required by law to teach prescribed courses of study, including the following historical subject matter:¹

- The history and content of the Declaration of Independence, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property, and how they form the philosophical foundation of our government.
- The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present.
- The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the

¹ Section 1003.42(2), F.S.

ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

- The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.

The History of the Holocaust

The history of the Holocaust was amended to Florida law as required instruction in 1994.² Florida school districts must report to the Commissioner of Education (commissioner), annually by July 1, details on the specific courses delivered for each grade level, as well as the materials and resources used to deliver instruction for all required instruction, including the history of the Holocaust.³

The social studies standards for grades 9-12 World History⁴ and American History⁵ include standards on teaching the Holocaust. These standards require students to be able to:

- Explain the causes, events, and effects of the Holocaust (1933-1945) including its roots in the long tradition of anti-Semitism, nineteenth century ideas about race and nation, and Nazi dehumanization of the Jews and other victims.⁶
- Analyze the impact of the Holocaust during World War II on Jews as well as other groups.⁷

Commissioner's Task Force on Holocaust Education

The commissioner created the Commissioner's Task Force on Holocaust Education (task force) in 1994 with the core mission of promoting Holocaust education in Florida. The task force serves as an advisory group to the commissioner and coordinates Holocaust education activities in Florida school districts throughout the state on the commissioner's behalf.⁸

The task force continues to pursue efforts to help teachers, school administrators, and other educators identify effective instructional strategies and materials for integrating Holocaust education in classrooms kindergarten through grade 12.⁹

² Florida Department of Education, *Commission of Education's Task Force on Holocaust Education*, <http://www.fldoe.org/holocausteducation> (last visited Jan. 29, 2020). See s. 1003.42(2)(g), F.S.

³ Rule 6A-1.094124, F.A.C.

⁴ CPALMS, Standards, Social Studies, World History, *SS.912.W.7.8*, available at <https://www.cpalms.org/Public/PreviewStandard/Preview/3497> (last visited Jan. 29, 2020).

⁵ CPALMS, Standards, Social Studies, American History, *SS.912.A.6.7*, available at <https://www.cpalms.org/Public/PreviewStandard/Preview/3371> (last visited Jan. 30, 2020); CPALMS, Standards, Social Studies, American History, *SS.912.A.6.3*, available at <https://www.cpalms.org/Public/PreviewStandard/Preview/3367> (last visited Jan. 30, 2020).

⁶ CPALMS, *supra* note 4.

⁷ Another related standard requires students to be able to describe the attempts to promote international justice through the Nuremberg Trials. CPALMS, *supra* note 5.

⁸ See Florida Department of Education, *supra* note 2.

⁹ *Id.*

Florida Holocaust Museum

The Florida Holocaust Museum (FHM) is dedicated to honoring the memory of millions who suffered or died in the Holocaust and teaching members of all races and cultures to recognize the inherent worth and dignity of human life in order to prevent future genocides.¹⁰ Funding for the FHM is derived from state grants and private donors. The FHM displays permanent and temporary exhibitions depicting events in the lives of Jews in Nazi-occupied Europe,¹¹ along with exhibits highlighting other persecuted groups. In 2018, the FHM brought in \$3.54 million in revenue, including approximately \$1 million from contributions and special events.¹²

During the 2018-2019 fiscal year, FHM's programs and exhibitions impacted approximately 218,000 people,¹³ including:¹⁴

- Over 122,301 people through off-site observation of FHM exhibitions;
- 3,596 visitors to FHM's permanent and temporary exhibitions;
- 75,334 students participating in FHM programs; and
- 1,460 teachers.

The FHM also provides free curriculum for public, private, and parochial schools, and programs for educators, including Teaching Trunks¹⁵ and a Summer Institute.¹⁶

FHM educational programs served 637 schools in 36 counties in Florida during the 2018-2019 school year.¹⁷

III. Effect of Proposed Changes:

The bill authorizes the Department of Education (DOE) to contract with the Florida Holocaust Museum (FHM) to develop instructional materials to teach the history of the Holocaust.

Allowing the DOE to contract with the FHM may assist Florida school districts to implement additional instructional resources and fulfill state requirements to teach the history of the Holocaust.

The bill takes effect July 1, 2020.

¹⁰ See also The Florida Holocaust Museum, *Mission*, <https://www.fholocaustmuseum.org/mission/> (last visited Jan. 23, 2020).

¹¹ The Florida Holocaust Museum, *The Florida Holocaust Museum History*, <https://www.fholocaustmuseum.org/about/fhm-history/> (last visited Jan. 29, 2020).

¹² The Florida Holocaust Museum, *Legacy Newsletter & Annual Report* (Spring 2019), available at https://issuu.com/pratthefhm/docs/spring_2019_newsletter_template_alt, at 15.

¹³ The Florida Holocaust Museum, *About The Florida Holocaust Museum* (2019), Handout, at 1.

¹⁴ The Florida Holocaust Museum, *The Florida Holocaust Museum Return on Investment Final Report* (2019), at 1.

¹⁵ Teaching Trunks, available free of charge and selected to be appropriate for students at each grade level, are designed to accommodate the needs of one class or a team of teachers. Materials include videos, read-aloud selections, CD-Roms, picture books, student and teacher reference and resource materials, and poster sets. See The Florida Holocaust Museum, *Teaching Trunks*, <https://www.fholocaustmuseum.org/learn/teaching-trunks/> (last visited Jan. 29, 2020).

¹⁶ The Florida Holocaust Museum, *Teacher Training*, <https://www.fholocaustmuseum.org/learn/teacher-training/> (last visited Jan. 29, 2020).

¹⁷ The Florida Holocaust Museum, *supra* note 14, at 1.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.42 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.



722274

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (g) of subsection (2) of section
1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public
schools, subject to the rules of the State Board of Education
and the district school board, shall teach efficiently and
faithfully, using the books and materials required that meet the



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12 highest standards for professionalism and historical accuracy,
13 following the prescribed courses of study, and employing
14 approved methods of instruction, the following:

15 (g) The history of the Holocaust (1933-1945), the
16 systematic, planned annihilation of European Jews and other
17 groups by Nazi Germany, a watershed event in the history of
18 humanity, to be taught in a manner that leads to an
19 investigation of human behavior, an understanding of the
20 ramifications of prejudice, racism, and stereotyping, and an
21 examination of what it means to be a responsible and respectful
22 person, for the purposes of encouraging tolerance of diversity
23 in a pluralistic society and for nurturing and protecting
24 democratic values and institutions, including the policy against
25 anti-Semitism, as described in s. 1000.05(7). Each school
26 district and charter school must annually certify and provide
27 evidence to the department, in a manner prescribed by the
28 department, that the requirements of this paragraph are met. The
29 department shall prepare and offer curriculum standards for the
30 instruction required by this paragraph and may work with the
31 Florida Holocaust Museum and other state or nationally
32 recognized Holocaust educational organizations to develop grade-
33 appropriate curricula, training for instructional personnel, and
34 classroom resources for the instruction required by this
35 paragraph.

36
37 The State Board of Education is encouraged to adopt standards
38 and pursue assessment of the requirements of this subsection. A
39 character development program that incorporates the values of
40 the recipients of the Congressional Medal of Honor and that is



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41 offered as part of a social studies, English Language Arts, or
42 other schoolwide character building and veteran awareness
43 initiative meets the requirements of paragraphs (s) and (t).

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

45

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

47 And the title is amended as follows:

48 Delete everything before the enacting clause

49 and insert:

50

A bill to be entitled

51

An act relating to Holocaust education; amending s.

52

1003.42, F.S.; including the study of a specified

53

policy against anti-Semitism in specified instruction;

54

providing school district, charter school, and

55

Department of Education requirements relating to such

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instruction; authorizing the department to work with

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certain Holocaust educational organizations for

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specified purposes relating to the required

59

instruction; providing an effective date.

By Senator Book

32-01274-20

20201628__

1 A bill to be entitled
 2 An act relating to Holocaust education; amending s.
 3 1003.42, F.S.; authorizing the Department of Education
 4 to contract with the Florida Holocaust Museum for
 5 specified purposes relating to required instruction;
 6 providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Paragraph (g) of subsection (2) of section
 11 1003.42, Florida Statutes, is amended to read:
 12 1003.42 Required instruction.—
 13 (2) Members of the instructional staff of the public
 14 schools, subject to the rules of the State Board of Education
 15 and the district school board, shall teach efficiently and
 16 faithfully, using the books and materials required that meet the
 17 highest standards for professionalism and historical accuracy,
 18 following the prescribed courses of study, and employing
 19 approved methods of instruction, the following:
 20 (g) The history of the Holocaust (1933-1945), the
 21 systematic, planned annihilation of European Jews and other
 22 groups by Nazi Germany, a watershed event in the history of
 23 humanity, to be taught in a manner that leads to an
 24 investigation of human behavior, an understanding of the
 25 ramifications of prejudice, racism, and stereotyping, and an
 26 examination of what it means to be a responsible and respectful
 27 person, for the purposes of encouraging tolerance of diversity
 28 in a pluralistic society and for nurturing and protecting
 29 democratic values and institutions. The department may contract

Page 1 of 2

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32-01274-20

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30 with the Florida Holocaust Museum to develop instructional
 31 materials for the instruction required by this paragraph.
 32
 33 The State Board of Education is encouraged to adopt standards
 34 and pursue assessment of the requirements of this subsection. A
 35 character development program that incorporates the values of
 36 the recipients of the Congressional Medal of Honor and that is
 37 offered as part of a social studies, English Language Arts, or
 38 other schoolwide character building and veteran awareness
 39 initiative meets the requirements of paragraphs (s) and (t).
 40 Section 2. This act shall take effect July 1, 2020.

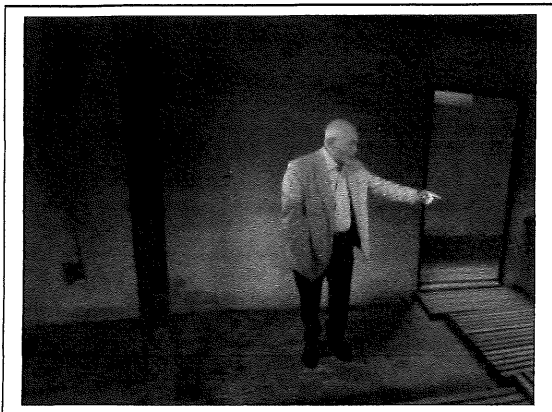
Page 2 of 2

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THE FLORIDA HOLOCAUST MUSEUM

The Florida Holocaust Museum Return on Investment Final Report

During 2018-19:



Exhibitions & Programs:

43,596 people visited the Museum to see its permanent exhibition about the Holocaust as well as the temporary exhibitions "Operation Finale: The Capture and Trial of Adolf Eichmann," "Bill Graham and the Rock & Roll Revolution," "The Last Goodbye" virtual reality experience, "Letters to Sala: A Young Woman's Life in Nazi Labor Camps," "Stories of Survival: The FHM Remembers," "The Sam & Inge Lewkowitz Collection," and "Works by Samuel Bak."

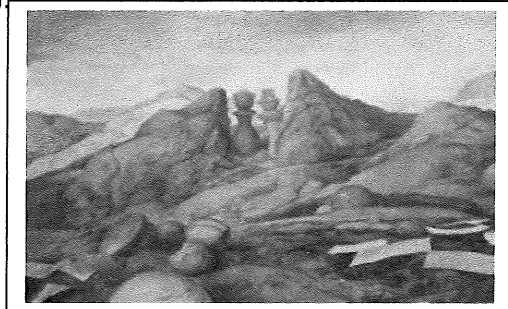
Student tours: **253**

More than **122,301** people saw exhibitions from The Florida Holocaust Museum outside the Museum, **116,154** in Florida institutions. The Museum's traveling exhibition *Beaches, Benches and Boycotts: The Civil Rights Movement in Tampa Bay* continues to be on loan to Pinellas County Schools and is being showing in multiple high schools. Over 1900 students and 200 teachers had seen the exhibition by April. On April 16, the exhibit moved to Tropicana Field to commemorate Jackie Robinson Day. 108,854 visitors saw the exhibit and Tampa Bay Rays management held a Lunch n Learn for their staff to delve more deeply into the exhibit. The Museum's traveling exhibitions, *Jehovah's Witnesses: Faith Under Fire* and *Rwanda: Personal Images, Drawings by Vivian Bower* were exhibited at the Holocaust Memorial Center in Farmington Hills, Michigan, reaching 6147 visitors. The Museum's traveling exhibition "Janus Korczak: Illustrations by Bill Farnsworth" was exhibited at the Holocaust Memorial Resource and Education Center of Florida in Maitland, reaching 5200 visitors and The Museum's traveling exhibition "*Resistance and Rescue*" was on view at the Hearst Center for the Arts in Cedar Falls, Iowa (attendance not reported)

Total People Served: 218,373

Students participating in all programs: 75,334

Teachers in all programs: 1460



Public programs highlights include:

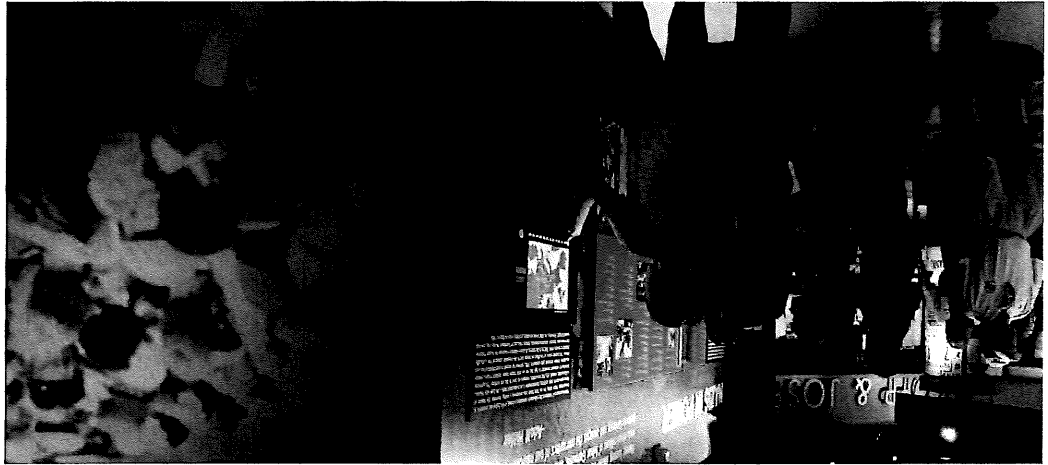
- On August 9, The Florida Holocaust Museum hosted free advance screenings for "Operation Finale" at Hillsborough and Pinellas theatres. Executive Director Elizabeth Gelman spoke at the Tampa site. Urszula Szczepinska prepared an educational handout with information about Adolf Eichmann that was used in theatres throughout the United States.

About The Florida Holocaust Museum

One of the largest Holocaust museums in the country, The Florida Holocaust Museum (The FHM) is the result of St. Petersburg businessman and philanthropist Walter P. Loebenberg's remarkable journey and vision. Loebenberg escaped Nazi Germany in 1939 and served in the United States Army during World War II. Together with a group of local businesspeople, community leaders, and internationally renowned Holocaust scholars such as Thomas Kenally, author of Schindler's List, and Elie Wiesel who served as Honorary Chair, the concept of a living memorial to those who suffered and perished was conceived to ensure that such atrocities could never again happen to any group of people.

In 1992, The FHM opened its doors in a small space which it soon outgrew, moving into its current home in the heart downtown St Petersburg in 1998. The FHM continues to grow, in its impact and its objects. During 2018-19, over 218,000 people were impacted through The FHM's programs and exhibitions. Our collections now include over 18,000 original objects, artifacts and objects and more than 300 testimonies from Holocaust Survivors and Liberators. The FHM has recently purchased an additional building in northern Pinellas County to care for these important artifacts, with the goal of opening its new Collections, Preservation & Research center within the next 5 years.

2018-19 Numbers of People Impacted through the educational programs of The FHM
 Students Served: 75,334 in 36 Florida counties
 Teachers Served 1460



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 1644

INTRODUCER: Senators Book and Flores

SUBJECT: Students With Disabilities in Public Schools

DATE: February 07, 2020

REVISED: _____

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

I. Summary:

SB 1644 revises the circumstances and procedures required for restraining students with a disability in public schools and prohibits the use of seclusion. The bill also provides enhanced mechanisms for monitoring specified classrooms. Specifically, the bill requires:

- School districts to:
 - Adopt positive behavior interventions and supports for students with a disability and identify all school personnel authorized to use the interventions and supports.
 - Provide training to all school personnel authorized to use positive behavior interventions and supports.
 - Publish the procedures for training in positive behavior interventions and supports in the district's special policies and procedures manual.
- The development of a crisis intervention plan for a student who has been restrained twice during a semester.
- Schools to install a video camera, upon the request of a parent, in self-contained classrooms where students with a disability are enrolled and specifies the circumstances under which the video recording may be viewed.
- The Department of Education (DOE) to collect information relating to the installation and maintenance of video cameras in self-contained classrooms.
- Data maintained by the DOE on the use of restraint to be updated monthly and made available to the public through the DOE's website by October 1, 2020.
- The Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel.

The bill takes effect July 1, 2020.

II. Present Situation:

The Individuals with Disabilities Education Act (IDEA) was enacted to ensure that all children with a disability have available to them a free appropriate public education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; and ensuring that the rights of children with disabilities and parents of such children are protected.¹ Accordingly, Florida law specifies conditions regarding the use of restraint and seclusion on students with a disability.²

The Use of Restraint and Seclusion

The Florida Department of Education (DOE) requires that all documenting, reporting, and monitoring requirements related to the use of restraint in schools are based on the definitions issued by the Office for Civil Rights (OCR) within the United States Department of Education.³

Restraint

According to the DOE:⁴

- Physical restraint immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.
- Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for specific and approved purposes for which such devices were designed.

School personnel are prohibited from using a mechanical restraint or a physical or manual restraint that restricts a student's breathing.⁵

Seclusion

The OCR defines seclusion as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.⁶ Seclusion does not include a time out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose

¹ U.S. Department of Education, *IDEA Purpose*, <https://sites.ed.gov/idea/about-idea> (last visited Feb. 4, 2020).

² Section 1003.573, F.S.

³ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 2.

⁴ *Id.*

⁵ Section 1003.573(4), F.S.

⁶ U.S. Department of Education, Office of Civil Rights, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities* (Dec. 28, 2016), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>, at 7.

of calming.⁷ School personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshall for seclusion time-out rooms.⁸

School District Responsibilities

Each school district must develop policies and procedures regarding the use of restraint and seclusion of students with a disability.⁹ School district policies and procedures must address:¹⁰

- Incident-reporting procedures.
- Data collection and monitoring, including when, where, and why students are restrained or secluded.
- Training programs relating to manual or physical restraint and seclusion.
- The district's plan for reducing the use of restraint and seclusion, particularly in settings in which it occurs frequently or with students who are restrained repeatedly,¹¹ and for reducing the use of prone restraint and mechanical restraint.

Confidentiality of Student Records

With limited exceptions, school districts may not disclose personally identifiable information contained within student records to a third party without parental consent.¹² School districts may disclose personally identifiable information from an education record regarding threats of violence and other issues regarding a student's well-being without parental consent in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.¹³

School districts may also share student information with juvenile justice and criminal justice agencies if the disclosure concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.¹⁴ If the juvenile justice system seeks the disclosure of information on a student in order to identify and intervene with a juvenile at risk of delinquency, rather than to obtain information solely related to supervision of an adjudicated delinquent, the juvenile could be classified as a preadjudicated delinquent, and the records may be shared.¹⁵

⁷ *Id.*

⁸ Section 1003.573(5); Rule 69A-58.0084, F.A.C.

⁹ Section 1003.573(3)(a), F.S.

¹⁰ *Id.*

¹¹ The recurrent use of seclusion or restraint for an individual student indicates the need for a functional behavioral assessment (FBA) and should trigger a review and possible revision of that student's IEP and Behavioral Intervention Plan (BIP). For example, students with limited communication skills may exhibit aggressive behaviors in an effort to communicate. The FBA should be used to identify such situations and a BIP should be developed to address the need(s) through appropriate instructional techniques. Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 15.

¹² Section 1002.22, F.S.; 20 U.S.C. s. 1232(g).

¹³ 34 C.F.R. s. 99.36.

¹⁴ 34 C.F.R. s. 99.38.

¹⁵ See U.S. Dep't. of Justice and U.S. Dep't of Ed., *Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs* (June 1997), available at <https://www.ncjrs.gov/pdffiles/163705.pdf> at 9.

School Responsibilities

Florida law requires a school to prepare an incident report within 24 hours after a student is released from restraint or seclusion.¹⁶ The incident report must contain:¹⁷

- The name, age, grade, ethnicity, and disability of the student restrained or secluded.
- The date and time of the event and the duration of the restraint or seclusion.
- A description of the type of restraint.
- A description of the incident.

Before the end of the school day, a school must provide written notification to the parent or guardian of a student each time restraint or seclusion is used on the student.¹⁸ Reasonable efforts must also be taken to notify the parent or guardian by telephone or e-mail, or both, and these efforts must be documented.¹⁹ The school must obtain and keep in its records the parent's or guardian's signed acknowledgement that he or she was notified of his or her child's restraint or seclusion.²⁰ A school must also provide the parent or guardian with the completed incident report in writing by mail within three school days after a student was manually or physically restrained or secluded.²¹

Monitoring of the use of restraint and seclusion on students is required at the classroom, building, district, and state levels.²² The incident report and the notification to the parent or guardian must be provided to the school principal, the school district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services within the DOE electronically each month that school is in session.²³

In the 2017-2018 fiscal year, school districts reported 8,367 incidents of restraint and 834 incidents of seclusion.²⁴

Florida Department of Education Responsibilities

The DOE is required to maintain aggregate data of incidents of manual or physical restraint and seclusion by county, school, student exceptionality, and other variables, including the type and method of restraint or seclusion used.²⁵ This information must be updated monthly.²⁶ The DOE is also required to establish standards for documenting, reporting, and monitoring the use of manual or physical restraint or mechanical restraint, and occurrences of seclusion.²⁷

¹⁶ Section 1003.573(1), F.S. If the student's release occurs on a day before the school closes for the weekend, a holiday or another reason, the incident report must be completed by the end of the school day on the day the school reopens. *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 1003.573(1)(d), F.S.

²² *Id.* at (2)(a).

²³ *Id.* at (b).

²⁴ Florida Department of Education, *Senate Bill 62 Analysis* (2019), at 4.

²⁵ Section 1003.573(2)(c), F.S.

²⁶ *Id.*

²⁷ *Id.* at (d).

Commissioner of Education Responsibilities

The Commissioner of Education is required to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education or in-service training requirements for personnel.²⁸ These recommendations must address:²⁹

- Early identification and intervention methods.
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.
- The use of available state and local resources.
- The use of positive behavioral supports to deescalate problem behaviors.
- Appropriate use of manual physical restraint and seclusion techniques.

III. Effect of Proposed Changes:

The bill revises the circumstances and procedures required for restraining students with a disability in public schools and prohibits the use of seclusion. The bill also provides enhanced mechanisms for monitoring specified classrooms. Specifically, the bill requires:

- School districts to:
 - Adopt positive behavior interventions and supports for students with a disability and identify all school personnel authorized to use the interventions and supports.
 - Provide training to all school personnel authorized to use positive behavior interventions and supports.
 - Publish the procedures for training in positive behavior interventions and supports in the district's special policies and procedures manual.
- The development of a crisis intervention plan for a student who has been restrained twice during a semester.
- Schools to install a video camera, upon the request of a parent, in self-contained classrooms where students with a disability are enrolled and specifies the circumstances under which the video recording may be viewed.
- The Department of Education (DOE) to collect information relating to the installation and maintenance of video cameras in self-contained classrooms.
- Data maintained by the DOE on the use of restraint to be updated monthly and made available to the public through the DOE's website by October 1, 2020.
- The Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel.

The Use of Restraint and Seclusion

Restraint

The bill modifies s. 1003.573, F.S., to define terms related to restraint and ensure restraint is only used as a last resort to avoid imminent harm. Specifically, the bill defines:

²⁸ Section 1012.582(1), F.S.

²⁹ *Id.*

- Restraint to mean the use of a mechanical or physical restraint.
- Mechanical restraint to mean the use of a device that restricts a student's freedom of movement. The term does not include the use of devices prescribed or recommended by physical or behavioral health professionals when used for indicated purposes.
- Physical restraint to mean the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body but does not include briefly holding a student in order to calm or comfort the student or physically escorting a student to a safe location.
- Student, as the term relates to the restraint of students with a disability, to mean a child with an individual education plan³⁰ enrolled in grades kindergarten through 12. The term does not include students in prekindergarten, students who reside in residential care facilities, or students participating in a Department of Juvenile Justice education program.

The bill specifies that restraint may only be used to protect the safety of students, school personnel, or others, and only after all behavioral interventions to prevent the dangerous behavior posing a risk of serious physical harm to the student or others have been exhausted, and the threat of injury posed by the dangerous behavior remains. When restraining a student, a person may only apply the degree of force necessary to protect the student or others from imminent risk of serious injury. Restraint may not:

- Be used to induce compliance, for student discipline, or to correct student noncompliance.
- Involve the use of straightjackets, zip ties, handcuffs, or tie-downs to obstruct or restrict breathing or blood flow.

Seclusion

The bill prohibits the use of seclusion of students by school personnel. Seclusion is defined as the involuntary confinement of a student in a room or area alone. The term does not include time-out used as a behavior management technique to calm a student.

This prohibition may encourage school personnel to consider effective and appropriate intervention strategies to address student behavior in the school setting.

School District Responsibilities

The bill requires school districts to adopt positive behavior interventions and supports for students with a disability and identify all school personnel authorized to use the interventions and supports. District policies and procedures on positive behavior interventions and supports must be publicly posted at the beginning of each school year, and any revisions must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services within the DOE within 90 days after the revision.

Existing requirements governing policies and procedures for the seclusion and restraint of students with a disability are updated to align with the new definitions relating to restraint and the prohibition of the use of seclusion. The bill authorizes school districts to include in their

³⁰ The individualized education plan is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability. Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

required plans for achieving goals to reduce the use of restraint an analysis of data to determine trends related to the use of restraint.

Training

The bill requires school districts to provide training to all school personnel authorized to use positive behavior interventions and supports and publish the procedures for the training in the district's special policies and procedures manual. The bill adds the date an individual was last trained in the use of positive behavior interventions and supports to the required components of the incident report that is prepared within 24 hours after a student is released from restraint.

Training must be provided annually and include:

- The use of positive behavior interventions and supports.
- Risk assessment procedures to identify when restraint may be used.
- Examples of when positive behavior interventions and support techniques have failed to reduce the imminent risk of serious injury.
- Examples of safe and appropriate restraint techniques and how to use these techniques with multiple staff members working as a team.
- Instruction in the district's documentation and reporting requirements.
- Procedures to identify and deal with possible medical emergencies arising during the use of restraint.
- Cardiopulmonary resuscitation.

The establishment of school district training protocol on the use of positive behavior interventions and supports may provide school personnel with additional resources and knowledge related to the techniques to deescalate disruptive student behavior.

Crisis Intervention Plan

The bill requires a team comprised of school personnel, applicable physical and behavioral health professionals, and a student's parent to develop a crisis intervention plan after the second time the student is restrained during a semester. A crisis intervention plan is an individualized action plan for school personnel to implement when a student exhibits dangerous behavior that may lead to imminent risk of serious injury. The bill adds the date the crisis intervention plan was last reviewed, and whether changes were recommended, to the required components to be included in an incident report prepared within 24 hours after a student is released from restraint. The crisis intervention plan must be provided to the student's parent and include:

- Specific positive behavior interventions and supports to use in response to dangerous behaviors that create a threat of imminent risk of serious injury.
- Known physical and behavioral health concerns that will limit the use of restraint for the student.
- A timetable for the review and, if necessary, revision of the crisis intervention plan.

Video Cameras in Self-Contained Classrooms

Operation of Video Cameras

The bill creates s. 1003.574, F.S., which requires a school district to provide a video camera to any school with a self-contained classroom upon the written request of a parent of a student in

the classroom. A self-contained classroom is a classroom at a public school in which a majority of the students in regular attendance are provided special education services and are assigned to one or more such classrooms for at least 50 percent of the instructional day. Before the video camera is placed in any classroom, schools must provide written notification of the placement of the video camera to the parents of each student assigned to the self-contained classroom, the school district, and each employee assigned to work with any of the students in the self-contained classroom. The video camera must be operational in each classroom in which the student is in attendance within 30 days after receipt of the parent's written request. The bill does not apply to self-contained classrooms in which the only students receiving special education services are those who have been deemed gifted.

The video camera must be capable of recording, through both video and audio, all areas of the self-contained classroom and any room attached to that classroom but is not required to record when no students are present. Schools are prohibited from:

- Recording a restroom or any area where a student changes his or her clothes.
- Using videos for teacher evaluations or any purpose other than for ensuring the health, safety, and well-being of students receiving special education services in a self-contained classroom.
- Allowing regular or continuous monitoring of the video recording.

Any interruption in the operation of the video camera must be explained in writing to the school principal and the district school board. The explanation must include the duration of the interruption, and the district school board office is required to maintain the written explanation for at least one year.

If the parent withdraws the request or the student no longer attends the classroom, the school must notify the parents of the other students in the classroom at least five school days prior to ceasing operation of the video camera. The school must notify the parents that operation of the video camera will cease unless the continued use of the camera is requested by a parent. The school must also send the notification at least ten school days prior to the end of each school year.

Maintenance and Disclosure of Video Camera Recordings

The bill provides measures related to the maintenance and disclosure of recordings generated by video cameras in self-contained classrooms. The school principal is the custodian of video cameras, video recordings, and access to video recordings and must protect the confidentiality of all student records contained in video camera recordings in accordance with Florida laws governing the disclosure of student records. When making video recordings available for viewing, the school principal must conceal the identity of any student who appears in a video camera recording but is not involved in the incident which formed the basis of the request for disclosure.

The school must make a recording available for viewing within seven days after receiving a request from:

- A school or school district employee who is involved in an alleged incident that is documented by the video recording as part of the investigative process.

- A parent of a student who is involved in an alleged incident that is documented by the video recording and has been reported to the school or school district.
- A school or school district employee as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the school or school district.
- A law enforcement officer as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the law enforcement agency.
- The Department of Children and Families (DCF) as part of a child abuse or neglect investigation.

An incident is defined as an event, circumstance, act, or omission that results in the abuse or neglect of a student by an employee of a public school, school district or another student. The person who requested to view the recording must view the recording within 30 days of receiving notice that his or her request for viewing has been granted and report any suspected child abuse to the DCF. The bill specifies that an incidental viewing by a school employee or contractor involved in the installation, operation, or maintenance of video equipment, or the retention of video recordings does not violate limitations on the disclosure of video recordings.

Schools must retain video footage for at least three months after the date the video was recorded or until the conclusion of any investigation or legal proceedings that result from the recording, including the exhaustion of all appeals.

State Board of Education Appeals

An individual may appeal to the State Board of Education (SBE) an action by a school or school district which the individual alleges violates requirements related to video cameras in self-contained classrooms, and the SBE must grant a hearing within 45 days of receiving the request for appeal. The bill specifies that statutory requirements related to video cameras in self-contained classrooms do not:

- Limit the access of the parent of a student, under the Family Educational Rights and Privacy Act (FERPA)³¹ or any other law, to a video recording regarding his or her student.
- Waive any immunity from liability of a school district or an employee of a school district.
- Create any liability for a cause of action against a school or school district or an employee of a school or school district carrying out the duties and responsibilities related to video cameras in self-contained classrooms.

The bill provides rulemaking authority to the SBE to implement requirements related to video cameras in classrooms.

Florida Department of Education Responsibilities

The bill requires the DOE to collect information related to the installation and maintenance of video cameras. The aggregate-level data on incidents of restraint by county, school, student exceptionality, and other variables must be made available to the public through the DOE's website by October 1, 2020. This may provide the public with access to policies, procedures, and data related to the use of restraint.

³¹ 20 U.S.C. s. 1232g.

The bill replaces the requirement for the DOE to establish standards for documenting, reporting, and monitoring the use of restraint with the requirement to establish standards for documenting, reporting, and monitoring the incident reports related to the use of restraint. This may assist school districts in documenting and reporting incidents related to the use of restraint.

Commissioner of Education Responsibilities

The bill requires the commissioner to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel. The bill also modifies the information required to be addressed in such recommendations by requiring the recommendations to address the use of positive behavior interventions and support, and effective classroom behavior management strategies.

Accordingly, the bill may help instructional personnel to be better informed and trained in strategies to teach students with emotional or behavioral disabilities.

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:**

School districts may incur costs associated with installing and maintaining video cameras and retaining recordings. The fiscal impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 1003.573, 1003.574, and 1012.582 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.

By Senator Book

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1 A bill to be entitled
 2 An act relating to students with disabilities in
 3 public schools; amending s. 1003.573, F.S.; defining
 4 terms; requiring school districts to prohibit the use
 5 of seclusion on students with disabilities in public
 6 schools; providing requirements for the use of
 7 restraint; prohibiting specified restraint techniques;
 8 revising school district policies and procedures
 9 relating to restraint; requiring school districts to
 10 adopt positive behavior interventions and supports and
 11 certain policies and procedures; requiring each school
 12 district to publicly post specified policies and
 13 procedures; requiring school districts to provide
 14 training on certain interventions and supports to
 15 specified personnel; providing requirements for such
 16 training; requiring each school district to publish
 17 training procedures in its special policies and
 18 procedures manual; requiring schools to develop a
 19 crisis intervention plan for certain students;
 20 providing requirements for such plans; revising the
 21 requirements for documenting, reporting, and
 22 monitoring the use of restraint; requiring the
 23 department to make certain information available to
 24 the public by a specified date; conforming provisions
 25 to changes made by the act; creating s. 1003.574,
 26 F.S.; defining terms; requiring a video camera to be
 27 placed in specified classrooms upon the request of a
 28 parent; requiring video cameras to be operational
 29 within a specified time period; providing requirements

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

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30 for the discontinuation of such video cameras;
 31 providing requirements for such video cameras;
 32 providing an exception; requiring a written
 33 explanation if the operation of such cameras is
 34 interrupted; requiring district school boards to
 35 maintain such explanation for a specified time;
 36 requiring schools to provide written notice to certain
 37 individuals of the placement of a video camera;
 38 providing requirements for retaining and deleting
 39 video recordings; providing prohibitions for the use
 40 of such video cameras and recordings; providing that
 41 school principals are the custodians of such video
 42 cameras and recordings; providing requirements for
 43 school principals and video recordings; providing
 44 requirements relating to student privacy; providing
 45 requirements for the viewing of such video recordings;
 46 providing for an appeal process for actions of a
 47 school or school district; providing that incidental
 48 viewings of video recordings by specified individuals
 49 are not a violation of certain provisions; providing
 50 construction; requiring the Department of Education to
 51 collect specified information; authorizing the State
 52 Board of Education to adopt rules; amending s.
 53 1012.582, F.S.; requiring continuing education and
 54 inservice training for instructional personnel
 55 teaching students with emotional or behavioral
 56 disabilities; conforming provisions to changes made by
 57 the act; providing an effective date.
 58

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

60
61 Section 1. Section 1003.573, Florida Statutes, is amended
62 to read:

63 1003.573 ~~Seclusion and Use of restraint of and seclusion on~~
64 students with disabilities in public schools.-

65 (1) DEFINITIONS.—As used in this section, the term:

66 (a) “Crisis intervention plan” means an individualized
67 action plan for school personnel to implement when a student
68 exhibits dangerous behavior that may lead to imminent risk of
69 serious injury.

70 (b) “Imminent risk of serious injury” means the threat
71 posed by dangerous behavior that may cause serious physical harm
72 to self or others.

73 (c) “Restraint” means the use of a mechanical or physical
74 restraint.

75 1. “Mechanical restraint” means the use of a device that
76 restricts a student’s freedom of movement. The term does not
77 include the use of devices prescribed or recommended by physical
78 or behavioral health professionals when used for indicated
79 purposes.

80 2. “Physical restraint” means the use of manual restraint
81 techniques that involve significant physical force applied by a
82 teacher or other staff member to restrict the movement of all or
83 part of a student’s body. The term does not include briefly
84 holding a student in order to calm or comfort the student or
85 physically escorting a student to a safe location.

86 (d) “Positive behavior interventions and supports” means
87 the use of behavioral interventions to prevent dangerous

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88 behaviors that may cause serious physical harm to the student or
89 others.

90 (e) “Seclusion” means the involuntary confinement of a
91 student in a room or area alone and preventing the student from
92 leaving the room or area. The term does not include time-out
93 used as a behavior management technique intended to calm a
94 student.

95 (f) “Student” means a child with an individual education
96 plan enrolled in grades kindergarten through 12 in a school, as
97 defined in s. 1003.01(2), or the Florida School for the Deaf and
98 Blind. The term does not include students in prekindergarten,
99 students who reside in residential care facilities under s.
100 1003.58, or students participating in a Department of Juvenile
101 Justice education program under s. 1003.53.

102 (2) SECLUSION.—Each school district shall prohibit school
103 personnel from using seclusion.

104 (3) RESTRAINT.—

105 (a) Authorized school personnel may use restraint only when
106 all positive behavior interventions and supports have been
107 exhausted. Restraint may be used only when there is an imminent
108 risk of serious injury and shall be discontinued as soon as the
109 threat posed by the dangerous behavior has dissipated.

110 Straightjackets, zip ties, handcuffs, or tie-downs may not be
111 used to obstruct or restrict breathing or blood flow. Restraint
112 techniques may not be used to inflict pain to induce compliance.

113 (b) Notwithstanding the authority provided in s. 1003.32,
114 restraint shall be used only to protect the safety of students,
115 school personnel, or others and may not be used for student
116 discipline or to correct student noncompliance.

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117 (c) The degree of force applied during physical restraint
 118 must be only that degree of force necessary to protect the
 119 student or others from imminent risk of serious injury.

120 ~~(4)(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.-

121 (a) Each school district shall adopt positive behavior
 122 interventions and supports and identify all school personnel
 123 authorized to use the interventions and supports. Each school
 124 district shall develop policies and procedures ~~that are~~
 125 consistent with this section and that govern the following:

126 1. Incident-reporting procedures.

127 2. Data collection and monitoring, including when, where,
 128 and why students are restrained and ~~or secluded~~; the frequency
 129 of occurrences of such restraint ~~or seclusion~~; and the prone or
 130 mechanical restraint that is most used.

131 3. Monitoring and reporting of data collected.

132 4. Training programs and procedures relating to ~~manual or~~
 133 ~~physical~~ restraint as described in subsection (3) and seclusion.

134 5. The district's plan for selecting personnel to be
 135 trained pursuant to this subsection.

136 6. The district's plan for reducing the use of restraint,
 137 ~~and seclusion~~ particularly in settings in which it occurs
 138 frequently or with students who are restrained repeatedly, ~~and~~
 139 ~~for reducing the use of prone restraint and mechanical~~
 140 ~~restraint~~. The plan must include a goal for reducing the use of
 141 restraint ~~and seclusion~~ and must include activities, skills, and
 142 resources needed to achieve that goal. Activities may include,
 143 but are not limited to:

144 a. Additional training in positive behavior interventions
 145 and supports. behavioral support and crisis management;

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146 b. Parental involvement.~~†~~

147 c. Data review.~~†~~

148 d. Updates of students' functional behavioral analysis and
 149 positive behavior intervention plans.~~†~~

150 e. Additional student evaluations.~~†~~

151 f. Debriefing with staff.~~†~~

152 g. Use of schoolwide positive behavior support.~~†~~ ~~and~~

153 h. Changes to the school environment.

154 i. Analysis of data to determine trends.

155 j. Ongoing reduction of the use of restraint.

156 (b) Any revisions a school district makes to its ~~to the~~
 157 ~~district's~~ policies and procedures pursuant to this section,
 158 which must be prepared as part of its special policies and
 159 procedures, must be filed with the bureau chief of the Bureau of
 160 Exceptional Education and Student Services within 90 days after
 161 the revision no later than January 31, 2012.

162 (c) At the beginning of each school year, each school
 163 district shall publicly post its policies and procedures on
 164 positive behavior interventions and supports as adopted by the
 165 school district.

166 (5) TRAINING.-Each school district shall provide training
 167 to all school personnel authorized to use positive behavior
 168 interventions and supports pursuant to school district policy.
 169 Training shall be provided annually and must include:

170 (a) The use of positive behavior interventions and
 171 supports.

172 (b) Risk assessment procedures to identify when restraint
 173 may be used.

174 (c) Examples of when positive behavior interventions and

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175 support techniques have failed to reduce the imminent risk of
 176 serious injury.

177 (d) Examples of safe and appropriate restraint techniques
 178 and how to use these techniques with multiple staff members
 179 working as a team.

180 (e) Instruction in the district's documentation and
 181 reporting requirements.

182 (f) Procedures to identify and deal with possible medical
 183 emergencies arising during the use of restraint.

184 (g) Cardiopulmonary resuscitation.

185 Each school district shall publish the procedures for the
 186 training required under this subsection in the district's
 187 special policies and procedures manual.

189 (6) CRISIS INTERVENTION PLAN.—

190 (a) Upon the second time a student is restrained during a
 191 semester, the school shall develop a crisis intervention plan
 192 for the student. The crisis intervention plan shall be developed
 193 by a team comprised of the student's parent, school personnel,
 194 and applicable physical and behavioral health professionals.

195 (b) The crisis intervention plan must include:

196 1. Specific positive behavior interventions and supports to
 197 use in response to dangerous behaviors that create a threat of
 198 imminent risk of serious injury.

199 2. Known physical and behavioral health concerns that will
 200 limit the use of restraint for the student.

201 3. A timetable for the review and, if necessary, revision
 202 of the crisis intervention plan.

203 (c) The school must provide a copy of the crisis

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204 intervention plan to the student's parent.

205 (7)(4) DOCUMENTATION AND REPORTING.—

206 (a) A school shall prepare an incident report within 24
 207 hours after a student is released from restraint ~~or seclusion~~.
 208 If the student's release occurs on a day before the school
 209 closes for the weekend, a holiday, or another reason, the
 210 incident report must be completed by the end of the school day
 211 on the day the school reopens.

212 (b) The following must be included in the incident report:

213 1. The name of the student restrained ~~or secluded~~.

214 2. The age, grade, ethnicity, and disability of the student
 215 restrained ~~or secluded~~.

216 3. The date and time of the event and the duration of the
 217 restraint ~~or seclusion~~.

218 4. The location at which the restraint ~~or seclusion~~
 219 occurred.

220 5. A description of the type of restraint used in terms
 221 established by the department ~~of Education~~.

222 6. The name of the person using or assisting in the
 223 restraint ~~or seclusion~~ of the student and the date the person
 224 was last trained in the use of positive behavior interventions
 225 and supports.

226 7. The name of any nonstudent who was present to witness
 227 the restraint ~~or seclusion~~.

228 8. A description of the incident, including all of the
 229 following:

230 a. The context in which the restraint ~~or seclusion~~
 231 occurred.

232 b. The student's behavior leading up to and precipitating

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233 the decision to use ~~manual or physical~~ restraint ~~or seclusion~~,
 234 including an indication as to why there was an imminent risk of
 235 serious injury ~~or death~~ to the student or others.

236 c. The ~~specific positive behavior interventions and~~
 237 ~~supports behavioral strategies~~ used to prevent and deescalate
 238 the behavior.

239 d. What occurred with the student immediately after the
 240 termination of the restraint ~~or seclusion~~.

241 e. Any injuries, visible marks, or possible medical
 242 emergencies that may have occurred during the restraint ~~or~~
 243 ~~seclusion~~, documented according to district policies.

244 f. Evidence of steps taken to notify the student's parent
 245 or guardian.

246 g. The date the crisis intervention plan was last reviewed
 247 and whether changes were recommended.

248 (c) A school shall notify the parent or guardian of a
 249 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is
 250 used. Such notification must be in writing and provided before
 251 the end of the school day on which the restraint ~~or seclusion~~
 252 occurs. Reasonable efforts must also be taken to notify the
 253 parent or guardian by telephone or ~~computer~~ e-mail, or both, and
 254 these efforts must be documented. The school shall obtain, and
 255 keep in its records, the parent's or guardian's signed
 256 acknowledgment that he or she was notified of his or her child's
 257 restraint ~~or seclusion~~.

258 (d) A school shall also provide the parent or guardian with
 259 the completed incident report in writing by mail within 3 school
 260 days after a student was ~~manually or physically~~ restrained ~~or~~
 261 ~~secluded~~. The school shall obtain, and keep in its records, the

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262 parent's or guardian's signed acknowledgment that he or she
 263 received a copy of the incident report.

264 ~~(8)-(2)~~ MONITORING.—

265 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint
 266 ~~or seclusion~~ on students shall be monitored ~~occur~~ at the
 267 classroom, building, district, and state levels.

268 (b) Any documentation prepared by a school pursuant to ~~as~~
 269 ~~required in~~ subsection ~~(7)~~ ~~(4)~~ shall be provided to the school
 270 principal, the district director of Exceptional Student
 271 Education, and the bureau chief of the Bureau of Exceptional
 272 Education and Student Services electronically each month that
 273 the school is in session.

274 (c) The department shall maintain aggregate data of
 275 incidents of ~~manual or physical~~ restraint ~~and seclusion~~ and
 276 disaggregate the data for analysis by county, school, student
 277 exceptionality, and other variables, including the type and
 278 method of restraint ~~or seclusion~~ used. This information shall be
 279 updated monthly, de-identified, and made available to the public
 280 through the department's website no later than October 1, 2020.

281 (d) The department shall establish standards for
 282 documenting, reporting, and monitoring the incident reports
 283 related to the use of ~~manual or physical~~ restraint ~~or mechanical~~
 284 ~~restraint, and occurrences of seclusion~~. These standards shall
 285 be provided to school districts ~~by October 1, 2011.~~

286 ~~(4) PROHIBITED RESTRAINT. School personnel may not use a~~
 287 ~~mechanical restraint or a manual or physical restraint that~~
 288 ~~restricts a student's breathing.~~

289 ~~(5) SECLUSION. School personnel may not close, lock, or~~
 290 ~~physically block a student in a room that is unlit and does not~~

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291 ~~meet the rules of the State Fire Marshal for seclusion time-out~~
 292 ~~rooms-~~

293 Section 2. Section 1003.574, Florida Statutes, is created
 294 to read:

295 1003.574 Video cameras in public school classrooms.-

296 (1) As used in this section, the term:

297 (a) "Incident" means an event, circumstance, act, or
 298 omission that results in the abuse or neglect of a student by:

- 299 1. An employee of a public school or school district; or
- 300 2. Another student.

301 (b) "Self-contained classroom" means a classroom at a
 302 public school in which a majority of the students in regular
 303 attendance are provided special education services and are
 304 assigned to one or more such classrooms for at least 50 percent
 305 of the instructional day.

306 (2) (a) A school district shall provide a video camera to
 307 any school with a self-contained classroom upon the written
 308 request of a parent of a student in the classroom.

309 (b) Within 30 days after receipt of the request from a
 310 parent, a video camera shall be operational in each self-
 311 contained classroom in which the parent's student is in regular
 312 attendance for the remainder of the school year, unless the
 313 parent withdraws his or her request in writing.

314 (3) If the student who is the subject of the initial
 315 request is no longer in attendance in the classroom and a school
 316 discontinues operation of a video camera during a school year,
 317 no later than the fifth school day before the date the operation
 318 of the video camera is discontinued, the school must notify the
 319 parents of each student in regular attendance in the classroom

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320 that operation of the video camera will cease unless the
 321 continued use of the camera is requested by a parent. No later
 322 than the 10th school day before the end of each school year, the
 323 school must notify the parents of each student in regular
 324 attendance in the classroom that operation of the video camera
 325 will not continue during the following school year unless a
 326 written request is submitted by a parent for the next school
 327 year.

328 (4) (a) A video camera placed in a self-contained classroom
 329 must be capable of all of the following:

330 1. Monitoring all areas of the self-contained classroom,
 331 including, without limitation, any room attached to the self-
 332 contained classroom which is used for other purposes.

333 2. Recording audio from all areas of the self-contained
 334 classroom, including, without limitation, any room attached to
 335 the self-contained classroom which is used for other purposes.

336 (b) A video camera placed in a self-contained classroom may
 337 not monitor a restroom or any other area in the self-contained
 338 classroom where a student changes his or her clothes, except for
 339 the entryway, exitway, or hallway outside a restroom or other
 340 area where a student changes his or her clothes because of the
 341 layout of the self-contained classroom.

342 (c) A video camera placed in a self-contained classroom is
 343 not required to be in operation when students are not present in
 344 the self-contained classroom.

345 (d) If there is an interruption in the operation of the
 346 video camera for any reason, an explanation must be submitted in
 347 writing to the school principal and the district school board
 348 which explains the reason for and duration of the interruption.

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349 The written explanation must be maintained at the district
 350 school board office for at least 1 year.

351 (5) Before a school initially places a video camera in a
 352 self-contained classroom pursuant to this section, the school
 353 shall provide written notice of the placement of such video
 354 camera to all of the following:

355 (a) The parent of each student who is assigned to the self-
 356 contained classroom.

357 (b) Each student who is assigned to the self-contained
 358 classroom.

359 (c) The school district.

360 (d) Each school employee who is assigned to work with one
 361 or more students in the self-contained classroom.

362 (6) A school shall:

363 (a) Retain video recorded from a video camera placed
 364 pursuant to this section for at least 3 months after the date
 365 the video was recorded, after which the recording shall be
 366 deleted or otherwise made unretrievable; or

367 (b) Retain the recording until the conclusion of any
 368 investigation or any administrative or legal proceedings that
 369 result from the recording have been completed, including,
 370 without limitation, the exhaustion of all appeals.

371 (7) A school or school district may not:

372 (a) Allow regular, continuous, or continual monitoring of
 373 videos recorded under this section; or

374 (b) Use videos recorded under this section for teacher
 375 evaluations or any purpose other than for ensuring the health,
 376 safety, and well-being of students receiving special education
 377 services in a self-contained classroom.

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378 (8) The principal of the school is the custodian of a video
 379 camera operated pursuant to this section, all recordings
 380 generated by that video camera, and access to such recordings.

381 (a) The release or viewing of any video recording under
 382 this section must comply with s. 1002.22.

383 (b) A school or school district shall:

384 1. Conceal the identity of any student who appears in a
 385 video recording, but is not involved in the alleged incident
 386 documented by the video recording, which the school allows to be
 387 viewed under subsection (9), including, without limitation,
 388 blurring the face of the uninvolved student.

389 2. Protect the confidentiality of all student records
 390 contained in a video recording in accordance with s. 1002.22.

391 (9) (a) Within 7 days after receiving a request to view a
 392 video recording, a school or school district shall allow the
 393 following individuals to view a video recording made under this
 394 section:

395 1. A school or school district employee who is involved in
 396 an alleged incident that is documented by the video recording as
 397 part of the investigative process;

398 2. A parent of a student who is involved in an alleged
 399 incident that is documented by the video recording and has been
 400 reported to the school or school district;

401 3. A school or school district employee as part of an
 402 investigation into an alleged incident that is documented by the
 403 video recording and has been reported to the school or school
 404 district;

405 4. A law enforcement officer as part of an investigation
 406 into an alleged incident that is documented by the video

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407 recording and has been reported to the law enforcement agency;
 408 or

409 5. The Department of Children and Families as part of a
 410 child abuse or neglect investigation.

411 (b) A person who requests to view a recording shall make
 412 himself or herself available for viewing the recording within 30
 413 days after being notified by the school or school district that
 414 the person's request has been granted.

415 (c) A person who views the recording and suspects that
 416 child abuse has occurred must report the suspected child abuse
 417 to the Department of Children and Families.

418 (10) (a) Any individual may appeal to the State Board of
 419 Education regarding an action by a school or school district
 420 which the individual alleges to be in violation of this section.

421 (b) The state board shall grant a hearing on an appeal
 422 under this subsection within 45 days after receiving the appeal.

423 (11) A school or school district does not violate
 424 subsection (8) if a contractor or other employee of the school
 425 or school district incidentally views a video recording made
 426 under this section in connection with the performance of his or
 427 her duties related to either of the following:

428 (a) The installation, operation, or maintenance of video
 429 equipment; or

430 (b) The retention of video recordings.

431 (12) This section does not:

432 (a) Limit the access of the parent of a student, under the
 433 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
 434 1232g, or any other law, to a video recording regarding his or
 435 her student.

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436 (b) Waive any immunity from liability of a school district
 437 or an employee of a school district.

438 (c) Create any liability for a cause of action against a
 439 school or school district or an employee of a school or school
 440 district carrying out the duties and responsibilities required
 441 by this section.

442 (d) Apply to self-contained classrooms in which the only
 443 students receiving special education services are those who have
 444 been deemed gifted.

445 (13) The department shall collect information relating to
 446 the installation and maintenance of video cameras under this
 447 section.

448 (14) The State Board of Education may adopt rules to
 449 implement this section.

450 Section 3. Subsections (1) and (2) of section 1012.582,
 451 Florida Statutes, are amended to read:

452 1012.582 Continuing education and inservice training for
 453 teaching students with developmental and emotional or behavioral
 454 disabilities.—

455 (1) The Commissioner of Education shall develop
 456 recommendations to incorporate instruction regarding autism
 457 spectrum disorder, Down syndrome, ~~and~~ other developmental
 458 disabilities, and emotional or behavioral disabilities into
 459 continuing education or inservice training requirements for
 460 instructional personnel. These recommendations shall address:

461 (a) Early identification of, and intervention for, students
 462 who have autism spectrum disorder, Down syndrome, ~~or~~ other
 463 developmental disabilities, or emotional or behavioral
 464 disabilities.

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465 (b) Curriculum planning and curricular and instructional
466 modifications, adaptations, and specialized strategies and
467 techniques.

468 (c) The use of available state and local resources.

469 (d) The use of positive behavior interventions and
470 ~~behavioral~~ supports to deescalate problem behaviors.

471 (e) ~~The~~ Appropriate use of manual physical restraint and
472 ~~seclusion~~ techniques, positive behavior interventions and
473 supports, and effective classroom behavior management
474 strategies.

475 (2) In developing the recommendations, the commissioner
476 shall consult with the State Surgeon General, the Director of
477 the Agency for Persons with Disabilities, representatives from
478 the education community in the state, and representatives from
479 entities that promote awareness about autism spectrum disorder,
480 Down syndrome, ~~and~~ other developmental disabilities, and
481 emotional or behavioral disabilities and provide programs and
482 services to persons with ~~developmental~~ disabilities, including,
483 but not limited to, regional autism centers pursuant to s.
484 1004.55.

485 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 1750

INTRODUCER: Senator Montford

SUBJECT: High School Graduation Requirements

DATE: February 7, 2020

REVISED: _____

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

I. Summary:

SB 1750 modifies the requirement that a student complete one credit in fine or performing arts, speech and debate, or an identified practical arts course as a part of the 24 credits required to earn a standard high school diploma. The bill replaces the option to complete one credit in practical arts with the option to complete one credit in career and technical education.

The bill has no impact on state revenue or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

High School Graduation Requirements

Florida students entering grade nine may choose from one of five options to earn a standard diploma. They are the:

- Twenty-four credit program.¹
- Eighteen credit, Academically Challenging Curriculum to Enhance Learning (ACCEL) option.²
- Career and Technical Education (CTE) Pathway.³
- International Baccalaureate (IB) curriculum.⁴
- Advanced International Certificate of Education (AICE) curriculum.⁵

¹ Section 1003.4282(1), F.S.

² Section 1002.3105, F.S.

³ Section 1003.4282(11), F.S.

⁴ Section 1003.4282(1), F.S.

⁵ *Id.*

Students who earn a standard high school diploma under the 24-credit and ACCEL options must earn one credit in fine or performing arts, speech and debate, or practical arts. There are currently 343 secondary and postsecondary career and technical education courses that have been approved to meet the practical arts high school graduation requirement for the 2019-2020 school year.⁶

24-Credit Requirement to Earn a Standard High School Diploma

To graduate from high school with a standard high school diploma under the 24-credit option, a student must complete:⁷

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.⁸ Industry certifications earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies, including one credit in United States History, one credit in World History, one-half credit in economics; and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts. The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible practical arts courses are identified in the Course Code Directory (CCD).⁹
- One credit in physical education, which must include the integration of health.
- Eight credits in electives.

18-Credit Requirement to Earn a Standard High School Diploma

Students may also earn a standard high school diploma after completing a specified 18 credits under the ACCEL option, which provides an academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12.¹⁰

Under the ACCEL option, students must meet most of the credit requirements under the 24-credit option, but are required to complete fewer elective credits (i.e., 3 credits in electives

⁶ Florida Department of Education, *Career and Technical Education (CTE) Courses that Meet the Practical Arts High School Graduation Requirement, 2019-2020*, available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1920PACourses.pdf>.

⁷ Section 1003.4282(3), F.S. In addition, a student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education may use such credit to satisfy the practical arts high school graduation credit requirement. The SBE must approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs that may be used. Section 1003.4282(8)(a)3., F.S.

⁸ Two of the three required science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

⁹ Section 1003.4282(3)(e), F.S. The Course Code Directory (CCD) lists all public preK-12 and postsecondary career and technical education courses available for use by school districts. Programs and courses funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education. Rule 6A-1.09441, F.A.C.

¹⁰ Section 1002.3105(5), F.S.

instead of the required 8 credits under the 24-credit standard high school diploma pathway) and are not required to earn one credit in physical education.¹¹

Career and Technical Education

Career and technical education means organized educational activities that:¹²

- Offer a sequence of courses that provide:
 - Individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions; and at the secondary level are aligned with state academic standards.
 - Technical skill proficiency or a recognized postsecondary credential, which may include an industry-recognized credential, a certificate, or an associate degree.
- Include competency-based, work-based, or other applied learning that supports the development of academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship.
- To the extent practicable, coordinates between secondary and postsecondary education programs through programs of study, articulation agreements, early college high school programs, or dual or concurrent enrollment program opportunities.
- May include career exploration at the high school level or as early as the middle grades.

The CTE section of the CCD lists secondary and postsecondary courses in the 17 career clusters¹³ as well as courses that provide internship, on-the-job training, employability skills, and preapprenticeship opportunities.¹⁴ Participation in career education courses engages students in their high school education, increases academic achievement, enhances employability, and increases postsecondary success.¹⁵

Florida law¹⁶ requires the Department of Education to develop, for approval by the State Board of Education (SBE), career education courses or a series of courses that satisfy general high school credit requirements. Students taking these courses can earn credit in both the career

¹¹ Section 1002.3105(5), F.S. An adult student in an adult general education program specified in s. 1004.93, F.S., must be awarded a standard high school diploma if the student meets the specified requirements for the 24-credit pathway or the ACCEL option, except that: (1) one elective credit may be substituted for the one credit requirement in fine or performing arts, speech and debate, or practical arts; (2) the requirement that two of the science credits include a laboratory component may be waived by the district school board; and (3) the one credit in physical education may be substituted with an elective credit. Section 1003.4282(6)(b), F.S.

¹² 20 U.S.C. 2302(3), Public Law 115-224, *Strengthening Career and Technical Education for the 21st Century Act*, as amended through Public Law 116-6 (Feb. 15, 2019).

¹³ CTE programs are aligned to a career cluster and detailed in curriculum frameworks. The 17 career clusters are: Agriculture, Food & Natural Resources; Architecture & Construction; Arts, A/V Technology & Communication; Business, Management & Administration; Education & Training; Energy; Engineering & Technology Education; Finance; Government & Public Administration; Health Science; Hospitality & Tourism; Human Services; Information Technology; Law, Public Safety & Security; Manufacturing; Marketing, Sales & Service; and Transportation, Distribution & Logistics. Florida Department of Education, *2019-20 CTE Curriculum Frameworks*, <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2019-20-frameworks> (last visited Jan. 4, 2020).

¹⁴ Florida Department of Education, *2019-2020 Course Code Directory – Section 5: Career and Technical Education (CTE)* (SBE approved Mar. 19, 2019), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1920-CCD-CTE.pdf>.

¹⁵ Section 1003.4282(8)(a), F.S.

¹⁶ Section 1003.4282(8), F.S.

education course and the course required for a standard high school diploma.¹⁷ The SBE has approved career education courses that satisfy credit requirements for practical arts, economics, and science.¹⁸

III. Effect of Proposed Changes:

The bill modifies s. 1003.4282, F.S., which currently requires that a student complete one credit in fine or performing arts, speech and debate, or an identified practical arts course as a part of the 24 credits required to earn a standard high school diploma. The bill replaces the option to complete one credit in practical arts with the option to complete one credit in career and technical education (CTE). This modification will also apply to students who earn a standard high school diploma under the Academically Challenging Curriculum to Enhance Learning (ACCEL) option.

The bill may remove the requirement that the Department of Education identify practical arts courses that meet specified requirements. In addition, because there are currently more than 2,600 secondary and postsecondary CTE courses in the Course Code Directory (CCD),¹⁹ students may have additional CTE opportunities to complete the specified high school graduation requirement.

The bill modifies high school graduation requirements under the 24-credit and ACCEL options that will apply to all students; not limited to students entering high school in grade 9 in the 2020-2021 school year. However, all currently-identified practical arts courses are also listed in the CCD as CTE courses, so students who have completed a practical arts course should have also completed the new CTE option.

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.

¹⁷ Section 1003.4282(8)(a), F.S.

¹⁸ Florida Department of Education, *CTE Courses that Fulfill the Graduation Designation for Economics, Equally Rigorous Science and Practical Arts 2019-20*, available at <http://fldoe.org/core/fileparse.php/5652/urlt/1920coursesPAEQEC.xlsx>.

¹⁹ Senate Staff Analysis of Florida Department of Education, *2019-2020 Course Directory, Section 5 - Career and Technical Education Programs and Courses*, available at <http://www.fldoe.org/policy/articulation/ccd/2019-2020-course-directory.stml>.

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:

None.

VI. Technical Deficiencies:

Section 1003.4282(6)(b), F.S., authorizes specified exceptions to the 24-credit standard high school diploma requirements for an adult student in an adult general education program. Such exceptions include the option for one elective credit to be substituted for the one-credit requirement in fine or performing arts, speech and debate, or practical arts. This requirement should be modified to conform the language to the requirement in the bill.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.4282 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.



463228

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Education (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete lines 16 - 21

and insert:

(e) *One credit in fine or performing arts, speech and debate, or career and technical education (CTE) ~~practical arts.~~*

~~The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination.~~

Eligible CTE ~~practical arts~~ courses are identified in the Course



463228

11 Code Directory.

12

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

14 And the title is amended as follows:

15 Delete line 6

16 and insert:

17 rather than practical arts; specifying that eligible
18 courses are identified in the Course Code Directory;
19 providing an effective

By Senator Montford

3-01083-20

20201750__

1 A bill to be entitled
2 An act relating to high school graduation
3 requirements; amending s. 1003.4282, F.S.; revising
4 the credit requirements to earn a standard high school
5 diploma to include career and technical education
6 rather than practical arts; providing an effective
7 date.

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

10
11 Section 1. Paragraph (e) of subsection (3) of section
12 1003.4282, Florida Statutes, is amended to read:
13 1003.4282 Requirements for a standard high school diploma.-
14 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
15 REQUIREMENTS.-

16 (e) One credit in fine or performing arts, speech and
17 debate, or career and technical education (CTE). ~~practical~~
18 ~~arts. The practical arts course must incorporate artistic~~
19 ~~content and techniques of creativity, interpretation, and~~
20 ~~imagination. Eligible practical arts courses are identified in~~
21 ~~the Course Code Directory.~~

22 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 7042

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: State University Facility Designations

DATE: February 07, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|----------------|-----------|---------------------------------------|
| | <u>McVaney</u> | <u>McVaney</u> | <u>GO</u> | GO Submitted as Committee Bill |
| 1. | <u>Brick</u> | <u>Sikes</u> | <u>ED</u> | Pre-meeting |
| 2. | _____ | _____ | <u>RC</u> | _____ |

I. Summary:

SB 7042 establishes a process for naming and renaming state university facilities. Specifically, the bill:

- Requires the Board of Governors (BOG) to adopt regulations to specify authority, procedures, and elements related to the naming or renaming of any state university facilities.
- Requires the BOG regulations to specify the respective responsibilities of the BOG and state university boards of trustees and presidents, and procedural requirements regarding transparency, public engagement, nongift-related and gift-related considerations, approval, and other transparency and accountability requirements deemed appropriate by the BOG.
- Repeals Florida law that designated the building housing the FSU College of Law as the B.K. Roberts Hall.
- Provides legislative intent regarding the naming of the FSU College of Law facility.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming a law, except that the statutory changes take effect July 1, 2020.

II. Present Situation:

State Constitution relating to State University System

The State Constitution establishes the system of governance of the state university system of Florida with the board of governors governing the overall system and a board of trustees administering each state university.¹ The State Constitution grants the BOG the authority to operate, regulate, control, and be fully responsible for the management of the whole university

¹ FLA. CONST. art. IX, s. 7(b).

system.² The BOG's management is "subject to the powers of the legislature to appropriate for the expenditure of funds."³ The BOG is empowered to establish the powers and duties of the boards of trustees.⁴

Select Statutory Provisions relating to the State University System

In implementing the State Constitution regarding the state university system, the Legislature enacted Part IV of chapter 1001, F.S., to delineate responsibilities between the BOG and the Legislature. Pertinent to this legislation, the responsibilities of the legislature include:

"(a) Making provision by law for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require;
(e) Establishing policies relating to expenditure of, accountability for, and management of funds appropriated by the Legislature or revenues authorized by the Legislature. . . . This includes, but is not limited to, policies relating to: . . . maintenance and construction of facilities; property; . . ."

Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature (after that date) was vested in the Board of Trustees of the Internal Improvement Trust Fund.⁵

Section 1001.706(7)(b), F.S., directs the BOG to develop guidelines for university boards of trustees relating to the use, maintenance, protection, and control of university-owned and university-controlled buildings and groups, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university.

The BOG has adopted Regulation 9.005 (Naming of Buildings and Facilities) to delegate and specify the authority, procedures, and elements related to the naming of any building, road, bridge, park, recreational complex, other similar facility or educational site of a state university for individuals or groups who have made significant contributions to the university or the state.⁶ As a part of this regulation, the BOG assert, based on its constitutional authority, that the naming of university facilities "is the prerogative and privilege of the State University System of Florida and is vested in the Board of Governors."⁷

Naming of state buildings and other facilities

As a general rule, a state building, road, bridge, park, recreational complex, or other similar facility may not be named for a living person unless the legislature specifically names it in law.⁸ An exception to this general rule is authorized if the board of trustees of a state university names

² FLA. CONST. art. IX, s. 7(d).

³ *Id.*

⁴ FLA. CONST. art. IX, s. 7(c).

⁵ Section 1001.706(7)(a), F.S.

⁶ The BOG regulation definition does not include statues or monuments.

⁷ BOG Regulation 9.005 "Naming of Buildings and Facilities."

⁸ Section 267.062(1), F.S.

a facility of a state university in accordance with the regulations adopted by the BOG of the State University System.⁹

Section 1013.79, F.S., establishes the University Facility Enhancement Challenge Grant Program. This program is intended to assist universities in funding the costs of new facilities. A facility constructed through this program may be named in honor of a donor at the option of the university and the BOG. However, no facility may be named after a living person without prior approval by the legislature.¹⁰

B.K. Roberts Hall and actions by the Florida State University

In 1973, the Legislature enacted ch. 73-370, Laws of Florida, to name the building “housing the Florida State University College of Law” as “Roberts Hall.”

In 2017-2018, Florida State University President John Thrasher followed state law and BOG regulation in exploring potential actions and recommendations¹¹ related to Francis Eppes Hall, Francis Eppes Statue, and the B.K. Roberts College of Law. As a result, President Thrasher created the “President’s Advisory Panel on University Namings and Recognitions” to examine and make recommendations on university policies concerning campus names and markers, including statues and other recognitions. In addition, the panel:

- Researched issues, met and engaged with university constituencies, and determined criteria for appropriate naming policies.
- Made recommendations related to Francis Eppes Hall and Francis Eppes Statue which were implementable at the institutional level by the university president and the university board of trustees.

In conjunction, the panel recommended a name change to the B.K. Roberts College of Law. However, because the facility was named by legislation¹² in 1973 the panel was limited in its ability to implement recommendations beyond seeking legislative action.

III. Effect of Proposed Changes:

Section 1 amends s. 1001.706, F.S., to direct the BOG of the State University System to adopt regulations governing the naming and renaming of facilities used by a university or situated on property owned by the State of Florida or purchased by funds appropriated by the legislature. These regulations must apply to the initial naming of such facility or the renaming of, or removal of a name from, a facility previously designated by the legislature. These regulations must also set forth the responsibilities of the BOG, the university boards of trustees, and the university presidents. This section takes effect July 1, 2020.

⁹ Section 267.062(3), F.S.

¹⁰ Section 1013.79(11), F.S.

¹¹ Florida State University, *President Advisory Panel on University Naming and Recognitions* (2018) available at <https://president.fsu.edu/wp-content/uploads/2018/07/Panel-Report-July-2018.pdf> (last visited on January 31, 2020).

¹² Ch. 73-370, L.O.F.

Section 2 amends s. 1013.79, F.S., to delete the prohibition that a facility constructed pursuant to the University Facilities Enhancement Challenge Grant Program cannot be named for a living person except by an act of the legislature. This section takes effect July 1, 2020.

Section 3 repeals chapter 73-370, Laws of Florida, which named the building housing the FSU College of Law as B.K. Roberts Hall.

Section 4 provides legislative intent regarding the ultimate disposition of the original naming designation of the building housing the FSU College of Law.

Section 5 amends s. 267.062, F.S., to conform to the authority granted to the Board of Governors in section 1 of this bill to establish regulations governing the naming of university facilities.

Section 6 provides that, except as otherwise provided, this bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 267.062, 1001.706, 1013.79 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.

By the Committee on Governmental Oversight and Accountability

585-02434-20

20207042__

1 A bill to be entitled
 2 An act relating to state university facility
 3 designations; amending s. 1001.706, F.S.; requiring
 4 the Board of Governors to adopt regulations regarding
 5 the naming or renaming of state university facilities;
 6 specifying elements that must be addressed in the
 7 naming or renaming process; providing applicability;
 8 defining the term "facility"; amending s. 1013.79,
 9 F.S.; deleting a prohibition against the naming of
 10 facilities in a certain manner; repealing chapter 73-
 11 370, Laws of Florida, relating to the designation of a
 12 Florida State University facility; providing
 13 legislative intent; amending s. 267.062, F.S.;
 14 conforming a cross-reference; providing effective
 15 dates.

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

18
 19 Section 1. Effective July 1, 2020, paragraph (i) is added
 20 to subsection (7) of section 1001.706, Florida Statutes, to
 21 read:

22 1001.706 Powers and duties of the Board of Governors.—
 23 (7) POWERS AND DUTIES RELATING TO PROPERTY.—
 24 (i)1. The Board of Governors shall adopt regulations
 25 governing the naming or renaming of any facility. Such
 26 regulations must specify the procedural requirements regarding
 27 transparency, public engagement, gift-related considerations,
 28 approval, and other transparency and accountability requirements
 29 deemed appropriate by the Board of Governors, and the respective

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

585-02434-20

20207042__

30 responsibilities of the Board of Governors, state university
 31 boards of trustees, and university presidents.
 32 2. The regulations adopted pursuant to this paragraph apply
 33 when the Board of Governors or a state university seeks to
 34 initially name a facility or seeks to rename or remove the name
 35 of a facility previously designated in a law that was
 36 subsequently repealed by the Legislature.
 37 3. If a state university seeks to rename or remove the name
 38 of a facility previously designated in a law, the state
 39 university must comply fully with the regulations adopted
 40 pursuant to this paragraph before seeking legislative action to
 41 repeal the law that designated the name of the facility. Actions
 42 by the state university to rename or remove the name of a
 43 facility in these instances must be contingent upon such
 44 legislative action.
 45 4. For purposes of this paragraph, the term "facility"
 46 means a building, road, bridge, park, recreational complex, or
 47 another similar resource used by a state university and situated
 48 on real property the title of which is vested in the Board of
 49 Trustees of the Internal Improvement Trust Fund or for which
 50 funds were appropriated by the Legislature to acquire or to make
 51 improvements thereon.
 52 Section 2. Effective July 1, 2020, subsection (11) of
 53 section 1013.79, Florida Statutes, is amended to read:
 54 1013.79 University Facility Enhancement Challenge Grant
 55 Program.—
 56 (11) The surveys, architectural plans, facility, and
 57 equipment shall be the property of the State of Florida. A
 58 facility constructed pursuant to this section may be named in

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

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59 honor of a donor at the option of the university and the Board
60 of Governors. ~~No facility shall be named after a living person~~
61 ~~without prior approval by the Legislature.~~

62 Section 3. Chapter 73-370, Laws of Florida, is repealed.

63 Section 4. The Legislature intends that the repeal of
64 chapter 73-370, Laws of Florida, by this act does not constitute
65 a legislative position regarding the ultimate disposition of the
66 original designation of the facility. Rather, the Legislature
67 recognizes the Florida State University's transparent,
68 collaborative, and thorough review process, which resulted in
69 the recommendation by the President's Advisory Panel on
70 University Namings and Recognitions which precipitated this
71 repeal, and further intends that the Florida State University is
72 solely responsible for faithful implementation of the panel's
73 recommendations regarding this issue.

74 Section 5. Effective July 1, 2020, subsection (3) of
75 section 267.062, Florida Statutes, is amended to read:

76 267.062 Naming of state buildings and other facilities.-

77 (3) Notwithstanding ~~the provisions of~~ subsection (1) ~~or s-~~
78 ~~1013.79(11)~~, any state building, road, bridge, park,
79 recreational complex, or other similar facility of a state
80 university may be named for a living person ~~by the university~~
81 ~~board of trustees~~ in accordance with regulations adopted by the
82 Board of Governors of the State University System.

83 Section 6. Except as otherwise expressly provided in this
84 act, this act shall take effect upon becoming a law.

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 662

INTRODUCER: Senator Wright

SUBJECT: School Grading System

DATE: February 7, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Sagues | Sikes | ED | Pre-meeting |
| 2. | | | MS | |
| 3. | | | RC | |

I. Summary:

SB 662 modifies the school grading model for high schools beginning with the 2020-2021 school year by adding the percentage of students who completed two years of coursework as a participant in the United States Armed Forces Junior Reserve Officers' Training Corps program and earned a score of 31 or higher on the Armed Services Vocational Aptitude Battery as a school grade college and career acceleration component.

The fiscal impact of the bill is indeterminate. See Section V.

The bill takes effect on July 1, 2020.

II. Present Situation:

Junior Reserve Officers' Training Corp

The U.S. Army Junior Reserve Officers' Training Corps (JROTC) is one of the largest youth character development and citizenship programs in the world. The National Defense Act of 1916 established organized JROTC programs at public and private educational institutions. In 1964, Congress expanded the program to require that each military service have a JROTC program to "instill in students in U.S. secondary educational institutions the values of citizenship, service to the U.S., and personal responsibility and a sense of accomplishment."¹

The U.S. Army's JROTC program currently operates in more than 1,700 public and private high schools, military institutions, and correctional centers throughout the U.S. and overseas.² JROTC

¹ U.S. Army JROTC, *Army Junior ROTC Program Overview*, http://www.usarmyjrotc.com/general/program_overview.php (last visited January 29, 2020), See 10 U.S.C. § 2031.

² U.S. Army JROTC, *Army Junior ROTC Program Overview*, http://www.usarmyjrotc.com/general/program_overview.php (last visited January 29, 2020).

faculty is led by nearly 4,000 instructors who are retired from active duty, reserve duty, or National Guard Army service. Instructors are trained and qualified in accordance with the National Defense Authorization Act of 2007 to teach and mentor approximately 314,000 JROTC students (cadets) annually.³

The U.S. Army Cadet Command (USACC) is limited to the current number of 1,709 JROTC programs based on congressionally mandated funding.⁴ The USACC cannot have more than the current number of programs, and can only open a new JROTC program when an existing one closes. Congress and the U.S. Department of Defense must allocate more funding in order to open and sustain more JROTC programs in addition to the current 1,709 JROTC programs.⁵

Armed Services Vocational Aptitude Battery

The Armed Services Vocational Aptitude Battery (ASVAB) is a multiple choice test, administered by the United States Military Entrance Processing Command, used to determine qualification for enlistment in the United States' Armed Forces.⁶

The ASVAB is a timed multi-aptitude test, which is given at over 14,000 schools and Military Entrance Processing Stations nationwide and is developed and maintained by the Department of Defense.⁷ It measures a young adult's strengths and potential for success in military training.

The ASVAB consists of 10 subtests, and the scores on those subtests are used to determine the best jobs for those entering a branch of the military. Scores from four of the math and verbal domain subtests, are used to determine an Armed Forces Qualification Test (AFQT) score, which determines eligibility for enlistment.⁸

Each branch of the military has different standards. The minimum scores each branch of the military requires depends on whether a potential recruit has a high school diploma or a high school equivalency diploma (GED). Those students with a GED need a higher AFQT score than students with a high school diploma. An AFQT score of 60 indicates that the examinee scored as well as or better than 60 percent of the nationally representative sample. For high school graduates earning a diploma, the requirements by military branch are as follows:⁹

- Air-Force recruits are required to have a minimum AFQT score of 36.
- Army recruits are required to have a minimum AFQT score of 31.
- Coast-Guard recruits are required to have a minimum AFQT score of 40.
- Marine recruits are required to have a minimum AFQT score of 32.
- National-Guard recruits are required to have a minimum AFQT score of 31.
- Navy recruits are required to have a minimum AFQT score of 35.

³ *Id.*

⁴ *Id.* The USACC is the receiving party for applications to establish new JROTC programs.

⁵ *Id.*

⁶ Official ASVAB, *ASVAB Fact Sheet* (2018), available at http://www.officialasvab.com/docs/asvab_fact_sheet.pdf.

⁷ Military.com, *The ASVAB Test*, <https://www.military.com/join-armed-forces/asvab> (last visited Feb. 5, 2020).

⁸ US Military Careers, *How the ASVAB Score is Computed* <https://www.thebalancecareers.com/how-the-asvab-afqt-score-is-computed-3354094> (last visited Feb. 5 2020).

⁹ *Id.*

Junior Reserve Officers' Training Corp in Florida

Under Florida law, a school district may not ban any branch of the United States Armed Forces or the United States Department of Homeland Security from establishing, maintaining, or operating a unit of the Junior Reserve Officers' Training Corps at a public high school, and:¹⁰

- A school district must allow a student attending a public high school in the district to enroll in the JROTC at another public school under certain conditions.
- A school district must grant military recruiters of the United States Armed Forces and United States Department of Homeland Security the same access to secondary school students, and to school facilities and grounds, which the district grants to postsecondary educational institutions or prospective employers of students.

Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), was signed into federal law on December 10, 2015. ESSA includes provisions to:¹¹

- Help ensure success for students and schools through advancing equity by upholding protections for disadvantaged and high-need students.
- Require that all students be taught to high academic standards that will prepare them to succeed in college and careers.
- Ensure that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students' progress.
- Support and grow local innovations.
- Increase access to high-quality preschool.
- Maintain an expectation that there will be accountability and action to effect positive change in the lowest-performing schools.

Florida's ESSA plan received approval from the United States Department of Education on September 26, 2018. The Florida ESSA plan includes the college and career acceleration component of the school grading formula that awards points for students who earn accelerated credit during their high school career.¹²

School Grading System

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how well each school is serving its students.¹³ School grades are used in the state system of school

¹⁰ Section 1003.451(1), F.S.

¹¹ U.S. Department of Education, *Every Student Succeeds Act (ESSA)*, <https://www.ed.gov/essa?src=rn> (last visited Feb. 5, 2020).

¹² Florida Department of Education, *Every Student Succeeds Act (ESSA) State Plan* (2018), available at <http://www.fldoe.org/core/fileparse.php/14196/urlt/FL-ESSA-StatePlan.pdf> at 20.

¹³ Florida Department of Education, *2019 School Grades Overview* (2019), available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview19.pdf>.

improvement and accountability to determine the need for school intervention and support,¹⁴ or to determine whether a school is eligible for school recognition funds.¹⁵

Schools are graded using one of the following grades:¹⁶

- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).
- “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in ELA, mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains.¹⁷ Middle and high school models include additional components beyond the basic model.¹⁸

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on following components:¹⁹

- The 4-year high school graduation rate of the school as defined by State Board of Education (SBE) rule.²⁰
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement (AP) examinations, International Baccalaureate (IB) examinations, dual enrollment courses, or Advanced International Certificate of Education (AICE) examinations; or who, at any time during high school, earned national industry certifications identified in the CAPE Industry Certification Funding List, pursuant to rules adopted by the SBE.

III. Effect of Proposed Changes:

The bill amends s. 1008.34, F.S., to modify the school grading model for high schools beginning with the 2020-2021 school year.

Specifically, the bill adds the percentage of students who completed two years of coursework as a participate in the United States Armed Forces Junior Reserve Officers’ Training Corps

¹⁴ See s. 1008.33(4), F.S.

¹⁵ See s. 1008.36, F.S.

¹⁶ Section 1008.34(2), F.S. and Rule 6A-1.09981(4)(d), F.A.C.

¹⁷ Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.

¹⁸ See s. 1008.34(3)(b), F.S. and Rule 6A-1.09981(4)(a)-(c), F.A.C.

¹⁹ Section 1008.34(3)(b)2., F.S., and Rule 6A-1.09981(4)(c)2. and 3., F.A.C.

²⁰ The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.

(JROTC) program and earned a score of 31 or higher on the Armed Services Vocational Aptitude Battery as a school grade college and career acceleration component.

The bill may require the Florida Department of Education (DOE) to amend the state Every Student Succeeds Act (ESSA) plan to reflect the change in how the college and career acceleration component is calculated and obtain approval of the amended plan by the United States Department of Education.²¹

Schools that do not offer JROTC programs may not have equal opportunity to receive credit in their school grade calculation.

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.

²¹ Florida Department of Education, *2020 Agency Analysis of SB 662* (Oct. 29, 2019) at 3.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate. The Department of Education may incur additional costs to collect and process the data to be calculated into the school grades acceleration component.

VI. Technical Deficiencies:

The bill amends s. 1008.34, F.S, and modifies the school grading model for high schools beginning with the 2020-2021 school year. However, the earliest the required data could be collected for inclusion in the school grades acceleration component would be for the 2020-2021 school year. Because the school grades acceleration component lags by a year, the earliest this could be incorporated for school grades would be the summer of 2022.²² Perhaps this should be amended to change the implementation date to the 2021-2022 school year.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1008.34 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.

²² Florida Department of Education, *2020 Agency Analysis of SB 662* (Oct. 29, 2019) at 5.



909356

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Wright) recommended the following:

Senate Amendment

Delete line 18

and insert:

(b)1. Beginning with the 2021-2022 ~~2014-2015~~ school year, a



484754

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Wright) recommended the following:

Senate Amendment (with title amendment)

Delete lines 70 - 74

and insert:

Certificate of Education examinations; who earned a Category II
Armed Forces Qualification Test score or higher on the Armed
Services Vocational Aptitude Battery (ASVAB); or who, at any
time during high school, earned national

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

And the title is amended as follows:



484754

12 Delete lines 4 - 7
13 and insert:
14 grades to include certain students who earned a

By Senator Wright

14-00799A-20

2020662__

A bill to be entitled

An act relating to the school grading system; amending s. 1008.34, F.S.; revising the calculation of school grades to include certain students who completed a specified number of years of coursework as participants in the United States Armed Forces Junior Reserve Officers' Training Corps program and earned a specified score on the Armed Services Vocational Aptitude Battery; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. Beginning with the 2020-2021 ~~2014-2015~~ school year, a school's grade shall be based on the following components, each worth 100 points:

a. The percentage of eligible students passing statewide, standardized assessments in English Language Arts under s. 1008.22(3).

b. The percentage of eligible students passing statewide, standardized assessments in mathematics under s. 1008.22(3).

c. The percentage of eligible students passing statewide, standardized assessments in science under s. 1008.22(3).

d. The percentage of eligible students passing statewide, standardized assessments in social studies under s. 1008.22(3).

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e. The percentage of eligible students who make Learning Gains in English Language Arts as measured by statewide, standardized assessments administered under s. 1008.22(3).

f. The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments administered under s. 1008.22(3).

g. The percentage of eligible students in the lowest 25 percent in English Language Arts, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized English Language Arts assessments administered under s. 1008.22(3).

h. The percentage of eligible students in the lowest 25 percent in mathematics, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized Mathematics assessments administered under s. 1008.22(3).

i. For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

In calculating Learning Gains for the components listed in subparagraphs e.-h., the State Board of Education shall require that learning growth toward achievement levels 3, 4, and 5 is demonstrated by students who scored below each of those levels in the prior year. In calculating the components in subparagraphs a.-d., the state board shall include the

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

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59 performance of English language learners only if they have been
60 enrolled in a school in the United States for more than 2 years.

61 2. For a school comprised of grades 9, 10, 11, and 12, or
62 grades 10, 11, and 12, the school's grade shall also be based on
63 the following components, each worth 100 points:

64 a. The 4-year high school graduation rate of the school as
65 defined by state board rule.

66 b. The percentage of students who were eligible to earn
67 college and career credit through College Board Advanced
68 Placement examinations, International Baccalaureate
69 examinations, dual enrollment courses, or Advanced International
70 Certificate of Education examinations; who completed 2 years of
71 coursework as a participant in the United States Armed Forces
72 Junior Reserve Officers' Training Corps program and earned a
73 score of 31 or higher on the Armed Services Vocational Aptitude
74 Battery; or who, at any time during high school, earned national
75 industry certification identified in the CAPE Industry
76 Certification Funding List, pursuant to rules adopted by the
77 state board.

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