

Tab 1	CS/SB 432 by ED, Hutson ; (Identical to CS/H 0189) Teacher Certification					
Tab 2	SB 442 by Flores (CO-INTRODUCERS) Garcia ; (Identical to H 0119) Educational Facilities					
Tab 3	SB 944 by Richter (CO-INTRODUCERS) Gaetz ; (Identical to H 0799) Out-of-state Fee Waivers for Active Duty Service Members					
Tab 4	CS/SB 1076 by ED, Legg ; (Compare to CS/CS/CS/1ST ENG/H 0669) Education					
640600	A	S	RCS	AED, Legg	Delete L.93 - 170:	02/19 03:48 PM
Tab 5	CS/SB 1126 by ED, Detert (CO-INTRODUCERS) Richter ; (Compare to H 0991) Auditory-oral Education Programs					
Tab 6	CS/SB 1196 by ED, Bean (CO-INTRODUCERS) Hutson ; (Identical to CS/H 1305) Emergency Allergy Treatment in Schools					
Tab 7	SB 1356 by Brandes (CO-INTRODUCERS) Stargel ; (Compare to CS/H 1003) Employment After Retirement of School District Personnel					
Tab 8	SB 1418 by Simmons (CO-INTRODUCERS) Garcia ; Supplemental Academic Instruction					
723248	A	S	L RCS	AED, Simmons	Delete L.47:	02/19 03:48 PM
Tab 9	CS/SB 1462 by ED, Latvala ; (Similar to CS/H 1147) Character-development Instruction					
Tab 10	CS/SB 1670 by HE, Bean ; (Similar to H 1343) Apprenticeships					
Tab 11	CS/SB 1714 by ED, Brandes ; (Similar to CS/CS/1ST ENG/H 1365) Competency-based Innovation Pilot Program					
733080	A	S	RCS	AED, Simmons	Delete L.31 - 32:	02/19 03:49 PM
413348	AA	S	RCS	AED, Montford	Delete L.5:	02/19 03:49 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Senator Gaetz, Chair
Senator Montford, Vice Chair

MEETING DATE: Wednesday, February 17, 2016

TIME: 10:00 a.m.—12:00 noon

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Gaetz, Chair; Senator Montford, Vice Chair; Senators Bullard, Galvano, Legg, Ring, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 432 Education Pre-K - 12 / Hutson (Identical CS/H 189)	Teacher Certification; Providing alternative requirements for earning a professional educator certificate that covers certain grades, etc. ED 12/03/2015 Workshop-Discussed ED 01/20/2016 Fav/CS AED 02/17/2016 Favorable AP	Favorable Yeas 5 Nays 0
2	SB 442 Flores (Identical H 119)	Educational Facilities; Providing for school district construction flexibility; authorizing exceptions to educational facilities construction requirements under certain circumstances, etc. ED 01/27/2016 Favorable AED 02/17/2016 Favorable AP	Favorable Yeas 5 Nays 0
3	SB 944 Richter (Identical H 799)	Out-of-state Fee Waivers for Active Duty Service Members; Requiring state universities, Florida College System institutions, and certain centers to waive out-of-state fees for active duty members of the United States Armed Forces residing or stationed outside of this state; prohibiting tuition and fees charged to such students from exceeding a specified amount, etc. HE 02/08/2016 Favorable AED 02/17/2016 Favorable AP	Favorable Yeas 5 Nays 0
4	CS/SB 1076 Education Pre-K - 12 / Legg (Compare CS/CS/CS/H 669, CS/CS/H 7029, CS/S 830)	Education; Prohibiting a district school board from limiting the number of public school students who may enroll in a structured high school acceleration program; revising the purpose of the Credit Acceleration Program; requiring an academically high-performing school district to execute a contract to establish a structured high school acceleration program, etc. ED 02/02/2016 Fav/CS AED 02/17/2016 Fav/CS AP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education

Wednesday, February 17, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	CS/SB 1126 Education Pre-K - 12 / Detert (Compare H 991)	Auditory-oral Education Programs; Requiring a school district to add a specified number of points to the calculation of a matrix of services for a student who is deaf and enrolled in an auditory-oral education program, etc. ED 02/02/2016 Fav/CS AED 02/17/2016 Favorable FP	Favorable Yeas 5 Nays 0
6	CS/SB 1196 Education Pre-K - 12 / Bean (Identical CS/H 1305)	Emergency Allergy Treatment in Schools; Authorizing a public school and a private school, respectively, to enter into certain arrangements with wholesale distributors or manufacturers for epinephrine auto-injectors, etc. ED 02/02/2016 Fav/CS AED 02/17/2016 Favorable AP	Favorable Yeas 5 Nays 0
7	SB 1356 Brandes (Compare CS/H 1003)	Employment After Retirement of School District Personnel; Revising provisions relating to reemployment of retirees as instructional personnel on a contract basis; providing legislative intent and findings to clarify authorization to award contracts; providing requirements for a judgment in certain civil actions or administrative proceedings, etc. GO 01/26/2016 Favorable AED 02/17/2016 Temporarily Postponed AP	Temporarily Postponed
8	SB 1418 Simmons (Compare S 2502)	Supplemental Academic Instruction; Requiring supplemental academic instruction categorical funds and research-based reading instruction allocation funds to be used by a school district that has one or more of the lowest-performing elementary schools for additional intensive reading instruction at the school during the summer program in addition to instruction during the school year, etc. ED 01/27/2016 Favorable AED 02/17/2016 Fav/CS AP	Fav/CS Yeas 5 Nays 0
9	CS/SB 1462 Education Pre-K - 12 / Latvala (Similar CS/H 1147)	Character-development Instruction; Requiring character education programs to provide certain instruction to students in grades 9-12, etc. ED 02/02/2016 Fav/CS AED 02/17/2016 Temporarily Postponed AP	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education

Wednesday, February 17, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	CS/SB 1670 Higher Education / Bean (Similar H 1343, Compare H 7017, S 726, S 1060, CS/S 1678)	Apprenticeships; Creating the Florida Apprenticeship Grant Program within the Department of Education to provide grants to Florida College System institutions for the creation of new apprenticeship programs or the expansion of existing apprenticeship programs; requiring the Division of Career and Adult Education to administer the program; creating the Rapid Response Grant Program, etc. HE 01/25/2016 Fav/CS AED 02/17/2016 Favorable AP	Favorable Yeas 5 Nays 0
11	CS/SB 1714 Education Pre-K - 12 / Brandes (Similar CS/CS/H 1365)	Competency-based Innovation Pilot Program; Establishing a competency-based innovation pilot program within the Department of Education; authorizing certain schools to apply to the department for approval of a competency-based innovation pilot program; providing for expiration of the pilot program, etc. ED 01/20/2016 Fav/CS AED 02/17/2016 Fav/CS AP	Fav/CS Yeas 4 Nays 1

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 Appropriations Subcommittee on Education

BILL: CS/SB 432

INTRODUCER: Education Pre-K - 12 Committee and Senator Hutson

SUBJECT: Teacher Certification

DATE: February 17, 2016

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bailey	Klebacha	ED	Fav/CS
2. Sikes	Elwell	AED	Recommend: Favorable
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 432 creates an expedited pathway for an individual holding a Florida temporary educator certificate to earn a Florida professional educator certificate for grades 6-12.

Specifically, the bill requires the applicant to:

- Meet all general certification requirements, with the exception of certain professional preparation coursework requirements;
- Hold a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Teach a high school course in the subject of the advanced degree;
- Be rated as highly effective as determined by the teacher's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced International Certificate of Education, or International Baccalaureate examination; and
- Achieve a passing score on the Florida professional competency examination required by the state board rules.

The bill has no impact on state funds.

The bill takes effect on July 1, 2016.

II. Present Situation:

Instructional Personnel Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education.¹

Certification requirements are established to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence to demonstrate an acceptable level of professional performance.²

Types of Educator Certificates

The Department of Education (DOE) identifies appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers³ for all programs and courses funded through the Florida Education Finance Program.⁴

The DOE issues three types of educator certificates:⁵

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.⁶
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.⁷
- An Athletic Coaching certificate covers a full-time or part-time individual who is employed as an athletic coach in any public school in any district of the state.⁸

Eligibility Criteria for Educator Certification

To be eligible to seek a Florida educator's certificate, an individual must submit an application and meet specified requirements:⁹

- Be at least 18 years of age;
- File an affidavit to uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida;
- Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the DOE has identified as having a quality program resulting in a bachelor's degree, or higher;
- Submit to a background screening;

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

² Section 1012.54, F.S.

³ Department of Education, *2015-2016 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.shtml> (last visited January 21, 2016).

⁴ Section 1012.55(1)(c), F.S.

⁵ Section 1012.55, F.S.

⁶ Section 1012.56(1), (2), (3), (5), (6), and (7), F.S.

⁷ Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

⁸ Section 1012.55(2)(a), F.S.

⁹ Section 1012.56(2), F.S.; Rule 6A-4.002, F.A.C.

- Be of good moral character;
- Be competent and capable of performing the duties, functions, and responsibilities of an educator; and
- Demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

General Knowledge

Mastery of general knowledge may be demonstrated through several methods, including achieving a passing score on the General Knowledge Test¹⁰ or achieving passing scores established in state board rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills portions of the Graduate Record Examination.¹¹

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.¹²

If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.¹³

Subject Area Knowledge

Mastery of subject area knowledge may be demonstrated by earning a baccalaureate or graduate degree and passing the Florida-developed subject area examination specified in state board rule¹⁴ or, if a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in state board rule.¹⁵

An applicant may also demonstrate mastery of subject area knowledge by providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory, by National Board for Professional Teaching Standards, or by American Board for Certification of Teacher Excellence, if the certificate is comparable to the Florida certificate issued for the same subject area.¹⁶

Professional Preparation and Education Competence

Mastery of professional preparation and education competence is typically demonstrated by successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida, or a teacher preparation program from an out-of-state accredited or

¹⁰ Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Language Skills, Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.

¹¹ Section 1012.56(3)(e), F.S.; Rules 6A-4.002(4)(e) and 6A-4.0021(12)(a), F.A.C.

¹² Section 1012.56(7), F.S.

¹³ *Id.*

¹⁴ Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 44 subject area tests. Florida Department of Education, *Florida Teacher Certification Examinations*, http://www.fl.nesinc.com/FL_TIGS.asp (last visited January 21, 2016).

¹⁵ Section 1012.56(5), F.S.

¹⁶ Section 1012.56(5)(e) and (f), F.S.; Rule 6A-4.002(1)(i)-(j), F.A.C.

department-approved institution, and achieving a passing score on the Professional Education Test required by state board rule.¹⁷

For individuals who have earned a baccalaureate or higher degree in a subject other than education, competence is demonstrated in part by completing 15 semester hours in professional preparation courses specified in state board rule¹⁸ and achieving a passing score on the Professional Education Test.¹⁹

Exception to Educator Certification

Currently, local school district boards can issue an adjunct teaching certificate to any applicant who meets specific requirements²⁰ and has expertise in the assigned subject area.²¹ The adjunct teaching certificate is only valid through the term of the annual contract between the educator and school district.²²

State Board of Education rules authorize district school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.²³

STEM Education

STEM education is the intentional integration of science, technology, engineering, and mathematics, and their associated practices to create a student-centered learning environment in which students investigate and engineer solutions to problems, and construct evidence-based explanations of real-world phenomena with a focus on a student's social, emotional, physical, and academic needs through shared contributions of schools, families, and community partners.²⁴

III. Effect of Proposed Changes:

CS/SB 432 creates an expedited pathway for an individual holding a Florida temporary educator certificate to earn a Florida professional educator certificate for grades 6-12.

Specifically, the bill requires the applicant to:

- Meet all general certification requirements, with the exception of certain professional preparation coursework requirements;

¹⁷ Section 1012.56(6)(a) and (b), F.S.; *see* s. 1004.04, F.S.; Rule 6A-4.003(1) and (4), F.A.C. The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.A.C.

¹⁸ Section 1012.56(6)(f), F.S.; Rule 6A-4.006, F.A.C. The required 15 semester hours of course work in professional education areas include: classroom management, child and adolescent development and learning, educational assessment practices, effective instructional techniques, strategies, and materials to meet the needs of diverse learners, applications of research-based practices in reading, and strategies for teaching students of limited English proficiency.

¹⁹ Section 1012.56(6)(f), F.S.

²⁰ Section 1012.56(2)(a)-(f) and (10), F.S.

²¹ Section 1012.57(1), F.S.

²² Section 1012.57(4), F.S.

²³ Section 1012.55(1)(c), F.S.; Rule 6A-1.0502, F.A.C.

²⁴ Department of Education, *STEM Programs*, <http://www.fldoe.org/academics/standards/subject-areas/math-science/stem/defining-stem.shtml> (last visited January 15, 2016).

- Hold a master's or higher degree in the area of science, technology, engineering, or mathematics (STEM);
- Teach a high school course in the subject of the advanced degree;
- Be rated as highly effective as determined by the teacher's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced International Certificate of Education, or International Baccalaureate examination; and
- Achieve a passing score on the Florida professional competency examination required by the state board rules.

In effect, the bill creates an efficient approach for an individual with expertise in a STEM field to earn a professional educator certificate by eliminating the additional coursework requirements that would typically be completed while teaching under a Florida state-issued temporary certificate.

The bill permits an individual to bypass the 15 semester hours of professional preparation requirements, therefore, omitting coursework in topics such as classroom management with a focus on safe learning environments, educational assessment practices, and instructional strategies for teaching students of limited English proficiency. The bill presumes the educator, through attainment of a highly effective rating and a passing score on the Florida professional competency examination, has attained the knowledge and skills covered in the content areas of the professional preparation coursework.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Teachers who meet the qualifications specified in the bill will save money as a result of not being required to enroll in the professional preparation courses. Currently, the average cost of tuition and fees at an Educator Preparation Institute (EPI), which provides professional preparation instruction for college graduates who were not education majors, is \$106.74 per credit hour.²⁵

C. Government Sector Impact:

The bill has no impact on state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 1012.56 of the Florida Statutes.

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

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

CS by Education Pre-K – 12 on January 20, 2016:

The committee substitute modifies the bill as follows:

- Requires a bill title change from STEM Teachers Pilot Program to Teacher Certification which provides alternative requirements for an applicant to earn a professional educator certificate;
- Removes the STEM Teachers Pilot Program and reporting requirements; and
- Creates an expedited pathway for temporary certified teachers who meet certain requirements in the area of science, technology, engineering, or mathematics to receive a professional certificate for grades 6-12.

B. Amendments:

None.

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

²⁵ Florida Department of Education, Division of Florida Colleges, *Student Fees for Fall 2015-201, Credit Programs: A&P, PSV, Developmental Education, and EPI Programs*

By the Committee on Education Pre-K - 12; and Senator Hutson

581-02368-16

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A bill to be entitled

An act relating to teacher certification; amending s. 1012.56, F.S.; providing alternative requirements for earning a professional educator certificate that covers certain grades; providing an effective date.

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

Section 1. Paragraph (a) of subsection (7) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets all the requirements outlined in subsection (2) or, for a professional certificate covering grades 6 through 12, any applicant who:

1. Meets the requirements of paragraphs (2) (a)-(h).

2. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.

3. Teaches a high school course in the subject of the advanced degree.

4. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

5. Achieves a passing score on the Florida professional education competency examination required by state board rule.

Each temporary certificate is valid for 3 school fiscal years

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and is nonrenewable. However, the requirement in paragraph (2) (g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2) (g). The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2) (g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances. The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 2. This act shall take effect July 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator Don Gaetz, Chair
Appropriations Subcommittee on Education

Subject: Committee Agenda Request

Date: January 26, 2016

I respectfully request that **Senate Bill #432**, relating to Teacher Certification, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 6

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 Appropriations Subcommittee on Education

BILL: SB 442

INTRODUCER: Senators Flores and Garcia

SUBJECT: Educational Facilities

DATE: February 17, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Favorable
2.	Sikes	Elwell	AED	Recommend: Favorable
3.			AP	

I. Summary:

SB 442 authorizes a district school board to adopt, by supermajority vote, a resolution to implement exceptions to the State Requirements for Educational Facilities (SREF). The bill requires that the district school board adopt the resolution at a public meeting that begins no earlier than 5 p.m., and conduct a cost-benefit analysis using a professionally accepted methodology for each exception selected by the district school board.

Specifically, the bill authorizes implementation of the following exceptions to the SREF:

- Interior nonload-bearing walls.
- Walkways, roadways, driveways, and parking areas.
- Standards for relocatables used as classroom space.
- Site lighting.

The bill has no impact on state funds. District school boards that adopt the authorized exceptions may achieve cost savings.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

State Requirements for Educational Facilities

The Florida Building Commission (commission) adopts the State Requirements for Educational Facilities (SREF) within the Florida Building Code (FBC), which governs the planning and

construction of public educational and ancillary plants.¹ The State Fire Marshal adopts standards for public school fire safety within the Florida Fire Prevention Code (FFPC).²

The construction of public educational facilities³ and ancillary plants by a district school board must conform to the FBC, FFPC, and the Florida Accessibility Code for Building Construction⁴ (FACBC).⁵ Collectively, the FBC, FFPC, and FACBC form the uniform building code for public educational facilities construction and ensure that such facilities are a safe, secure, sanitary, and accessible learning environment for all students, and that the structures will perform efficiently over their expected life cycles.⁶ The requirements preempt local codes and local amendments to the FBC.⁷

The SREF specifies standards including, but not limited to:⁸

- Interior walls;⁹
- Walks, roads, drives, and parking areas;¹⁰
- Covered walks;¹¹ and
- Site lighting.¹²

¹ Sections 553.73 and 1013.37(1), F.S.; Rule 6A-2.0010, F.A.C.; Section 423, FBC. The 2014 *State Requirements for Educational Facilities* (effective Nov. 4, 2014) are available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>.

² Sections 381.006(16), 1013.03(6), and 1013.37(1) and (4), F.S.; Section 443, FBC.

³ “Educational facilities” is defined as the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards. Section 1013.01(6), F.S.

⁴ The federal Americans with Disabilities Act Standards for Accessible Design, and related regulations in 28 C.F.R. parts 35 and 36 and 49 C.F.R. part 37, are adopted by the Florida Building Commission. Sections 553.503 and 553.73(1)(b), F.S.

⁵ The ancillary plants are exempt from other state building codes; county, municipal, or other local amendments to the FBC and local amendments to the FFPC; building permits, and assessments of fees for building permits; ordinances; road closures; and impact fees or service availability fees. Section 1013.371(1)(a), F.S.

⁶ Florida Department of Education, *2016 Agency Legislative Bill Analysis* (Oct. 12, 2015), at 2 (on file with the staff of the Senate Committee on Education Pre-K – 12).

⁷ The enforcement of construction regulations governing public school districts is conducted by personnel and contract providers who are certified to perform plan reviews and inspections. Section 553.80(1)(e) and (6), F.S.

⁸ Section 423 of the FBC contains the State Requirements for Educational Facilities (SREF). However, the Florida Building Code has been redrafted and section 423 will be renumbered as section 453. *The Florida Building Code, Draft Building Chapters*, 5th Edition (2014) is available at http://ecodes.biz/ecodes_support/free_resources/14FloridaDraft/Building/14FL_Building_Draft.html (last visited January 23, 2016).

⁹ Interior nonload-bearing wood studs or partitions may not be used in permanent educational and auxiliary facilities or relocatable buildings. Section 423.8.3.1.1, FBC.

¹⁰ Walks, roads, drives, and parking areas on educational and ancillary sites must be paved. Roads, drives, and parking areas shall be in compliance with Department of Transportation (DOT) road specifications and striped in compliance with DOT paint specifications. All paved areas must have positive drainage. Section 423.10.2, FBC.

¹¹ All buildings in K-12 educational facilities must be connected by paved walks and accessible under continuous roof cover. New relocatable classroom buildings must be connected to permanent buildings by paved covered walks where applicable. Section 423.10.2.1, FBC.

¹² Design, construction, and installation of exterior security lighting for educational and ancillary facilities must be provided for auto, bus, and service drives and loading areas; parking areas; building perimeter; and covered and connector walks between buildings and between buildings and parking. Section 423.10.3, FBC.

Proposed Construction, Renovation, or Remodeling Plans

Review by the District School Board

Before the commencement of the construction, renovation, or remodeling of any educational or ancillary plants, a district school board must review the construction plans, including any related documents.¹³ In reviewing the plans, the district school board must consider, among other things:¹⁴

- The need for the new facility.
- The energy efficiency and conservation of design.
- Life-cycle cost considerations.
- The proposed construction cost per gross square foot.
- Plans for future expansion.
- The type of construction.
- Sanitary provisions.
- The design to accommodate physically handicapped persons.
- Conformity with the FBC and FFPC standards.

Approval by the District School Board

Before approving any construction plans, a district school board must ensure that the plans comply with the applicable standards of the FBC and the FFPC.¹⁵ For each proposed new facility and each proposed new addition, exceeding 2,500 square feet, the district school board must submit a copy of the plans¹⁶ to the county, municipality, or independent special fire control district providing fire protection services to the facility for review at no charge.¹⁷ Upon determining that the construction plans comply with the applicable standards, the district school board may approve the plans and construction may begin on the facilities.¹⁸

Waivers or Variances

The State Constitution prohibits the enactment of any special act or general law of local application that proposes to amend, alter, or contravene the provisions of the SREF.¹⁹ Legislative intent is that building officials, local enforcement agencies, and the commission interpret the FBC in a manner that protects the public safety, health, and welfare at the most reasonable cost.²⁰

¹³ Section 1013.37(2)(a) and (b), F.S.

¹⁴ Section 1013.37(2)(b), F.S.

¹⁵ Sections 1013.37(2), 1013.371(1)(c), and 1013.38(4)(a), F.S.

¹⁶ Such site plans are exempt from all other state building codes; local amendments to the FBC and FFPC; local ordinances; building permits, including related fees; road closures; and impact fees or service availability fees. Sections 1013.371(1)(a) and 1013.38(1)(b), F.S.

¹⁷ Section 1013.38(1)(a) and (b), F.S.

¹⁸ Sections 1013.37(2)(a) and 1013.38(4)(a), F.S.

¹⁹ Section 1013.37(5), F.S. The enactment of a special law or general law of local application is prohibited if pertaining to a subject prohibited by general law. Art. III, s. 11(a)(21), Fla. Const.

²⁰ Section 553.775(1), F.S.

The Florida Building Commission (commission) is not authorized to accept a petition for and may not grant any waiver²¹ or variance²² from the requirements of the FBC.²³ However, the commission is required to adopt criteria and procedures for granting alternative means of compliance with the FBC standards, or local amendments to the FBC, for enforcement by local governments, local enforcement districts, or other entities authorized by law to enforce the FBC.²⁴

Upon a determination by the commission of unnecessary, unreasonable, or extreme economic hardship, provided the waiver does not violate federal accessibility laws and regulations, the commission must grant an applicant's request for waiver.²⁵

If planned or actual construction of a facility deviates from the standards, a district school board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the FBC, and explain the reason for the proposed deviations.²⁶

III. Effect of Proposed Changes:

SB 442 authorizes a district school board to adopt, by supermajority vote, a resolution to implement exceptions to the State Requirements for Educational Facilities (SREF). The bill requires that the district school board adopt the resolution at a public meeting that begins no earlier than 5 p.m., and conduct a cost-benefit analysis using a professionally accepted methodology for each exception selected by the district school board.

The bill authorizes implementation of the following exceptions to the SREF relating to:

- Interior nonload-bearing walls, by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.
- Walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- Standards for relocatables used as classroom space, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

²¹ "Waiver" means a decision by an agency to apply all or part of a rule to a person who is subject to the rule. Any waiver must conform to the standards for waivers outlined in the Administrative Procedure Act and in the uniform rulemaking procedures. Section 120.52(22), F.S. (definition of "waiver"); Section 120.54, F.S. (rulemaking procedure).

²² "Variance" means a decision by an agency to grant a modification to all or part of the literal requirements of an agency rule to a person who is subject to the rule. Any variance must conform to the standards for variances outlined in the Administrative Procedure Act and in the uniform rulemaking procedures. Section 120.52(21), F.S. (definition of "variance"); Section 120.54, F.S. (rulemaking procedure).

²³ Sections 120.80(16)(a) and (b) and 553.512(1), F.S.

²⁴ Section 120.80(16)(b), F.S. Each local government and each code enforcement agency with statutory authority must regulate building construction and enforce the FBC standards. Section 553.513, F.S.

²⁵ Section 553.512(1), F.S. Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area. 28 C.F.R. s. 36.403(f)(1).

²⁶ Section 1013.371(2), F.S.

- Site lighting, by approving construction specifications regarding site lighting that:
 - Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
 - Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
 - Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 footcandle.²⁷

Before voting on a resolution, the district school board must conduct a cost-benefit analysis using a professionally accepted methodology that describes how each proposed exception:

- Achieves cost savings;
- Improves the efficient use of school district resources;
- Impacts the life-cycle costs and life span for each educational facility to be constructed; and
- Demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction.

The bill requires that the district school board hold at least one public workshop, beginning no earlier than 5 p.m., to discuss and receive public comment on the proposed resolution and cost-benefit analysis, and authorizes the district school board to vote on the resolution at the same meeting. Otherwise, the vote on the resolution must be made during a public meeting beginning no earlier than 5 p.m.

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁷ A “footcandle” is defined as a unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot. *See Merriam-Webster Dictionary available at <http://www.merriam-webster.com/dictionary/foot-candle>* (last visited January 23, 2016).

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state funds. District school boards that adopt the authorized exceptions may achieve cost savings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 1013.385 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Flores

37-00516-16

2016442__

A bill to be entitled

An act relating to educational facilities; creating s. 1013.385, F.S.; providing for school district construction flexibility; authorizing exceptions to educational facilities construction requirements under certain circumstances; providing an effective date.

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

Section 1. Section 1013.385, Florida Statutes, is created to read:

1013.385 School district construction flexibility.-

(1) A district school board may, with a supermajority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one or more of the exceptions to the educational facilities construction requirements provided in this section. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board achieves cost savings, improves the efficient use of school district resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which

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37-00516-16

2016442__

the resolution will be voted upon.

(2) A resolution adopted under this section may propose implementation of exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(a) Interior nonload-bearing walls, by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.

(b) Walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.

(c) Standards for relocatables used as classroom space, as specified in s. 1013.20, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

(d) Site lighting, by approving construction specifications regarding site lighting that:

1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.

2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.

3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only

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37-00516-16

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59 during periods in which the building is occupied. The minimum
60 illumination level at single-door exits may be reduced to no
61 less than 1 footcandle.

62 Section 2. This act shall take effect July 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator Don Gaetz, Chair
Committee on Appropriations Subcommittee on Education

Subject: Committee Agenda Request

Date: January 28, 2016

SENATE APPROPRIATIONS
RECEIVED
16 JAN 28 PM 3:01
STAFF LRM STAFF

I respectfully request that **Senate Bill #442**, relating to Educational Facilities –SREF, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Anitere Flores

Senator Anitere Flores
Florida Senate, District 37

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 Appropriations Subcommittee on Education

BILL: SB 944

INTRODUCER: Senators Richter and Gaetz

SUBJECT: Out-of-state Fee Waivers for Active Duty Service Members

DATE: February 17, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	Favorable
2.	Smith	Elwell	AED	Recommend: Favorable
3.			AP	

I. Summary:

SB 944 provides for out-of-state fee waivers for active duty members of the United States Armed Forces who reside or are stationed outside of Florida. The bill specifies that tuition and fees charged to such students must not exceed the tuition and fees charged to resident students.

Additionally, the bill requires rulemaking to administer the fee waivers to the active duty members of the United States Armed Forces and reporting to maintain a record of the number and value of all such fee waivers granted.

The impact on institutional fee revenues is insignificant.

The bill takes effect July 1, 2016.

II. Present Situation:

The Florida Legislature has enacted laws to provide members of the Armed Forces access to public postsecondary education in the state.

Tuition and Fees

The term “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”¹ An “out-of-state fee” is the additional fee for instruction provided by a public postsecondary educational institution charged to a student who does not qualify for the in-state tuition rate.”²

¹ Section 1009.01(1), F.S. Additionally, the definition states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

² Section 1009.01(2), F.S. Adding that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.³ A “non-resident for tuition purposes” is defined as a “person who does not qualify for the in-state tuition rate,”⁴ and pays the out-of-state fee in addition to tuition.

Current law affords in-state tuition benefits to members of the United States military through either fee waivers or resident status for tuition purposes.

In-state Tuition

Fee Waivers

Florida law affords waivers⁵ from fees to certain students who meet specified criteria including, but not limited to, certain members of the United States military. For instance, state universities, Florida College System (FCS) institutions, and technical centers must waive tuition for undergraduate college credit programs and career certificate programs, as applicable, for recipients of a Purple Heart or another combat decoration superior in precedence.⁶ Additionally, honorably discharged veterans of the United States Armed Forces, the United States Reserved Forces, or the National Guard who meet certain conditions are eligible for out-of-state fee waiver benefits through the Congressman C.W. “Bill” Young Veteran Tuition Waiver Program.⁷

Resident Status for Tuition Purposes

Active duty members of the Armed Services of the United States residing or stationed in Florida, and their spouses and dependent children, and active drilling members of the Florida National Guard are considered Florida residents for tuition purposes⁸ and accordingly receive in-state tuition and student financial aid benefits. Such benefits also apply to active duty members of the Armed Services of the United States and their spouses and dependents attending an FCS institution or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.⁹

III. Effect of Proposed Changes:

SB 944 waives the out-of-state fee for active duty members of the United States Armed Forces who reside in or are stationed outside of Florida. In effect, the bill extends in-state tuition benefits, through a fee waiver approach, to the specified United States Armed Forces members. The out-of-state fee waivers may apply to undergraduate and graduate degree programs.

Additionally, similar to the Congressman C.W. “Bill” Young Veteran Tuition Waiver Program requirements, the bill requires:

- Tuition and fees charged to a student who qualifies for the out-of-state fee waiver for the specified active duty members of the United States Armed Forces must not exceed the tuition and fees charged to a resident student.

³ Section 1009.21(1)(g), F.S.

⁴ Section 1009.21(1)(e), F.S.

⁵ Section 1009.26, F.S.

⁶ Section 1009.26(8), F.S.

⁷ Section 1009.26(13), F.S.

⁸ Section 1009.21(10)(a), F.S.

⁹ Section 1009.21(10)(b), F.S.

- Each state university, Florida College System institution, and technical center to report to the Board of Governors (BOG) and the State Board of Education (SBE), as applicable, the number and value of all fee waivers granted to the active duty members of the United States Armed Forces.
- The BOG and the SBE to adopt regulations and rules, respectively, to administer the out-of-state fee waivers for active duty members of the United States Armed Forces.

This waiver will primarily affect active duty members of the Armed Forces who enroll in distance learning courses while stationed outside of Florida on military establishments farther than 50 miles from an FCS institution or state university, if the military establishment is not in a county contiguous to Florida.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 944 provides for out-of-state fee waivers for active duty members of the United States Armed Forces who reside or who are stationed outside of Florida. Students who qualify for this waiver will experience cost savings associated with their programs of study at state universities, Florida College System (FCS) institutions, and technical centers. This waiver applies to both undergraduate and graduate education. At a state university system institution, an average of \$465.59 will be saved for each undergraduate credit hour and an average of \$599.07 will be saved for each graduate credit hour taken by eligible servicemembers.¹⁰

¹⁰ Board of Governors, 2016 Agency Legislative Bill Analysis for SB 944 (Jan. 13, 2016), at 2, on file with the Appropriations Subcommittee on Education staff.

C. Government Sector Impact:

State universities, Florida College System institutions, and technical centers will potentially forgo out-of-state fee revenue for the specified students. The Florida Board of Governors estimates the state universities could potentially see a decrease of \$248,000 in tuition revenues.¹¹ According to the Florida Department of Education, FCS institutions and technical centers may see a reduction in out-of-state tuition and fee revenues generated by non-resident students, but the amount is indeterminable at this time.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.26 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.

¹¹ Board of Governors, 2016 Agency Legislative Bill Analysis for SB 944 (Jan. 13, 2016), at 2-3, on file with the Appropriations Subcommittee on Education staff.

¹² Department of Education, 2016 Agency Legislative Bill Analysis for SB 944 (Feb. 10, 2016), at 4, on file with the Appropriations Subcommittee on Education staff.

By Senator Richter

23-00505-16

2016944__

A bill to be entitled

An act relating to out-of-state fee waivers for active duty service members; amending s. 1009.26, F.S.; requiring state universities, Florida College System institutions, and certain centers to waive out-of-state fees for active duty members of the United States Armed Forces residing or stationed outside of this state; prohibiting tuition and fees charged to such students from exceeding a specified amount; requiring an annual report of all out-of-state fee waivers for such individuals; requiring the Board of Governors and the State Board of education to adopt related regulations and rules; providing an effective date.

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

Section 1. Subsection (14) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(14) (a) A state university, Florida College System institution, career center operated by a school district under s. 1001.44, or charter technical career center shall waive out-of-state fees for a person who is an active duty member of the Armed Forces of the United States residing or stationed outside of this state.

(b) Tuition and fees charged to a student who qualifies for the out-of-state fee waiver under this subsection may not exceed the tuition and fees charged to a resident student.

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(c) Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted annually under this subsection.

(d) The Board of Governors and the State Board of Education shall respectively adopt regulations and rules to administer this subsection.

Section 2. This act shall take effect July 1, 2016.

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The Florida Senate

Committee Agenda Request

To: Senator Don Gaetz, Chair
Appropriations Subcommittee on Education

Subject: Committee Agenda Request

Date: February 8, 2016

I respectfully request that **Senate Bill #944**, relating to Out-of-state Waivers for Active Duty Service Members, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink, which appears to read "Garrett Richter", is written over a horizontal line.

Senator Garrett Richter
Florida Senate, District 23

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 Appropriations Subcommittee on Education

BILL: PCS/CS/SB 1076 (165440)

INTRODUCER: Education Pre-K - 12 Committee and Senator Legg

SUBJECT: Education

DATE: February 17, 2016

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Graf	Klebacha	ED	Fav/CS
2. Sikes	Elwell	AED	Recommend: Fav/CS
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1076 expands student access to advanced-level instruction and examinations that students may take to generate high school credit through a performance-based approach. Specifically, the bill:

- Provides for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs.
- Specifies the purpose of the structured programs.
- Requires the structured program contracts to delineate courses that fulfill general education core curriculum or common prerequisites.
- Establishes bonus funding for school districts based on students successfully completing 30 or 60 college credit hours.
- Establishes notification requirements for district school boards, and reporting requirements for district school superintendents and the Commissioner of Education.
- Expands the Credit Acceleration Program mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma.

The bill has no impact on state funds.

The bill takes effect July 1, 2016.

II. Present Situation:

Over the years, the Legislature has enacted laws to ensure that all students have access to high quality education and are prepared for success in college and career.

Collegiate High School Program

The collegiate high school program was established in 2014,¹ providing a pathway for high school students to earn a full year of college credit while enrolled in high school. The law requires each district school board and its local Florida College System (FCS) institution to establish one or more collegiate high school programs at a mutually agreed upon location or locations.² A collegiate high school program must, at a minimum, include an option for public school students in grade 11 or grade 12, for at least one full year, to earn CAPE industry certifications and successfully complete 30 credit hours through dual enrollment toward the first year of college (for an associate degree or a baccalaureate degree) while enrolled in the program.³

In Fall 2015, FCS institutions were engaged in partnership with 40 collegiate high school programs with a total estimated enrollment of over 7,500 students.⁴

Collegiate High School Program Contracts

To establish a collegiate high school program (program), each district school board and its local FCS institution must execute a contract, which must be executed by January 1 of each school year for implementation of the program in the next school year.⁵ The law specifies the information that must be included in the contract (e.g., identification of grade levels to be included in the program and delineation of courses and industry certifications offered).⁶ In addition to executing a program contract with the local FCS institution, a district school board is also authorized to execute a program contract with a state university or an eligible college or university.⁷

Student Performance Contract

Each student participating in the program must enter into a student performance contract that must be signed by the student, his or her parent, and a representative of the applicable school district and FCS institution, state university, or eligible college or university.⁸ The student

¹ Section 10, ch. 2014-184, L.O.F., *codified at* s. 1007.273, F.S.

² Section 1007.273(3), F.S.

³ Section 1007.273(2)-(3), F.S.

⁴ Florida Department of Education, *Collegiate High School Program Update*, Presentation to the Florida Senate Committee on Education Pre-K – 12 (Dec. 3, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/ED/MeetingRecords/MeetingPacket_3291.pdf, at 3.

⁵ Section 1007.273(3), F.S.

⁶ *Id.*

⁷ An eligible college or university means “an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.” Section 1007.273(5), F.S.

⁸ Section 1007.273(4), F.S.

performance contract must include the schedule of courses by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.⁹

Funding

Funding for collegiate high school programs is based on the funding mechanism for dual enrollment.¹⁰ The State Board of Education is required to enforce compliance with the collegiate high school program provisions by withholding the transfer of funds for the school districts and the FCS institutions in accordance with the law.¹¹

Credit Acceleration Program

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or Biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.¹²

Standard High School Diploma Designations

A student may earn a scholar designation¹³ or a merit designation¹⁴ on the standard high school diploma if the student meets specified conditions in addition to fulfilling the requirements to earn the diploma.¹⁵

Scholar Designation

A student must satisfy the following requirements:¹⁶

- Mathematics – earn one credit in Algebra II and one credit in statistics or equally rigorous course. Beginning with students entering grade 9 in 2014-2015 school year, pass the Algebra II and geometry statewide, standardized assessments.
- Science – pass the statewide, standardized Biology I end-of-course (EOC) assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. A student enrolled in the Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE assessment and earns the minimum score to generate college credit, in accordance with the law, is not required to take the Biology I EOC assessment.
- Social Studies – pass the statewide, standardized United States History EOC assessment. A student enrolled in the AP, IB, or AICE United States History topics who takes the respective

⁹ Section 1007.273(4), F.S.

¹⁰ Section 1007.273(6), F.S.

¹¹ *Id.*

¹² Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

¹³ Section 1003.4285(1)(a), F.S.

¹⁴ Section 1003.4285(b), F.S.

¹⁵ Section 1003.4282, F.S.

¹⁶ Section 1003.4285(1)(a), F.S.

AP, IB, or AICE assessment and earns the minimum score to generate college credit, in accordance with the law, is not required to take the United States History EOC assessment.

- Foreign language – earns two credits in the same foreign language.
- Electives – earn at least one credit in AP, IB, AICE, or dual enrollment course.

Merit Designation

A student must attain one or more industry certifications.¹⁷

III. Effect of Proposed Changes:

PCS/CS/SB 1076 expands student access to advanced-level instruction and modifies students' ability to generate high school credit through a performance-based approach.

Structured High School Acceleration Programs

The bill provides for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs. The bill specifies that district school boards must not limit student enrollment in the structured programs.

Purpose

The bill specifies the purpose of the structured programs must be to provide students opportunities to complete 30 credit hours toward general education core¹⁸ curriculum or common prerequisite¹⁹ requirements. The credit hours may be earned through articulated acceleration mechanisms, in addition to dual enrollment, including Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), or College Level Examination Program (CLEP). This modification establishes a purposeful organization of the structured programs that assist students in earning meaningful college credits applicable toward general education core curriculum or common prerequisite requirements, leading to an associate degree²⁰ or a baccalaureate degree.²¹ Statewide articulation agreements²² govern articulation

¹⁷ Section 1003.4285(1)(b), F.S.

¹⁸ General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The course options are identified by faculty committees that are jointly appointed by the chair of the State Board of Education (state board) and the chair of the Board of Governors (BOG). Section 1007.25(3), F.S.; *see also* Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

¹⁹ The Department of Education is required to identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites must be offered and accepted by all state universities and Florida College System (FCS) institutions, except in cases approved by the state board for the FCS institutions and the BOG for the state universities. Section 1007.25(5), F.S.

²⁰ Typically, an associate in arts degree requires 60 semester hours of college credit and include 36 semester hours of general education coursework. Section 1007.25(7), F.S.

²¹ A baccalaureate degree program usually requires 120 semester credit hours and include 36 semester hours of general education coursework, unless prior approval has been granted by the BOG for baccalaureate degree programs offered by state universities and by the state board for baccalaureate degrees offered by Florida College System institutions. Section 1009.25(8), F.S.

²² The state board and the BOG are required to enter into a statewide articulation agreement, providing for the transfer and application of credits earned by students in high school or in postsecondary programs of study. Section 1007.23(1), F.S.

between secondary and postsecondary education to facilitate the seamless articulation of student credit across Florida's educational entities.²³

Structured High School Acceleration Program Contract

The bill requires the structured program contract to delineate course offerings that include courses that fulfill general education core curriculum or common prerequisite requirements. Accordingly, students will be afforded information regarding specific courses and credits that may be applied toward fulfilling the requirements for at least the first year of college and ultimately, an associate degree or baccalaureate degree. College credits earned before graduation from high school may result in tuition and fee savings for the students.

Bonus Funding for School Districts

The bill establishes bonus funding for school districts to reward districts for providing students access to advanced-level instruction through structured programs. Similar to bonus funding authorized for CAPE Acceleration Industry Certifications, the bill provides:

- 0.5 full-time equivalent (FTE) bonus for a student enrolled in the program who successfully completes 30 credit hours toward general education core curriculum or common prerequisite course requirements, which may include attaining one or more industry certifications before graduating from high school; and
- An additional 0.5 FTE bonus for a student enrolled in the program who successfully completes 60 credit hours towards an associate in arts or associate in science degree, which may include attaining one or more industry certifications before graduating from high school.

The bonus funding incentives may motivate school district participation in the structured programs. Participation in such programs will likely help students gain access to advanced-level instruction and opportunities to earn industry-approved industry certifications, and generate college credit.

Student Performance Contract and Notification

The bill establishes notification requirements for each district school board to inform students enrolled in grades 9, 10, 11, and 12 about the structured programs, specifying the method for earning college credits and the estimated cost savings to students and their families associated with earning the college credits before graduating from high school. The bill also requires each student's performance contract to specify the applicability of courses to an associate or baccalaureate degree. These requirements will likely increase awareness about structured programs and better inform students regarding the relationship between their high school coursework and postsecondary degree.

Reporting Requirements

The bill specifies reporting requirements for district school superintendents and the Commissioner of Education (commissioner):

²³ Section 1007.23(1)(a), F.S.

- By September 1 of each school year, each district school superintendent must report to the commissioner information regarding student enrollment and completion, attainment of industry certifications, and barriers to executing structured program contracts.
- By November 30 of each school year, the commissioner must report to the Governor, President of the Senate, and the Speaker of the House of Representatives the status of structured programs and provide recommendations for expanding access to such programs statewide.

The reporting requirements may assist with program improvement efforts at the local and state level.

Credit Acceleration Program

The bill also expands the Credit Acceleration Program (CAP) mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma. Specifically, the bill allows students to earn high school credit in Algebra I, Algebra II, geometry, United States history, biology, or a course required to earn a scholar or merit designation if such students attain a passing score on the corresponding statewide, standardized assessment or Advanced Placement (AP) examination, without enrolling in or completing the course associated with that assessment or examination. Currently, under the CAP, the competency-based mechanism for earning high school credit is limited to students passing specified statewide, standardized assessments.²⁴

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁴ Section 1003.4295(3), F.S.

B. Private Sector Impact:

The expansion of structured high school acceleration programs may create more opportunities for students to earn college credit at no cost while enrolled in high school, which may result in tuition and fee savings for these students.

C. Government Sector Impact:

The bill has no impact on state funds. The bonus funding authorized in the bill may increase funding through the Florida Education Finance Program (FEFP) for school districts that develop structured programs which allow students to earn the necessary 30 or 60 college credits.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.4295, 1003.621, and 1007.273.

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

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

Recommended CS/CS by Appropriations Subcommittee on Education on February 17, 2016:

The committee substitute:

- Requires the student performance contract to specify the applicability of the student's courses to an associate or baccalaureate degree.
- Makes the attainment of an industry certification optional for a student to generate the authorized bonus funding.
- Removes the compliance requirements for district school boards.

CS by Education Pre-K - 12 on February 2, 2016:

The committee substitute maintains the substance of the bill with modifications that:

- Provide for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs and modifies existing provisions for collegiate high school programs to also apply to the structured programs.
- Specify the purpose of the structured programs.

- Require the structured program contracts to delineate courses that fulfill general education core curriculum or common prerequisites.
- Establish bonus funding for school districts based on students successfully completing 30 or 60 credit hours and attaining one or more industry certifications.
- Prohibit school districts from receiving certain benefits and flexibilities, authorized under law, if the district school boards for such school districts do not meet specified conditions.
- Establish notification requirements for district school boards, and reporting requirements for district school superintendents and the Commissioner of Education.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete lines 93 - 170
and insert:
specify include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements, and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1 of each school year, each district



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school board must notify each student enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured high school acceleration program including, but not limited to:

1. The method for earning college credit through participation in the program. Such methods must include an Internet website link to the dual enrollment course equivalency list approved by the Department of Education and the credit-by-examination equivalency list adopted by the State Board of Education in rule.

2. The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours toward general education core or common prerequisite course requirements and earning industry certifications before graduating from high school versus the cost of earning such credit hours and industry certifications after graduating from high school.

~~(4)-(5)~~ AUTHORIZED PROGRAM CONTRACTS.—In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish a structured ~~collegiate~~ high school acceleration program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under



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subsections (2) ~~(3)~~ and (3) ~~(4)~~. A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish a structured high school acceleration program at a mutually agreed upon location.

(5) FUNDING.—

(a) ~~(6)~~ The structured collegiate high school acceleration program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the school districts and the Florida College System institutions in accordance with s. 1008.32.

(b) A student who enrolls in the structured high school acceleration program and successfully completes 30 credit hours toward fulfilling general education core curriculum or common prerequisite course requirements pursuant to s. 1007.25, which may include attaining one or more industry certifications, generates a 0.5 full-time equivalent (FTE) bonus. A student who enrolls in the structured high school acceleration program and successfully completes 60 credit hours toward fulfilling the requirements for an associate in arts or an associate in science degree pursuant to the student performance contract under subsection (3), which may include attaining one or more industry certifications, before graduating from high school, generates an additional 0.5 FTE bonus. Each district school board that is a contractual partner with a Florida College System institution shall report to the commissioner the total FTE bonus for each structured high school acceleration program for the students from that district school board. The total FTE bonus shall be



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69 added to each school district's total weighted FTE for funding
70 in the subsequent fiscal year.

71 (6) REPORTING REQUIREMENTS.-

72

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

74 And the title is amended as follows:

75 Delete line 13

76 and insert:

77 providing reporting requirements;

By the Committee on Education Pre-K - 12; and Senator Legg

581-02939-16

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A bill to be entitled

An act relating to education; amending s. 1007.273, F.S.; providing additional options for students participating in a structured high school acceleration program; prohibiting a district school board from limiting the number of public school students who may enroll in a structured high school acceleration program; revising requirements relating to contracts establishing structured high school acceleration programs; requiring each district school board to notify students in certain grades about the program; revising provisions relating to program funding; providing compliance and reporting requirements; amending s. 1003.4295, F.S.; revising the purpose of the Credit Acceleration Program; requiring students to earn passing scores on specified assessments or examinations to earn course credit; amending s. 1003.621, F.S.; requiring an academically high-performing school district to execute a contract to establish a structured high school acceleration program; providing an effective date.

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

Section 1. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Structured high school acceleration programs
~~Collegiate high school program.~~

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more structured high school acceleration programs, including, but not limited to, collegiate high school

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programs.

~~(1)(2)~~ PURPOSE.—At a minimum, structured ~~collegiate~~ high school acceleration programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44 and to successfully complete 30 credit hours toward general education core curriculum or common prerequisite course requirements pursuant to s. 1007.25 through the dual enrollment program under s. 1007.271, a mechanism pursuant to s. 1007.27, or a CAPE industry certification pursuant to s. 1008.44 toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program. A district school board may not limit the number of public school students who may enroll in such programs.

~~(2)(3)~~ REQUIRED PROGRAM CONTRACTS.—Each district school board and its local Florida College System institution shall execute a contract to establish one or more structured ~~collegiate~~ high school acceleration programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the institution does not establish a program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the program. Beginning with the 2016-2017 school year, the contract must be executed by January 1 of each school year for implementation of the program during the next school year. The contract must:

(a) Identify the grade levels to be included in the

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~~collegiate high school program which must, at a minimum, include grade 12.~~

(b) Describe the ~~collegiate high school~~ program, including the delineation of courses that must, at a minimum, include general education core curriculum or common prerequisite course requirements pursuant to s. 1007.25 and industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines.

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

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

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

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

(g) Describe the terms of funding arrangements to implement the ~~collegiate high school~~ program pursuant to paragraph (5)(a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.-

(a) ~~(4)~~ Each student participating in a structured ~~collegiate~~ high school acceleration program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable Florida College System institution, state

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university, or other institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.

(b) By September 1 of each school year, each district school board must notify each student enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured high school acceleration program including, but not limited to:

1. The method for earning college credit through participation in the program. Such methods must include an Internet website link to the dual enrollment course equivalency list approved by the Department of Education and the credit-by-examination equivalency list adopted by the State Board of Education in rule.

2. The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours toward general education core or common prerequisite course requirements and earning industry certifications before graduating from high school versus the cost of earning such credit hours and industry certifications after graduating from high school.

(4) ~~(5)~~ AUTHORIZED PROGRAM CONTRACTS.-In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish a structured ~~collegiate~~ high school acceleration program with a state university or an institution that is eligible to participate in the William L.

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Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under subsections (2) (3) and (3) (4). A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish a structured high school acceleration program at a mutually agreed upon location.

(5) FUNDING.—

(a) (6) The structured collegiate high school acceleration program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the school districts and the Florida College System institutions in accordance with s. 1008.32.

(b) A student who enrolls in the structured high school acceleration program and successfully completes 30 credit hours toward general education core curriculum or common prerequisite course requirements pursuant to s. 1007.25, and attains one or more industry certifications generates a 0.5 full-time equivalent (FTE) bonus. A student who enrolls in the structured high school acceleration program and successfully completes 60 credit hours toward an associate in arts or an associate in science degree, and attains one or more industry certifications before graduating from high school, generates an additional 0.5 FTE bonus. Each district school board that is a contractual

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partner with a Florida College System institution shall report to the commissioner the total FTE bonus for each structured high school acceleration program for the students from that district school board. The total FTE bonus shall be added to each school district's total weighted FTE for funding in the subsequent fiscal year.

(6) COMPLIANCE REQUIREMENTS.—If a district school board does not execute a contract with its local Florida College System institution to establish one or more structured high school acceleration programs pursuant to this section or if a school district does not enroll at least 2 percent of its public school students in grades 11 and 12 in the district's structured high school acceleration program, the school district is not eligible to:

(a) Qualify for the academically high-performing school district designation pursuant to s. 1003.621.

(b) Have the calculation for compliance with maximum class size pursuant to s. 1003.03 for any school in the district be the average at the school level, notwithstanding any provision to the contrary, which includes but is not limited to s. 1002.31 and s. 1002.451.

(7) REPORTING REQUIREMENTS.—

(a) By September 1 of each school year, each district school superintendent must report to the commissioner, at a minimum, the following information for the prior school year:

1. Number of students in public schools within the school district who enrolled in the structured high school acceleration program, and the partnering postsecondary institutions pursuant to subsections (2) and (4).

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2. Average number of courses completed and the number of industry certifications attained by the students who enrolled in the structured high school acceleration program.

3. Projected student enrollment in the structured high school acceleration program within the next school year.

4. Barriers to executing contracts to establish one of more structured high school acceleration programs.

(b) By November 30 of each school year, the commissioner must report to the Governor, President of the Senate, and Speaker of the House of Representatives the status of structured high school acceleration programs including, at a minimum, a summary of student enrollment and completion information pursuant to this subsection; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Section 2. Subsection (3) of section 1003.4295, Florida Statutes, is amended to read:

1003.4295 Acceleration options.—

(3) The Credit Acceleration Program (CAP) is created for the purpose of allowing a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, ~~or~~ biology, or a course under s. 1003.4285 if the student passes the corresponding statewide, standardized assessment administered under s. 1008.22 or Advanced Placement Examination. Notwithstanding s. 1003.436, a school district shall award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding statewide, standardized assessment or Advanced Placement Examination. The school

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district shall permit a student who is not enrolled in the course, or who has not completed the course, to take the assessment or examination during the regular administration of the assessment or examination.

Section 3. Paragraph (a) of subsection (1) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

(a) A school district is an academically high-performing school district if it meets the following criteria:

1.a. Earns a grade of "A" under s. 1008.34 for 2 consecutive years; and

b. Has no district-operated school that earns a grade of "F" under s. 1008.34;

2. Complies with all class size requirements in s. 1, Art. IX of the State Constitution and s. 1003.03; and

3. Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted pursuant to s. 11.45 or s. 218.39.

4. Has executed a contract with its local Florida College System institution to establish one or more structured high school acceleration programs at a mutually agreed upon location or locations pursuant to s. 1007.273.

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However, a district in which a district-operated school earns a grade of "F" under s. 1008.34 during the 3-year period may not continue to be designated as an academically high-performing school district during the remainder of that 3-year period. The district must meet the criteria in paragraph (a) in order to be redesignated as an academically high-performing school district.

Section 4. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.17.16

Meeting Date

1076

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Debbie Mortham

Job Title Legislative Director

Address 215 S. Monroe St.

Street

Phone 257-2278

TuH

City

FL

State

32301

Zip

Email debbie@excellenc.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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 Appropriations Subcommittee on Education

BILL: CS/SB 1126

INTRODUCER: Education Pre-K - 12 Committee and Senator Detert and others

SUBJECT: Auditory-oral Education Programs

DATE: February 17, 2016

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bailey	Klebacha	ED	Fav/CS
2. Sikes	Elwell	AED	Recommend: Favorable
3. _____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1126 requires a school district to annually add four special consideration points to the total score of all domains on the matrix of services for a child who is deaf and enrolled in an auditory-oral education program to provide additional supports and services.

This bill has no fiscal impact in the 2016-2017 fiscal year since the requirements of the bill are not effective until the 2017-2018 fiscal year. Under this bill, there are approximately 75 full-time equivalent (FTE) students who are deaf and enrolled in an auditory-oral education program who will generate approximately \$4,000 per FTE in additional funding through the Florida Education Finance Program (FEFP). The total impact on the FEFP in the 2017-2018 fiscal year is estimated at \$300,000.

The bill takes effect on July 1, 2016.

II. Present Situation:

Auditory-Oral Education Program

As defined in statute, an auditory-oral education program is a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying on speech and spoken language skills as the method of communication.¹

¹ Section 1002.391(1)(a), F.S.

As related to auditory-oral education programs, deaf or hard of hearing means aided or unaided hearing loss that affects the processing of linguistic information and adversely affects performance in the educational environment.² The State Board of Education has established in rule criteria to designate the degree of loss which may range from mild to profound.³

Auditory-oral education programs are located in public or private schools for children who have obtained an implant or assistive hearing device.⁴ The faculty of the school are certified as listening and spoken language specialists.⁵

Matrix of Services

The Florida Department of Education (DOE) developed the Matrix of Services Handbook to provide districts, schools and teachers with information about the matrix of services required for selected students with exceptionalities.⁶ The matrix is designed with five levels in each of the following five domain areas:⁷

- Curriculum and Learning Environment: This domain addresses services provided to the student in the areas of curriculum, instructional strategies and learning environment.
- Social or Emotional Behavior: This domain includes services provided to meet identified social and emotional needs of students with exceptionalities, such as positive behavioral supports, behavioral interventions, social skills development, socialization and counseling as a related service.
- Independent Functioning: This domain includes services that are necessary for the independent functioning of students with exceptionalities, such as instruction in organizational strategies, assistance for activities of daily living and self-care, physical therapy, occupational therapy, orientation and mobility training and supervision of students to ensure physical safety
- Health Care: This domain addresses services provided to students with exceptionalities who have health care needs. Included in this domain are services related to monitoring and assessment of health conditions, provision of related health care services and interagency collaboration.
- Communication: This domain includes services provided to support the communication needs of students with exceptionalities. Services included in this domain are personal assistance, instructional interventions, speech or language therapy and the use of alternative and augmentative communication systems.

A student is evaluated within each of these five domains to determine the appropriate level of service the student requires. Level 1 represents the lowest level of service and Level 5 represents

² Section 1002.391(1)(b), F.S.

³ Rule 6A-6.03013, F.A.C.

⁴ Section 1002.391(1)(c), F.S.

⁵ A Listening and Spoken Language Specialist is a person who has been awarded professional certification through the Alexander Graham Bell Association. Florida Department of Education, *BEES Discretionary Projects* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

⁶ Florida Department of Education, *Matrix of Services Handbook* available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>

⁷*Id.*

the highest level of service.⁸ The frequency and intensity of the service and the qualifications of personnel required to provide the service are critical factors that impact the determination of the appropriate level of service for the student.⁹

Special consideration points are additional points for selected populations of students.¹⁰ The applicable special consideration points are added together with the scores from each domain of the matrix to determine the level of support services.¹¹ For example, three special consideration points are added to the matrix for students identified as visually impaired or dual-sensory impaired. The additional special consideration points can result in a student being classified for a higher level of service.

Funding for Exceptional Student Education

ESE services for students whose level of service is Levels 1 through 3 are funded through the ESE Guaranteed Allocation, which was established to provide funding through the FEFP in addition to the basic program funding.¹² These students generate full-time equivalent (FTE) funding using the appropriate basic program cost factor for their grade level.¹³ Students whose level of service is Level 4 or 5 do not receive Florida Education Finance Program (FEFP) funds from the ESE Guaranteed Allocation, but instead generate weighted funding using a higher program cost factor which provides for both their education program and their exceptional services.¹⁴

In the 2015-2016 fiscal year, Level 1 through 3 students were funded through the FEFP at an average of \$11,054 per FTE.¹⁵ Level 4 and 5 students were funded at an average of \$15,010 and \$21,844 per FTE respectively.¹⁶

III. Effect of Proposed Changes:

CS/SB 1126 revises the matrix of services calculation for students who are deaf and enrolled in an eligible auditory-oral education program.

The bill requires the school district to annually add four special consideration points to the total score of all domains on the matrix, beginning in the 2017-2018 fiscal year. The revised matrix

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

¹³ The basic program cost factors are as follows:

- For grades K-3, the cost factor is 1.115
- For grades 4-8, the cost factor is 1.000
- For grades 9-12, the cost factor is 1.005

¹⁴ The 2015-2016 Level 4 cost factor is 3.613 and the Level 5 cost factor is 5.258.

¹⁵ For the 2015-2016 fiscal year, the average ESE Guaranteed Allocation funding per FTE is \$2,007. Florida Legislature, Conference Report on SB 2500-A, *Public School Funding: The Florida Education Finance Program (FEFP)* available at http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP_Conference_Report.pdf

¹⁶ The 2015-2016, the Base Student Allocation is \$4,154.45. The Level 4 cost factor is 3.613 and the Level 5 cost factor is 5.258.

calculation will result in students who are deaf and enrolled in an auditory-oral education program generating additional Florida Education Finance Program (FEFP) funds. Most eligible students will move from Level 3 to Level 4, and therefore, generate \$4,000 in additional funding through the FEFP.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill has no fiscal impact in the 2016-2017 fiscal year since the requirements of the bill are not effective until the 2017-2018 fiscal year. Under this bill, there are approximately 75 full-time equivalent (FTE) students who are deaf and enrolled in an auditory-oral education program who will generate approximately \$4,000 per FTE in additional funding through the Florida Education Finance Program (FEFP). The total impact on the FEFP in the 2017-2018 fiscal year is estimated at \$300,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.391 of the Florida Statutes.

IX. Additional Information:

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

CS by Education Pre-K – 12 on February 2, 2016:

The committee substitute modifies the bill as follows:

- Decreased the number of special consideration points a school district must add to the calculation of a matrix of services for a student from seven to four points; and
- Removed provisions related to auditory-oral education grants.

- 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 the Committee on Education Pre-K - 12; and Senators Detert
and Richter

581-02942-16

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A bill to be entitled

An act relating to auditory-oral education programs;
amending s. 1002.391, F.S.; requiring a school
district to add a specified number of points to the
calculation of a matrix of services for a student who
is deaf and enrolled in an auditory-oral education
program; providing an effective date.

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

Section 1. Subsection (4) is added to section 1002.391,
Florida Statutes, to read:

1002.391 Auditory-oral education programs.—

(4) Beginning with the 2017-2018 school year, a school
district shall add four special consideration points to the
calculation of a matrix of services for a student who is deaf
and enrolled in an auditory-oral education program.

Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/17/16
Meeting Date

1126
Bill Number (if applicable)

Topic Auditory ORAL Education

Amendment Barcode (if applicable)

Name Theresa Bulger

Job Title Advocate

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Tallahassee, FL
City State Zip

Email bulger12@

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Families, Coalition for Spoken Language, Fl. Academy of Audiology

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

3

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

1126

Bill Number (if applicable)

Topic Auditory Oral Education

Amendment Barcode (if applicable)

Name Lara Mattina

Job Title Attorney

Address 3790 Hunt Club Road
Street

Phone (917) 699-6465

Jacksonville
City

FL
State

32229
Zip

Email Lara.Zaroulis@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Parent of deaf child

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

(2) THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

1126

Bill Number (if applicable)

Topic Auditory Oral Education

Amendment Barcode (if applicable)

Name Zoe Mattina

Job Title Child

Address 3790 Hunt Club Rd

Phone 917-699-6465

Street

Jacksonville FL 32224

City

State

Zip

Email lara.zarulis@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Deaf Child

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

①

THE FLORIDA SENATE

APPEARANCE RECORD

2/17/16

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1126

Bill Number (if applicable)

Topic Auditory Oral Education

Amendment Barcode (if applicable)

Name Ryan Mattina

Job Title U.S. Navy Attorney

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Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Parent of Deaf Child

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Appropriations Subcommittee on Education

BILL: CS/SB 1196

INTRODUCER: Education Pre-K - 12 Committee and Senator Bean and others

SUBJECT: Emergency Allergy Treatment in Schools

DATE: February 17, 2016

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Graf	Klebacha	ED	Fav/CS
2. Sikes	Elwell	AED	Recommend: Favorable
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1196 modifies the definition of an authorized entity for the purposes of emergency allergy treatment and authorizes public and private schools to enter into agreements with wholesale distributors or manufacturers to obtain epinephrine auto-injectors. Specifically, the bill:

- Expands the definition of an authorized entity to include private schools and their employees, agents, and the physician who provides the standing protocol for school epinephrine auto-injectors; changes the purposes for which public and private schools and their employees, agents, and physician are considered an authorized entity; and extends immunity from liability to such schools and their employees, agents, and physician.
- Clarifies that public and private schools may obtain a supply of epinephrine auto-injectors from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer for the epinephrine auto-injectors.

The bill has no fiscal impact.

The bill takes effect July 1, 2016.

II. Present Situation:

The law provides for parents of students to receive accurate and timely information regarding their child's academic progress and be informed about ways to help their child succeed in

school.¹ Students and parents are afforded numerous rights including, but not limited to, epinephrine² use and supply.³ Additionally, through the “Emergency Allergy Treatment Act,” certain authorized entities⁴ may also obtain and administer epinephrine auto-injectors.⁵

Epinephrine Use

A student who has experienced or is at risk for life-threatening allergic reactions is authorized to carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school secures authorization from the student’s parent and physician.⁶

Epinephrine Supply

Public and Private Schools

Public and private schools may purchase from a wholesale distributor⁷ and maintain in a locked, secure location on its premises a supply of epinephrine auto-injectors for use if a student experiences an anaphylactic reaction.⁸ The participating school district or private school, as applicable, must adopt a protocol developed by a licensed physician for a trained school personnel to administer an epinephrine auto-injection.⁹ The supply of epinephrine auto-injectors may be provided to and used by a student, who is authorized to self-administer epinephrine by auto-injector, or by trained school personnel.¹⁰

Other Authorized Entities

The law specifies that an authorized entity that acquires a stock supply of epinephrine auto-injectors, in accordance with the law, is authorized to make the auto-injectors available to individuals, other than certified individuals, who may administer the auto-injector to a person

¹ Section 1002.20, F.S.

² “Epinephrine injection is used along with emergency medical treatment to treat very serious allergic reactions caused by insect bites or stings, foods, medications, latex, and other causes.” The injection comes as a pre-filled automatic injection device containing a liquid solution to inject under the skin or into the muscle in the outer side of the thigh. It is usually injected as needed at the first sign of a serious allergic reaction. Typically, automatic injection devices contain enough solution for one dose of epinephrine. U.S. Department of Health and Human Services, National Institutes of Health, *Epinephrine Injection*, <http://www.nlm.nih.gov/medlineplus/druginfo/meds/a603002.html> (last visited Jan. 28, 2016).

³ Section 1002.20(3), F.S.

⁴ An “authorized entity” means an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. A school is considered an authorized entity under the “Emergency Allergy Treatment Act,” only for the purposes of conducting educational training programs related to the recognition of allergic symptoms and proper administration of epinephrine auto-injectors. Section 381.88(1)(b) and (5), F.S.

⁵ Sections 381.88(2)(b) and 381.885, F.S.

⁶ Section 1002.20(3)(i)1., F.S.; *see also* Rule 6A-6.0251, F.A.C.

⁷ A “wholesale distributor” means any person engaged in wholesale distribution of prescription drugs in or into this state, including, but not limited to, manufacturers; repackagers; own-label distributors; jobbers; private-label distributors; brokers; warehouses, including manufacturers’ and distributors’ warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; exporters; retail pharmacies; and the agents thereof that conduct wholesale distributions. Section 499.003(54), F.S.

⁸ Sections 1002.20(3)(i)2. and 1002.42(17)(a), F.S.

⁹ *Id.*

¹⁰ *Id.*

believed in good faith to be experiencing a severe allergic reaction if the epinephrine auto-injectors are stored in a locked, secure container and are made available only upon remote authorization after consulting an authorized health care practitioner, as specified.¹¹

Epinephrine Liability

School Districts and Private Schools

The school district or private school, as applicable, and its employees and agents, including the physician who provides the standing protocol for school epinephrine auto-injectors, are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:¹²

- Unless the trained school personnel's action is willful and wanton;
- Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable; and
- Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced registered nurse practitioner.

Other Individuals

Additionally, the law affords civil liability immunity protections to certain individuals (e.g., authorized health care practitioner, a dispensing health care practitioner or pharmacist and an uncertified person who administers epinephrine auto-injectors in accordance with the law) who possess, administer, or store an epinephrine auto-injector, in accordance with the law.¹³

III. Effect of Proposed Changes:

CS/SB 1196 modifies the definition of authorized entity for the purposes of emergency allergy treatment and authorizes public and private schools to enter into agreements with wholesale distributors or manufacturers¹⁴ to obtain epinephrine auto-injectors at an affordable price.

¹¹ Section 381.885(4), F.S.

¹² Section 1002.20(3)(i)3, F.S.

¹³ Section 381.885(5), F.S.

¹⁴ A "manufacturer" means: (a) a person who prepares, derives, manufactures, or produces a drug, device, or cosmetic; (b) the holder or holders of a New Drug Application (NDA), and Abbreviated New Drug Application (ANDA), Biologics License Application (BLA), or a New Animal Drug Application (NADA), provided such application has become effective or is otherwise approved consistent with s. 499.023; (c) a private label distributor for whom the private label distributor's prescription drugs are originally manufactured and labeled for the distributor and have not been repackaged; (d) a person registered under the federal act as a manufacturer of a prescription drug, who is described in paragraph (a), (b), or (c), who has entered into a written agreement with another prescription drug manufacturer that authorizes either manufacturer to distribute the prescription drug identified in the agreement as the manufacturer of that drug consistent with the federal act and its implementing regulations; (e) a member of an affiliated group that includes, but is not limited to, persons described in paragraph (a), (b), (c), or (d), which member distributes prescription drugs, whether or not obtaining title to the drugs, only for the manufacturer of the drugs who is also a member of the affiliated group as defined in s. 1504 of the Internal Revenue Code of 1986, as amended. The manufacturer must disclose the names of all its affiliated group members to the department; or (f) a person permitted as a third party logistics provider, only while providing warehousing, distribution, or other logistics services on behalf of a person described in paragraph (a), (b), (c), (d), or (e). The term "manufacturer" does not include a

Authorized Entity

The bill expands the definition of authorized entity to include private schools and their employees, agents, and the physician who provides the standing protocol for school epinephrine auto-injectors. Currently, public schools and their employees and agents including the physician, as specified, are considered an authorized entity.¹⁵

Additionally, the bill changes the purposes for which public and private schools will be considered as authorized entity. Current law specifies that public schools are considered authorized entity only for the purposes of conducting educational training programs which must include recognition of symptoms of allergic reactions and the administration of epinephrine auto-injectors.¹⁶ The bill changes that purpose by authorizing public and private schools to acquire a stock supply of epinephrine auto-injectors in accordance with the law and make the auto-injectors available to individuals, other than certified individuals, who may administer the auto-injectors to a person believed in good faith to be experiencing a severe allergic reaction, as specified.¹⁷ The bill also expands immunity from liability to the public and private schools and their employees, agents, and physician, as specified.

Epinephrine Supply

The bill authorizes additional ways to obtain epinephrine auto-injectors by permitting schools to enter into arrangements with wholesale distributors or manufacturers. Current law already authorizes public and private schools to purchase a supply of epinephrine auto-injectors from wholesale distributors.

The bill clarifies that public and private schools may obtain a supply of epinephrine auto-injectors from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer for the epinephrine auto-injectors at fair-market, free, or reduced prices for use if a student experiences an anaphylactic reaction. Such arrangements may involve third party entities other than the wholesale distributors and manufacturers. Accordingly, such manufacturers and third party entities, in addition to the wholesale distributors, may be considered agents of school districts and private schools, as applicable, and may be granted immunity from liability for an injury arising from the use of an epinephrine auto-injector.

The bill eliminates the requirement that the supply of epinephrine auto-injectors obtained by public and private schools must be kept locked on the school premises but continues to maintain current law requiring the schools to maintain the epinephrine auto-injectors in a secure location on the school premises.¹⁸

The bill takes effect July 1, 2016.

pharmacy that is operating in compliance with pharmacy practice standards as defined in chapter 465 and rules adopted under that chapter. Section 499.003(30), F.S.

¹⁵ Section 1002.20(3)(i), F.S.

¹⁶ Section 381.88(5), F.S.

¹⁷ Section 381.885(4), F.S.

¹⁸ Sections 1002.20(3)(i)2. and 1002.42(17)(a), F.S.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.88, 1002.20, and 1002.42.

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

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

CS by Education Pre-K - 12 on February 2, 2016:

The committee substitute maintains the substance of the bill with one modification that removes a requirement that epinephrine auto-injectors obtained by public and private schools must be kept locked.

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 the Committee on Education Pre-K - 12; and Senators Bean and Hutson

581-02937-16

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A bill to be entitled

An act relating to emergency allergy treatment in schools; amending s. 381.88, F.S.; revising the term "authorized entity"; amending ss. 1002.20 and 1002.42, F.S.; authorizing a public school and a private school, respectively, to enter into certain arrangements with wholesale distributors or manufacturers for epinephrine auto-injectors; revising the storage requirements for epinephrine auto-injectors; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 381.88, Florida Statutes, is amended to read:

381.88 Emergency allergy treatment.—

(2) As used in this section and s. 381.885, the term:

(b) "Authorized entity" means an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. However, a school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b) is an authorized entity for the purposes of s. 381.885(4) and (5) ~~subsection (5)~~ only.

Section 2. Paragraph (i) of subsection (3) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12

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students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(i) *Epinephrine use and supply.*—

1. A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for such use of epinephrine auto-injectors that shall include provisions to protect the safety of all students from the misuse or abuse of auto-injectors. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector pursuant to this paragraph.

2. A public school may purchase a supply of epinephrine auto-injectors from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the epinephrine auto-injectors at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The epinephrine auto-injectors must be maintained and ~~maintain~~ in a ~~locked,~~ secure location on the public school's ~~its~~ premises ~~a supply of epinephrine auto-injectors for use if a~~

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61 ~~student is having an anaphylactic reaction.~~ The participating
 62 school district shall adopt a protocol developed by a licensed
 63 physician for the administration by school personnel who are
 64 trained to recognize an anaphylactic reaction and to administer
 65 an epinephrine auto-injection. The supply of epinephrine auto-
 66 injectors may be provided to and used by a student authorized to
 67 self-administer epinephrine by auto-injector under subparagraph
 68 1. or trained school personnel.

69 3. The school district and its employees, ~~and~~ agents, and
 70 ~~including~~ the physician who provides the standing protocol for
 71 school epinephrine auto-injectors, are not liable for any injury
 72 arising from the use of an epinephrine auto-injector
 73 administered by trained school personnel who follow the adopted
 74 protocol and whose professional opinion is that the student is
 75 having an anaphylactic reaction:

76 a. Unless the trained school personnel's action is willful
 77 and wanton;

78 b. Notwithstanding that the parents or guardians of the
 79 student to whom the epinephrine is administered have not been
 80 provided notice or have not signed a statement acknowledging
 81 that the school district is not liable; and

82 c. Regardless of whether authorization has been given by
 83 the student's parents or guardians or by the student's
 84 physician, physician's assistant, or advanced registered nurse
 85 practitioner.

86 Section 3. Subsection (17) of section 1002.42, Florida
 87 Statutes, is amended to read:

88 1002.42 Private schools.—

89 (17) EPINEPHRINE SUPPLY.—

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90 (a) A private school may purchase a supply of epinephrine
 91 auto-injectors from a wholesale distributor as defined in s.
 92 499.003 or may enter into an arrangement with a wholesale
 93 distributor or manufacturer as defined in s. 499.003 for the
 94 epinephrine auto-injectors at fair-market, free, or reduced
 95 prices for use in the event a student has an anaphylactic
 96 reaction. The epinephrine auto-injectors must be maintained and
 97 ~~maintain~~ in a ~~locked,~~ secure location on the private school's
 98 ~~its premises a supply of epinephrine auto-injectors for use if a~~
 99 ~~student is having an anaphylactic reaction.~~ The participating
 100 private school shall adopt a protocol developed by a licensed
 101 physician for the administration by private school personnel who
 102 are trained to recognize an anaphylactic reaction and to
 103 administer an epinephrine auto-injection. The supply of
 104 epinephrine auto-injectors may be provided to and used by a
 105 student authorized to self-administer epinephrine by auto-
 106 injector under s. 1002.20(3)(i) or trained school personnel.

107 (b) The private school and its employees, ~~and~~ agents, and
 108 ~~including~~ the physician who provides the standing protocol for
 109 school epinephrine auto-injectors, are not liable for any injury
 110 arising from the use of an epinephrine auto-injector
 111 administered by trained school personnel who follow the adopted
 112 protocol and whose professional opinion is that the student is
 113 having an anaphylactic reaction:

114 1. Unless the trained school personnel's action is willful
 115 and wanton;

116 2. Notwithstanding that the parents or guardians of the
 117 student to whom the epinephrine is administered have not been
 118 provided notice or have not signed a statement acknowledging

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119 that the school district is not liable; and

120 3. Regardless of whether authorization has been given by
121 the student's parents or guardians or by the student's
122 physician, physician's assistant, or advanced registered nurse
123 practitioner.

124 Section 4. This act shall take effect July 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator Don Gaetz, Chair
Appropriations Subcommittee on Education

Subject: Committee Agenda Request

Date: February 3, 2016

I respectfully request that **Senate Bill # 1196**, relating to Emergency Allergy Treatment in Schools, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean". The signature is written in a cursive style.

Senator Aaron Bean
Florida Senate, District 4

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 Appropriations Subcommittee on Education

BILL: SB 1356

INTRODUCER: Senators Brandes and Stargel

SUBJECT: Employment After Retirement of School District Personnel

DATE: February 10, 2016

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Peacock	McVaney	GO	Favorable
2. Sikes	Elwell	AED	Pre-meeting
3. _____	_____	AP	_____

I. Summary:

SB 1356 amends s. 1012.33, F.S., to provide legislative intent and to revise provisions relating to reemployment of retirees by district school boards as instructional personnel on a contract basis.

The bill further provides legislative intent and clarification for purposes of pending civil and administrative proceedings for suits against district school boards for not awarding professional services contracts to retirees.

The bill has no impact on state funds.

The bill takes effect upon becoming a law.

II. Present Situation:

School District Instructional Personnel Contracts

In 2011, the Legislature passed the Student Success Act (act),¹ to require, among other things, the use of performance evaluations to assess performance. The evaluation system for administrative and instructional personnel differentiates among four levels of performance: highly effective, effective, needs improvement,² or unsatisfactory.³ The Commissioner of Education is required to consult with experts, instructional personnel, school administrators, and education stakeholders in developing the criteria for the performance levels.

¹ Chapter 2011-1, L.O.F.

² Section 1012.34(2)(e)3., F.S., provides that for instructional personnel in the first three years of employment, the evaluation may designate the performance as developing.

³ Section 1012.34(2)(e), F.S.

Prior to 2011, instructional personnel with as little as three years of service could be granted a professional service contract, which provided for automatic renewal of the contract unless the superintendent charged the employee with unsatisfactory performance.⁴ For instructional personnel hired on or after July 1, 2011, the act, in effect, provides that professional service contracts and tenure may no longer be given to any instructional personnel who do not currently have a professional service contract.

Specifically, the act provides that employees hired on or after July 1, 2011, must be awarded probationary contracts for a period of one year upon initial employment in a school district.⁵ Probationary contract employees may be dismissed without cause or may resign without breach of contract.⁶ The district may not award a probationary contract more than once to the same employee.⁷ The school district may award an annual contract upon the successful completion of a probationary contract.⁸ An annual contract is an employment contract for a period of no longer than one school year, which the district school board may choose to award or not award at the end of the contract term without cause.⁹ Instructional personnel with an annual contract may be suspended or dismissed at any time during the term of the contract for just cause.¹⁰

In addition, the act links the renewal of a professional service contract, for those employees who have a professional service contract, to the employee's performance evaluation.¹¹ If an employee who holds a professional service contract is not performing his or her duties in a satisfactory manner, the act requires such an employee to receive notice and be placed on probation.¹² If the employee receives two consecutive annual performance evaluations of unsatisfactory, two annual performance evaluations of unsatisfactory within a three-year period, or three consecutive annual performance evaluations of needs improvement or a combination of needs improvement and unsatisfactory, the district may terminate or not renew the employee's contract.¹³

The Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was added to the FRS, and in 2007, the membership of the Institute of Food and Agricultural Sciences Supplemental Retirement Program was included in the Regular Class of the FRS as a

⁴ See s. 1012.33(3)(e), F.S. (2010).

⁵ Section 1012.335(2)(a), F.S.

⁶ Section 1012.335(1)(c), F.S.

⁷ *Id.*

⁸ Section 1012.335(2)(a), F.S.

⁹ Section 1012.335(1)(a), F.S.

¹⁰ Section 1012.335(4), F.S.

¹¹ Section 1012.33(3), F.S.

¹² Section 1012.34(4)(b), F.S.

¹³ See ss. 1012.33 and 1012.34, F.S.

closed group.¹⁴ The FRS is a contributory system, with most members contributing three percent of their salaries.¹⁵

The FRS is a multi-employer, contributory plan, governed by the Florida Retirement System Act in Ch. 121, F.S. As of June 30, 2014, the FRS had 622,089 active members, 363,034 annuitants, 16,137 disabled retirees, and 38,058 active participants of the Deferred Retirement Option Program (DROP).¹⁶ As of June 30, 2014, the FRS consisted of 1,014 total employers and is the primary retirement plan for the employees and officers of state and county government agencies, district school boards, Florida College institutions, and state universities, as well as the employees and officers of the 186 cities and 262 special districts that have elected to join the system.¹⁷

The membership of the FRS is divided into five membership classes:

- The Regular Class¹⁸ consists of 537,993 active members, plus 5,402 in renewed membership;
- The Special Risk Class¹⁹ includes 68,593 active members;
- The Special Risk Administrative Support Class²⁰ has 84 active members;
- The Elected Officers' Class²¹ has 2,040 active members, plus 147 in renewed membership; and
- The Senior Management Service Class²² has 7,607 members, plus 184 in renewed membership.²³

Investment Plan

In 2000, the Legislature created the Public Employee Optional Retirement Program (investment plan), a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.

¹⁴ The Florida Retirement System Pension Plan and Other State Administered Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2014, at p. 29. Available online at: https://www.rol.frs.state.fl.us/forms/2013-14_CAFR.pdf.

¹⁵ Prior to 1975, members of the FRS were required to make employee contributions of either four percent for Regular Class employees or six percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. Members in the Deferred Retirement Option Program do not contribute to the system.

¹⁶ Florida Retirement System Annual Financial Report Fiscal Year Ended June 30, 2014, at 112.

¹⁷ *Id.*, at 146.

¹⁸ The Regular Class is for all members who are not assigned to another class. (Section 121.021(12), F.S.)

¹⁹ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. (Section 121.0515, F.S.)

²⁰ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

²¹ The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

²² The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. (Section 121.055, F.S.)

²³ All figures from Florida Retirement System Annual Financial Report Fiscal Year Ended June 30, 2014, at 115.

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and investment earnings. Benefits are provided through employee-directed investments offered by approved investment providers.

A member vests immediately in all employee contributions paid to the investment plan.²⁴ With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.²⁵ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.²⁶ The investment plan also provides disability coverage for both in the line of duty and regular disability retirement benefits.²⁷ An FRS member who qualifies for disability while enrolled in the investment plan must apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.²⁸

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.²⁹ The SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.³⁰

Pension Plan

The pension plan is administered by the secretary of the Department of Management Services through the Division of Retirement.³¹ Investment management of the pension plan assets is handled by the State Board of Administration.

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.³² For members enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.³³ Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.³⁴ For most members of the pension plan, normal retirement occurs at 30 years of service or age 62.³⁵ For members in the Special Risk and Special Risk Administrative Support

²⁴ Section 121.4501(6)(a), F.S.

²⁵ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, then any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. (Section 121.4501(6)(b) – (d), F.S.)

²⁶ Section 121.591, F.S.

²⁷ Section 121.4501(16), F.S.

²⁸ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate an in the line of duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line of duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

²⁹ Section 121.4501(8), F.S.

³⁰ FLA.CONST. art. IV, s. 4.

³¹ Section 121.025, F.S.

³² Section 121.021(45)(a), F.S.

³³ Section 121.021(45)(b), F.S.

³⁴ Section 121.091, F.S.

³⁵ Section 121.021(29)(a)1., F.S.

Classes, normal retirement occurs at 25 years of service or age 55.³⁶ Members initially enrolled in the pension plan on or after July 1, 2011, have longer vesting requirements. For unreduced benefits for members initially enrolled after that date, most members must complete 33 years of service or attain age 65, and members in the Special Risk classes must complete 30 years of service or attain age 60.³⁷

Deferred Retirement Option Program

All membership classes in the Pension Plan permit enrollment in a Deferred Retirement Option Program (DROP) under which a participant may extend employment for an additional five years and receive a lump sum benefit at a fixed rate of interest for that additional service.³⁸ Certain instructional personnel in district school boards may participate in DROP for an additional 36 months.³⁹ Enrollment in DROP requires the participant to serve the employer with a deferred resignation from employment at the end of the period. Current law provides that members who reach their normal retirement date based on service before they reach age 62, or age 55 for Special Risk members, may defer participation in DROP to the 12 months immediately following the attainment of age 57, or 52.⁴⁰

Employment after Retirement

Section 121.091, F.S., governs the payment of benefits under the FRS. For the purposes of the pension plan, a “retiree” means a former member of the FRS or an existing system who has terminated employment and is receiving benefit payments from the system in which he or she was a member.⁴¹ For the purposes of the investment plan, a “retiree” means a former member of the investment plan who has terminated employment and taken a distribution of vested employee or employer contributions, except for a mandatory distribution of a de minimis account authorized by the state board or a minimum required distribution provided the Internal Revenue Code.⁴²

After retiring under the FRS, a retiree can work for any private employer, for any public employer not participating in the FRS, or for any employer in another state, without affecting their FRS benefits.

However, there are certain termination requirements and reemployment limitations that affect retirement benefits if a retiree is employed with an FRS-participating employer during the first 12 calendar months after the effective retirement date without DROP participation or after the DROP termination date. If a retiree returns to work during the first six calendar months of retirement or after the member’s DROP termination date, then the member’s retirement application is voided and all retirement benefits, including any funds accumulated during DROP participation, must be repaid to the FRS Trust Fund. This restriction applies even if the particular

³⁶ Section 121.021(29)(b)1., F.S.

³⁷ Sections 121.021(29)(a)2. and (b)2., F.S.

³⁸ Section 121.021(13)(a), F.S.

³⁹ Section 121.021(13)(b), F.S.

⁴⁰ Section 121.091(13)(a)2., F.S.

⁴¹ Section 121.021(60), F.S.

⁴² Section 121.4501(2)(k), F.S.

position held is not covered by the FRS. An FRS retiree cannot be reemployed by an FRS employer for a period of 6 months without voiding the member's retirement.

A retiree's benefit will be suspended if the retiree is hired by an FRS participating employer during the seventh through twelfth calendar months of retirement or after the DROP termination date. Beginning the thirteenth calendar month, the benefits are reinstated and no employment restrictions exist.

Suspended retirement benefits for the months a reemployed retiree is employed by an FRS employer during the reemployment limitation period are not payable to the retiree. The reemployed retiree and the employing agency are jointly and severally liable for repaying any retirement benefits the employee receives while working during this period.

There are no limits on working for an FRS employer after a retiree has been retired for 12 calendar months. If a retiree is re-employed with an FRS participating employer, the retiree will be required to sign a statement that the reemployment does not violate these provisions.⁴³

Prior to July 1, 2010, there were various exceptions to employment with FRS-covered employers during the reemployment limitation period. All reemployment limitation exceptions that were not specific to educational institutions were closed by passage of Ch. 2009-209, L.O.F., which also extended the termination period from 1 month to 6 months immediately after retirement during which a retiree could not be reemployed with any FRS employer without voiding his retirement.

Legal Ambiguity for Reemployment of Instructional Personnel

In 2011, two retired reemployed instructional personnel brought suit in Orange County, Florida to determine whether the county was required to issue professional service contracts after the employees' successfully completed three years of employment.⁴⁴ The Orange County Public Schools argued that s. 121.091, F.S., required the instructional personnel to be rehired on an annual contractual basis. The issue in the case centered on whether the FRS act required instructional personnel to be reemployed with an annual contract for the rest of the member's career, or whether the FRS act only pertained to the initial year of reemployment and such member may ultimately be given a professional service contract under s. 1012.33, F.S., which provided for such a contract after three years of service.

The circuit court found that the Legislature intended for retired teachers to be rehired on the same terms as newly hired teachers. At that time, newly hired teachers were placed on an initial annual contract and after serving three years in the district, received a professional service contract.

The Orange County School Board appealed the final judgment to the Fifth District Court of Appeal arguing that the trial court erred and that s. 121.091, F.S., precludes the school board

⁴³ The information in this section of the bill analysis comes from the FRS Pension Plan: Deferred Retirement Option Program Handbook, 2014 edition, located at <https://www.rol.frs.state.fl.us/forms/drop-guide.pdf> and the FRS Pension Plan member Handbook, 2013 edition, located at https://www.rol.frs.state.fl.us/forms/member_handbook.pdf. See also ss. 121.091(9), 121.122, and 1012.01(2), F.S.

⁴⁴ A copy of the circuit court decision is on file with the Senate Government Oversight and Accountability Committee.

from ever issuing a contract longer than an annual contract when employing retired instructional personnel.⁴⁵ The Fifth District Court of Appeal, however, agreed with the lower court and found that the limitations in s. 121.091, F.S., only apply at the time of the initial rehire.

III. Effect of Proposed Changes:

Section 1 amends s. 1012.33, F.S., to allow a district school board to reemploy a retiree as instructional personnel under a 1-year probationary contract. If the retiree successfully completes the probationary contract, such employee may receive an annual contract.

The bill states that neither this legislation nor any other previous law allows a retiree to be awarded a professional service contract.

This section further provides that the holding in *Orange County School Board v. Rachman and Shuman*⁴⁶ was contrary to legislative intent at the time the statutes were enacted and that retirees under s. 121.091(9), F.S., were never entitled to professional service contracts, regardless of the retiree's date of retirement. This section notes that retirees are not eligible, and were never eligible, to receive a professional services contract under s. 121.091(9), F.S., or any other statute.

The bill provides legislative intent directing the judge in a civil action or administrative proceeding to rule against a classroom teacher on any claim or cause of action against the district school board, district superintendent, or district school board employee for not awarding that teacher a professional service contract.

The bill provides that it does not void, is not intended to void, and does not in any way impair any professional service contract inadvertently awarded by a district school board to a retiree before the effective date of this act.

Section 2 directs the Division of Law Revision and Information to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes law.

Section 3 provides that 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 a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

⁴⁵ *Orange County School Board v. Rachman and Schuman*, 87 So.3d 48 (Fla. 5th DCA 2012).

⁴⁶ *Id.*

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The bill has no impact on state funds. The bill may have an impact on school districts since districts will not be required to provide professional services contracts for instructional personnel who are rehired after retiring from the FRS.

VI. Technical Deficiencies:

This bill uses the term “retiree” but does not define the term. It is unclear whether retiree is intended to include all retirees (private and public sector), retirees of the FRS pension plan, retirees of the FRS investment plan, or retirees from the particular school district. The effects of this legislation could be significantly different based on this definition.

On lines 50-53 of the bill, the language states that this legislation does not void or impair in any way a professional service contract “inadvertently” awarded by a district school board to a retiree prior to the effective date of this act. It is unclear whether the implicit meaning is to void or impair a professional service contract that the school board intentionally awarded to a retiree.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1012.33 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Brandes

22-01074-16

20161356__

A bill to be entitled

An act relating to employment after retirement of school district personnel; amending s. 1012.33, F.S.; revising provisions relating to reemployment of retirees as instructional personnel on a contract basis; providing legislative intent and findings to clarify authorization to award contracts; providing requirements for a judgment in certain civil actions or administrative proceedings; providing applicability; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. Subsection (8) of section 1012.33, Florida Statutes, is amended to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(8) Notwithstanding any other provision of law, a district school board may reemploy a retiree as instructional personnel, as defined in s. 1012.01, under a 1-year probationary contract, as defined in s. 1012.335(1). If the retiree successfully completes the probationary contract, the district school board may reemploy the retiree under an annual contract, as defined in s. 1012.335(1).

(a) Neither this subsection nor any other law enacted before the effective date of this act allows, or was intended to allow, a retiree to be awarded a professional service contract. The Legislature finds that the holding in *Orange County School Board v. Rachman and Schuman*, 87 So. 3d 48 (Fla. 5th DCA 2012), which found that retirees under s. 121.091(9)(b)1.a. and this

22-01074-16

20161356__

subsection as enacted before the effective date of this act were entitled to a professional service contract, was contrary to the legislative intent at the time the statutes were enacted. The Legislature finds that retirees under s. 121.091(9), regardless of the retiree's date of retirement, and under this subsection are not eligible, and were never eligible, to receive a professional service contract under this section or any other law. In a civil action or administrative proceeding, if a classroom teacher was formerly retired and then reemployed by the district school board pursuant to s. 121.091(9) and this section as enacted before the effective date of this act, the Legislature intends, in accordance with the findings expressed in this subsection, that a judgment be entered against that classroom teacher on any claim or cause of action against the district school board, the district school superintendent, or a district school board employee for not awarding that teacher a professional service contract.

(b) This subsection does not void, is not intended to void, and does not in any way impair any professional service contract inadvertently awarded by a district school board to a retiree before the effective date of this act ~~retired member may interrupt retirement and be reemployed in any public school. A member reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1).~~

Section 2. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

22-01074-16

20161356__

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Section 3. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic SB 1356 Retirees and ASC

Amendment Barcode (if applicable)

Name John Palmerini

Job Title Associate General Counsel / Orange County School Board

Address 445 W. Amelia St

Phone 407-317-3411

Street

Orlando

FL

32801
Zip

Email john.palmerini@ocps.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Orange County School Board

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/14

Meeting Date

SB 1356

Bill Number (if applicable)

Topic Employment After Retirement of School District Personnel Amendment Barcode (if applicable)

Name Cody Woody

Job Title Government Relations Assistant

Address 445 West Amelia Street
Street

Phone ~~(407) 876-8766~~ (407) 317-3337

Orlando Florida 32801
City State Zip

Email codyc.woody@ocps.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Orange County Public Schools

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17

Meeting Date

✓
SB 1356

Bill Number (if applicable)

Topic Employment of School district personnel

Amendment Barcode (if applicable)

Name Kevin Watson

Job Title Lobbyist

Address 213 S. Adams Street

Phone 850.224.2079

Street

Tallahassee, FL

32301

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Education Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Appropriations Subcommittee on Education

BILL: PCS/SB 1418 (146376)

INTRODUCER: Senators Simmons and Garcia

SUBJECT: Supplemental Academic Instruction

DATE: February 17, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Favorable
2.	Sikes	Elwell	AED	Recommend: Fav/CS
3.			AP	

I. Summary:

PCS/SB 1418 modifies and extends the requirement of providing an additional hour of daily intensive reading instruction to students enrolled in elementary schools identified as the lowest-performing.

Specifically, the bill:

- Extends the requirement through the 2016-2017 fiscal year.
- Requires the 100 lowest-performing elementary schools to provide at least 40 hours of the instruction in a 2017 summer program to students who have Level 1 or Level 2 reading assessment scores.
- Allows students enrolled in the 300 lowest-performing elementary schools who have Level 5 reading assessment scores to participate in the additional hour of instruction on an optional basis.
- Requires a school district to provide 180 hours of additional instruction through a district-adopted plan for students who have Level 1 or Level 2 reading assessment scores at any elementary school that is one of the 300 lowest-performing, but not one of the 100 lowest-performing.

Funding for the additional hour of intensive reading instruction at the lowest-performing elementary schools is provided in the supplemental academic instruction and the research-based reading instruction allocation categoricals within the Florida Education Finance Program (FEFP). The Senate General Appropriations Bill for Fiscal Year 2016-2017, SB 2500, requires school districts to spend at least \$90 million from these categorical programs and other funding sources and provides an additional \$53 million for the supplemental academic instruction categorical to fund the additional hour of intensive reading instruction.

The bill provides for an effective date of July 1, 2016.

II. Present Situation:

Intensive Reading Instruction

Supplemental Academic Instruction Categorical Fund

In 1999, the Legislature created the Supplemental Academic Instruction (SAI) Categorical Fund as part of the A+ Education Plan¹ for the purpose of assisting school districts in providing supplemental instruction to students in kindergarten through grade 12.² The SAI fund was created to:³

- Address the school districts' requests for more flexibility; and
- Provide additional resources to districts to help students gain at least a year's worth of knowledge for each year in school.

A school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment is required to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year in those schools.⁴ The additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching reading or by a K-5 mentoring reading program that is supervised by a teacher who is effective in teaching reading.⁵ Students who score Level 5 on the assessment may opt to participate in the additional hour of instruction.⁶

Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.⁷

Supplemental instructional strategies may include, but are not limited to:⁸

- Modified curriculum;
- Reading instruction;
- After-school instruction;
- Tutoring;
- Mentoring;
- Class size reduction;
- Extended school year;
- Intensive skills development in summer school; and

¹ Section 23, ch. 99-398, L.O.F.

² Florida House of Representatives, Council for Lifelong Learning, *Supplemental Academic Instruction Fact Sheet* (Sept. 2001) available at

<http://archive.flsenate.gov/data/publications/2002/house/reports/EdFactSheets/fact%20sheets/supplementalacademicinstruction.pdf>.

³ *Id.* Prior to the SAI fund, school districts were given resources for summer school and supplemental instruction with more restrictive funds. *Id.* The following funding sources were combined to become a portion of the SAI fund: K-8 summer school categorical, 9-12 FTE funds for summer school, and the weighted portion of dropout prevention funds. *Id.*

⁴ Section 1011.62(1)(f), F.S.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

- Other methods for improving student achievement.

The SAI funds are allocated annually in the amount provided in the General Appropriations Act (GAA), and are in addition to funds appropriated on the basis of full-time equivalent (FTE) student membership in the Florida Finance Education Program (FEFP).⁹ For the 2015-2016 fiscal year, school districts with one or more of the 300 lowest-performing elementary schools based on the statewide, standardized English Language Arts (ELA) assessment were required to use at least \$75 million in SAI funds for the required additional hour of intensive reading instruction.¹⁰

Research-Based Reading Instruction Allocation

In addition to the SAI categorical fund, school districts may use funds from the research-based reading instruction allocation to provide comprehensive reading instruction to students in kindergarten through grade 12.¹¹ The funds must be used to provide a system of comprehensive reading instruction to K-12 students which may include providing:¹²

- An additional hour per day of intensive reading instruction to students in the 300 lowest-performing elementary schools¹³ by teachers and reading specialists who are effective in teaching reading.
- Intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency through K-5 reading intervention teachers.
- Highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content area based on student need.
- Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.
- Summer reading camps for all K-2 students who demonstrate a reading deficiency and students in grades 3-5 who score at Level 1 on the statewide, standardized reading assessment or ELA assessment.
- Supplemental instructional materials grounded in scientifically based reading research.
- Intensive interventions for K-12 students who have been identified as having a reading deficiency or who are reading below grade level.

School districts must annually submit a K-12 comprehensive reading plan to the Department of Education (DOE) for the specific use of the allocation.¹⁴ The Just Read, Florida! Office within the DOE reviews and approves the district's plan.¹⁵ School districts have flexibility in developing their plans and are encouraged to offer reading intervention through innovative

⁹ *Id.*

¹⁰ Section 2, ch. 2015-232, L.O.F. The 300 lowest-performing schools were the same schools as identified for the 2014-2015 fiscal year. *Id.* See also s. 7, ch. 2015-222, L.O.F.

¹¹ Section 1011.62(9), F.S.

¹² *Id.* at (9)(c).

¹³ For the 2015-2016 fiscal year, the 300 lowest-performing schools were the same schools identified as such for the 2014-2015 fiscal year. Section 7, ch. 2015-222, L.O.F.

¹⁴ Section 1011.62(9)(d), F.S. See also Rule 6A-6.053, F.A.C.

¹⁵ *Id.*

methods.¹⁶ One hundred percent of the research-based reading instruction allocation must be used to implement a school district's approved plan.¹⁷

For the 2015-2016 fiscal year, school districts with one or more of the 300 lowest-performing elementary schools based on the statewide, standardized ELA assessment were required to use at least \$15 million of the research-based reading instruction allocation¹⁸ for the required additional hour of intensive reading instruction.

III. Effect of Proposed Changes:

PCS/SB 1418 modifies and extends the requirement of providing an additional hour of daily intensive reading instruction to students enrolled in elementary schools identified as the lowest-performing.

Specifically, the bill:

- Extends the requirement through the 2016-2017 fiscal year, which is set to expire July 1, 2016.
- Requires the 100 lowest-performing elementary schools to provide at least 40 hours of the instruction in a 2017 summer program to students who have Level 1 or Level 2 reading assessment scores.
- Allows students enrolled in the 300 lowest-performing elementary schools who have Level 5 assessment scores to participate in the additional hour of instruction on an optional basis.
- Requires a school district to provide 180 hours of additional instruction through a district-adopted plan for students who have Level 1 or Level 2 reading assessment scores at any elementary school that is one of the 300 lowest-performing, but not one of the 100 lowest-performing.

The bill extends the requirement of providing an additional hour of daily intensive reading instruction through the 2016-2017 fiscal year. Currently, the requirement applies only for the 2015-2016 fiscal year pursuant to s. 7, ch. 2015-222, L.O.F., which implemented the 2015 General Appropriations Act. The amendments made to s. 1011.62, F.S., in SB 2502-A (2015) are scheduled to expire July 1, 2016.¹⁹

The bill requires that each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment use funds from the Supplemental Academic Instruction and Research-Based Reading Instruction Allocation categoricals to provide an additional hour of instruction beyond the normal school day of the entire school year for intensive reading instruction for students in those schools.

The bill requires the 100 lowest-performing elementary schools to provide at least 40 hours of instruction in a 2017 summer program to students who have Level 1 or Level 2 reading assessment scores.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Specific Appropriations 7 and 90, s. 2, ch. 2015-232, L.O.F. The amount of \$115,000 was allocated to each district and the remaining balance allocated based on each district's proportion of the total K-12 based funding. *Id.*

¹⁹ Section 9, ch. 2015-222, L.O.F.

For elementary schools identified as one of the 300 lowest-performing in reading, but not one of the 100 lowest-performing, the bill requires a school district to provide additional instruction through a plan adopted by the local school district. At a minimum, the plan must include 180 hours of additional instruction for students who have Level 1 or Level 2 reading assessment scores, and must be submitted to the Department of Education.

Additionally, the bill provides students enrolled in these schools who have Level 5 assessment scores the option of participating in the additional hour of instruction if they choose. The bill also specifies that for the 2016-2017 fiscal year, the 300 lowest-performing elementary schools must be the same schools as those identified for the 2015-2016 fiscal year, and must not include exceptional student education centers.

The bill provides for an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Funding for the additional hour of intensive reading instruction at the lowest-performing elementary schools is provided in the supplemental academic instruction and the research-based reading instruction allocation categoricals within the Florida Education Finance Program (FEFP). The Senate General Appropriations Bill for Fiscal Year 2016-2017, SB 2500, requires school districts to spend at least \$90 million from these categorical programs and other funding sources and provides an additional \$53 million for the supplemental academic instruction categorical to fund the additional hour of intensive reading instruction.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 1011.62.

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

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

Recommended CS by Appropriations Subcommittee on Education on February 17, 2016:

The committee substitute clarifies that supplemental academic instruction and research-based reading allocation categorical funds are to be used to provide an additional hour of instruction in the 300 lowest-performing elementary schools, not just the 100 lowest-performing elementary schools.

B. Amendments:

None.



723248

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Simmons) recommended the following:

Senate Amendment

Delete line 47
and insert:
that has one or more of the 300 lowest-performing elementary

Delete line 116
and insert:
300 lowest-performing elementary schools based on the state

By Senator Simmons

10-01462-16

20161418__

A bill to be entitled

An act relating to supplemental academic instruction; amending s. 1011.62, F.S.; requiring supplemental academic instruction categorical funds and research-based reading instruction allocation funds to be used by a school district that has one or more of the lowest-performing elementary schools for additional intensive reading instruction at the school during the summer program in addition to instruction during the school year; requiring certain school districts to provide additional instruction under certain circumstances; requiring such districts to provide the Department of Education with certain plans; providing effective dates.

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

Section 1. Effective July 1, 2016, and upon the expiration of the amendment to section 1011.62, Florida Statutes, made by chapter 2015-222, Laws of Florida, paragraph (f) of subsection (1) and paragraph (a) of subsection (9) of that section are amended to read:

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

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

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

10-01462-16

20161418__

(f) *Supplemental academic instruction; categorical fund.*—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. For the 2016-2017 ~~2014-2015~~ fiscal year, each school district that has one or more of the 100 ~~300~~ lowest-performing elementary schools based on the state reading assessment shall use these funds, together with the funds provided in the district's research-based reading instruction allocation and other available funds, to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each such school. Students enrolled in these schools who have Level 5 assessment scores may participate in the additional hour of instruction on an optional basis of these schools. In addition, the 100 lowest-performing elementary schools shall provide at least 40 hours of instruction in a 2017 summer program to students who have Level 1 and Level 2 reading assessment scores. ~~The This~~ additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching

Page 2 of 6

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

10-01462-16

20161418__

62 reading or by a K-5 mentoring reading program that is supervised
 63 by a teacher who is effective in ~~at~~ teaching reading. ~~Students~~
 64 ~~enrolled in these schools who have level 5 assessment scores may~~
 65 ~~participate in the additional hour of instruction on an optional~~
 66 ~~basis. Exceptional student education centers shall not be~~
 67 ~~included in the 300 schools.~~ After this requirement has been
 68 met, supplemental instruction strategies may include, but are
 69 not limited to: use of a modified curriculum, reading
 70 instruction, after-school instruction, tutoring, mentoring, a
 71 reduction in class size ~~reduction~~, an extended school year,
 72 intensive skills development in summer school, and other methods
 73 of ~~for~~ improving student achievement. Supplemental instruction
 74 may be provided to a student in any manner and at any time
 75 during or beyond the regular 180-day term identified by the
 76 school as being the most effective and efficient way to best
 77 help that student progress from grade to grade and to graduate.
 78 For an elementary school that is one of the 300 lowest-
 79 performing in reading, but not one of the 100 lowest-performing
 80 in reading, a school district shall provide additional
 81 instruction through a plan adopted by the local school district.
 82 At a minimum, the plan must include 180 hours of additional
 83 instruction for students who have Level 1 and Level 2 reading
 84 assessment scores. A school district shall provide the
 85 department with a copy of the district-approved plan. For the
 86 2016-2017 fiscal year, the 300 lowest-performing elementary
 87 schools must be the same schools as those identified for the
 88 2015-2016 fiscal year. Exceptional student education centers may
 89 not be included in the 300 schools.

90 3. Effective with the 1999-2000 fiscal year, funding on the

10-01462-16

20161418__

91 basis of FTE membership beyond the 180-day regular term shall be
 92 provided in the FEFP only for students enrolled in juvenile
 93 justice education programs or in education programs for
 94 juveniles placed in secure facilities or programs under s.
 95 985.19. Funding for instruction beyond the regular 180-day
 96 school year for all other K-12 students shall be provided
 97 through the supplemental academic instruction categorical fund
 98 and other state, federal, and local fund sources with ample
 99 flexibility for schools to provide supplemental instruction to
 100 assist students in progressing from grade to grade and
 101 graduating.

102 4. The Florida State University School, as a lab school, is
 103 authorized to expend from its FEFP or Lottery Enhancement Trust
 104 Fund allocation the cost to the student of remediation in
 105 reading, writing, or mathematics for any graduate who requires
 106 remediation at a postsecondary educational institution.

107 5. Beginning in the 1999-2000 school year, dropout
 108 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
 109 (b), and (c), and 1003.54 shall be included in group 1 programs
 110 under subparagraph (d)3.

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

112 (a) The research-based reading instruction allocation is
 113 created to provide comprehensive reading instruction to students
 114 in kindergarten through grade 12. For the 2016-2017 ~~2014-2015~~
 115 fiscal year, in each school district that has one or more of the
 116 100 ~~300~~ lowest-performing elementary schools based on the state
 117 reading assessment, priority shall be given to providing an
 118 additional hour per day of intensive reading instruction beyond
 119 the normal school day for each day of the entire school year for

10-01462-16 20161418__

the students in each such school. Students enrolled in these schools who have Level 5 assessment scores may participate in the additional hour of instruction on an optional basis. In addition, the 100 lowest-performing elementary schools shall provide at least 40 hours of instruction in a 2017 summer program for students who have Level 1 or Level 2 reading assessment scores. A school district shall provide the additional instruction through a plan adopted by the local school district for an elementary school that is one of the 300 lowest-performing in reading, but not one of the 100 lowest-performing in reading. At a minimum, the plan must include 180 hours of additional instruction for students who have Level 1 and Level 2 reading assessment scores. A copy of the district-approved plan must be provided to the department. For the 2016-2017 fiscal year, the 300 lowest-performing schools must be the same schools as those identified for the 2015-2016 fiscal year. Exceptional student education centers may ~~shall~~ not be included in the 300 schools. The intensive reading instruction delivered in this additional hour and for other students must ~~shall~~ include: research-based reading instruction that has been proven to accelerate the progress of students exhibiting a reading deficiency; differentiated instruction based on student assessment data to meet students' specific reading needs; explicit and systematic reading development in phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading. ~~For the 2012-2013 and 2013-2014~~

10-01462-16 20161418__

~~fiscal years, a school district may not hire more reading coaches than were hired during the 2011-2012 fiscal year unless all students in kindergarten through grade 5 who demonstrate a reading deficiency, as determined by district and state assessments, including students scoring Level 1 or Level 2 on the statewide, standardized reading assessment or, upon implementation, the English Language Arts assessment, are provided an additional hour per day of intensive reading instruction beyond the normal school day for each day of the entire school year.~~

Section 2. This act shall take effect July 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator Don Gaetz, Chair
Appropriations Subcommittee on Education

Subject: Committee Agenda Request

Date: January 27, 2016

I respectfully request that **Senate Bill 1418**, relating to Supplemental Academic Instruction, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "David Simmons", with a stylized flourish at the end.

Senator David Simmons
Florida Senate, District 10

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 Appropriations Subcommittee on Education

BILL: CS/SB 1462

INTRODUCER: Education Pre-K - 12 Committee and Senator Latvala

SUBJECT: Character-development Instruction

DATE: February 10, 2016

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. _____	Klebacha	ED	Fav/CS
2. Sikes	Elwell	AED	Pre-meeting
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1462 expands the requirements for high school character-development programs to include instruction on developing life and career-related skills.

Specifically, the bill requires instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

The bill has no impact on state funds.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Florida law outlines specific content area instructional requirements, in addition to required core curricular content areas,¹ for middle grades promotion and high school graduation.²

¹ Section 1003.41, F.S.

² Each district school board is required to provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet the State Board of Education adopted standards in reading

Required Instruction

In addition to the required core curriculum, Florida law requires public school instruction in certain specified content areas, including, but not limited to:³

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- The elements of civil government.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- Kindness to animals.
- The history of the state.
- Comprehensive health education.
- A character-development program in kindergarten through grade 12.

The law encourages the State Board of Education (State Board) to adopt standards and pursue assessment relating to the required instructional content.⁴

Character-Development Program

In 1999, legislation was passed requiring a secular, character-development program, similar to Character First⁵ or Character Counts,⁶ to be incorporated into elementary school instruction.⁷

Current law requires that each school district develop or adopt a curriculum for a character-development program in kindergarten through grade 12, and submit that curriculum to the Department of Education for approval.⁸ The character-development curriculum must stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, religious tolerance; and cooperation.⁹

and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts. Section 1003.42(1), F.S.

³ Section 1003.42(2), F.S.

⁴ *Id.*

⁵ Character First Education offers curriculum and training for public and private schools, home school families, mentoring programs, summer camps, and other educational settings. Character First Education, *About Character First*, <http://characterfirsteducation.com/c/about.php>, (last visited January 29, 2016).

⁶ Character Counts! is a 501(c)(3) nonprofit program that provides a curriculum, along with resources, based on its Six Pillars of Character®: trustworthiness, respect, responsibility, fairness, caring, and citizenship. Character Counts!, *The Six Pillars of Character®*, <http://charactercounts.org/program-overview/six-pillars/>, (last visited January 29, 2016).

⁷ Section 1, ch. 99-347, L.O.F., *codified as s. 233.061(2)(q)*, F.S.

⁸ Section 1003.42(2)(s), F.S.

⁹ *Id.*

III. Effect of Proposed Changes:

CS/SB 1462 expands the requirements for high school character-development programs to include instruction on developing life and career-related skills.

Specifically, the bill requires instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

Current law requires each school district to develop or adopt a K-12 character-development curriculum, and specifies the character qualities that must be emphasized in such curriculum. The bill expands current law by requiring instruction on additional life and career-related skills for students in grades 9 through 12. In effect, all public high school students will receive instruction on such skills as part of each respective school district's existing character-development curriculum.

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state funds. Since school districts currently provide a variety of character-development programs for K-12 students, the additional requirements for high school students are not expected to have a fiscal impact on school districts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The 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.)

CS by Education Pre-K – 12 on February 2, 2016:

The committee substitute includes the following substantial changes:

- Amends s. 1003.42(2)(s), F.S., requiring K-12 character-development programs, to include instruction on life and career-related skills for students in grades 9 through 12.
- Removes a requirement that the Commissioner of Education, in consultation with the Articulation Coordinating Committee, develop an elective course for high school students addressing life skills and character development.
- Maintains the types of life and career-related skills on which high school students must receive instruction.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Latvala

581-02940-16

20161462c1

A bill to be entitled

An act relating to character-development instruction;
amending s. 1003.42, F.S.; requiring character
education programs to provide certain instruction to
students in grades 9-12; providing an effective date.

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

Section 1. Paragraph (s) 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
highest standards for professionalism and historic accuracy,
following the prescribed courses of study, and employing
approved methods of instruction, the following:

(s) A character-development program in the elementary
schools, similar to Character First or Character Counts, which
is secular in nature. Beginning in school year 2004-2005, the
character-development program shall be required in kindergarten
through grade 12. Each district school board shall develop or
adopt a curriculum for the character-development program that
shall be submitted to the department for approval. The
character-development curriculum shall stress the qualities of
patriotism; responsibility; citizenship; kindness; respect for
authority, life, liberty, and personal property; honesty;
charity; self-control; racial, ethnic, and religious tolerance;
and cooperation. The character-development program in grades 9
through 12 shall, at a minimum, include instruction on
developing leadership skills, interpersonal skills, organization

581-02940-16

20161462c1

skills, and research skills; creating a resume; developing and
practicing the skills necessary for employment interviews;
managing stress and expectations; and developing skills that
enable students to become more resilient and self-motivated.

The State Board of Education is encouraged to adopt standards
and pursue assessment of the requirements of this subsection.

Section 2. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

SENATOR JACK LATVALA
20th District

February 2, 2016

The Honorable Don Gaetz, Chair
Senate Appropriations Subcommittee on Education
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

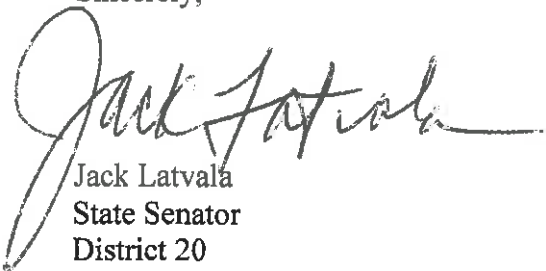
Dear Chairman Gaetz:

I respectfully request consideration of Senate Bill 1462/Education Instruction by the Senate Appropriations Subcommittee on Education at your earliest convenience.

This bill requires that character development programs in high school require pieces of instruction including creating a resume, job and college interview skills, time and stress management, etc.

If you have any questions regarding this legislation, please contact me. Thank you in advance for your consideration.

Sincerely,


Jack Latvala
State Senator
District 20

Cc: **Tim Elwell**, Staff Director; JoAnne Bennett, Administrative Assistant

STATE APPROPRIATIONS
RECEIVED
16 FEB -3 PM 12:51
STAFF DIR. STAFF

REPLY TO:

- ☐ 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- ☐ 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



SENATOR JACK LATVALA
20th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATE APPROPRIATIONS
RECEIVED

16 FEB 16 PM 2:00

SENT TO: CHAIRMAN

STAFF DIR. STAFF

COMMITTEES:

Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

February 16, 2016

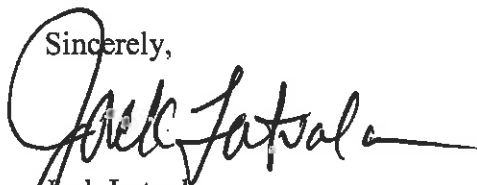
The Honorable Don Gaetz, Chair
Senate Appropriations Subcommittee on Education
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Gaetz:

My bill on Educational Instruction, Senate Bill 1462, is scheduled to be heard in the Appropriations Subcommittee on Education on Wednesday, February 17th at 10:00 a.m. at the same time as my Appropriations Subcommittee on Transportation, Tourism, and Economic Development. I respectfully request that my legislative Aide, Avery Coleman, be allowed to present the bill to the Committee.

Thank you for your consideration.

Sincerely,


Jack Latvala
Senator, District 20

Cc: Tim Elwell, Staff Director; JoAnne Bennett, Administrative Assistant

REPLY TO:

- ☐ 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- ☐ 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website. www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 Appropriations Subcommittee on Education

BILL: CS/SB 1670

INTRODUCER: Higher Education Committee and Senator Bean

SUBJECT: Apprenticeships

DATE: February 17, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	HE	Fav/CS
2.	Sikes	Elwell	AED	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1670 updates terminology, modifies requirements, and creates training grant opportunities relating to apprenticeship and postsecondary career programs. Specifically, the bill:

- Updates terminology and expands instructional methods associated with apprenticeship programs.
- Requires Florida College System (FCS) institutions to jointly develop and implement apprenticeship program articulation agreements with registered apprenticeship programs which must:
 - Provide for at least two general education courses offered by the FCS institution to be included in the apprenticeship program;
 - Award college credit to apprenticeship program students upon completion of the general education courses, as defined by the FCS institution;
 - Provide for enrollment of apprenticeship program students into a degree program at the FCS institution upon completion of the apprenticeship program; and
 - Ensure the current tuition and fee exemptions for students enrolled in registered apprenticeship programs are applied to courses those students may take pursuant to the articulation agreement associated with his or her apprenticeship program.
- Allows a high school student participating in an apprenticeship associated with a certified trade association to use credits earned upon completion of the apprenticeship to satisfy the high school graduation requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives.

- Creates the Florida Apprenticeship Grant (FLAG) Program to award competitive grants to FCS institutions for the purpose of establishing new or expanding existing apprenticeship programs.
- Creates the Rapid Response Grant Program to award competitive grants to FCS institutions for the purpose of expanding or implementing high-demand postsecondary programs.

The bill has no impact on state funds. The FLAG Program and Rapid Response Grant Program are subject to appropriation in the General Appropriations Act. SB 2500, the 2016-2017 Senate General Appropriations Bill, appropriates \$20 million for the Rapid Response Grant Program. SB 2500 does not appropriate funds for the FLAG Program.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Apprenticeship Programs

Federal Program Requirements

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)¹ in 1937.² Following the passage of the Fitzgerald Act, Registered Apprenticeship (RA) programs consisted mainly of manufacturing, construction, and utilities industries.³ In 2008, revised regulations were issued by the U.S. Department of Labor which increase program flexibility to better serve the needs of today's apprentices and program sponsors.⁴

For apprentices and program sponsors, the regulations:⁵

- Incorporate technology-based learning;
- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

For State Apprenticeship Agencies (SAAs), the regulations:⁶

¹ U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), at 2, available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>.

² U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited January 14, 2016). See 29 U.S.C. s. 50 (1937), as amended.

³ *Id.* Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction. *Id.*

⁴ *Id.* “These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system.” U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited January 14, 2016).

⁵ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 1-2, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf.

⁶ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 2-3, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf.

- Increase linkages with the workforce investment system;
- Redefine the roles and responsibilities of SAAs and State Apprenticeship Councils;
- Establish a process for continued recognition; and
- Increase flexibility for location of an SAA.

For the U.S. Department of Labor, the regulations:⁷

- Enhance program accountability; and
- Ensure national conformity with federal apprenticeship legislation and regulations.

Registered apprenticeship program sponsors (*i.e.*, employers, employer associations, and labor management organizations)⁸ identify the minimum qualifications to apply to their apprenticeship programs.⁹

State Law Regarding Apprenticeship Programs

While the Federal government works in cooperation with states to oversee the nation's apprenticeship programs, the states have the authority to register apprenticeship programs through federally recognized SAAs.¹⁰ In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.¹¹

Florida law provides education and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals in the state for trades, occupations, and professions suited to their abilities.¹²

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices¹³ including such matters as the

⁷ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 3, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf.

⁸ Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 14, 2016).

⁹ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 14, 2016). An individual must be at least 16 years of age to be an apprentice. *Id.* In hazardous occupations, individuals must usually be 18 years of age. *Id.* Program sponsors may also identify additional minimum qualifications and credentials to apply (*e.g.*, education, ability to physically perform the essential functions of the occupation, and proof of age). *Id.* All applicants are required to meet the minimum qualifications. *Id.* Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified. *Id.*

¹⁰ 29 C.F.R. ss. 29.1 and 29.13 (2008).

¹¹ 29 C.F.R. s. 29.2 (2008).

¹² Section 446.011(1), F.S.

¹³ An “apprentice” means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A “journeyman means” “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the

requirements for a written apprenticeship agreement.”¹⁴ A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department [DOE] and sponsored by a registered apprenticeship program.”¹⁵

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:¹⁶

- Developing and encouraging apprenticeship programs.
- Cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements.
- Monitoring RA programs.
- Investigating complaints regarding failure to meet the standards¹⁷ established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

Additionally, the DOE, district school boards, and Florida College System (FCS) institution district boards of trustees must work together with existing apprenticeship programs so that individuals completing preapprenticeship programs may be able to receive credit towards completing registered apprenticeship programs.¹⁸

The State Apprenticeship Advisory Council (Council) advises the DOE on matters related to apprenticeship.¹⁹ The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.²⁰ The Commissioner of Education (Commissioner) or the Commissioner’s designee must serve ex officio as chair of the Council, but may not vote.²¹ Two public members who are knowledgeable about registered apprenticeship and apprenticeable

number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (*e.g.*, customarily learned in a practical way through a structured, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

¹⁴ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

¹⁵ Section 446.021(5), F.S.

¹⁶ Section 446.041, F.S.

¹⁷ The DOE is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and FCS institution boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S.; Rule 6A-23.004, F.A.C. “Uniform minimum preapprenticeship standards” means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

¹⁸ Section 446.052(3), F.S.

¹⁹ Section 446.045(2)(a), F.S.

²⁰ *Id.*

²¹ Section 446.045(2)(b), F.S.

occupations are appointed by the Governor to the Council.²² One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.²³

Apprenticeship Program Tuition and Fees

Fee exemptions and waivers are types of financial assistance authorized in law that provide opportunities for many students to attend college at reduced tuition and fee cost or even free.²⁴ Florida law provides exemptions from the payment of tuition and fees, including lab fees, for several categories of students enrolled at a school district that provides workforce education programs, an FCS institution, or a state university, including students enrolled in approved apprenticeship programs.²⁵ According to the DOE, there are approximately 225 active registered apprenticeship programs throughout the state.²⁶

Articulation Agreements

Statewide Articulation Agreement

The intent of the Legislature has been “to facilitate articulation and seamless integration of the K-20 education system by building, sustaining, and strengthening relationships among K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida’s communities.”²⁷ The State Board of Education (State Board) and the Board of Governors (BOG) collaborate to establish and adopt articulation²⁸ policies and make recommendations to the Legislature.²⁹

Each FCS institution must comply with the statewide articulation agreement relating to 2-year and 4-year public degree-granting institutions as adopted by the State Board.³⁰ The statewide articulation agreement governs general education requirements and statewide course numbers.³¹ The agreement must guarantee the statewide articulation of appropriate workforce development programs and courses between school districts and FCS institutions.³²

²² *Id.*

²³ *Id.* A “joint organization” means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A “nonjoint organization” means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

²⁴ The Florida College System, *Exemptions and Waivers in the Florida College System* (March 2012), available at <http://www.fldoe.org/core/fileparse.php/7724/urlt/0072361-fyi2012-02exemptions.pdf>.

²⁵ Section 1009.25(1)(b), F.S.

²⁶ Florida Department of Education, Division of Career and Adult Education, *What Is Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.shtml> (last visited January 21, 2016).

²⁷ Section 1007.01(1), F.S.

²⁸ “Articulation” is defined as “the systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one educational institution or program to another.” Section 1000.21(1), F.S.

²⁹ *Id.* at (2).

³⁰ Sections 1001.60(2)(b) and 1007.23, F.S.

³¹ Section 1007.23(1)(f), F.S. The DOE, in conjunction with the BOG, is responsible for developing, coordinating, and maintaining a statewide course numbering system for postsecondary and dual enrollment education in school districts, public postsecondary educational institutions, and participating nonpublic postsecondary educational institutions. Section 1007.24(1), F.S.

³² *Id.* at (4).

Courses that have the same academic content and are taught by faculty with comparable credentials are given the same prefix and number, and are considered equivalent courses.³³ Equivalent courses are guaranteed to transfer to any other institution participating in the statewide course numbering system.³⁴ However, courses relating to internships, apprenticeships, clinical experiences, and study abroad are not automatically transferable.³⁵ The transferability of such courses is at the discretion of the receiving institution.³⁶

General Education

Each state university and FCS institution must establish a general education curriculum requiring 36 semester hours of communication, mathematics, social sciences, humanities, and natural sciences for students working toward an associate in arts or baccalaureate degree.³⁷

Faculty committees appointed by the chairs of the State Board and the BOG identify statewide general education core course options.³⁸ General education core course options consist of a maximum of five courses within the subject areas of communications, mathematics, social sciences, humanities, and natural sciences.³⁹ The core courses may be revised, or the five-course maximum within each subject area may be exceeded, if approved by the State Board or the BOG.⁴⁰

Each general education core course must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course.⁴¹ Each student must complete at least one identified core course in each subject area as part of the general education course requirements.⁴² The general education core course options are adopted in rule by the State Board and in regulation by the BOG.⁴³

Powers and Duties of FCS Boards of Trustees

Each FCS institution board of trustees is responsible for:⁴⁴

- Ensuring students have access to general education courses;
- Requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education course work, for an associate in arts degree;
- Notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities;

³³ Florida Department of Education, Office of Articulation, *Statewide Articulation Manual* (Revised Sept. 2014), at 3-4, available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/statewide-postsecondary-articulation-manual.pdf>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Rule 6A-10.024, F.A.C.

³⁸ Section 1007.25(3), F.S. See Florida Department of Education, *General Education Core Course Options*, <http://www.fldoe.org/policy/articulation/general-edu-core-course-options.stml> (last visited January 21, 2016).

³⁹ Section 1007.25(3), F.S.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Rule 6A-14.0303, F.A.C.; Regulation 6.017.

⁴⁴ Section 1001.64(7), F.S.

- Notifying students of unique program prerequisites; and
- Ensuring that degree program coursework beyond general education coursework is consistent with degree program prerequisite requirements.

An FCS institution board of trustees governs admission of students and may establish additional admissions criteria to ensure student readiness for postsecondary instruction.⁴⁵ Each FCS institution board of trustees must adopt rules establishing student performance standards for the award of degrees and certificates and may establish intrainstitutional and interinstitutional programs to maximize articulation.⁴⁶

High School Graduation Requirements

In order to graduate from high school with a Florida standard high school diploma, a student must meet certain assessment and course credit requirements.

Credit Requirements to Earn a Standard High School Diploma

A student must successfully complete 24 credits in the following subject areas:⁴⁷

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics including one credit 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.⁴⁸ Industry certifications earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.
- One credit in physical education.
- Eight credits in electives.

Career Education Course Credit

Florida law allows students to earn credit in both career education courses and courses required for high school graduation.⁴⁹ Career education courses are approved by the State Board if the courses meet the criteria and requirements for career-themed⁵⁰ courses which include, but are not limited to:⁵¹

⁴⁵ *Id.* at (8)(a).

⁴⁶ *Id.* at (8)(b) and (c).

⁴⁷ Section 1003.4282(1)(a) and (3), F.S.

⁴⁸ Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

⁴⁹ Section 1003.4282(8)(a), F.S.

⁵⁰ A “career-themed course” is defined in s. 1003.493(1)(b), F.S.

⁵¹ Section 1003.4282(8)(a), F.S. Career education courses for purposes of earning high school credit must meet the requirements and criteria set forth in s. 1003.493(2), (4), and (5), F.S., for career and professional academy and career-themed courses.

- Increasing student academic achievement and graduation rates through integrated academic and career curricula.
- Promoting learning by doing through application and adaptation.
- Including partnerships with postsecondary institutions, businesses, industry, or employers.
- Leading to industry certification or college credit.

Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework resulting in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certified or degree program, which may include work-related internships or apprenticeships.⁵² The instructional methodologies used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the academics.⁵³

Each school district is encouraged to partner with local workforce boards, business and industry leaders, and postsecondary institutions to create career education courses.⁵⁴ School districts or regional consortium service organizations must submit their recommended career education courses to the DOE for State Board approval.⁵⁵ The State Board must determine if sufficient academic standards are covered to warrant the award of academic credit.⁵⁶

III. Effect of Proposed Changes:

CS/SB 1670 updates terminology, modifies requirements, and creates training grant opportunities relating to apprenticeship and postsecondary career programs. Specifically, the bill:

- Updates terminology and expands instructional methods associated with apprenticeship programs.
- Requires Florida College System (FCS) institutions to jointly develop and implement apprenticeship program articulation agreements with registered apprenticeship programs which must:
 - Provide for at least two general education courses offered by the FCS institution to be included in the apprenticeship program;
 - Award college credit to apprenticeship program students upon completion of the general education courses, as defined by the FCS institution;
 - Provide for enrollment of apprenticeship program students into a degree program at the FCS institution upon completion of the apprenticeship program; and
 - Ensure the current tuition and fee exemptions for students enrolled in registered apprenticeship programs are applied to courses those students may take pursuant to the articulation agreement associated with his or her apprenticeship program.
- Allows a high school student participating in an apprenticeship associated with a certified trade association to use credits earned upon completion of the apprenticeship to satisfy the high school graduation requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives.

⁵² Section 1003.4282(8)(a)2., F.S.

⁵³ *Id.*

⁵⁴ *Id.* at (8)(b).

⁵⁵ *Id.* at (8)(b) and (c).

⁵⁶ *Id.* at (8)(a)2.

- Creates the Florida Apprenticeship Grant (FLAG) Program to award competitive grants to FCS institutions for the purpose of establishing new or expanding existing apprenticeship programs.
- Creates the Rapid Response Grant Program to award competitive grants to FCS institutions for the purpose of expanding or implementing high-demand postsecondary programs.

Apprenticeship Terminology and Criteria

The bill changes the term “journeyman” to “journeyworker.” Also, the bill clarifies and expands the definition of the term journeyworker to include a mentor, technician, specialist, or other skilled worker. The revised definition aligns the statutory definition with federal law and recognizes the importance of formal apprenticeships or practical on-the-job experience and formal training as a means of demonstrating occupational skills and knowledge.

The bill redefines “apprenticeship program” to include an organized course of instruction that enables learning through online courses and remote platforms for distributing training content, and awards credit for existing skills and knowledge demonstrated by prior assessments. The bill expands the definition to broaden the types of courses and options available for receiving instruction for such courses, which may benefit apprentices who would not otherwise have the opportunity to receive the instruction in a traditional classroom setting.

Furthermore, the bill removes provisions excluding specified types of occupations from being characterized as an apprenticeable occupation. Specifically, the bill removes the following:

- Selling, retailing, or similar occupations in the distributive field.
- Managerial occupations.
- Professional and scientific vocations for which entrance requirements customarily require an academic degree.

Removing the specified categories of occupations aligns Florida law with federal regulations and guidelines and may expand the criteria of an apprenticeable occupation to allow for occupations previously excluded.

Apprenticeship Articulation Agreement

The bill requires each FCS institution president to develop and implement jointly with apprenticeship programs, registered and approved by the Department of Education (DOE), an articulation agreement for the governance of students enrolled in the respective apprenticeship programs. Furthermore, the bill requires the agreement to include two general education courses offered by the FCS institution as part of the apprenticeship program for college credit upon satisfactory course completion, and the student’s enrollment into a degree program at the FCS institution upon completion of the apprenticeship program.

Current law does not require postsecondary education institutions to develop and implement articulation agreements to govern the articulation of students enrolled in apprenticeship programs. In effect, requiring articulation agreements between FCS institutions and registered apprenticeship programs may ensure that students enrolled in such programs are guaranteed

transferable college credit that will result in enrollment into a degree program and assist the students in securing future employment.

The bill is unclear as to whether each FCS institution must enter into articulation agreements with the registered apprenticeship programs in the FCS institution's respective service area or may enter into an agreement with any registered apprenticeship program in the state.

Tuition and Fees for Apprenticeship Students

The bill exempts an apprenticeship program student from paying tuition and fees, including lab fees, associated with a course taken at an FCS institution pursuant to an articulation agreement with the apprenticeship program in which the student is enrolled. Although current law exempts students enrolled in apprenticeship programs from paying tuition and fees, including lab fees, the bill ensures that students enrolled in apprenticeship programs governed by articulation agreements with FCS institutions are also exempt from paying such tuition and fees, including lab fees.

High School Credit Earned through Apprenticeship

The bill allows a high school student participating in an apprenticeship with a certified trade association that is registered with the DOE to use credits earned upon completion of the apprenticeship to satisfy the high school credit requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives, and earn a standard high school diploma. Although current law allows students to earn credit in both general high school courses and career education courses, including through apprenticeships, it does not specify which high school course credit requirements may be satisfied by earning credit in a career education course. In effect, the bill expressly allows for the use of credits earned through an apprenticeship to satisfy specified high school credit requirements if the student is participating in an apprenticeship with a certified trade association.

Florida Apprenticeship Grant (FLAG) Program

The bill creates the FLAG Program to provide competitive grants, in an amount provided in the General Appropriations Act (GAA), to FCS institutions for the purpose of establishing new apprenticeship programs and expanding existing apprenticeship programs to meet student and workforce needs. The Division of Career and Adult Education within the DOE is responsible for administering the FLAG Program. An FCS institution must submit its application for the grant which must include projected enrollment and projected costs for the new or expanded apprenticeship programs. The DOE must give priority to apprenticeship programs in the areas of information technology, health, and machining and manufacturing.

The bill prohibits the use of grant funds for recurring instructional costs or for an FCS institution's indirect costs. Grant recipients must submit quarterly reports to the DOE, which may ensure program accountability.

Rapid Response Grant Program

The bill creates the Rapid Response Grant Program to award competitive grants, in an amount provided in the GAA, to FCS institutions for the purpose of expanding or implementing their high-demand postsecondary programs.

To participate, the bill requires an FCS institution to submit its application to the DOE, which must include details regarding program expansion or development, projected enrollment, and projected costs. An FCS institution that is awarded a grant through the Rapid Response Grant Program must submit quarterly reports to the DOE. The use of grant funds is limited to expanding enrollment in existing postsecondary programs or developing new postsecondary programs. The bill prohibits grant recipients from using funds to supplant current funds.

The DOE must conduct an annual analysis and assessment of the effectiveness of the postsecondary programs' effectiveness in meeting labor market demand. The DOE analysis and assessment of the postsecondary programs may ensure program accountability and may further assist FCS institutions in meeting the state's workforce needs.

The bill provides an effective date of July 1, 2016.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state funds. The FLAG Program and Rapid Response Grant Program are subject to appropriation in the General Appropriations Act. SPB 2500, the

2016-2017 Senate General Appropriations Bill, appropriates \$20 million for the Rapid Response Grant Program. SB 2500 does not appropriate funds for the FLAG Program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.021, 446.032, 446.091, 446.092, 1001.65, 1003.4282, and 1009.25.

Also, the bill creates the following sections of the Florida Statutes: 1011.802 and 1011.803.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Higher Education on January 25, 2016:

The committee substitute includes the following substantial additions:

- Allows a student participating in an apprenticeship with a certified trade association that is registered with the Department of Education to earn credits towards a standard high school diploma.
- Authorizes the use of credits awarded upon completion of such apprenticeship to satisfy the high school credit requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives.

B. Amendments:

None.

By the Committee on Higher Education; and Senator Bean

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1 A bill to be entitled
 2 An act relating to apprenticeships; amending s.
 3 446.021, F.S.; revising definitions; amending ss.
 4 446.032 and 446.091, F.S.; conforming provisions to
 5 changes made by the act; amending s. 446.092, F.S.;
 6 revising the characteristics of apprenticeable
 7 occupations; deleting provisions that limit
 8 apprenticeable occupations; amending s. 1001.65, F.S.;
 9 requiring Florida College System institution
 10 presidents to develop and implement articulation
 11 agreements with certain apprenticeship programs;
 12 providing articulation agreement requirements;
 13 amending s. 1003.4282, F.S.; providing that a student
 14 who completes a certain apprenticeship may be awarded
 15 specified credits toward a standard high school
 16 diploma under certain circumstances; amending s.
 17 1009.25, F.S.; providing that students enrolled in
 18 certain apprenticeship programs are exempt from
 19 tuition and fees associated with certain courses;
 20 creating s. 1011.802, F.S.; creating the Florida
 21 Apprenticeship Grant Program within the Department of
 22 Education to provide grants to Florida College System
 23 institutions for the creation of new apprenticeship
 24 programs or the expansion of existing apprenticeship
 25 programs; requiring the Division of Career and Adult
 26 Education to administer the program; providing
 27 requirements related to applications, program
 28 priority, use of grant funds, and quarterly reports;
 29 creating s. 1011.803, F.S.; creating the Rapid
 30 Response Grant Program; providing for the purpose and
 31 application requirements of the program; requiring
 32 Florida College System institutions that receive

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33 grants to provide quarterly reports to the department;
 34 providing uses for grant funds; requiring the
 35 department to administer and conduct an annual
 36 analysis of the program; providing an effective date.

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

40 Section 1. Section 446.021, Florida Statutes, is reordered
 41 and amended to read:

42 446.021 Definitions of terms used in ss. 446.011-446.092.—
 43 As used in ss. 446.011-446.092, the term:

44 (8)~~(1)~~ "Preapprentice" means any person 16 years of age or
 45 over engaged in any course of instruction in the public school
 46 system or elsewhere, which course is registered as a
 47 preapprenticeship program with the department.

48 (11)~~(2)~~ "Apprentice" means a person at least 16 years of age
 49 who is engaged in learning a recognized skilled trade through
 50 actual work experience under the supervision of journeyworker
 51 ~~journeymen~~ craftsmen, which training should be combined with
 52 properly coordinated studies of related technical and
 53 supplementary subjects, and who has entered into a written
 54 agreement, which may be cited as an apprentice agreement, with a
 55 registered apprenticeship sponsor who may be either an employer,
 56 an association of employers, or a local joint apprenticeship
 57 committee.

58 (11)~~(3)~~ "Trainee" means a person at least 16 years of age
 59 who is engaged in learning a specific skill, trade, or
 60 occupation within a formalized, on-the-job training program.

61 (5)~~(4)~~ "Journeyworker ~~Journeyman~~" means a person working in

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an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation. The term includes a mentor, technician, specialist, or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.

(9)(5) "Preapprenticeship program" means an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.

(2)(6) "Apprenticeship program" means an organized course of instruction, registered and approved by the department, which course shall:

(a) Contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices including such matters as the requirements for a written apprenticeship agreement.

(b) Enable learning that may include online courses and remote platforms for distributing training content.

(c) Award credit for existing skills and knowledge demonstrated by prior learning assessments, as determined by institution policy on credit for prior learning pursuant to s. 1001.64.

(7) "On-the-job training program" means a formalized system of job processes which may be augmented by related instruction

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that provides the experience and knowledge necessary to meet the training objective of learning a specific skill, trade, or occupation. The training program must be at least 6 months and not more than 2 years in duration and must be registered with the department.

(12)(8) "Uniform minimum preapprenticeship standards" means the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards of admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.

(10)(9) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical subjects related to a specific trade or occupation.

(3)(10) "Cancellation" means the deregistration of an apprenticeship program or the termination of an apprenticeship agreement.

(6)(11) "Jurisdiction" means the specific geographical area for which a particular program is registered.

(4)(12) "Department" means the Department of Education.

Section 2. Subsection (1) of section 446.032, Florida Statutes, is amended to read:

446.032 General duties of the department for apprenticeship training.—The department shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. The standards and

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120 policies shall govern the terms and conditions of the
 121 apprentice's employment and training, including the quality
 122 training of the apprentice for, but not limited to, such matters
 123 as ratios of apprentices to journeyworkers journeymen, safety,
 124 related instruction, and on-the-job training; but these
 125 standards and policies may not include rules, standards, or
 126 guidelines that require the use of apprentices and job trainees
 127 on state, county, or municipal contracts. The department may
 128 adopt rules necessary to administer the standards and policies.

129 Section 3. Section 446.091, Florida Statutes, is amended to
 130 read:

131 446.091 On-the-job training program.—All provisions of ss.
 132 446.011-446.092 relating to apprenticeship and
 133 preapprenticeship, including, but not limited to, programs,
 134 agreements, standards, administration, procedures, definitions,
 135 expenditures, local committees, powers and duties, limitations,
 136 grievances, and ratios of apprentices and job trainees to
 137 journeyworkers journeymen on state, county, and municipal
 138 contracts, shall be appropriately adapted and made applicable to
 139 a program of on-the-job training authorized under those
 140 provisions for persons other than apprentices.

141 Section 4. Section 446.092, Florida Statutes, is amended to
 142 read:

143 446.092 Criteria for apprenticeship occupations.—An
 144 apprenticeable occupation is a skilled trade which possesses all
 145 of the following characteristics:

146 (1) It is customarily learned ~~in a practical way~~ through a
 147 structured, systematic program of on-the-job, supervised
 148 training.

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149 (2) It is commonly recognized throughout the industry or
 150 recognized with a positive view towards emerging and evolving
 151 ~~changing~~ technology.

152 (3) It typically involves manual, mechanical, or technical
 153 skills and knowledge which require a minimum of 2,000 hours of
 154 work and training, which hours are excluded from the time spent
 155 at related instruction.

156 (4) It requires related instruction to supplement on-the-
 157 job training and online training. Such instruction may be given
 158 in a classroom or through correspondence courses.

159 (5) It involves the development of skill sufficiently broad
 160 to be applicable in like occupations throughout an industry,
 161 rather than of restricted application to the products or
 162 services of any one company.

163 ~~(6) It does not fall into any of the following categories:~~

164 ~~(a) Selling, retailing, or similar occupations in the~~
 165 ~~distributive field.~~

166 ~~(b) Managerial occupations.~~

167 ~~(c) Professional and scientific vocations for which~~
 168 ~~entrance requirements customarily require an academic degree.~~

169 Section 5. Subsections (22) through (25) of section
 170 1001.65, Florida Statutes, are renumbered as subsections (23)
 171 through (26), respectively, and a new subsection (22) is added
 172 to that section, to read:

173 1001.65 Florida College System institution presidents;
 174 powers and duties.—The president is the chief executive officer
 175 of the Florida College System institution, shall be corporate
 176 secretary of the Florida College System institution board of
 177 trustees, and is responsible for the operation and

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administration of the Florida College System institution. Each Florida College System institution president shall:

(22) Develop and implement jointly with apprenticeship programs registered with the Department of Education in accordance with chapter 446 an articulation agreement for the students enrolled in the respective apprenticeship programs. Such articulation agreement must provide for at least two general education courses offered by the institution to be included in the apprenticeship program, for the award of college credit upon satisfactory completion of the courses as defined by the institution pursuant to s. 1001.64, and for enrollment into a degree program at the institution upon completion of the apprenticeship program.

Section 6. Present paragraph (c) of subsection (6) of section 1003.4282, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

1003.4282 Requirements for a standard high school diploma.—

(6) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

(c) A student who participates in an apprenticeship with a certified trade association that is registered with the department in accordance with chapter 446 shall be awarded credits towards a standard high school diploma if the student meets the requirements of this section. The credits awarded upon completion of the apprenticeship may be used to satisfy the requirements of paragraphs (3) (e), (f), and (g).

Section 7. Paragraph (b) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

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(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021, including tuition and fees, including lab fees, associated with a course taken at a Florida College System institution through an articulation agreement with the student's apprenticeship program.

Section 8. Section 1011.802, Florida Statutes, is created to read:

1011.802 Florida Apprenticeship Grant (FLAG) Program.—

(1) The Florida Apprenticeship Grant Program is created to provide grants, in an amount provided in the General Appropriations Act, to Florida College System institutions on a competitive basis to establish new apprenticeship programs and expand existing apprenticeship programs. The Division of Career and Adult Education within the Department of Education shall administer the grant program.

(2) Applications from Florida College System institutions must contain projected enrollment and projected costs for the new or expanded apprenticeship programs.

(3) The department shall give priority to apprenticeship programs in the areas of information technology, health, and machining and manufacturing. Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for an institution's indirect

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costs. Grant recipients must submit quarterly reports in a format prescribed by the department.

Section 9. Section 1011.803, Florida Statutes, is created to read:

1011.803 Rapid Response Grant Program.—

(1) The Rapid Response Grant Program is established to award grants on a competitive basis, in an amount provided in the General Appropriations Act, for the expansion or implementation of high-demand postsecondary programs at Florida College System institutions, as defined in s. 1000.21.

(2) Each Florida College System institution applying for a grant must submit an application to the Department of Education in the format prescribed by the department. The application must include, but is not limited to, program expansion or development details, projected enrollment, and projected costs.

(3) Each Florida College System institution that is awarded a grant under this section shall submit quarterly reports to the department in the format prescribed by the department. Grant funds may not be used to replace current funds and must be used to expand enrollment in existing postsecondary programs or develop new postsecondary programs.

(4) The Department of Education shall administer the program and shall conduct an annual analysis and assessment of the effectiveness of the postsecondary programs funded under this section in meeting labor market demand.

Section 10. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-16

Meeting Date

1670

Bill Number (if applicable)

Topic Apprenticeship

Amendment Barcode (if applicable)

Name Fely Curva, Ph.D.

Job Title Partner, Curva i Associates LLC

Address 1212 Piedmont Dr.

Phone (850) 508-2256

Street

Tallahassee

FL

32312

City

State

Zip

Email Curva@mindspring.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Society of Health & Physical Educators (SHAPE) FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

✓
1670
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Frank Meiners

Job Title _____

Address PO Box 1633

Phone (850) 591-0177

Tall FL 32302
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Center for Fine Arts Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Appropriations Subcommittee on Education

BILL: PCS/CS/SB 1714 (464990)

INTRODUCER: Education Pre-K - 12 Committee and Senator Brandes

SUBJECT: Competency-based Innovation Pilot Program

DATE: February 17, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Fav/CS
2.	Sikes	Elwell	AED	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1714 promotes competency-based student learning opportunities. Specifically, the bill defines competency-based education and:

- Establishes a competency-based innovation pilot program (pilot program) within the Department of Education for five years.
- Specifies pilot program related requirements.
- Authorizes waivers from certain requirements in State Board of Education rule.
- Requires students participating in the pilot program at participating schools to be reported for funding in accordance with current law.
- Specifies repeal of the pilot program effective June 30, 2021.

Public schools in Lake County, Pinellas County, Seminole County, Palm Beach County, the P.K. Yonge Developmental Research School, and school districts or charter schools designated by the Commissioner of Education may apply to the department for approval of their pilot program.

The bill has no impact on state funds. The program is voluntary and it is unknown if any school districts will participate. However, if a district chooses to participate, any fiscal impact would be absorbed within existing resources.

The bill takes effect July 1, 2016.

II. Present Situation:

The Florida Legislature has specified general powers and duties of the Commissioner of Education (commissioner) and the State Board of Education (SBE or state board), and the terms for student progression and award of credit.

Commissioner's Powers and Duties

The commissioner is the chief educational officer of the state and is responsible for assisting the SBE in enforcing compliance with the mission and goals of the K-20 education system except for the State University System.¹

To facilitate innovative practices and to allow local selection of educational methods, the state board may authorize the commissioner to waive, upon request of a district school board, SBE rules regarding district school instruction and operations, except the rules that relate to civil rights, and student health, safety, and welfare.² The law prohibits the commissioner from granting waivers for certain specified provisions in rule (e.g., the allocation and appropriation of state and local funds for public education, graduation and state accountability standards, financial reporting requirements, public meetings, public records, and due process hearings governed by chapter 120).³ Annually, by January 1, the commissioner must report to the Legislature and the state board all approved waiver requests from the preceding year.⁴

Student Progression

Regarding student progression, the Legislature intends that:⁵

- Each student's progression from one grade to another is determined, in part, upon satisfactory performance in English Language Arts (ELA), mathematics, science, and social studies.
- District school board policies facilitate student achievement.
- Each student and his or her parent be informed of the student's academic progress.
- Students have access to educational options that provide academically challenging coursework or accelerated instruction.⁶

Each district school board must establish a comprehensive plan for student progression which provides for a student's progression from one grade to another based on the student's mastery of ELA, mathematics, science, and social studies standards.⁷

¹ Section 1001.10(1), F.S.

² Section 1001.10(3), F.S.

³ Section 1001.10(3), F.S.

⁴ *Id.*

⁵ Section 1008.25(1), F.S.

⁶ The Legislature established the Academically Challenging Curriculum to Enhance Learning (ACCEL) options in 2012 to provide rigorous and accelerated instruction to eligible public school students in kindergarten through grade 12. Section 1002.3105(1)(a), F.S.

⁷ Section 1008.25(2), F.S.; *see also* Rule 6A-1.09401(3), F.A.C.

Each student must participate in the statewide, standardized assessment program.⁸ A student who does not score Level 3 or above on the statewide, standardized ELA assessment, statewide, standardized mathematics assessment, or the Algebra I end-of-course (EOC) assessment must be evaluated to determine the nature of student's difficulty, the areas of academic need, and strategies for providing supports to improve the student's performance.⁹ The law specifies that a student must pass the grade 3 ELA assessment to be promoted to grade 4.¹⁰ A student retained in grade 3 must be provided intensive reading interventions to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment.¹¹ The law also authorizes midyear promotion of a student who is retained in grade 3 to grade 4 after the student demonstrates ability to read and perform at or above grade level in ELA.¹²

Award of Credit

For the purposes of satisfying high school graduation requirements, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as authorized under the Credit Acceleration Program (CAP).¹³ The CAP is created for the purpose of allowing a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology if the student attains a passing score on the statewide, standardized EOC assessment, without enrolling in or completing the corresponding course.¹⁴ In doing so, the Legislature has authorized the ability of students to earn credit by demonstrating subject area competency based on the students' performance on specified assessments without requiring the students to enroll in and complete the corresponding courses.

With regards to a school district that is authorized to implement block scheduling by the district school board, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for fulfilling high school graduation requirements.¹⁵ The state board must determine the number of postsecondary credit hours earned through dual enrollment and that equal one full credit of the equivalent high school course.¹⁶

⁸ Section 1008.25(4)(a), F.S.

⁹ *Id.*

¹⁰ To be promoted to grade 4, a student must score at Level 2 or higher on the grade 3 ELA assessment. A student must be retained in grade 3 if the student does not score Level 2 or higher on the grade 3 ELA assessment. Section 1008.25(5)(b), F.S. Florida law authorizes seven good cause exemptions from mandatory retention in grade 3. Section 1008.25(6)(b), F.S.

¹¹ Section 1008.25(7)(a), F.S.

¹² Section 1008.25(7)(b)3., F.S.; *see also* Rule 6a-1.094222, F.A.C.

¹³ Section 1003.436(1)(a), F.S. A "full-time equivalent student" is a student who receives instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. The definition of a "full-time equivalent student" also includes students who receive instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3. Section 1011.61(1)(a)1.-2., F.S.

¹⁴ Section 1003.4295(3), F.S.

¹⁵ Section 1003.436(1)(a), F.S.

¹⁶ *Id.*

To award credit for high school graduation, each district school board must maintain a one-half credit earned system that includes courses provided on a full-year basis.¹⁷ A student enrolled in a full-year course must receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to complete the other half of the course.¹⁸

III. Effect of Proposed Changes:

PCS/CS/SB 1714 promotes competency-based student learning opportunities. Specifically, the bill defines competency-based education and:

- Establishes a competency-based innovation pilot program (pilot program) within the Department of Education (DOE or department) for five years.
- Specifies pilot program related requirements.
- Authorizes waivers from certain requirements in State Board of Education (SBE or state board) rule.
- Requires students participating in the pilot program at participating schools to be reported for funding in accordance with current law.
- Specifies repeal of the pilot program effective June 30, 2021.

Public schools in Lake County, Pinellas County,¹⁹ Seminole County, Palm Beach County, the P.K. Yonge Developmental Research School,²⁰ and school districts or charter schools designated by the Commissioner of Education (commissioner) may apply to the department for approval of their pilot program.

Definition

The bill defines “competency-based education” as “a system in which a student may advance to higher levels of learning after demonstrating a mastery of concepts and skills instead of after a specified timeframe.” As a result, students will be able to demonstrate subject area and grade level competency through various methods such as performance on statewide, standardized assessments, without enrolling in and completing the corresponding courses.

¹⁷ Section 1003.436(2), F.S.

¹⁸ *Id.*

¹⁹ Lake and Pinellas County schools received the Next Generations Systems Initiative Grant award from the Bill and Melinda Gates Foundation to implement personalized learning in all schools in the County by specified timeframes. Lake County Schools, *What is the Next Generation Systems Initiative Grant?*, <http://www.lake.k12.fl.us/Page/38471> (last visited Jan. 17, 2016) and Pinellas County Schools, *PCS Receives Funding for Personalized Learning Initiative*, <http://newsroom.pcsb.org/pcs-receives-funding-for-personalized-learning-initiative/> (last visited Jan. 17, 2016); *see also* Gates Foundation, *Awarded Grants*, <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database#q/k=next%20generation%20systems%20initiative> (last visited Jan. 18, 2016)..

²⁰ P.K. Yonge Developmental Research School is established as a developmental research school (lab school) pursuant to s. 1002.32(2), F.S., and is affiliated with the University of Florida, located in Gainesville, Florida. The mission of a lab school is to provide a vehicle for conducting research on and evaluation of management, teaching, and learning. The primary goal of a lab school is to enhance instruction and research in specialized subjects (e.g., mathematics, science, and computer science) by using resources available on a state university campus, while also providing an education in nonspecialized subjects. Section 1002.32(3), F.S.

Application Requirements

The bill specifies that the schools in the identified counties, P.K. Yonge Developmental Research School, and school districts or charter schools designated by the commissioner may submit their application on a form and by a date specified by the department. The application must include, at a minimum, the following pilot program-specific information:

- Vision and timeline, including the timeframe for districtwide implementation of competency-based education.
- Annual goals and performance outcomes that participating schools must meet (e.g., student performance,²¹ promotion and retention rates, graduation rates, and indicators of college and career readiness).
- Communication plan for stakeholders, including businesses and community members.
- Scope of, and timeline for, professional development.
- Plan for:
 - Student progression based on mastery of skills, including the ways to determine the degree to which a student has attained mastery of concepts and skills.
 - Using technology and digital and blended learning to enhance student achievement and to facilitate competency-based education.
 - How resources will be allocated at the district- and school-level.
- Recruitment and selection of participating schools.
- Rules to be waived to implement the pilot program.

The application requirements affords program transparency and accountability by specifying the information that the authorized schools must submit to the department for approval of their pilot program, and the exemption from certain state board rules for the schools that the DOE approves to implement the pilot program.

Authorized Waivers

In addition to the state board's authority to allow the commissioner to waive, upon request of a district school board, certain SBE rules regarding district school instruction and operations, the bill authorizes the state board to allow the commissioner to grant additional waivers from state board rules related to student progression and award of credit. As a result, students will be able to earn credit by demonstrating subject area and grade level competency through performance on statewide, standardized assessments, without enrolling in and completing the corresponding courses. Currently, the Credit Acceleration Program (CAP) allows students to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology if the students attain a passing score on the statewide, standardized end-of-course (EOC) assessment, without enrolling in or completing the corresponding course.²² The bill expands this mechanism for earning high school credit to include statewide, standardized comprehensive assessments for grades 9 and 10 English Language Arts (ELA).

²¹ "Student performance," "student academic performance," or "academic performance" include, but is not limited to, student learning growth, achievement levels, and learning gains on statewide, standardized assessments. Section 1008.34(1)(c), F.S.

²² Section 1003.4295(3), F.S.

Additionally, the bill allows waivers from state board rules to also apply to student progression decisions. As a result, a student may be promoted from one grade to the next grade level, by subject area, based on his or her performance on statewide, standardized comprehensive assessments for grades 3-10 ELA, grades 3-8 mathematics, and grades 5 and 8 science, without completing the corresponding course requirements. For instance, under the bill, a student in grade 3 may be promoted to grade 4 ELA if he or she demonstrates competency through performance on the grade 3 ELA assessment without completing the corresponding grade 3 ELA course requirements.

The bill provisions regarding waivers from student progression- and award of credit-related state board rules may also apply to the Civics EOC assessment and students with disabilities who take the Florida Alternate Assessment.

Funding

The bill requires students participating in the pilot program at participating schools to be reported for funding in accordance with current law.²³

Department of Education Requirements

The bill requires the department to:

- Compile student and staff schedules before and after implementation of the pilot program.
- Provide access to the statewide, standardized comprehensive and EOC assessments.²⁴
- Submit a report annually, by June 1, summarizing the activities and accomplishments of the pilot programs and recommendations for statutory revisions for statewide implementation to the Governor, President of the Senate, and the Speaker of the House of Representatives.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²³ Section 1011.62, F.S.

²⁴ Annually, the department publishes the Florida Statewide Assessment Program Schedule (assessment schedule). The assessment schedule specifies the dates for administering the statewide, standardized assessments during the Fall and Spring terms. Section 1008.22(3)(d) and (7), F.S.; *see also* Florida Department of Education, *Assessment Schedules*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/assessment-schedules.shtml> (last visited Jan. 17, 2016).

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

PCS/CS/SB 1714 has no impact on state funds. The program is voluntary and it is unknown if any school districts will participate. However, if a district chooses to participate, any fiscal impact would be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

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

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

Recommended CS/CS by Appropriations Subcommittee on Education on February 17, 2016:

The committee substitute includes Seminole County and Palm Beach County as eligible school districts to participate in the pilot program.

CS by Pre-K – 12 Education on January 20, 2016:

The committee substitute maintains the substance of SB 1714 with modifications by:

- Specifying that school districts or charter schools designated by the Commissioner of Education, in addition to the schools identified in SB 1714, may also apply to the Department of Education for approval of their pilot program.
- Requiring that students participating in the pilot program at participating schools be reported for funding in accordance with current law.

B. Amendments:

None.

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



733080

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Simmons) recommended the following:

Senate Amendment

Delete lines 31 - 32

and insert:

(2) Public schools in Lake, Pinellas, and Seminole
Counties; P.K. Yonge Developmental Research School; and school
districts or



413348

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Montford) recommended the following:

Senate Amendment to Amendment (733080)

Delete line 5
and insert:
(2) Public schools in Lake, Palm Beach, Pinellas, and Seminole

By the Committee on Education Pre-K - 12; and Senator Brandes

581-02362-16

20161714c1

A bill to be entitled
An act relating to the competency-based innovation pilot program; establishing a competency-based innovation pilot program within the Department of Education; defining the term "competency-based education"; authorizing certain schools to apply to the department for approval of a competency-based innovation pilot program; specifying information to be included in the application; authorizing certain waivers; providing reporting and funding requirements for students participating in the pilot program at participating schools; requiring the department to compile certain information and provide access to statewide, standardized assessments; requiring the department to submit an annual report to the Governor and the Legislature by a specified date; specifying the contents of the annual report; providing for expiration of the pilot program; providing an effective date.

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

Section 1. Competency-based innovation pilot program.—
Beginning with the 2016-2017 school year, a competency-based innovation pilot program is established within the Department of Education.

(1) For the purposes of this section, the term "competency-based education" means a system in which a student may advance to higher levels of learning after demonstrating a mastery of concepts and skills instead of after a specified timeframe.

(2) Public schools in Lake and Pinellas Counties, P.K. Yonge Developmental Research School, and school districts or

581-02362-16

20161714c1

charter schools designated by the Commissioner of Education may submit an application to the department for approval of a competency-based innovation pilot program. The application shall be submitted on a form provided and by a date specified by the department and must include, but need not be limited to, the following:

(a) A vision for the pilot program, including a timeline for the program and the timeframe for districtwide implementation of competency-based education.

(b) Annual goals and performance outcomes that participating schools must meet, including, but not limited to:

1. Student performance, as defined in s. 1008.34, Florida Statutes.

2. Promotion and retention rates.

3. Graduation rates.

4. Indicators of college and career readiness.

(c) A communication plan for stakeholders, including businesses and community members.

(d) A scope of, and a timeline for, professional development.

(e) A plan for student progression based on mastery of concepts and skills, including proposed methods to determine the degree to which a student has attained mastery of concepts and skills.

(f) A plan for using technology and digital and blended learning to enhance student achievement and to facilitate competency-based education.

(g) A plan for how resources will be allocated for the pilot program at both the district and school levels.

581-02362-16

20161714c1

(h) The recruitment and selection of participating schools.

(i) Rules to be waived, as authorized in subsection (3), as necessary to implement the program.

(3) In addition to the waivers provided in s. 1001.10(3), Florida Statutes, the State Board of Education may authorize the Commissioner of Education to grant waivers relating to the awarding of credit and pupil progression.

(4) Students participating in the pilot program at participating schools shall be reported and generate funding consistent with the requirements of s. 1011.62, Florida Statutes.

(5) The department shall:

(a) Compile student and staff schedules before and after implementation of the pilot program.

(b) Provide access to statewide, standardized assessments pursuant to s. 1008.22(3), Florida Statutes.

(c) By June 1 of each year, provide a report summarizing the activities and accomplishments of the pilot programs and any recommendations for statutory revisions for statewide implementation to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(6) This section expires June 30, 2021.

Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

1714

Bill Number (if applicable)

Topic Competency-based Innovation Pilot program Amendment Barcode (if applicable)

Name Alexzandria Khan

Job Title Student

Address 600 SE 3rd Ave

Street

Fort Lauderdale

City

FL

State

33301

Zip

Phone —

Email —

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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2/17/16

Meeting Date

1714

Bill Number (if applicable)

413348

Amendment Barcode (if applicable)

Topic Competency Based Pilot Program

Name Vern Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace

Street

Phone 561-644-2439

Wellington

City

FL

State

33414

Zip

Email VACrawford@msn.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Palm Beach School Board

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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2/17/16
Meeting Date

SB 1714
Bill Number (if applicable)

Topic Competency BASED EDUCATION

Amendment Barcode (if applicable)

Name STEVE SWARTZEL

Job Title CONSULTANT

Address 3058 SPRING OAK AVE
Street

Phone 727/418-9012

PALM HARBOR FL 34681
City State Zip

Email SWARTZELSB@GMAIL.COM

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Pinellas County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2/17/16

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1714

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name

Sue Waltanski

Job Title

Florida Keys Parent

Address

146 Westminster

Street

Tavernier

FL

33070

City

State

Zip

Phone

305 240 1565

Email

kingwolt@yahoo.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Accountabaloney

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/17/2016
Meeting Date

1713
Bill Number (if applicable)

Topic competency-based Innovation

Amendment Barcode (if applicable)

Name Darrick D. McGhee

Job Title Vice President, Johnson & Blanton

Address 537 East Park Avenue
Street

Phone (850) 321-6489

Tallahassee FL 32301
City State Zip

Email darrick@teamjb.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

17
2-17-16

Meeting Date

1714

Bill Number (if applicable)

Topic Competency Based Education Pilot Program

Amendment Barcode (if applicable)

Name Catherine Baer

Job Title Chair

Address 1421 Woodgate Way

Phone

Street

Tallahassee

FL

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing The Tea Party Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

1714
Bill Number (if applicable)

Topic Competency Based Education Pilot Program

Amendment Barcode (if applicable)

Name Beth Overholt

Job Title Parent

Address 4130 Faulkner Lane
Street
Tallahassee 32311
City State Zip

Phone 728-0587

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.17.16

Meeting Date

1714

Bill Number (if applicable)

Topic Competency-based Education

Amendment Barcode (if applicable)

Name Debbie Northam

Job Title Legislative Director

Address 215 S Monroe

Street

Phone 251-2278

JCH

City

FL

State

32301

Zip

Email debbie@excelined.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412
Caption: Senate Appropriations Subcommittee on Education

Type:
Judge:

Started: 2/17/2016 10:02:36 AM
Ends: 2/17/2016 10:38:15 AM **Length:** 00:35:40

10:02:41 AM Sen. Montford
10:03:17 AM Sen. Bullard
10:04:10 AM S 432
10:04:19 AM Matthew Kauffmann, Leg. Asst. to Sen. Hutson
10:05:31 AM S 442
10:05:50 AM William McRae, Leg. Asst. to Sen. Flores
10:06:33 AM S 1076
10:07:01 AM Sen. Legg
10:07:04 AM Am. 640600
10:07:05 AM Sen. Legg
10:08:00 AM S 1076 (cont.)
10:08:08 AM Debbie Mortham, Legislative Director, Foundation for Florida's Future (waives in support)
10:09:15 AM S 1418
10:09:19 AM Sen. Simmons
10:09:50 AM Am. 723248
10:10:03 AM Sen. Simmons
10:10:29 AM S 1418 (cont.)
10:11:39 AM S 1356
10:11:50 AM Trent Phillips, Leg. Asst. to Sen. Brandes
10:12:24 AM Sen. Bullard
10:12:34 AM T. Phillips
10:12:59 AM Sen. Bullards
10:13:09 AM John Palmerini, Associate General Counsel, Orange County School Board
10:13:55 AM Sen. Bullard
10:14:13 AM J. Palmerini
10:14:40 AM Kevin Watson, Lobbyist, FL Education Assn.
10:16:28 AM Cody Woody, Govt. Relations Asst., Orange County Public Schools
10:16:44 AM Sen. Bullard
10:17:27 AM Sen. Legg
10:17:47 AM S 944
10:17:51 AM Sen. Richter
10:19:31 AM S 1714
10:19:37 AM Trent Phillips, Leg. Asst. to Sen. Brandes
10:20:10 AM Am. 733080
10:20:17 AM T. Phillips
10:20:22 AM Am. 413348
10:20:28 AM Sen. Montford
10:20:53 AM Vern Pickup-Crawford, Legislative Liaison, Palm Beach School Board
10:20:58 AM Am. 977080 (cont.)
10:21:09 AM S 1714 (cont.)
10:21:16 AM Steve Swartzel, Consultant, Pinellas County Schools (waives in support)
10:21:24 AM Sue Waltanski, Florida Keys Parent, Accountabaloney
10:23:49 AM Darrick McGhee, Vice President of Johnson and Blanton - FL Chamber of Commerce (waives in support)
10:23:54 AM Catherine Baer, Chair, The Tea Party Network (waives in opposition)
10:23:57 AM Beth Overholt, Parent (waives in opposition)
10:24:02 AM Debbie Mortham, Legislative Director, Foundation of Florida's Future (waives in support)
10:24:08 AM Alexzandria Khan, Student
10:24:56 AM Sen. Bullard
10:26:53 AM S 1196
10:27:23 AM Dee Alexander, Leg. Asst. to Sen. Bean
10:28:41 AM S 1670
10:28:45 AM Dee Alexander, Leg. Asst. to Sen. Bean

10:29:51 AM Frank Meiners, Center for Fine Arts Education
10:30:43 AM Fely Curva, Ph.D., Partner, Curva and Associates, LLC, Society of Health and Physical
10:31:45 AM S 1126
10:32:13 AM Sen. Legg
10:32:57 AM Lara Mattina, Parent of Deaf Child
10:35:02 AM Ryan Mattina, Parent of Deaf Child
10:36:33 AM Zoe Mattina, Deaf Child
10:36:59 AM Theresa Bulger, Advocate, FL Families, Coalition for Spoken Language, FL Academy of Audiologists
(waives in support)
10:37:38 AM S 1462



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Education, *Chair*
Appropriations
Education Pre-K - 12
Ethics and Elections
Health Policy
Higher Education
Rules

SENATOR DON GAETZ
1st District

February 17, 2016

The Honorable Andy Gardiner
President
The Florida Senate
409 Capitol Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear President Gardiner,

I respectfully request to be excused from the Senate Education Appropriations Subcommittee meeting today, Wednesday, February 17, 2016. My absence today was due to a time conflict with my bill presentation in the Health and Human Services Appropriations Subcommittee.

Thank you for your consideration.

Respectfully,

Senator Don Gaetz

cc: Mr. Tim Elwell

REPLY TO:

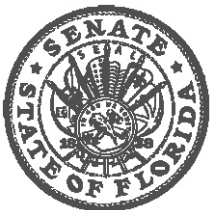
- ☐ 4300 Legendary Drive, Suite 230, Destin, FL 32541 (850) 897-5747 FAX: (888) 263-2259
- ☐ 420 Senate Office Building, 404 South Monroe Street, Tallahassee, FL 32399-1100 (850) 487-5001
- ☐ 5230 West U.S. Highway 98, Administration Building, 2nd Floor, Panama City, FL 32401 (850) 747-5856

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

SENATE APPROPRIATIONS
RECEIVED
16 FEB 17 AM 11:11
STAFF DIR. STAFF



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Reapportionment, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Education
Education Pre-K - 12
Health Policy
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR BILL GALVANO

Majority Leader
26th District

February 17, 2016

Senator Don Gaetz
President Florida Senate
409 Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear President Gaetz:

I am writing to request approval to be excused from the Committee on Education Appropriations meeting held today, Wednesday, February 17, 2016. I apologize for the delay in sending this request.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bill".

Bill Galvano

Cc: Tim Elwell
Joanne Bennett

REPLY TO:

- ☐ 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205 (941) 741-3401
- ☐ 330 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education Pre-K - 12, Chair
Ethics and Elections, Vice Chair
Appropriations Subcommittee on Education
Fiscal Policy
Government Oversight and Accountability
Higher Education

SENATOR JOHN LEGG

17th District

Legg.John.web@FLSenate.gov

January 25, 2016

The Honorable Don Gaetz
Appropriations Subcommittee on Education, Chair
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

RE: Excused Absence

Dear Chair Gaetz:

I am unable to attend the Appropriations Subcommittee on Education on Monday, January 25, 2016, and I respectfully request that this absence be excused. My mother has suffered a critical health incident, and my presence is needed at home. Your leadership and consideration are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John Legg", with a long horizontal stroke extending to the right.

John Legg
State Senator, District 17

cc: Tim Elwell, Staff Director
JoAnne Bennett, Administrative Assistant

REPLY TO:

- ☐ 262 Crystal Grove Boulevard, Lutz, Florida 33548 (813) 909-9919
- ☐ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore