

Tab 1	SB 468 by Stargel; (Similar to CS/H 00757) Voluntary Prekindergarten Education						
395600	D	S	RCS	AED, Stargel	Delete everything after	04/20 04:03 PM	
Tab 2	SB 808 by Mayfield; (Similar to CS/H 00591) Maximum Class Size						
Tab 3	CS/SB 868 by ED, Baxley; (Compare to CS/H 00833) Educational Options and Services						
232574	A	S	RCS	AED, Baxley	Delete L.220 - 245.	04/20 04:01 PM	
Tab 4	CS/SB 984 by ED, Bean (CO-INTRODUCERS) Broxson, Mayfield, Brandes, Baxley, Garcia; (Similar to CS/H 01131) Shared Use of Public School Playground Facilities						
970744	A	S	RCS	AED, Bean	Delete L.69 - 100:	04/20 03:59 PM	
Tab 5	SB 1302 by Gibson; (Similar to CS/H 01109) Private School Student Participation in Extracurricular Activities						
465790	A	S	L RCS	AED, Gibson	Delete L.25:	04/20 04:03 PM	
Tab 6	CS/SB 1368 by ED, Perry (CO-INTRODUCERS) Mayfield; (Compare to CS/H 00127) Exceptional Students						
Tab 7	CS/SB 1468 by ED, Galvano; (Compare to H 01365) Education						
Tab 8	CS/SB 1552 by ED, Simmons; (Compare to H 05003) Florida Best and Brightest Teacher and Principal Scholar Award Program						
475992	A	S	L RCS	AED, Simmons	Before L.18:	04/20 04:40 PM	
Tab 9	CS/SB 1598 by ED, Brandes (CO-INTRODUCERS) Perry; (Compare to CS/1ST ENG/H 01111) Education						
276152	A	S	RCS	AED, Brandes	Delete L.183 - 187:	04/20 03:59 PM	
795070	A	S	L RCS	AED, Farmer	btw L.109 - 110:	04/20 03:59 PM	
371864	A	S	L RCS	AED, Montford	Delete L.547 - 555.	04/20 03:59 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON PRE-K - 12
EDUCATION
Senator Simmons, Chair
Senator Young, Vice Chair

MEETING DATE: Tuesday, April 18, 2017
TIME: 1:30—3:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Simmons, Chair; Senator Young, Vice Chair; Senators Broxson, Farmer, Grimsley, Lee, Montford, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 468 Stargel (Similar CS/H 757)	Voluntary Prekindergarten Education; Requiring the Just Read, Florida! Office to provide teachers, reading coaches, and principals in prekindergarten through grade 3 with specified training; requiring voluntary prekindergarten providers to provide parents with pre- and post- assessment results within a specified timeframe, etc. ED 04/03/2017 Favorable AED 04/18/2017 Fav/CS AP RC	Fav/CS Yeas 7 Nays 0
2	SB 808 Mayfield (Similar CS/H 591)	Maximum Class Size; Revising requirements for charter school compliance with maximum class size requirements; calculating a school district's class size categorical allocation reduction at the school average when maximum class size requirements are not met; revising requirements for compliance with maximum class size requirements for a school participating in the Principal Autonomy Pilot Project Program, etc. ED 03/21/2017 Favorable AED 04/18/2017 Favorable AP RC	Favorable Yeas 7 Nays 0
3	CS/SB 868 Education / Baxley (Compare CS/H 833, S 692, S 1252)	Educational Options and Services; Providing that a client of the Division of Blind Services is considered an employee of the state for workers' compensation coverage; revising student eligibility requirements for the Florida Virtual School and virtual instruction programs; requiring an institution that seeks initial approval after a specified date to offer a graduate-level teacher preparation program to offer students certain options, etc. ED 03/27/2017 Workshop-Discussed ED 04/03/2017 Fav/CS AED 04/18/2017 Fav/CS AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Pre-K - 12 Education
 Tuesday, April 18, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 984 Education / Bean (Similar CS/H 1131)	Shared Use of Public School Playground Facilities; Requiring the Department of Education to provide specified assistance to school districts; providing for funding as established in the General Appropriations Act; requiring funding priority to be given to high-need communities; creating the Shared Use Task Force within the department, etc. ED 04/03/2017 Fav/CS AED 04/18/2017 Fav/CS AP	Fav/CS Yeas 7 Nays 0
5	SB 1302 Gibson (Similar CS/H 1109)	Private School Student Participation in Extracurricular Activities; Revising the eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports at specified public schools, etc. ED 03/27/2017 Workshop-Discussed ED 04/03/2017 Favorable AED 04/18/2017 Fav/CS AP RC	Fav/CS Yeas 7 Nays 0
6	CS/SB 1368 Education / Perry (Compare CS/H 127, H 655, S 1128)	Exceptional Students; Authorizing a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner; prohibiting certain school districts from declining to provide or contract for certain students' educational instruction, etc. ED 04/03/2017 Fav/CS AED 04/18/2017 Favorable AP RC	Favorable Yeas 7 Nays 0
7	CS/SB 1468 Education / Galvano (Compare H 1365, H 5003, S 824, S 2502, S 2516)	Education; Requiring the Auditor General to conduct annual audits of the Florida School for the Deaf and the Blind; creating the Early Childhood Music Education Incentive Pilot Program within the Department of Education for a specified period, etc. ED 04/03/2017 Fav/CS AED 04/18/2017 Favorable AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Pre-K - 12 Education
Tuesday, April 18, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	CS/SB 1552 Education / Simmons (Compare H 5003, CS/H 7069, S 1410)	Florida Best and Brightest Teacher and Principal Scholar Award Program; Creating the Florida Best and Brightest Teacher and Principal Scholar Award Program to be administered by the Department of Education; providing timelines and requirements for program implementation; requiring the State Board of Education to adopt rules, etc. ED 04/03/2017 Fav/CS AED 04/18/2017 Fav/CS AP RC	Fav/CS Yeas 7 Nays 0
9	CS/SB 1598 Education / Brandes (Compare CS/H 1111, CS/CS/H 1331, S 1474)	Education; Authorizing the Department of Corrections to contract with charter schools to provide education services to the Correctional Education Program; creating the Schools of Excellence Program; providing additional authority and responsibilities to the principal of a School of Excellence; authorizing certain high school educational facilities to be located on a public or private postsecondary institution campus under certain circumstances, etc. ED 04/03/2017 Fav/CS AED 04/18/2017 Fav/CS AP	Fav/CS Yeas 7 Nays 0
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 Pre-K - 12 Education

BILL: PCS/SB 468 (114168)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education and Senator Stargel

SUBJECT: Voluntary Prekindergarten Education

DATE: April 18, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 468 revises provisions related to the Voluntary Prekindergarten Education (VPK) program and duties of the Just Read! Florida Office (Just Read! Florida). Specifically, the bill:

- Requires the Just Read, Florida! to train Voluntary Prekindergarten through grade 3 teachers, reading coaches, and school principals on effective research-based instructional strategies.
- Requires the Office of Early Learning (OEL) to determine eligibility for enrollment and reenrollment in the school year VPK program.
- Requires each early learning coalition (ELC) to coordinate with the OEL to assign student identification numbers to each student who enrolls in the program.
- Clarifies that the Department of Education (DOE) must adopt a single statewide kindergarten readiness screening that is a direct assessment of early literacy and numeracy skills.
- Requires private prekindergarten providers and public schools in the VPK program to provide parents with the results of the pre- and post- assessment within 10 days after the administering the assessment.
 - Requires the results of the pre- and post- assessments to be reported at the aggregate level, distributed to the respective ELCs and school districts, and displayed on the OEL’s website within 30 days after the administration of the assessment.
- Authorizes a child who is at risk of not attaining the performance standards specified in law to reenroll, at the request of the child’s parent, in one of the school-year programs offered by a provider that has met the adopted minimum readiness rate provided in law for the subsequent year.

The bill does not impact state expenditures in the 2017-2018 fiscal year, The bill allows, beginning in the 2018-2019 school year, a child who is at risk of not attaining the performance standards specified in law to reenroll, at the request of the child's parent, in one of the school-year VPK programs offered by a provider that has met the adopted minimum readiness rate for the subsequent year. The cost of authorizing VPK reenrollment for these children is indeterminate.

The bill takes effect July 1, 2017.

II. Present Situation:

In 2004, the Legislature established the Voluntary Prekindergarten Education (VPK) Program, a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.¹

Voluntary Prekindergarten Education Program

Florida's Office of Early Learning (OEL) governs the day-to-day operations of the VPK program.² The OEL oversees early learning coalitions (ELCs) regarding child enrollment, attendance reporting, and reimbursement of VPK program providers and monitors VPK program providers for compliance with program requirements.³ The OEL administers the accountability requirements of the VPK program at the state level.⁴ The Florida Department of Education (DOE) is responsible for adopting and requiring each school district to administer a statewide kindergarten readiness screening within the first 30 days of each school year.⁵

Local oversight of the VPK program is provided by the early learning coalitions (ELC) and school districts.⁶ Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.⁷ Each ELC must coordinate with each school district in the coalition's service area to develop procedures for enrolling children in public school VPK programs.⁸ Local oversight of individual VPK programs is split, with the ELCs providing administration over programs delivered by the private prekindergarten providers and school districts administering the public school VPK programs.⁹

Child Eligibility and Enrollment

The OEL is responsible for determining eligibility criteria for VPK programs.¹⁰ A child is eligible if he or she is four years of age on or before September 1 of the school year during which

¹ Section 1, ch 2004-484, L.O.F.; part V, ch. 1002, F.S.

² Sections 1001.213 and 1002.75, F.S.

³ Section 1002.75, F.S.

⁴ *Id.*

⁵ Sections 1002.69(1) and 1002.73, F.S.

⁶ Section 1002.53(4), F.S.

⁷ *Id.* at (4)(a).

⁸ *Id.* at (4)(c).

⁹ Sections 1002.55(1), 1002.61(1)(a)-(b) and 1002.63(1), F.S.

¹⁰ Section 1002.75(2)(a).

he or she is enrolling and until the school year during which the child is eligible for admission or is admitted to kindergarten, whichever occurs first.¹¹

A child involved in a VPK program specified in law may withdraw from the VPK program for good cause¹² and reenroll, provided the child has not completed more than 70 percent of the authorized program hours or expended more than 70 percent of the authorized funds.¹³ A child that has not substantially completed any VPK Program can withdraw from the program due to an extreme hardship beyond the child's or parent's control, reenroll in one of the summer programs and be reported as a full-time equivalent student in the summer program.¹⁴

VPK Program Accountability

The OEL is required to develop and adopt performance standards for students enrolled in a VPK program.¹⁵ The performance standards must address the age-appropriate progress of students in the development of:¹⁶

- The capabilities, capacities, and skills required under Art. IX, s. 1(b), of the Florida Constitution;¹⁷ and
- Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic awareness, and vocabulary and comprehension development.

Florida law requires the DOE to adopt a statewide kindergarten screening (screening) that assesses the readiness of each student for kindergarten based upon the performance standards¹⁸ adopted for the VPK program.¹⁹ The screening must be administered to each kindergarten student in a school district within the first 30 school days of each school year.²⁰ Data from the screening is used to calculate the VPK provider kindergarten readiness rate.²¹

The OEL annually calculates each public school's or private provider's kindergarten readiness rate based on the percentage of students who have met all state readiness measures and student learning gains, as determined by the results of the pre- and post-assessments during at least two years.²² Currently, the instrument is a developmental screening tool based on the Work Sampling System (WSS).²³ A subset of WSS performance indicators is provided in five domains: Personal

¹¹ Section 1002.53(2), F.S.

¹² Section 1002.71(4)(b), F.S.

¹³ *Id.* at (4)(a).

¹⁴ Section 1002.71(4)(b), F.S.

¹⁵ Section 1002.67(1)(a), F.S.

¹⁶ *Id.*

¹⁷ An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.. Art. IX, s. X, Fla. Const.

¹⁸ Section 1002.67(1), F.S.

¹⁹ Section 1002.69(1), F.S.

²⁰ *Id.*

²¹ *Id.* at (5).

²² *Id.* at (4) – (5).

²³ Email, Florida Department of Education (March 30, 2017).

and Social Development; Language and Literacy; Mathematical Thinking; Scientific Thinking; and Physical Development, Health, and Safety.²⁴

Additionally, each VPK program private prekindergarten provider and public school must administer an evidence-based pre- and post-assessment approved by the State Board of Education, which must be valid, reliable, developmentally appropriate, and designed to measure student progress on a variety of domains, including, but not limited to, early literacy and language.²⁵

Just Read, Florida! Office

In 2006, the Legislature created the Just Read, Florida! Office (Office) within the DOE to oversee implementation of the statewide public school reading requirements.²⁶ The Office is required to, among other things:²⁷

- Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading allocation.²⁸
- Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan.
- Work with the Florida Center for Reading Research²⁹ to provide information on research-based reading programs and effective reading in the content area strategies.
- Train kindergarten through grade 12 teachers and school principals on effective content-area-specific reading strategies.

Florida law requires DOE to monitor and track the implementation of each district's K-12 comprehensive reading plan and report its findings annually to the Legislature by February 1.³⁰

²⁴ Florida's Office of Early Learning, *VPK Prekindergarten Readiness Rate Resources for Parents*, <https://vpk.fldoe.org/InfoPages/ParentInfo.aspx> (last visited March 31, 2017); Florida's Office of Early Learning, *Florida Kindergarten Readiness Screener (FLKRS)*, http://www.floridaearlylearning.com/providers/provider_resources/florida_kindergarten_readiness_screener.aspx (last visited March 31, 2017).

²⁵ Section 1002.67(1)(a), F.S. The OEL must periodically review and revise the performance standards for the statewide kindergarten screening and align the standards to those established by the State Board of Education for student performance on statewide, standardized assessments. *Id.* at (1)(b).

²⁶ Section 8, ch. 2006-74, L.O.F., *codified as* s. 1001.215, F.S.

²⁷ Section 1001.215, F.S.

²⁸ Each school district is required to annually submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation. The reading plans are submitted to and approved by the Just Read, Florida! Office. Section 1011.62(9)(d), F.S. The requirements for the reading plans are set forth in rule by the State Board of Education. Rule 6A-6.053, F.A.C.

²⁹ The Florida Center for Reading Research (FCRR) was created at the Florida State University and includes two outreach centers, one at a Florida College System institution in central Florida and one at a south Florida state university. Section 1004.645, F.S. The FCRR conducts basic research on reading, reading growth, reading assessment, and reading instruction; disseminates information about research-based practices related to literacy instruction and assessment; conducts applied research; and provides technical assistance to Florida's schools and the Just Read, Florida! Office. *See* Florida State University, Florida Center for Reading Instruction, *The Center's Four Part Mission*, <http://www.fcrr.org/> (last visited March 31, 2017).

³⁰ Section 1011.62(9)(d), F.S.

Florida Center for Reading Research

In 2006, the Legislature created The Florida Center for Reading Research at Florida State University³¹ to:

- Provide technical assistance and support to all school districts and schools in this state in the implementation of evidence-based literacy instruction, assessments, programs, and professional development
- Conduct applied research that will have an immediate impact on policy and practices related to literacy instruction and assessment in this state with an emphasis on struggling readers and reading in the content area strategies and methods for secondary teachers.
- Conduct basic research on reading, reading growth, reading assessment, and reading instruction, which will contribute to scientific knowledge about reading.
- Collaborate with the Just Read! Florida Office and school districts in the development of frameworks for comprehensive reading intervention courses for possible use in middle schools and secondary schools.
- Collaborate with the Just Read! Florida Office and school districts in the development of frameworks for professional development activities, using multiple delivery methods for teaching reading in the content area.
- Disseminate information about research-based practices related to literacy instruction, assessment, and programs for students in preschool through grade 12.
- Collect, manage, and report on assessment information from screening, progress monitoring, and outcome assessments through the Florida Progress Monitoring and Reporting Network. The network is a statewide resource that is operated to provide valid and timely reading assessment data for parents, teachers, principals, and district-level and state-level staff in the management of instruction at the individual, classroom, and school levels.³²

III. Effect of Proposed Changes:

The bill revises provisions related to the Voluntary Prekindergarten Education (VPK) program and duties of the Just Read! Florida Office (Just Read! Florida). Specifically, the bill:

- Requires the Just Read, Florida! to train Voluntary Prekindergarten through grade 3 teachers, reading coaches, and school principals on effective research-based instructional strategies.
- Requires the Office of Early Learning (OEL) to determine eligibility for enrollment and reenrollment in the school year VPK program.
- Requires each early learning coalition (ELC) to coordinate with the OEL to assign student identification numbers to each student who enrolls in the program.
- Clarifies that the Department of Education must adopt a single statewide kindergarten readiness screening that is a direct assessment of early literacy and numeracy skills.
- Requires private prekindergarten providers and public schools in the VPK program to provide parents with the results of the pre- and post- assessment within 10 days after the administering the assessment.
 - Requires the results of the pre- and post- assessments to be reported at the aggregate level, distributed to the respective ELCs and school districts, and displayed on the OEL's website within 30 days after the administration of the assessment.

³¹ Section 34, chapter 2006-74, L.O.F..

³² Section 1004.645, F.S.

- Authorizes a child who is at risk of not attaining the performance standards specified in law to reenroll, at the request of the child's parent, in one of the school-year programs offered by a provider that has met the adopted minimum readiness rate provided in law for the subsequent year.

Voluntary Prekindergarten Education Program (Sections 2 through 6)

Section 2 amends s. 1002.51, F.S., to define a "public school prekindergarten provider" to include a charter school authorized to provide a prekindergarten program in its charter that is eligible to deliver a prekindergarten program as specified in law.

Sections 4 and 5 amends ss. 1002.67 and 1002.69, F.S., respectively, to make several changes regarding VPK assessments. Section 3 requires that each public and private school in the VPK Education Program provide parents the results of the pre- and post-assessments, including any resources that might be helpful to their students, within 10 days after administration of the assessment. This section also requires the results be reported at the aggregate level, distributed to the respective ELC and districts and be available on the office's website 30 days after administering the assessment. These provisions may help parents provide instructional support at home to improve student performance outcomes and may result in greater transparency in identifying successful VPK programs.

Section 5 requires the statewide kindergarten screening to be a single instrument that emphasizes and directly assesses early literacy and numeracy skills. A single screening instrument may provide greater consistency across the state in assessing the kindergarten readiness rate and greater accountability for VPK programs.

Section 6 amends s. 1002.71, F.S., to authorize, beginning in the 2018-2019 school year, a child who is at risk of not attaining the performance standards specified in law to reenroll, at the request of the child's parent, in one of the school-year programs offered by a provider that has met the adopted minimum readiness rate provided in law for the subsequent year. Section 3 authorizes the OEL to determine the eligibility criteria for reenrollment in the school year VPK Education Program.

Additionally, section 3 amends s. 1002.53, F.S., to require each ELC to coordinate with the OEL to assign student identification numbers to each VPK student.

Just Read, Florida! Office (Sections 1 and 7)

Section 1 amends s. 1001.215, F.S., to require Just Read! Florida to train VPK through grade 3 teachers and reading coaches on effective research-based reading instructional strategies and interventions. This section also removes the requirement for Just Read! Florida to train grade K-3 teachers and school principals on effective content-area-specific reading strategies, and limits that requirement to grade 4-12 teachers and principals.

Section 1 requires Just Read! Florida to collaborate with the Office of Early Learning to develop the training. Contingent upon legislative appropriation, this training must be designed to be consistently delivered statewide in an appropriate format. This section also requires Just Read!

Florida to collaborate with the Florida Center for Reading Research to develop and provide access to sequenced curriculum programming, instructional practices and resources that help elementary schools use state-adopted instructional materials and content-rich to increase students' knowledge and reading skills.

Accordingly, the bill appears to be placing a greater emphasis on early reading instruction and intervention.

Section 7 amends s. 1011.62, F.S., to change the date the DOE must report its findings annually to the Legislature from February 1 to December 1, and clarifies that the report must include findings from the previous school year.

The bill takes effect July 1, 2017.

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:

According to the Florida Department of Education, early learning coalitions and private VPK program providers may incur additional costs associated with training program delivery, distribution of pre- and post- assessment reports to parents, and issuing or tracking unique student identifiers.³³ Associated costs are indeterminable at this time.³⁴

C. Government Sector Impact:

The bill allows a child who is at risk of not attaining the performance standards specified in law to reenroll, at the request of the child's parent, in one of the school-year VPK programs offered by a provider that has met the adopted minimum readiness rate

³³ Florida Department of Education, *2017 Agency Legislative Bill Analysis for SB 468* (March 17, 2017), at 7.

³⁴ *Id.*

provided in law for the subsequent year. The cost of authorizing VPK reenrollment for these children is indeterminate.

According to the Department of Education, approximately 20 percent of all VPK children are not ready for kindergarten; therefore, approximately 20 percent of the 157,000 VPK students, or 31,000 children, could potentially opt to retake the school-year program at a projected cost of \$75.5 million (31,000 x \$2,437). However, the actual number of parents who would choose this option is unknown, as it is unlikely that most parents would choose to reenroll their child in VPK rather than attending kindergarten. Current law allows a parent to postpone enrollment in a VPK program for one year if the parents feels the children is not ready. Only 374 children statewide utilized this option in the 2016-2017 fiscal year.³⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.215, 1002.51, 1002.53, 1002.67, 1002.69, 1002.71, and 1011.62.

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 by Appropriations Subcommittee on Pre-K-12 Education on April 18, 2017:

The committee substitute:

- Defines a “public school prekindergarten provider” as including a charter school authorized to provide a prekindergarten program in its charter that is eligible to deliver a prekindergarten program as specified in law.
- Requires Just Read! Florida to collaborate with the Florida Center for Reading Research to develop and provide access to sequenced curriculum programming, instructional practices and resources that help elementary schools use state-adopted instructional materials and content-rich to increase students’ knowledge and reading skills.
- Removes the \$10 million appropriation to the Department of Education for the training of VPK through grade 3 teachers, reading coaches, and school principals on research-based reading instructional strategies and interventions.

³⁵ Email, Florida Department of Education, Office of Early Learning (April 13, 2017).

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
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Appropriations Subcommittee on Pre-K - 12 Education (Stargel)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1001.215, Florida Statutes, is amended
to read:

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



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- 11 (1) Train highly effective reading coaches.
- 12 (2) Create multiple designations of effective reading
13 instruction, with accompanying credentials, which encourage all
14 teachers to integrate reading instruction into their content
15 areas.
- 16 (3) Train Voluntary Prekindergarten through grade 3
17 teachers, reading coaches, and school principals on effective
18 research-based reading instructional strategies and
19 interventions for all students. Contingent upon legislative
20 appropriation, this training must be designed to be consistently
21 delivered statewide in an appropriate format. The office shall
22 collaborate with the Office of Early Learning to develop the
23 training.
- 24 (4)~~(3)~~ Train grade 4-12 ~~K-12~~ teachers and school principals
25 on effective content-area-specific reading strategies. For
26 secondary teachers, emphasis shall be on technical text. These
27 strategies must be developed for all content areas in the grade
28 4-12 ~~K-12~~ curriculum.
- 29 (5)~~(4)~~ Provide parents with information and strategies for
30 assisting their children in reading in the content area.
- 31 (6)~~(5)~~ Provide technical assistance to school districts in
32 the development and implementation of district plans for use of
33 the research-based reading instruction allocation provided in s.
34 1011.62(9) and annually review and approve such plans.
- 35 (7)~~(6)~~ Review, evaluate, and provide technical assistance
36 to school districts' implementation of the K-12 comprehensive
37 reading plan required in s. 1011.62(9).
- 38 (8)~~(7)~~ Work with the Florida Center for Reading Research to
39 provide information on research-based reading programs and



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40 effective reading in the content area strategies.

41 (9) Work with the Florida Center for Reading Research to
42 develop and provide access to sequenced curriculum programming,
43 instructional practices, and resources that help elementary
44 schools use state-adopted instructional materials and content-
45 rich texts to increase students' background knowledge and
46 literacy skills consistent with the state academic standards.

47 (10)~~(8)~~ Periodically review the Next Generation Sunshine
48 State Standards for reading at all grade levels.

49 (11)~~(9)~~ Periodically review teacher certification
50 examinations, including alternative certification exams, to
51 ascertain whether the examinations measure the skills needed for
52 research-based reading instruction ~~and instructional strategies~~
53 ~~for teaching reading in the content areas.~~

54 (12)~~(10)~~ Work with teacher preparation programs approved
55 pursuant to s. 1004.04 to integrate research-based reading
56 instructional strategies and reading in the content area
57 instructional strategies into teacher preparation programs.

58 (13)~~(11)~~ Administer grants and perform other functions as
59 necessary to meet the goal that all students read at grade
60 level.

61 Section 2. Subsection (8) is added to section 1002.51,
62 Florida Statutes, to read:

63 1002.51 Definitions.—As used in this part, the term:

64 (8) "Public school prekindergarten provider" includes a
65 charter school that is authorized to provide a prekindergarten
66 program in its charter consistent with s. 1002.33 and that is
67 eligible to deliver the school-year prekindergarten program
68 under s. 1002.63 or the summer prekindergarten program under s.



395600

69 1002.61.

70 Section 3. Paragraph (d) is added to subsection (4) of
71 section 1002.53, Florida Statutes, to read:

72 1002.53 Voluntary Prekindergarten Education Program;
73 eligibility and enrollment.—

74 (4)

75 (d) Each early learning coalition shall coordinate with the
76 Office of Early Learning to assign student identification
77 numbers to each student who enrolls in the Voluntary
78 Prekindergarten Education Program.

79 Section 4. Paragraphs (a) and (c) of subsection (2) of
80 section 1002.67, Florida Statutes, are amended, paragraphs (d)
81 and (e) are added to subsection (3) of that section, present
82 subsection (4) of that section is redesignated as subsection
83 (5), and a new subsection (4) is added to that section, to read:

84 1002.67 Performance standards; curricula and
85 accountability.—

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

91 (c) The office shall review and approve curricula for use
92 by private prekindergarten providers and public schools that are
93 placed on probation under paragraph (5) (c) ~~(4) (e)~~. The office
94 shall maintain a list of the curricula approved under this
95 paragraph. Each approved curriculum must meet the requirements
96 of paragraph (b).

97 (3)



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

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

108 (4) The office shall determine the eligibility criteria for
109 enrollment, as authorized by s. 1002.71(4)(c), and for
110 reenrollment in the school year Voluntary Prekindergarten
111 Education Program.

112 Section 5. Subsections (1) and (2) and paragraphs (a), (e),
113 and (f) of subsection (7) of section 1002.69, Florida Statutes,
114 are amended to read:

115 1002.69 Statewide kindergarten screening; kindergarten
116 readiness rates; state-approved prekindergarten enrollment
117 screening; good cause exemption.—

118 (1) The department shall adopt a single statewide
119 kindergarten screening that assesses the readiness of each
120 student for kindergarten based upon the performance standards
121 adopted by the department under s. 1002.67(1) for the Voluntary
122 Prekindergarten Education Program. The department shall require
123 that each school district administer the statewide kindergarten
124 screening to each kindergarten student in the school district
125 within the first 30 school days of each school year. Nonpublic
126 schools may administer the statewide kindergarten screening to



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127 each kindergarten student in a nonpublic school who was enrolled
128 in the Voluntary Prekindergarten Education Program.

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

135 (7) (a) Notwithstanding s. 1002.67(5)(c)3. ~~s.~~
136 ~~1002.67(4)(e)3.~~, the office, upon the request of a private
137 prekindergarten provider or public school that remains on
138 probation for 2 consecutive years or more and subsequently fails
139 to meet the minimum rate adopted under subsection (6) and for
140 good cause shown, may grant to the provider or school an
141 exemption from being determined ineligible to deliver the
142 Voluntary Prekindergarten Education Program and receive state
143 funds for the program. Such exemption is valid for 1 year and,
144 upon the request of the private prekindergarten provider or
145 public school and for good cause shown, may be renewed.

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

152 (f) If a good cause exemption is granted to a private
153 prekindergarten provider who remains on probation for 2
154 consecutive years, the office shall notify the early learning
155 coalition of the good cause exemption and direct that the



156 coalition, notwithstanding s. 1002.67(5)(c)3. ~~s.~~
157 ~~1002.67(4)(c)3.~~, not remove the provider from eligibility to
158 deliver the Voluntary Prekindergarten Education Program or to
159 receive state funds for the program, if the provider meets all
160 other applicable requirements of this part.

161 Section 6. Paragraph (c) is added to subsection (4) of
162 section 1002.71, Florida Statutes, to read:

163 1002.71 Funding; financial and attendance reporting.—

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

165 (c) Beginning in the 2018-2019 school year, a child who has
166 completed a school-year Voluntary Prekindergarten Education
167 Program but is determined to be at risk of not attaining the
168 performance standards specified by s. 1002.67(1) may reenroll in
169 one of the school-year programs, which is offered by a provider
170 that has met the adopted minimum readiness rate provided under
171 s. 1002.69(6), for the subsequent year at the request of the
172 child's parent. The prekindergarten program may report the child
173 for funding purposes as a full-time equivalent student in the
174 school-year program for which he or she is enrolled.

175
176 A child may reenroll only once in a prekindergarten program
177 under this section. A child who reenrolls in a prekindergarten
178 program under this subsection may not subsequently withdraw from
179 the program and reenroll, unless the child is granted a good
180 cause exemption under this subsection. The Office of Early
181 Learning shall establish criteria specifying whether a good
182 cause exists for a child to withdraw from a program under
183 paragraph (a), whether a child has substantially completed a
184 program under paragraph (b), and whether an extreme hardship



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185 exists which is beyond the child's or parent's control under
186 paragraph (b).

187 Section 7. Paragraph (d) of subsection (9) of section
188 1011.62, Florida Statutes, is amended to read:

189 1011.62 Funds for operation of schools.—If the annual
190 allocation from the Florida Education Finance Program to each
191 district for operation of schools is not determined in the
192 annual appropriations act or the substantive bill implementing
193 the annual appropriations act, it shall be determined as
194 follows:

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

196 (d) Annually, by a date determined by the Department of
197 Education but before May 1, school districts shall submit a K-12
198 comprehensive reading plan for the specific use of the research-
199 based reading instruction allocation in the format prescribed by
200 the department for review and approval by the Just Read,
201 Florida! Office created pursuant to s. 1001.215. The plan
202 annually submitted by school districts shall be deemed approved
203 unless the department rejects the plan on or before June 1. If a
204 school district and the Just Read, Florida! Office cannot reach
205 agreement on the contents of the plan, the school district may
206 appeal to the State Board of Education for resolution. School
207 districts shall be allowed reasonable flexibility in designing
208 their plans and shall be encouraged to offer reading
209 intervention through innovative methods, including career
210 academies. The plan format shall be developed with input from
211 school district personnel, including teachers and principals,
212 and shall allow courses in core, career, and alternative
213 programs that deliver intensive reading remediation through



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214 integrated curricula, provided that the teacher is deemed highly
215 qualified to teach reading or is working toward that status. No
216 later than July 1 annually, the department shall release the
217 school district's allocation of appropriated funds to those
218 districts having approved plans. A school district that spends
219 100 percent of this allocation on its approved plan shall be
220 deemed to have been in compliance with the plan. The department
221 may withhold funds upon a determination that reading instruction
222 allocation funds are not being used to implement the approved
223 plan. The department shall monitor and track the implementation
224 of each district plan, including conducting site visits and
225 collecting specific data on expenditures and reading improvement
226 results. By December ~~February~~ 1 of each year, the department
227 shall report its findings from the previous school year to the
228 Legislature.

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

230

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

232 And the title is amended as follows:

233 Delete everything before the enacting clause
234 and insert:

235 A bill to be entitled
236 An act relating to voluntary prekindergarten
237 education; amending s. 1001.215, F.S.; requiring the
238 Just Read, Florida! Office to provide teachers,
239 reading coaches, and principals in prekindergarten
240 through grade 3 with specified training; requiring the
241 office to work with the Florida Center for Reading
242 Research to develop and provide access to certain



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243 programming, practices, and resources; amending s.
244 1002.51; defining the term "public school
245 prekindergarten provider"; amending s. 1002.53, F.S.;
246 requiring each early learning coalition to coordinate
247 with the Office of Early Learning to assign student
248 identification numbers for the Voluntary
249 Prekindergarten Education Program; amending s.
250 1002.67, F.S.; requiring voluntary prekindergarten
251 providers to provide parents with pre- and post-
252 assessment results within a specified timeframe;
253 providing for the reporting and distribution of the
254 results; requiring the office to determine eligibility
255 criteria for reenrollment; amending s. 1002.69, F.S.;
256 revising requirements for the adoption and use of the
257 statewide kindergarten screening; conforming cross-
258 references; amending s. 1002.71, F.S.; authorizing a
259 child to reenroll in certain school-year programs
260 under certain circumstances; amending s. 1011.62,
261 F.S.; revising the date by which the Department of
262 Education must submit specified information regarding
263 the implementation of school district K-12
264 comprehensive reading plans to the Legislature;
265 providing an effective date.

By Senator Stargel

22-00377B-17

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A bill to be entitled

An act relating to voluntary prekindergarten education; amending s. 1001.215, F.S.; requiring the Just Read, Florida! Office to provide teachers, reading coaches, and principals in prekindergarten through grade 3 with specified training; amending s. 1002.53, F.S.; requiring each early learning coalition to coordinate with the Office of Early Learning to assign student identification numbers for the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring voluntary prekindergarten providers to provide parents with pre- and post-assessment results within a specified timeframe; providing for the reporting and distribution of the results; requiring the office to determine eligibility criteria for reenrollment; amending s. 1002.69, F.S.; revising requirements for the adoption and use of the statewide kindergarten screening; conforming cross-references; amending s. 1002.71, F.S.; authorizing a child to reenroll in certain school-year programs under certain circumstances; amending s. 1011.62, F.S.; revising the date by which the Department of Education must submit specified information regarding the implementation of school district K-12 comprehensive reading plans to the Legislature; providing an appropriation; providing an effective date.

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

Section 1. Present subsections (3) through (11) of section 1001.215, Florida Statutes, are redesignated as subsections (4)

Page 1 of 8

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through (12), respectively, a new subsection (3) is added to that section, and present subsection (3) of that section is amended, to read:

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

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

~~(4)(3)~~ Train grade 4-12 ~~K-12~~ teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the grade 4-12 ~~K-12~~ curriculum.

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

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(4)

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

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62 Section 3. Paragraphs (a) and (c) of subsection (2) of
 63 section 1002.67, Florida Statutes, are amended, paragraphs (d)
 64 and (e) are added to subsection (3) of that section, present
 65 subsection (4) of that section is redesignated as subsection
 66 (5), and a new subsection (4) is added to that section, to read:
 67 1002.67 Performance standards; curricula and
 68 accountability.—

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

74 (c) The office shall review and approve curricula for use
 75 by private prekindergarten providers and public schools that are
 76 placed on probation under paragraph (5) (c) ~~(4) (e)~~. The office
 77 shall maintain a list of the curricula approved under this
 78 paragraph. Each approved curriculum must meet the requirements
 79 of paragraph (b).

80 (3)

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

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

Page 3 of 8

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

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

98 1002.69 Statewide kindergarten screening; kindergarten
 99 readiness rates; state-approved prekindergarten enrollment
 100 screening; good cause exemption.—

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

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

118 (7) (a) Notwithstanding s. 1002.67(5) (c) 3. ~~3.~~
 119 ~~1002.67(4) (e) 3.~~, the office, upon the request of a private

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120 prekindergarten provider or public school that remains on
 121 probation for 2 consecutive years or more and subsequently fails
 122 to meet the minimum rate adopted under subsection (6) and for
 123 good cause shown, may grant to the provider or school an
 124 exemption from being determined ineligible to deliver the
 125 Voluntary Prekindergarten Education Program and receive state
 126 funds for the program. Such exemption is valid for 1 year and,
 127 upon the request of the private prekindergarten provider or
 128 public school and for good cause shown, may be renewed.

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

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

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

146 1002.71 Funding; financial and attendance reporting.—

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

148 (c) A child who is at risk of not attaining the performance

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149 standards specified by s. 1002.67(1) may reenroll in one of the
 150 school-year programs, which is offered by a provider that has
 151 met the adopted minimum readiness rate provided under s.
 152 1002.69(6), for the subsequent year at the request of the
 153 child's parent. The prekindergarten program may report the child
 154 for funding purposes as a full-time equivalent student in the
 155 school-year program for which he or she is enrolled.

156
 157 A child may reenroll only once in a prekindergarten program
 158 under this section. A child who reenrolls in a prekindergarten
 159 program under this subsection may not subsequently withdraw from
 160 the program and reenroll, unless the child is granted a good
 161 cause exemption under this subsection. The Office of Early
 162 Learning shall establish criteria specifying whether a good
 163 cause exists for a child to withdraw from a program under
 164 paragraph (a), whether a child has substantially completed a
 165 program under paragraph (b), and whether an extreme hardship
 166 exists which is beyond the child's or parent's control under
 167 paragraph (b).

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

170 1011.62 Funds for operation of schools.—If the annual
 171 allocation from the Florida Education Finance Program to each
 172 district for operation of schools is not determined in the
 173 annual appropriations act or the substantive bill implementing
 174 the annual appropriations act, it shall be determined as
 175 follows:

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

177 (d) Annually, by a date determined by the Department of

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2017468__

178 Education but before May 1, school districts shall submit a K-12
 179 comprehensive reading plan for the specific use of the research-
 180 based reading instruction allocation in the format prescribed by
 181 the department for review and approval by the Just Read,
 182 Florida! Office created pursuant to s. 1001.215. The plan
 183 annually submitted by school districts shall be deemed approved
 184 unless the department rejects the plan on or before June 1. If a
 185 school district and the Just Read, Florida! Office cannot reach
 186 agreement on the contents of the plan, the school district may
 187 appeal to the State Board of Education for resolution. School
 188 districts shall be allowed reasonable flexibility in designing
 189 their plans and shall be encouraged to offer reading
 190 intervention through innovative methods, including career
 191 academies. The plan format shall be developed with input from
 192 school district personnel, including teachers and principals,
 193 and shall allow courses in core, career, and alternative
 194 programs that deliver intensive reading remediation through
 195 integrated curricula, provided that the teacher is deemed highly
 196 qualified to teach reading or is working toward that status. No
 197 later than July 1 annually, the department shall release the
 198 school district's allocation of appropriated funds to those
 199 districts having approved plans. A school district that spends
 200 100 percent of this allocation on its approved plan shall be
 201 deemed to have been in compliance with the plan. The department
 202 may withhold funds upon a determination that reading instruction
 203 allocation funds are not being used to implement the approved
 204 plan. The department shall monitor and track the implementation
 205 of each district plan, including conducting site visits and
 206 collecting specific data on expenditures and reading improvement

Page 7 of 8

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207 results. By ~~December~~ February 1 of each year, the department
 208 shall report its findings from the previous school year to the
 209 Legislature.

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

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

Page 8 of 8

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4-18-17

Meeting Date

468

Bill Number (if applicable)

345600

Amendment Barcode (if applicable)

Topic Voluntary Pre-K

Name Catherine Boer

Job Title Chair

Address 1421 Woodgate Way

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850-345-1114
~~850-345-2100~~

Email plyboer@gmail.com

Speaking: For Against Information

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

Representing The Tea Party Network / Common Ground

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)

April 18 2017
Meeting Date

SB 468
Bill Number (if applicable)

395600
Amendment Barcode (if applicable)

Topic Voluntary Prekindergarten Education

Name Marie Claire Leman

Job Title _____

Address 1911 Wahabaw Ct
Street

Phone 850 728 7514

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 Common Ground

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
APPEARANCE RECORD

4-18-2017 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date

468
Bill Number (if applicable)

Topic Voluntary Pre-K Education

395600
Amendment Barcode (if applicable)

Name Shawn Frost

Job Title president

Address 113 S. Monroe St. #101

Phone 850 391-0421

Tallahassee FL 32301
City State Zip

Email info@FCSBM.org

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

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
APPEARANCE RECORD

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

Meeting Date _____
Topic Pre K Education
Name John Nixon
Job Title Consultant
Address 106 B So. Monroe St. Phone 224-3626
Tallahassee FL 32301 Email _____
City State Zip

468
Bill Number (if applicable)
395600
Amendment Barcode (if applicable)

Speaking: For Against Information
Waive Speaking: In Support Against
(The Chair will read this information into the record.)
Representing Fla Assoc School Admin
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
APPEARANCE RECORD

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

4-18-17

Meeting Date

Bill Number (if applicable)

Topic 468

Amendment Barcode (if applicable)

Name LEONARD HALL

Job Title Retired

Address 3601 Mystic Lane # 9061

Phone 850-588-5828

Street

Panama City FL 32408

City

State

Zip

Email lenhall@comcast.net

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/18/17
Meeting Date

SB 468
Bill Number (if applicable)

Topic Voluntary Prekindergarten Education

Amendment Barcode (if applicable)

Name Linda Howard

Job Title _____

Address 1931 Mallory Sq
Street

Phone 850-216-2108

Tallahassee, FL 32308
City State Zip

Email Lschaden@comcast.net

Speaking: For Against Information

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

Representing League of Women Voters

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
APPEARANCE RECORD

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

4/18/2017

Meeting Date

468

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

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

Representing Justice-2-Jesus

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
APPEARANCE RECORD

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

4/18/17

Meeting Date

SB 468

Bill Number (if applicable)

Topic Voluntary Prekindergarten

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title _____

Address 9140 SW 59 Ave.

Phone 305 607-3837

Street

Miami, FL 33156

Email nlawther@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida PTA

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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18 Apr 17
Meeting Date

468
Bill Number (if applicable)

Topic UPK - 3 Reading

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy

Address 215 E Monroe St
Street

Phone 850/727/3712

Tallahassee FL
City State Zip

Email James.M@excolined.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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THE FLORIDA SENATE
APPEARANCE RECORD

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4/18

Meeting Date

468

Bill Number (if applicable)

Topic Voluntary Pre k

Amendment Barcode (if applicable)

Name Adam Giery (Gear-e')

Job Title Partner

Address 9320 W. Kennedy Blvd

Phone 407-462-2767

Street

Tampa

City

FL

State

Zip

Email _____

Speaking: For Against Information

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

Representing The Children's Movement of Florida

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 Pre-K - 12 Education

BILL: SB 808

INTRODUCER: Senator Mayfield

SUBJECT: Maximum Class Size

DATE: April 18, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Androff</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 808 revises the maximum class size penalty calculation for public schools. Specifically, the bill:

- Modifies the penalty for exceeding maximum class size to be calculated at the school-wide average for all public schools, and
- Revises requirements for the compliance plan that noncompliant schools must submit to the Commissioner of Education.

The bill does not impact state revenues or expenditures.

The bill takes effect July 1, 2017.

II. Present Situation:

Florida law specifies maximum class size requirements for public schools.

Maximum Class Size

In 2002, Florida voters approved the Class Size Reduction Amendment (“CSRA”) to the Florida Constitution.¹ The amendment requires the Legislature to enact provisions implementing the amendment by the beginning of the 2010 school year.² Specifically, the provisions must ensure that the maximum number of students assigned to each teacher in a public school does not exceed:³

¹ Art. IX, s. 1(a), Fla. Const.

² *Id.*

³ *Id.*; see s. 1003.03(1), F.S.

- 18 students for prekindergarten through grade 3;
- 22 students for grades 4 through 8; and
- 25 students for grades 9 through 12.

Florida law expressly exempts extracurricular classes from the class size mandate.⁴ The class size requirements apply solely to core-curricular courses defined by law.⁵

Traditional Public Schools

Currently, traditional public school class size compliance requirements are calculated at the classroom level.⁶ Traditional public schools must meet class size limits for every core-curricula course.⁷ If a school district fails to comply with the specified class size requirements, the school district's class size reduction categorical funds are reduced.⁸

Other Public Schools

District school boards annually report the number of students attending various public schools of choice in accordance with rules adopted by the State Board of Education. In 2010, the compliance calculation for public charter schools was changed from a classroom level average to a school-level average.⁹ In 2013, the school-level average calculation was applied to district operated schools of choice.¹⁰ In 2016, the Legislature granted the same school-level treatment to schools participating in the Principal Autonomy Pilot Program Initiative (PAPPI).¹¹

Innovation schools of technology are schools that have adopted a blended learning strategy on a schoolwide basis.¹² A blended learning program is an education program in which a student learns in part through online delivery of content and instruction with some element of student control over time, place, path or pace and in part at a supervised brick-and-mortar location away from a student's home.¹³ The calculation for compliance with maximum class size requirements is the average at the school level for innovation schools of technology.¹⁴

⁴ Art. IX, s. 1(a), Fla. Const.; s. 1003.03, F.S.

⁵ *Id.*; s. 1003.01(14), F.S.

⁶ Each year, on or before the October student membership survey, the maximum number of students assigned to each teacher who is teaching core-curricula courses for prekindergarten through grade 3 may not exceed 18 students, school classrooms for grades 4-8 may not exceed 22 students, and core-curricula courses in grades 9-12 may not exceed 25 students. *See ss.* 1003.03(1), F.S. and 1002.33(16)(b)3., F.S.

⁷ Section 1003.01(14), F.S.

⁸ Section 1003.03(4), F.S.

⁹ Section 6, ch. 2010-154, L.O.F.

¹⁰ Section 1002.31(5), F.S. as amended by s. 9 ch. 2013-250, L.O.F.

¹¹ Section 1011.6202(3)(b)7., F.S.; s. 1, ch. 2016-223, L.O.F.

¹² Section 1002.451(1)(b), F.S.

¹³ *Id.*

¹⁴ *Id.* at (5)(a)3.

Funding

The CSRA requires that the Legislature provide sufficient funds for the school districts to reduce the number of students in each classroom by at least two students annually until the constitutionally prescribed maximum number of students is achieved.¹⁵ The implementing statute specified that the number of students per classroom be measured at the:¹⁶

- District level for each of the three grade groupings during fiscal years 2003-2006.
- School level for each of the three grade groupings in fiscal years 2006-2009.
- Individual classroom level for each of the three grade groupings in fiscal years 2009-2010 and thereafter.

To implement the CSRA, the Legislature annually appropriates class size reduction categorical funding for school district operating costs.¹⁷ Additionally, the Legislature has appropriated funds for capital outlay needs and granted bonding authority to fund classroom construction and other capital needs related to class size reduction.¹⁸

Noncompliance Penalty

The Florida Department of Education (DOE) is required to reduce class size categorical funding for school districts and charter schools that are out of compliance with class size requirements.¹⁹ The penalty is calculated at the classroom level for traditional public schools and at the school level for charter schools, district-operated schools of choice, innovation schools of technology, and schools enrolled in PAPPI.²⁰ The DOE calculates the penalty for traditional public schools that are out of compliance as follows:²¹

- Step 1: Identify, for each grade group, the number of classrooms which exceed the maximum and the total number of students which exceed the maximum for all classes.
- Step 2: Determine the number of full-time equivalent (FTE) students which exceed the maximum for each grade group.
- Step 3: Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.
- Step 4: Multiply the total number of FTE students over the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2013-2014 fiscal year.

A school district's class size reduction operating categorical allocation is then reduced by an amount equal to the sum of the calculations in Steps 3 and 4.²² Beginning in the 2014-2015 fiscal year and thereafter, the total number of FTE students over the maximum for all classes must be

¹⁵ Art. IX, s. 1(a), Fla. Const.

¹⁶ Section 2, ch. 2003-391, L.O.F.

¹⁷ Florida Department of Education, *Class Size Implementation Budget*, <http://www.fldoe.org/finance/budget/class-size/index.shtml> (last visited March 20, 2017).

¹⁸ *Id.*

¹⁹ Section 1003.03(4)(a)5., F.S.

²⁰ Sections 1002.31(5), 1002.33(16)(b), 1002.451(5)(a)3., 1003.03(4)(a)1., and 1011.6202(3)(b)7., F.S.

²¹ Section 1003.03(4)(a), F.S.

²² *Id.* at (4)(a)5.

multiplied by 100 percent, rather than 50 percent, of the base student allocation adjusted by the district cost differential, thereby increasing the amount of the penalty (see Step 4).

The reduced amount is the lesser of the DOE's calculation or the undistributed balance of the school district's class size reduction operating categorical allocation. If a district made appropriate efforts to reduce class sizes, but still failed to achieve compliance or an emergency caused noncompliance, the Commissioner of Education is authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commissioner.²³ Once the reduced amount is determined, after district appeals, the Commissioner of Education must prepare a reallocation of the funds made available as a bonus to districts that have fully met the class size requirements by calculating an amount that is up to 5 percent of the base student allocation, multiplied by the total district FTE students.²⁴ The reallocation total may not exceed 25 percent of the total funds reduced.

School districts that fail to comply with class size requirements must submit a plan certified by the district school board by February 1, which describes the actions the district will take in order to be in compliance by October of the following year.²⁵ For districts that submit the plan by the required deadline, the funds remaining after the reallocation calculation must be added back to the district's class size reduction operating categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated.²⁶ The amount added back may not be greater than the amount that was reduced.²⁷

III. Effect of Proposed Changes:

SB 808 revises the maximum class size penalty calculations for public schools. Specifically:

- Sections 1, 2, and 3 remove the class size penalty calculation exemption to the school-wide average for charter schools, district-operated schools of choice, district innovation schools of technology, and schools participating in the Principal Autonomy Pilot Program Initiative because the penalty calculation for all schools will be calculated at the school-wide average. This means that the class size penalty calculation will be determined by using the same methodology for all public schools.
- Section 4 revises the method for calculating the penalty for schools that fail to comply with the class size requirements by calculating Steps 2, 3, and 4 of the formula (as described in the Present Situation of this Analysis) at the school average instead of at the classroom level. This may reduce the penalty for the public schools that are not in compliance with class size requirements.
- Section 4 repeals an increase in the penalty calculation that began with the 2014-2015 fiscal year, by returning the penalty calculation to 50 percent of the base student allocation rather than 100 percent. This may reduce the class size penalty for school districts that are out of compliance with the class size requirements.
- Section 4 exempts a school district that has not complied with the class size limits specified in law (based on the 2017-2018 October student survey) and has timely submitted their

²³ Section 1003.03(4)(c), F.S.

²⁴ *Id.* at (4)(d).

²⁵ *Id.* at (4)(e).

²⁶ *Id.*

²⁷ *Id.*

certified plan (that describes future actions that will be taken for compliance) from the class size penalty for the 2017-2018 and 2018-2019 fiscal years. Such school districts have until the 2018-2019 October student survey to comply with the class size limit requirements. Additionally, such school districts must provide an updated plan by February 1, 2019, to the Commissioner of Education.

The bill takes effect July 1, 2017.

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 does not impact state revenues or expenditures. The bill revises the class size penalty calculation for traditional public schools by performing the calculation at the school average instead of at the classroom level. The bill will likely reduce the penalty for school districts that fail to comply with the maximum class size requirements. The bill may also eliminate the penalty for a noncompliant school district in the 2017-2018 and 2018-2019 fiscal years if the school district submits its certified plan for compliance in a timely maner.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.31, 1002.33, 1002.451, 1003.03, 1011.6202.

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 Mayfield

17-01052-17

2017808__

1 A bill to be entitled
 2 An act relating to maximum class size; amending s.
 3 1002.31, F.S.; deleting a provision relating to
 4 compliance with maximum class size requirements for
 5 certain public schools of choice; amending s. 1002.33,
 6 F.S.; revising requirements for charter school
 7 compliance with maximum class size requirements;
 8 amending s. 1002.451, F.S.; revising requirements for
 9 district innovation school of technology compliance
 10 with maximum class size requirements; amending s.
 11 1003.03, F.S.; calculating a school district's class
 12 size categorical allocation reduction at the school
 13 average when maximum class size requirements are not
 14 met; providing an exemption from the reduction of a
 15 school district's class size categorical allocation
 16 for specified fiscal years; requiring an updated plan
 17 for compliance with class size requirements from
 18 certain districts for a specified fiscal year;
 19 amending s. 1011.6202, F.S.; revising requirements for
 20 compliance with maximum class size requirements for a
 21 school participating in the Principal Autonomy Pilot
 22 Project Program; providing an effective date.
 23
 24 Be It Enacted by the Legislature of the State of Florida:
 25
 26 Section 1. Subsection (5) of section 1002.31, Florida
 27 Statutes, is amended to read:
 28 1002.31 Controlled open enrollment; Public school parental
 29 choice.-
 30 ~~(5) For a school or program that is a public school of~~
 31 ~~choice under this section, the calculation for compliance with~~
 32 ~~maximum class size pursuant to s. 1003.03(4) is the average~~

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17-01052-17

2017808__

33 ~~number of students at the school level.~~
 34 Section 2. Paragraph (b) of subsection (16) of section
 35 1002.33, Florida Statutes, is amended to read:
 36 1002.33 Charter schools.-
 37 (16) EXEMPTION FROM STATUTES.-
 38 (b) Additionally, a charter school shall be in compliance
 39 with the following statutes:
 40 1. Section 286.011, relating to public meetings and
 41 records, public inspection, and criminal and civil penalties.
 42 2. Chapter 119, relating to public records.
 43 3. Section 1003.03, relating to the maximum class size,
 44 ~~except that the calculation for compliance pursuant to s.~~
 45 ~~1003.03 shall be the average at the school level.~~
 46 4. Section 1012.22(1)(c), relating to compensation and
 47 salary schedules.
 48 5. Section 1012.33(5), relating to workforce reductions.
 49 6. Section 1012.335, relating to contracts with
 50 instructional personnel hired on or after July 1, 2011.
 51 7. Section 1012.34, relating to the substantive
 52 requirements for performance evaluations for instructional
 53 personnel and school administrators.
 54 Section 3. Paragraph (a) of subsection (5) of section
 55 1002.451, Florida Statutes, is amended to read:
 56 1002.451 District innovation school of technology program.-
 57 (5) EXEMPTION FROM STATUTES.-
 58 (a) An innovation school of technology is exempt from
 59 chapters 1000-1013. However, an innovation school of technology
 60 shall comply with the following provisions of those chapters:
 61 1. Laws pertaining to the following:

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- 62 a. Schools of technology, including this section.
 63 b. Student assessment program and school grading system.
 64 c. Services to students who have disabilities.
 65 d. Civil rights, including s. 1000.05, relating to
 66 discrimination.
 67 e. Student health, safety, and welfare.
- 68 2. Laws governing the election and compensation of district
 69 school board members and election or appointment and
 70 compensation of district school superintendents.
- 71 3. Section 1003.03, governing maximum class size, ~~except~~
 72 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
 73 ~~the average at the school level.~~
- 74 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
 75 compensation and salary schedules.
- 76 5. Section 1012.33(5), relating to workforce reductions,
 77 for annual contracts for instructional personnel. This
 78 subparagraph does not apply to at-will employees.
- 79 6. Section 1012.335, relating to contracts with
 80 instructional personnel hired on or after July 1, 2011, for
 81 annual contracts for instructional personnel. This subparagraph
 82 does not apply to at-will employees.
- 83 7. Section 1012.34, relating to requirements for
 84 performance evaluations of instructional personnel and school
 85 administrators.
- 86 Section 4. Subsection (4) of section 1003.03, Florida
 87 Statutes, is amended to read:
 88 1003.03 Maximum class size.—
 89 (4) ACCOUNTABILITY.—
 90 (a) If the department determines that the number of

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2017808__

- 91 students assigned to any individual class exceeds the class size
 92 maximum, as required in subsection (1), based upon the October
 93 student membership survey, the department shall:
- 94 1. ~~Identify, for each grade group, the number of classes in~~
 95 ~~which the number of students exceeds the maximum and the total~~
 96 ~~number of students which exceeds the maximum for all classes.~~
- 97 ~~2.~~ Determine the number of FTE students which exceeds the
 98 maximum for each grade group calculated at the school average.
- 99 ~~2.3.~~ Multiply the total number of FTE students which
 100 exceeds the maximum for each grade group calculated at the
 101 school average by the district's FTE dollar amount of the class
 102 size categorical allocation for that year and calculate the
 103 total for all three grade groups.
- 104 ~~3.4.~~ Multiply the total number of FTE students which
 105 exceeds the maximum for all classes calculated at the school
 106 average by an amount equal to 50 percent of the base student
 107 allocation adjusted by the district cost differential ~~for each~~
 108 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
 109 ~~equal to the base student allocation adjusted by the district~~
 110 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~
- 111 ~~4.5.~~ Reduce the district's class size categorical
 112 allocation by an amount equal to the sum of the calculations in
 113 subparagraphs 2. and 3. and ~~4.~~
- 114 (b) The amount of funds reduced shall be the lesser of the
 115 amount calculated in paragraph (a) or the undistributed balance
 116 of the district's class size categorical allocation. The Florida
 117 Education Finance Program Appropriation Allocation Conference
 118 shall verify the department's calculation in paragraph (a). The
 119 commissioner may withhold distribution of the class size

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120 categorical allocation to the extent necessary to comply with
121 paragraph (a).

122 (c) In lieu of the reduction calculation in paragraph (a),
123 if the Commissioner of Education has evidence that a district
124 was unable to meet the class size requirements despite
125 appropriate efforts to do so or because of an extreme emergency,
126 the commissioner may recommend by February 15, subject to
127 approval of the Legislative Budget Commission, the reduction of
128 an alternate amount of funds from the district's class size
129 categorical allocation.

130 (d) Upon approval of the reduction calculation in
131 paragraphs (a)-(c), the commissioner must prepare a reallocation
132 of the funds made available for the districts that have fully
133 met the class size requirements. The funds shall be reallocated
134 by calculating an amount of up to 5 percent of the base student
135 allocation multiplied by the total district FTE students. The
136 reallocation total may not exceed 25 percent of the total funds
137 reduced.

138 (e) Each district that has not complied with the
139 requirements in subsection (1) shall submit to the commissioner
140 by February 1 a plan certified by the district school board that
141 describes the specific actions the district will take in order
142 to fully comply with the requirements in subsection (1) by
143 October of the following school year. If a district submits the
144 certified plan by the required deadline, the funds remaining
145 after the reallocation calculation in paragraph (d) shall be
146 added back to the district's class size categorical allocation
147 based on each qualifying district's proportion of the total
148 reduction for all qualifying districts for which a reduction was

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149 calculated in paragraphs (a)-(c). However, no district shall
150 have an amount added back that is greater than the amount that
151 was reduced.

152 (f) The department shall adjust school district class size
153 reduction categorical allocation distributions based on the
154 calculations in paragraphs (a)-(e).

155 (g) A district that has not complied with the requirements
156 in subsection (1) based on the October student membership survey
157 for the 2017-2018 school year and has timely submitted the
158 required plan under paragraph (e) may not have its class size
159 categorical allocation reduced for the 2017-2018 and 2018-2019
160 fiscal years. The district shall have until the October student
161 membership survey for the 2018-2019 school year to comply with
162 subsection (1); however, the district must provide an updated
163 plan by February 1, 2019, to the commissioner to ensure the
164 district is working to comply with the requirements of
165 subsection (1).

166 Section 5. Paragraph (b) of subsection (3) of section
167 1011.6202, Florida Statutes, is amended to read:

168 1011.6202 Principal Autonomy Pilot Program Initiative.—The
169 Principal Autonomy Pilot Program Initiative is created within
170 the Department of Education. The purpose of the pilot program is
171 to provide the highly effective principal of a participating
172 school with increased autonomy and authority to operate his or
173 her school in a way that produces significant improvements in
174 student achievement and school management while complying with
175 constitutional requirements. The State Board of Education may,
176 upon approval of a principal autonomy proposal, enter into a
177 performance contract with up to seven district school boards for

Page 6 of 8

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178 participation in the pilot program.

179 (3) EXEMPTION FROM LAWS.—

180 (b) A participating school shall comply with the provisions

181 of chapters 1000-1013, and rules of the state board that

182 implement those provisions, pertaining to the following:

183 1. Those laws relating to the election and compensation of

184 district school board members, the election or appointment and

185 compensation of district school superintendents, public meetings

186 and public records requirements, financial disclosure, and

187 conflicts of interest.

188 2. Those laws relating to the student assessment program

189 and school grading system, including chapter 1008.

190 3. Those laws relating to the provision of services to

191 students with disabilities.

192 4. Those laws relating to civil rights, including s.

193 1000.05, relating to discrimination.

194 5. Those laws relating to student health, safety, and

195 welfare.

196 6. Section 1001.42(4)(f), relating to the uniform opening

197 date for public schools.

198 7. Section 1003.03, governing maximum class size, ~~except~~

199 ~~that the calculation for compliance pursuant to s. 1003.03 is~~

200 ~~the average at the school level for a participating school.~~

201 8. Sections 1012.22(1)(c) and 1012.27(2), relating to

202 compensation and salary schedules.

203 9. Section 1012.33(5), relating to workforce reductions for

204 annual contracts for instructional personnel. This subparagraph

205 does not apply to at-will employees.

206 10. Section 1012.335, relating to annual contracts for

Page 7 of 8

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17-01052-17 2017808__

207 instructional personnel hired on or after July 1, 2011. This

208 subparagraph does not apply to at-will employees.

209 11. Section 1012.34, relating to personnel evaluation

210 procedures and criteria.

211 12. Those laws pertaining to educational facilities,

212 including chapter 1013, except that s. 1013.20, relating to

213 covered walkways for relocatables, and s. 1013.21, relating to

214 the use of relocatable facilities exceeding 20 years of age, are

215 eligible for exemption.

216 13. Those laws pertaining to participating school

217 districts, including this section and ss. 1011.69(2) and

218 1012.28(8).

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

Page 8 of 8

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4-18-17

Meeting Date

808

Bill Number (if applicable)

Topic Maximum Class Size

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title president

Address 113 S. Monroe St. #101

Phone 850 391-0421

Tallahassee FL 32301

Email info@FCSBM.org

Speaking: [] For [] Against [] Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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.

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04 4/18/17
Meeting Date

SB808
Bill Number (if applicable)

Topic Maximum Class Size

Amendment Barcode (if applicable)

Name Linda Howard

Job Title /

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Street

Phone 850-216-2108

Tallahassee, FL 32308
City State Zip

Email lschaalen@comcast.net

Speaking: For Against Information

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

Representing League of Women Voters

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
APPEARANCE RECORD

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

04.18.17

SB 808

Meeting Date

Bill Number (if applicable)

Topic Maximum Class Size

Amendment Barcode (if applicable)

Name Bob Nave

Job Title Vice President of Research - Florida TaxWatch

Address 106 N. Bronough St

Phone 850.222.5052

Street

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City

State

Zip

Speaking: For Against Information

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

Representing Florida TaxWatch

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 Pre-K – 12 Education

BILL: PCS/CS/SB 868 (118664)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education; Education Committee and Senator Baxley

SUBJECT: Educational Options and Services

DATE: April 18, 2017 **REVISED:** _____

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

Please see Section IX. for Additional Information:
 COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 868 expands educational options and services to prepare students for higher education and entry into the workforce. Specifically, the bill:

- Repeals the eligibility criteria for students to participate in virtual instruction programs.
- Removes the requirement that student enrollment in a virtual instruction program be limited to a program provided by a school district or virtual charter school operated by the district in which the student resides.
- Clarifies that students with disabilities must be offered the option to pursue a scholar or merit designation, removes the option for a certificate of completion, and modifies the criteria to document mastery of academic and employment competencies.
- Requires an individualized progress monitoring plan be developed for all students in a juvenile justice education program, including those with disabilities.
- Adds the Chancellor of Career and Adult Education to the Higher Education Coordinating Council.
- Requires that any institution seeking initial or continued approval of a graduate-level teacher education program in a certification area that does not require a graduate degree must provide students the option to complete the initial preparation program at the bachelor’s level.
- Revises the dual enrollment program to clarify the description of career dual enrollment, authorize the Commissioner of Education to establish a statewide articulation agreement for the Florida Virtual School, and expand the rulemaking authority of the State Board of

Education to specify rulemaking relating to student eligibility and participation, courses and programs, funding, and articulation agreements.

- Deems participants in on-the-job training activities administered by the Division of Blind Services (DBS) and the Division of Vocational Rehabilitation (VR) as employees of the state for purposes of workers' compensation coverage.

The bill has an indeterminate fiscal impact on state expenditures. The estimated fiscal impact to the Florida Education Finance Program (FEFP) to fund the expansion of student eligibility for public virtual education is expected to be absorbed within the FEFP calculation, and is estimated at \$4,363,075. The Division of Risk Management expects to incur additional claim costs for covering DBS and VR on-the-job training participants.

This bill takes effect on July 1, 2017.

II. Present Situation:

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

III. Effect of Proposed Changes:

Virtual Instruction (Sections 4, 5, 6, 13, 14, and 15)

Present Situation

A student is eligible to participate in the Florida Virtual School (FLVS) or in a virtual instruction program offered by the school district or by a virtual charter school operated in the district in which the student resides¹ if he or she meets one of the following:²

- The student spent the prior school year in attendance at a public school in the state.
- The student is a dependent child of a member of the United States Armed Forces who transferred within the last 12 months to this state from another state or from a foreign country.
- The student was enrolled during the prior school year in a virtual instruction program³ or a full-time FLVS program.⁴
- The student has a sibling who is currently enrolled in a virtual instruction program and the sibling was enrolled in that program at the end of the prior school year.
- The student is eligible to enter kindergarten or first grade.

¹ Virtual instruction programs are included as options under provisions relating to "controlled open enrollment." Section 1002.31(2)(a), F.S.

² Sections 1002.37(8), 1002.45(5), and 1002.455(2), F.S. These requirements apply to FLVS part-time instruction in kindergarten through grade 5 (section 1002.37(8)(a), F.S.); a virtual instruction program provided by the school district or by a virtual charter school operated in the district (section 1002.45(5), F.S.); school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs for students enrolled in the school district (section 1002.455(3)(a), F.S.); full-time virtual charter school instruction (*Id.* at (3)(b)); and virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state (*Id.* at (3)(c)).

³ Section 1002.45, F.S.

⁴ Section 1002.37(8)(a), F.S.

- The student is eligible to enter grades 2 through 5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or the FLVS.

Effect of the Bill

Section 6 repeals s. 1002.455, F.S., to eliminate the eligibility requirements for student participation in virtual instruction through the Florida Virtual School and in virtual instruction programs. As a result, all students enrolled in public or private schools, or in a home education program are eligible to participate in virtual instruction.

Additionally, section 5 amends s. 1002.45, F.S., to modify student participation requirements related to virtual instruction program. Specifically, this section:

- Removes the requirement that student enrollment in a virtual instruction program be limited to a program provided by a school district or virtual charter school operated by the district in which the student resides. As a result, the bill may allow a student to enroll in virtual instruction provided by any school district or virtual charter school.
- Allows a student enrolled in a virtual instruction program or virtual charter school to take state assessment tests in the district in which the student enrolls, in addition to where the student resides. This section also specifies that if requested by the provider, the district of residence must provide the student with access to the district's testing facilities.

Sections 4, 13, 14, and 15 conform cross-references and make technical changes to ss. 1002.33, 1002.37, 1003.498, and 1011.62, F.S., respectively, to account for the repeal of s. 1002.455, F.S.

Controlled Open Enrollment (Section 3)

Present Situation

Controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential school choice as a significant factor.⁵ School districts have the option to offer controlled open enrollment within the public schools in addition to existing choice programs⁶ such as virtual instruction programs, magnet schools, alternative schools, special programs, collegiate high school programs, advanced placement, and dual enrollment.⁷ The district school board must adopt by rule and post on the district website a controlled open enrollment plan.⁸

Effect of the Bill

Section 3 amends s. 1002.31, F.S., to expand available controlled open enrollment options to include virtual charter schools and district virtual programs.

⁵ Section 1002.31(1), F.S.

⁶ Section 1002.20(6)(a), F.S.

⁷ Section 1002.31(2)(a), F.S.

⁸ *Id.* at (3)

High School Graduation Requirements for Students with Disabilities (Section 7)

Present Situation

By the time a student with an individual education plan (IEP)⁹ reaches 14 years old, the IEP team¹⁰ must begin planning for that student's successful transition to postsecondary education and career opportunities.¹¹ Florida law governing high school graduation for students with a disability requires that the IEP team, during the transition planning process for the student, declare an intent for the student to graduate from high school with either a standard high school diploma or a certificate of completion. A student with a disability who does not satisfy standard high school diploma requirements is awarded a certificate of completion.¹² Such student may also defer graduation subject to certain criteria.¹³

Florida law authorizes the IEP team to determine that mastery of academic and employment competencies is the most appropriate way for a student to demonstrate his or her skills, such employment and competencies include, but are not limited to:¹⁴

- Documented achievement of all annual goals and short-term objectives for academic and employment competencies, industry certifications, and occupational completion points specified in the student's transition plan.
- Documented successful employment for the number of hours per week specified in the student's transition plan and payment of a minimum wage in compliance with federal requirements.

Effect of the Bill

Section 7 amends s. 1003.4282, F.S., to remove the certificate of completion option for a student with an IEP. This section also requires that, as a part of transition planning, the student must be offered the option to pursue a scholar or merit designation. This change aligns with a similar law¹⁵ that requires IEP transition planning to prepare for a student to graduate from high school with a standard diploma, with a scholar or merit designation. The section also makes a technical change to clarify that only students with disabilities may defer the receipt of a standard high school diploma if he or she meets the conditions specified in law.

Section 7 modifies the options that a student with an IEP may use to satisfy the standard high school diploma requirements. This section removes the option to document mastery of academic and employment competencies through the achievement of annual goals and short-term objectives, industry certifications, and occupational completion points specified in the student's

⁹ Section 1003.5715(1), F.S.

¹⁰ The IEP team is defined in 20 U.S.C. 1414(d)(1)(B).

¹¹ Section 1003.5716(1), F.S.

¹² Section 1003.4282(10)(a), F.S. Additional law requires that the process include, but is not limited to, preparation for the student to graduate from high school with a standard high school diploma with a scholar designation unless the parent chooses a merit designation. Section 1003.5716(1)(b), F.S. The scholar and merit designations are in addition to the standard high school diploma for a student who meet certain performance criteria. Section 1003.4285, F.S.

¹³ Section 1003.4282(10)(c), F.S.

¹⁴ Section 1003.4282(10)(b) and (c), F.S.

¹⁵ Section 1003.5716(1)(b), F.S.

transition plan. However, this section expands the existing options regarding successful employment by specifying in the student's employment transition plan, paid or non-paid work in a structured work-study, internship, or preapprenticeship program for the required number of hours per week. Current law specifies documentation of successful employment only through paid employment. Rural areas may not be able to offer enough paid employment opportunities to all students.¹⁶

Juvenile Justice Education Programs (Section 8)

Present Situation

An individualized progress monitoring plan must be developed for all students excluding those classified as exceptional education students, upon entry in a juvenile justice education program and upon reentry in the school district. Such plan must address academic, literacy, and career and technical skills.¹⁷

Effect of the Bill

Section 8 amends s. 1003.52, F.S., to require an individualized progress monitoring plan to be developed for all students upon entry in a DJJ facility or upon reentry in the school district. This modification aligns with requirements for free appropriate public education by allowing all students, including students with disabilities, to be provided the same offered services and provisions.¹⁸

Higher Education Coordinating Council (Section 9)

Present Situation

The Higher Education Coordinating Council (HECC) is created¹⁹ for the purposes of identifying unmet needs; facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitating solutions to data issues identified by the Articulation Coordinating Committee to improve the K-20 education performance accountability system.²⁰ The HECC includes the following members:²¹

- One member of the Board of Governors, appointed by the chair of the Board of Governors.
- The Chancellor of the State University System.

¹⁶ Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 29, 2017).

¹⁷ Section 1003.52(7), F.S. The plan must be developed within 10 school days of a student's entry into a DJJ prevention, residential, or day treatment program or no later than three school days after the administration of the entry assessment. This plan must be based upon the student's entry assessments and past educational history. The plan must include, specific, individualized academic and career objectives; remedial strategies, as needed; progress monitoring evaluation procedures; and, an implementation schedule for determining progress toward meeting the goals of academic and career objectives, including specific monitoring responsibilities. An ESE student's progress monitoring plan must be consistent with the student's individual educational plan (IEP). Rule 6A-6.05281, F.A.C.

¹⁸ Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 29, 2017). *See also* 20 U.S.C. s. 1412(a)(1), and Rule 6A-6.03028, F.A.C.

¹⁹ Section 12, ch. 2010-78, L.O.F.

²⁰ Section 1004.015(1), F.S.

²¹ *Id.* at (2).

- The Chancellor of the Florida College System.
- One member of the State Board of Education (SBE), appointed by the chair of the SBE.
- The Executive Director of the Florida Association of Postsecondary Schools and Colleges.
- The president of the Independent Colleges and Universities of Florida.
- The president of Workforce Florida, Inc., or his or her designee.
- The president of Enterprise Florida, Inc., or a designated member of the Stakeholders Council appointed by the president.
- Three representatives of the business community, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor, who are committed to developing and enhancing world class workforce infrastructure necessary for Florida's citizens to compete and prosper in the ever-changing economy of the 21st century.

Effect of the Bill

Section 9 amends s. 1004.015, F.S., to add the Chancellor of Career and Adult Education to the membership of the HECC.

Teacher Education Programs (Section 10)

Present Situation

Each Florida teacher preparation program must be approved²² by the Florida Department of Education (DOE) and must meet the requirements for continued approval, which include:²³

- Documentation that each program candidate met specified admission requirements.²⁴
- Documentation that each program completer met specified performance requirements.²⁵
- Evidence of performance in each of the following areas:
 - Placement rate of program completers into instructional positions in Florida public schools and private schools, if available.
 - Rate of retention for employed program completers in instructional positions in Florida public schools.

²² Initial and continued approval means that a teacher preparation program has been granted the authority to operate for a five-year period. Rule 6A-5.066(1)(g) and (p), F.A.C.

²³ Section 1004.04(4)(a), F.S., see also Rule 6A-5.066, F.A.C.

²⁴ Id. at (3)(b)1., F.S. These include a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by State Board of Education rule or any college or university otherwise approved pursuant to State Board of Education rule.

²⁵ Id. at (3)(b)2., F.S. These include mastery of general knowledge sufficient for entry into the program, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the State Board of Education. Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association.

- Performance of students in prekindergarten through grade 12 on statewide assessments using the results of the student learning growth formula established in law.²⁶
- Performance of students in prekindergarten through grade 12 aggregated by student subgroup²⁷ as a measure of how well the program prepares teachers to work with a diverse population of students in a variety of settings in Florida public schools.
- Results of program completers' annual evaluations in accordance with the timeline as set forth in law.²⁸
- Production of program completers in statewide critical teacher shortage areas as identified in law.²⁹

Effect of the Bill

Section 10 amends s. 1004.04, F.S., to require that, beginning on July 1, 2017, an institution that seeks initial approval to offer only a graduate-level teacher preparation program in an educator certification area that does not require a graduate-level degree must provide students with an option to complete the program at the bachelor's level. Additionally, this section requires an existing state-approved program to also meet the specified requirements for continued approval.

Articulated Acceleration Mechanisms (Section 11)

Present Situation

The Florida statewide articulation agreement³⁰ governs the use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit.³¹

The DOE must annually identify and publish the minimum scores, maximum credit, and course or courses for which credit is to be awarded to include, but not limited to, examinations under the College Board Advanced Placement (AP), Advanced International Certificate of Education (AICE), and International Baccalaureate (IB) programs.³²

Florida law³³ requires that, for AP and IB examinations, the specific course for which a student may receive such credit must be specified in the statewide articulation agreement. The law governing the award of AICE credit authorizes that the specific course for which a student may receive such credit must be determined by the Florida College System institution or university that accepts the student for admission.³⁴

²⁶ Section 1012.34, F.S.

²⁷ Subgroups are defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II),

²⁸ Section 1012.34, F.S.

²⁹ Section 1012.07, F.S.

³⁰ Section 1007.23, F.S.

³¹ *Id.* at (1)(e). Examinations include advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Section 1007.27(1), F.S.

³² Section 1007.27(2), F.S. The *Articulation Coordinating Committee Credit-by-Exam Equivalencies* contains a list of examinations, minimum scores for guaranteed transfer credit, maximum credits guaranteed to transfer, and recommended postsecondary course equivalents. Rule 6A-10.024, F.A.C.

³³ Section 1007.27(5) and (7), F.S.

³⁴ *Id.* at (8).

Effect of the Bill

Section 11 amends 1007.27, F.S., to require that the specific course for which a student may receive credit must be specified in the statewide articulation agreement. This revision requires that postsecondary credit awarded for an AICE examination must be awarded in the same manner as for AP and IB examinations.

Dual Enrollment Programs (Section 12)

Present Situation

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.³⁵ As a component of dual enrollment, career dual enrollment is provided as an option for secondary students to earn industry certifications,³⁶ which may count toward credits required to earn a standard high school diploma. Career dual enrollment is available for secondary students seeking a degree and industry certification through a career education program or course.³⁷

Articulation agreements govern participation in dual enrollment at an eligible postsecondary institution by public school students,³⁸ private school students,³⁹ and home education students.⁴⁰ However, the Commissioner of Education (Commissioner) may approve dual enrollment agreements for limited course offerings that have statewide appeal. Such programs must be limited to a single site with multiple county participation.⁴¹

The Florida Virtual School full-time program (FLVS Full Time) is a fully accredited K-12 public school offering comprehensive, full time online learning for all Florida students.⁴² FLVS Full Time students who meet Florida graduation requirements are able to receive a standard diploma.⁴³

The State Board of Education has rulemaking authority for dual enrollment programs involving requirements for high school graduation.⁴⁴

³⁵ Section 1007.271(1), F.S.

³⁶ Section 1008.44, F.S., which establishes the CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding List.

³⁷ Section 1007.271(7), F.S.

³⁸ Section 1007.271(21), F.S.

³⁹ Section 1007.271(24)(b), F.S.

⁴⁰ Section 1007.271(13)(b), F.S.

⁴¹ Section 1007.271(19), F.S., e.g., Boys State and Girls State, Lou Frey Institute of Politics and Government Civic Leadership Academy, the University of Florida Young Entrepreneurs for Leadership and Sustainability, and the University of Florida Student Science Training Program.

⁴² Email, Florida Department of Education, *2017 Agency Bill Analysis for SB 868* (March 29, 2017).

⁴³ *Id.*

⁴⁴ Section 1007.271(12), F.S.

Effect of the Bill

Section 12 amends s. 1007.271, F.S., to define career dual enrollment as non-college-credit towards a career certificate or leading to an industry certification as specified in rule by the SBE. This clarifies that students who are enrolled in college credit dual enrollment that leads to a career degree, such as an associate in science or associate in applied science degree, do not also have to earn an industry certification.

Additionally, this section authorizes the Commissioner to approve a statewide dual enrollment articulation agreement for the FLVS to enroll FLVS full-time students at a postsecondary institution eligible to participate in dual enrollment. As a result, the FLVS will not be required to negotiate a separate agreement with each eligible postsecondary education institution for students to participate in dual enrollment. Additionally, the Florida Virtual School may be required to pay the standard tuition for FLVS full-time students participating in dual enrollment at a public postsecondary institution,⁴⁵ and may be required to provide instructional materials for such students.⁴⁶

This section expands SBE rulemaking to require rulemaking relating to student eligibility and participation, courses and programs, funding, and articulation agreements.

Worker's Compensation Coverage (Sections 1 and 2)

Present Situation

Florida law requires organizations, including the Division of Vocational Rehabilitation (VR) and the Division of Blind Services (DBS),⁴⁷ to cooperate to better assist individuals with disabilities in the workplace.⁴⁸ The DBS and the VR each provide community-based work experiences to their adult and youth clients.⁴⁹

Generally, employers are required to provide medical and indemnity benefits to a worker who is injured due to an accident arising out of and during the course of employment.⁵⁰ For such injuries, an employer is responsible for providing medical treatment,⁵¹ and compensation in the event of employee disability or death.⁵² Specific employer coverage requirements are based on the type of industry, number of employees, and entity organization.⁵³

⁴⁵ Section 1007.271(21)(n), F.S.

⁴⁶ *Id.* at (17).

⁴⁷ Both divisions are divisions within the Florida Department of Education. Section 20.15(3), F.S.

⁴⁸ Section 413.80, F.S.

⁴⁹ Vocational Rehabilitation, *2015-2016 Annual Report*, at 6, available at <http://www.rehabworks.org/docs/AnnualReport16.pdf> and Florida Department of Education, Division of Blind Services, *Employer Services*, <http://dbs.myflorida.com/Employer/index.html> (last visited March 31, 2017).

⁵⁰ Section 440.09(1), F.S.

⁵¹ Section 440.13, F.S.

⁵² Section 440.15, F.S.

⁵³ Division of Workers' Compensation, *Coverage Requirements*, <http://www.myfloridacfo.com/division/wc/Employer/coverage.htm#.WLc13vkrKCg> (last visited March 31, 2017).

Effect of the Bill

Sections 1 and 2 amend ss. 413.011 and 413.209, F.S., respectively, to require that individuals who participate in an on-the-job training activity through the DBS or the VR be deemed an employee of the state for purposes of workers' compensation coverage.

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:

Under this bill, private sector entities may experience a cost savings by not having to provide workers compensation coverage for a person participating in a Division of Blind Services (DBS) or Vocational Rehabilitation (VR) on-the-job-training.

C. Government Sector Impact:

The Division of Risk Management expects to incur additional claim costs for covering DBS and VR on-the-job training participants.⁵⁴

The bill repeals s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction. These changes will open various virtual education options that are not currently available to students who did not attend public school in the prior year. The estimated fiscal impact to the Florida Education Finance Program (FEFP) to fund the expansion of student eligibility for public virtual education is expected to be absorbed within the FEFP calculation, and is estimated at \$4,363,075.

VI. Technical Deficiencies:

According to the Department of Financial Services,

⁵⁴ Department of Financial Services, *Legislative Bill Analysis for SB 868* (February 22, 2017).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 413.011, 1002.31, 1002.33, 1002.37, 1002.45, 1003.4282, 1003.498, 1003.52, 1004.015, 1004.04, 1007.27, 1007.271, and 1011.62.

This bill creates section 413.209 of the Florida Statutes.

This bill repeals section 1002.455 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 for CS by Appropriations Subcommittee on Pre-K-12 Education on April 18, 2017:

The committee substitute deletes language specifying that the services offered for a Department of Juvenile Justice program of less than 40 days applies to a detention program.

CS by Education on April 3, 2017:

The committee substitute:

- Deems clients who participate in on-the-job training administered by the Division of Blind Services and the Division of Vocational Rehabilitation, as state employees for the purposes of workers' compensation.
- Modifies the student eligibility and student participation requirements related to virtual instruction program. Specifically, the committee substitute:
 - Removes the requirement that student enrollment in a virtual instruction program be limited to a program provided by a school district or virtual charter school operated by the district in which the student resides.
 - Expands the requirement that each student enrolled in a virtual instruction program or virtual charter school take state assessment tests to allow such student to take state assessment tests in the district in which the student enrolls. Additionally, the bill specifies that if requested by the provider, the district of residence must provide the student with access to the district's testing facilities.
- Modifies available controlled open enrollment options to include virtual charter schools and district virtual programs.

- B. Amendments:

None.



232574

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
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	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Baxley)
recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 220 - 245.

===== **D I R E C T O R Y C L A U S E A M E N D M E N T**=====

And the directory clause is amended as follows:

Delete lines 216 - 217

and insert:

Section 8. Subsection (7) of section 1003.52, Florida
Statutes, is amended to read:



232574

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12
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16

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

And the title is amended as follows:

Delete line 20

and insert:

1003.52, F.S.; revising the

By the Committee on Education; and Senator Baxley

581-03346-17

2017868c1

1 A bill to be entitled
 2 An act relating to educational options and services;
 3 amending s. 413.011, F.S.; providing that a client of
 4 the Division of Blind Services is considered an
 5 employee of the state for workers' compensation
 6 coverage; creating s. 413.209, F.S.; providing that a
 7 specified client of the Division of Vocational
 8 Rehabilitation is considered an employee of the state
 9 for workers' compensation coverage; amending s.
 10 1002.31, F.S.; revising available controlled open
 11 enrollment options to include virtual charter schools
 12 and district virtual programs; amending ss. 1002.37
 13 and 1002.45, F.S.; revising student eligibility
 14 requirements for the Florida Virtual School and
 15 virtual instruction programs; repealing s. 1002.455,
 16 F.S., relating to student eligibility for K-12 virtual
 17 instruction; amending s. 1003.4282, F.S.; specifying
 18 diploma designation and work experience options
 19 available for a student with a disability; amending s.
 20 1003.52, F.S.; revising the type of programs and
 21 participants served in Department of Juvenile Justice
 22 education programs; amending s. 1004.015, F.S.;
 23 revising the membership of the Higher Education
 24 Coordinating Council; amending s. 1004.04, F.S.;
 25 requiring an institution that seeks initial approval
 26 after a specified date to offer a graduate-level
 27 teacher preparation program to offer students certain
 28 options; amending s. 1007.27, F.S.; requiring Advanced
 29 International Certificate of Education Program and

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30 International General Certificate of Secondary
 31 Education Program courses that a student may receive
 32 credit for to be specified in the statewide
 33 articulation agreement; amending s. 1007.271, F.S.;
 34 specifying that career dual enrollment is an option
 35 for students to earn career certificates leading to
 36 industry certifications; expanding the rulemaking
 37 authority of the State Board of Education; authorizing
 38 the Commissioner of Education to approve a statewide
 39 dual enrollment articulation agreement for the Florida
 40 Virtual School; amending ss. 1002.33, 1003.498, and
 41 1011.62, F.S.; conforming provisions to changes made
 42 by the act; providing an effective date.
 43
 44 Be It Enacted by the Legislature of the State of Florida:
 45
 46 Section 1. Subsection (2) of section 413.011, Florida
 47 Statutes, is amended to read:
 48 413.011 Division of Blind Services, legislative policy,
 49 intent; internal organizational structure and powers;
 50 Rehabilitation Council for the Blind.-
 51 (2) PROGRAM OF SERVICES.-
 52 (a) It is the intent of the Legislature to establish a
 53 coordinated program of services which will be available to
 54 individuals throughout this state who are blind. The program
 55 must be designed to maximize employment opportunities for such
 56 individuals and to increase their independence and self-
 57 sufficiency.
 58 (b) A client of the division who is participating in on-

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59 the-job training shall be deemed an employee of the state for
60 purposes of workers' compensation coverage.

61 Section 2. Section 413.209, Florida Statutes, is created to
62 read:

63 413.209 Workers' compensation coverage for clients in on-
64 the-job training.—A client of the Division of Vocational
65 Rehabilitation of the Department of Education who is
66 participating in on-the-job training as a vocational
67 rehabilitation service shall be deemed an employee of the state
68 for purposes of workers' compensation coverage.

69 Section 3. Paragraph (a) of subsection (2) of section
70 1002.31, Florida Statutes, is amended to read:

71 1002.31 Controlled open enrollment; Public school parental
72 choice.—

73 (2) (a) Beginning by the 2017-2018 school year, as part of a
74 school district's or charter school's controlled open enrollment
75 process, and in addition to the existing public school choice
76 programs provided in s. 1002.20(6) (a), each district school
77 board or charter school shall allow a parent from any school
78 district in the state whose child is not subject to a current
79 expulsion or suspension to enroll his or her child in and
80 transport his or her child to any public school, including
81 charter schools, virtual charter schools, and district virtual
82 programs, that ~~have~~ ~~has~~ not reached capacity in the district,
83 subject to the maximum class size pursuant to s. 1003.03 and s.
84 1, Art. IX of the State Constitution, if applicable. The school
85 district or charter school shall accept the student, pursuant to
86 that school district's or charter school's controlled open
87 enrollment process, and report the student for purposes of the

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

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88 school district's or charter school's funding pursuant to the
89 Florida Education Finance Program. A school district or charter
90 school may provide transportation to students described under
91 this section.

92 Section 4. Subsection (8) of section 1002.37, Florida
93 Statutes, is amended to read:

94 1002.37 The Florida Virtual School.—

95 (8) (a) The Florida Virtual School may provide full-time and
96 part-time instruction for students in kindergarten through grade
97 12. ~~To receive part-time instruction in kindergarten through~~
98 ~~grade 5, a student must meet at least one of the eligibility~~
99 ~~criteria in s. 1002.455(2).~~

100 (b) For students receiving part-time instruction ~~in~~
101 ~~kindergarten through grade 5~~ and students receiving full-time
102 instruction ~~in kindergarten through grade 12~~ from the Florida
103 Virtual School, the full-time equivalent student enrollment
104 calculated under this subsection is subject to the requirements
105 in s. 1011.61(4).

106 Section 5. Subsection (5) and paragraph (b) of subsection
107 (6) of section 1002.45, Florida Statutes, are amended to read:

108 1002.45 Virtual instruction programs.—

109 (5) STUDENT ELIGIBILITY.—A student may enroll in a full-
110 time or part-time virtual instruction program in kindergarten
111 through grade 12 which is provided by a ~~the~~ school district or
112 by a virtual charter school ~~operated in the district in which he~~
113 ~~or she resides if the student meets eligibility requirements for~~
114 ~~virtual instruction pursuant to s. 1002.455.~~

115 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
116 enrolled in a virtual instruction program or virtual charter

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117 school must:

118 (b) Take state assessment tests within the school district
119 in which such student resides or enrolls, as contractually
120 specified. If requested by the provider, the district of
121 residence which must provide the student with access to the
122 district's testing facilities.

123 Section 6. Section 1002.455, Florida Statutes, is repealed.

124 Section 7. Paragraphs (a), (b), and (c) of subsection (10)
125 of section 1003.4282, Florida Statutes, are amended to read:

126 1003.4282 Requirements for a standard high school diploma.-

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

130 (a) A parent of the student with a disability shall, in
131 collaboration with the individual education plan (IEP) team
132 during the transition planning process pursuant to s. 1003.5716,
133 declare an intent for the student to graduate from high school
134 with ~~either~~ a standard high school diploma. The student must
135 also be offered the option to pursue a scholar or merit
136 designation pursuant to s. 1003.4285 or a certificate of
137 completion. A student with a disability who does not satisfy the
138 standard high school diploma requirements pursuant to this
139 section shall be awarded a certificate of completion.

140 (b) The following options, in addition to the other options
141 specified in this section, may be used to satisfy the standard
142 high school diploma requirements, as specified in the student's
143 individual education plan:

144 1. For a student with a disability for whom the IEP team
145 has determined that the Florida Alternate Assessment is the most

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146 appropriate measure of the student's skills:

147 a. A combination of course substitutions, assessments,
148 industry certifications, other acceleration options, or
149 occupational completion points appropriate to the student's
150 unique skills and abilities that meet the criteria established
151 by State Board of Education rule.

152 b. A portfolio of quantifiable evidence that documents a
153 student's mastery of academic standards through rigorous metrics
154 established by State Board of Education rule. A portfolio may
155 include, but is not limited to, documentation of work
156 experience, internships, community service, and postsecondary
157 credit.

158 2. For a student with a disability for whom the IEP team
159 has determined that mastery of academic and employment
160 competencies is the most appropriate way for a student to
161 demonstrate his or her skills:

162 a. Documented completion of the minimum high school
163 graduation requirements, including the number of course credits
164 prescribed by rules of the State Board of Education.

165 ~~b. Documented achievement of all annual goals and short-~~
166 ~~term objectives for academic and employment competencies,~~
167 ~~industry certifications, and occupational completion points~~
168 ~~specified in the student's transition plan. The documentation~~
169 ~~must be verified by the IEP team.~~

170 ~~b.e.~~ Documented successful employment for the number of
171 hours per week specified in the student's employment transition
172 plan, for the equivalent of 1 semester, and payment of a minimum
173 wage in compliance with the requirements of the federal Fair
174 Labor Standards Act or documented work experience in a

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175 structured work-study, internship, or preapprenticeship program
 176 for the number of hours per week specified in the student's
 177 employment transition plan, for the equivalent of 1 semester.
 178 ~~c.d.~~ Documented mastery of the academic and employment
 179 competencies, industry certifications, and occupational
 180 completion points specified in the student's transition plan.
 181 The documentation must be verified by the IEP team, the
 182 employer, and the teacher. The transition plan must be developed
 183 and signed by the student, parent, teacher, and employer before
 184 placement in employment and must identify the following:
 185 (I) The expected academic and employment competencies,
 186 industry certifications, and occupational completion points;
 187 (II) The criteria for determining and certifying mastery of
 188 the competencies;
 189 (III) The work schedule and the minimum number of hours to
 190 be worked per week; and
 191 (IV) A description of the supervision to be provided by the
 192 school district.
 193 3. Any change to the high school graduation option
 194 specified in the student's IEP must be approved by the parent
 195 and is subject to verification for appropriateness by an
 196 independent reviewer selected by the parent as provided in s.
 197 1003.572.
 198 (c) A student with a disability who meets the standard high
 199 school diploma requirements in this subsection ~~section~~ may defer
 200 the receipt of a standard high school diploma if the student:
 201 1. Has an individual education plan that prescribes special
 202 education, transition planning, transition services, or related
 203 services through age 21; and

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204 2. Is enrolled in accelerated college credit instruction
 205 pursuant to s. 1007.27, industry certification courses that lead
 206 to college credit, a collegiate high school program, courses
 207 necessary to satisfy the Scholar designation requirements, or a
 208 structured work-study, internship, or preapprenticeship program.
 209
 210 The State Board of Education shall adopt rules under ss.
 211 120.536(1) and 120.54 to implement this subsection, including
 212 rules that establish the minimum requirements for students
 213 described in this subsection to earn a standard high school
 214 diploma. The State Board of Education shall adopt emergency
 215 rules pursuant to ss. 120.536(1) and 120.54.
 216 Section 8. Subsections (5) and (7) of section 1003.52,
 217 Florida Statutes, are amended to read:
 218 1003.52 Educational services in Department of Juvenile
 219 Justice programs.—
 220 (5) The educational program must ~~shall~~ provide instruction
 221 based on each student's individualized transition plan, assessed
 222 educational needs, and the education programs available in the
 223 school district in which the student will return. Depending on
 224 the student's needs, educational programming may consist of
 225 remedial courses, academic courses required for grade
 226 advancement, CAPE courses, high school equivalency examination
 227 preparation, or exceptional student education curricula and
 228 related services which support the transition goals and reentry
 229 and which may lead to completion of the requirements for receipt
 230 of a high school diploma or its equivalent. Prevention and day
 231 treatment juvenile justice education programs, at a minimum,
 232 shall provide career readiness and exploration opportunities as

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233 well as truancy and dropout prevention intervention services.
 234 Residential juvenile justice education programs with a
 235 contracted minimum length of stay of 9 months shall provide CAPE
 236 courses that lead to preapprentice certifications and industry
 237 certifications. Programs with contracted lengths of stay of less
 238 than 9 months may provide career education courses that lead to
 239 preapprentice certifications and CAPE industry certifications.
 240 If the duration of a detention program is less than 40 days, the
 241 educational component may be limited to tutorial remediation
 242 activities, career employability skills instruction, education
 243 counseling, and transition services that prepare students for a
 244 return to school, the community, and their home settings based
 245 on the students' needs.

246 (7) An individualized progress monitoring plan shall be
 247 developed for all students ~~not classified as exceptional~~
 248 ~~education students~~ upon entry in a juvenile justice education
 249 program and upon reentry in the school district. These plans
 250 shall address academic, literacy, and career and technical
 251 skills and shall include provisions for intensive remedial
 252 instruction in the areas of weakness.

253 Section 9. Present paragraphs (d) through (i) of subsection
 254 (2) of section 1004.015, Florida Statutes, are redesignated as
 255 paragraphs (e) through (j), respectively, and a new paragraph
 256 (d) is added to that subsection, to read:

257 1004.015 Higher Education Coordinating Council.—

258 (2) Members of the council shall include:

259 (d) The Chancellor of Career and Adult Education.

260 Section 10. Present paragraph (c) of subsection (3) of
 261 section 1004.04, Florida Statutes, is redesignated as paragraph

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262 (d), and a new paragraph (c) is added to that subsection, to
 263 read:

264 1004.04 Public accountability and state approval for
 265 teacher preparation programs.—

266 (3) INITIAL STATE PROGRAM APPROVAL.—

267 (c) Beginning July 1, 2017, an institution that seeks
 268 initial approval to offer only a graduate-level teacher
 269 preparation program in an educator certification area that does
 270 not require a graduate-level degree shall provide students an
 271 option to complete the initial preparation program at the
 272 bachelor's level. An existing state-approved program must also
 273 meet this requirement when it seeks continued approval pursuant
 274 to subsection (4).

275 Section 11. Subsection (8) of section 1007.27, Florida
 276 Statutes, is amended to read:

277 1007.27 Articulated acceleration mechanisms.—

278 (8) The Advanced International Certificate of Education
 279 Program and the International General Certificate of Secondary
 280 Education (pre-AICE) Program shall be the curricula in which
 281 eligible secondary students are enrolled in programs of study
 282 offered through the Advanced International Certificate of
 283 Education Program or the International General Certificate of
 284 Secondary Education (pre-AICE) Program administered by the
 285 University of Cambridge Local Examinations Syndicate. The State
 286 Board of Education and the Board of Governors shall specify in
 287 the statewide articulation agreement required by s. 1007.23(1)
 288 the cutoff scores and Advanced International Certificate of
 289 Education examinations which will be used to grant postsecondary
 290 credit at Florida College System institutions and universities.

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291 Any changes to the cutoff scores, which changes have the effect
 292 of raising the required cutoff score or of changing the Advanced
 293 International Certification of Education examinations which will
 294 be used to grant postsecondary credit, shall apply to students
 295 taking Advanced International Certificate of Education
 296 examinations after such changes are adopted by the State Board
 297 of Education and the Board of Governors. Students shall be
 298 awarded a maximum of 30 semester credit hours pursuant to this
 299 subsection. The specific course for which a student may receive
 300 such credit shall be specified in the statewide articulation
 301 agreement required by s. 1007.23(1) determined by the Florida
 302 College System institution or university that accepts the
 303 student for admission. Students enrolled in either program of
 304 study pursuant to this subsection shall be exempt from the
 305 payment of any fees for administration of the examinations
 306 regardless of whether the student achieves a passing score on
 307 the examination.

308 Section 12. Subsections (1), (7), and (12) of section
 309 1007.271, Florida Statutes, are amended, and subsection (26) is
 310 added to that section, to read:

311 1007.271 Dual enrollment programs.—

312 (1) The dual enrollment program is the enrollment of an
 313 eligible secondary student or home education student in a
 314 postsecondary course creditable toward high school completion
 315 and a career certificate leading to an industry certification or
 316 an associate or baccalaureate degree as specified by State Board
 317 of Education rule. A student who is enrolled in postsecondary
 318 instruction that is not creditable toward a high school diploma
 319 may not be classified as a dual enrollment student.

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320 (7) Career dual enrollment shall be provided as a
 321 curricular option for secondary students to pursue in order to
 322 earn career certificates leading to industry certifications
 323 adopted pursuant to s. 1008.44, which count as credits toward
 324 the high school diploma. ~~Career dual enrollment shall be~~
 325 ~~available for secondary students seeking a degree and industry~~
 326 ~~certification through a career education program or course.~~

327 (12) The State Board of Education shall adopt rules
 328 necessary to administer this section, including rules related to
 329 student eligibility and participation, courses and programs,
 330 funding, and articulation agreements for any dual enrollment
 331 programs involving requirements for high school graduation.

332 (26) The Commissioner of Education may approve a statewide
 333 dual enrollment articulation agreement for the Florida Virtual
 334 School to enroll Florida Virtual School full-time students at a
 335 postsecondary institution eligible to participate in the dual
 336 enrollment program pursuant to s. 1011.62(1)(i).

337 Section 13. Subsection (1) of section 1002.33, Florida
 338 Statutes, is amended to read:

339 1002.33 Charter schools.—

340 (1) AUTHORIZATION.—Charter schools shall be part of the
 341 state's program of public education. All charter schools in
 342 Florida are public schools. A charter school may be formed by
 343 creating a new school or converting an existing public school to
 344 charter status. A charter school may operate a virtual charter
 345 school pursuant to s. 1002.45(1)(d) to provide full-time online
 346 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in
 347 kindergarten through grade 12. An existing charter school that
 348 is seeking to become a virtual charter school must amend its

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349 charter or submit a new application pursuant to subsection (6)
 350 to become a virtual charter school. A virtual charter school is
 351 subject to the requirements of this section; however, a virtual
 352 charter school is exempt from subsections (18) and (19),
 353 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
 354 s. 1003.03. A public school may not use the term charter in its
 355 name unless it has been approved under this section.

356 Section 14. Subsection (2) of section 1003.498, Florida
 357 Statutes, is amended to read:

358 1003.498 School district virtual course offerings.—

359 (2) School districts may offer virtual courses for students
 360 enrolled in the school district. These courses must be
 361 identified in the course code directory. ~~Students who meet the~~
 362 ~~eligibility requirements of s. 1002.455 may participate in these~~
 363 ~~virtual course offerings.~~

364 (a) Any eligible student who is enrolled in a school
 365 district may register and enroll in an online course offered by
 366 his or her school district.

367 (b)1. Any eligible student who is enrolled in a school
 368 district may register and enroll in an online course offered by
 369 any other school district in the state. The school district in
 370 which the student completes the course shall report the
 371 student's completion of that course for funding pursuant to s.
 372 1011.61(1)(c)1.b.(VI), and the home school district ~~may shall~~
 373 not report the student for funding for that course.

374 2. The full-time equivalent student membership calculated
 375 under this subsection is subject to the requirements in s.
 376 1011.61(4). The Department of Education shall establish
 377 procedures to enable interdistrict coordination for the delivery

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378 and funding of this online option.

379 Section 15. Subsection (11) of section 1011.62, Florida
 380 Statutes, is amended to read:

381 1011.62 Funds for operation of schools.—If the annual
 382 allocation from the Florida Education Finance Program to each
 383 district for operation of schools is not determined in the
 384 annual appropriations act or the substantive bill implementing
 385 the annual appropriations act, it shall be determined as
 386 follows:

387 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
 388 annually provide in the Florida Education Finance Program a
 389 virtual education contribution. The amount of the virtual
 390 education contribution shall be the difference between the
 391 amount per FTE established in the General Appropriations Act for
 392 virtual education and the amount per FTE for each district and
 393 the Florida Virtual School, which may be calculated by taking
 394 the sum of the base FEFP allocation, the discretionary local
 395 effort, the state-funded discretionary contribution, the
 396 discretionary millage compression supplement, the research-based
 397 reading instruction allocation, and the instructional materials
 398 allocation, and then dividing by the total unweighted FTE. This
 399 difference shall be multiplied by the virtual education
 400 unweighted FTE for school district-operated part-time and full-
 401 time virtual instruction programs, full-time virtual charter
 402 school programs, virtual courses offered, ~~programs and options~~
 403 ~~identified in s. 1002.455(3)~~ and the Florida Virtual School and
 404 its franchises to equal the virtual education contribution and
 405 shall be included as a separate allocation in the funding
 406 formula.

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407

Section 16. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

April 18, 2017

Meeting Date

SB 868

Bill Number (if applicable)

232574

Amendment Barcode (if applicable)

Topic Education Options and Services

Name Erin Ballas

Job Title _____

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Street

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Tallahassee

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32301

Email erinballas@paconsultants.com

City

State

Zip

Speaking: For Against Information

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

Representing Outward Bound

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

18 Apr 17

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

868

Meeting Date

Bill Number (if applicable)

Topic Virtual School Participation

Amendment Barcode (if applicable)

Name James Mosteller

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State

Zip

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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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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/18/2017

Meeting Date

SB 868

Bill Number (if applicable)

Topic SB 868- Educational Options and Services

Amendment Barcode (if applicable)

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Email Tanya.Cooper@fldoe.org

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State

Zip

Speaking: For Against Information

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

Representing Florida Department of 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.

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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)

4-18-17

Meeting Date

868

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Shawn Frost

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State

32301

Zip

Email info@FCSBM.org

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

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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4-18-17

Meeting Date

868

Bill Number (if applicable)

Topic Educational Options + Services

Amendment Barcode (if applicable)

Name Holly Sagues (Sá-gos)

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Speaking: For Against Information

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

Representing Florida Virtual School

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
APPEARANCE RECORD

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

04-18-2017

Meeting Date

868

Bill Number (if applicable)

Topic Education Options

Amendment Barcode (if applicable)

Name Michael Daniels

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Tallahassee FL 32304

City State Zip

Email _____

Speaking: For Against Information

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

Representing FAAST

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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THE FLORIDA SENATE

APPEARANCE RECORD

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4-18-17

Meeting Date

SB 868

Bill Number (if applicable)

Topic Educational Options

Amendment Barcode (if applicable)

Name Margaret S. Hooper

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Speaking: For Against Information

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

Representing Florida Developmental Disabilities Council

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 Pre-K - 12 Education

BILL: PCS/CS/SB 984

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education; Education Committee and Senator Bean and others

SUBJECT: Shared Use of Public School Playground Facilities

DATE: April 18, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 984 provides legislative intent to increase the number of school districts that open their playground facilities to community use outside of school hours to improve public access to recreational facilities and reduce the impact of obesity, diabetes, and other chronic diseases on personal health and health care expenditures. Specifically, the bill:

- Establishes a Shared Use Task Force to identify barriers in creating shared use agreements and make recommendations to facilitate the shared use of school facilities generally and in high-need communities, specifies membership of the task force, and requires the task force to submit a report to the Legislature by October 1, 2017.
- Requires the Department of Education (DOE) to provide technical assistance to school districts regarding the shared use of school facilities.
- Specifies DOE responsibilities relating to funding for the shared use of recreational facilities.

The bill does not impact state revenues or expenditures. SB 2500, the Senate General Appropriations Act for Fiscal Year 2017-2018, does not provide an appropriation to the DOE for the short-term grants authorized in the bill.

The bill takes effect on July 1, 2017.

II. Present Situation:

Impact of Obesity on Personal Health

The Centers for Disease Control and Prevention (CDC) estimates that 70.7 percent of adults in America are overweight, including 37.9 percent who are obese,¹ and 12.7 percent who have diabetes.² The CDC also estimates that 20.6 percent of children age 12-19, 17.4 percent of children age 6-11, and 9.4 percent of children age 2-5, are obese.³ The CDC finds that obesity disproportionately affects children from low-income families.⁴ The National Institutes of Health warns that being overweight or obese substantially raises the risk of death from hypertension, dyslipidemia, type 2 diabetes, coronary heart disease, stroke, gallbladder disease, osteoarthritis, sleep apnea and respiratory problems, and endometrial, breast, prostate, and colon cancers.⁵

The estimated annual medical cost of obesity in the U.S. was \$147 billion in 2008; the annual medical costs for people who are obese were \$1,429 higher than those of normal weight.⁶

The CDC has issued a policy statement advocating joint use (or shared use) agreements to increase resident's access to safe physical activity resources.⁷

Playground Facilities

Florida law authorizes a district school board, a Florida College System institution board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind to allow public access for use of educational facilities and grounds for public assemblies, community use centers, or voting locations.⁸

Additionally, the law requires that a county and municipality within the geographic areas of a school district enter into an interlocal agreement with the district a school board that jointly establishes the specific ways in which the plans and processes of the district school board and the

¹ U.S. Department of Health and Human Services, *Health, United States, 2015* (May 2016), at 200, available at [https://www.cdc.gov/nchs/data/15.pdf#053](https://www.cdc.gov/nchs/data/hus/15.pdf#053). The estimates are for 2013-2014.

² *Id.*

³ *Id.*

⁴ Centers for Disease Control and Prevention, *Obesity Prevalence Among Low-Income, Preschool-Aged Children, United States, 1998-2008*, <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5828a1.htm> (last visited March 31, 2017).

⁵ National Institutes of Health, *Clinical Guidelines on the Identification, Evaluation, and Treatment of Overweight and Obesity in Adults* (September, 1998), at xi, available at https://www.nhlbi.nih.gov/files/docs/guidelines/obesity_guidelines_archive.pdf.

⁶ Eric A. Finkelstein, Justin G. Trogon, Joel W. Cohen and William Dietz, *Annual Medical Spending Attributable To Obesity: Payer-And Service-Specific Estimates*, *Health Affairs* 28, no.5 (2009):w822-w831doi: 10.1377/hlthaff.28.5.w822 originally published online July 27, 2009, available at <http://content.healthaffairs.org/content/28/5/w822.full.pdf+html>.

⁷ Centers for Disease Control and Prevention, *Joint Use Agreements*, available at <https://www.cdc.gov/nccdphp/dch/pdfs/health-equity-guide/health-equity-guide-sect-4-1.pdf>.

⁸ Section 1013.10, F.S. Section 1013.01, F.S., defines a board as a district school board, a Florida College System institution board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind.

local governments are to be coordinated.⁹ The interlocal agreement must include a process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.¹⁰ In these agreements, school boards and local governments, recognizing the value of shared use school facilities, may provide for a separate agreement developed for each instance of co-location and shared use, which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from co-location and shared use.¹¹

Limited Waiver of Sovereign Immunity

The doctrine of sovereign immunity precludes bringing suit against the government without its consent.¹² Founded on the ancient principle that “the King can do no wrong,” sovereign immunity bars holding the government or its political subdivisions liable for torts of its officers or agents unless such immunity is expressly waived by statute or necessary inference from legislative enactment.¹³

Article X, s. 13 of the Florida Constitution authorizes the Legislature to waive sovereign immunity. Accordingly, via s. 768.28(1), F.S., the Legislature created a limited waiver of sovereign immunity in tort:

In accordance with s. 13, Art. X of the State Constitution, the state, for itself and for its agencies or subdivisions, hereby waives sovereign immunity for liability for torts, but only to the extent specified in this act. Actions at law against the state or any of its agencies or subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment under circumstances in which the state or such agency or subdivision, if a private person, would be liable to the claimant, in accordance with the general laws of this state, may be prosecuted subject to the limitations specified in this act.

Liability is limited to \$200,000 by any one person, and \$300,000 for the same incident or occurrence.¹⁴

⁹ Sections 163.31777(1), F.S., and 1013.33(1), F.S.

¹⁰ Section 163.31777(2)(g), F.S.

¹¹ See e.g., Santa Rosa County Commission, City Council of Milton and Gulf Breeze, Town Council of the Town of Jay, and the School Board of Santa Rosa County, *Interlocal Agreement for Public School Facility Planning*, at 10-11, available at <https://sites.santarosa.k12.fl.us/admin/files/PropAmndIntrlcAgr010312wSigs.pdf>.

¹² *Black’s Law Dictionary* 1396 (6th ed. 1990).

¹³ *Id.*

¹⁴ Section 768.28(5), F.S.

III. Effect of Proposed Changes:

The bill provides legislative intent to increase the number of school districts that open their playground facilities to community use outside of school hours to improve public access to recreational facilities and reduce the impact of obesity, diabetes, and other chronic diseases on personal health and health care expenditures. Specifically, the bill:

- Establishes a Shared Use Task Force to identify barriers in creating shared use agreements and make recommendations to facilitate the shared use of school facilities generally and in high-need communities; and specifies membership of the task force.
- Requires the Department of Education (DOE) to provide technical assistance to school districts regarding the shared use of school facilities.
- Specifies DOE responsibilities relating to funding for the shared use of recreational facilities.

DOE Responsibility (Section 1)

Section 1 requires the Department of Education (DOE) to provide technical assistance to school districts including, but not limited to:

- Individualized assistance;
- The creation of a shared use¹⁵ technical assistance toolkit containing useful information for school districts; and
- The development of a publicly accessible online database of shared use resources and existing shared use agreements.¹⁶

This section requires the DOE to perform the following duties related to funding for the shared use of recreational facilities:

- Establish guidelines for funding eligibility, promote the availability of the funding statewide, provide technical assistance to applicants, evaluate applicants, determine allowable expenses, and disburse funding.
- Annually post on its website and report to the President of the Senate and the Speaker of the House of Representatives the expenditure of the short-term grant funds, including the total amount of funding distributed, the school districts that received funding, the amount of funding each school district received, and the department's evaluation results.
- Develop an application process for school districts to receive funding. The application must require that a school district:
 - Demonstrate that it has an active partnership with a local governmental agency or nonprofit organization;
 - Agree to fully implement its shared use project within the grant period;
 - Abide by the conditions for receiving assistance;
 - Provide the department with a copy of the school district's shared use agreement or shared use policy; and

¹⁵ "Shared use" is defined in the bill as allowing access to school playground facilities by community members for recreation or another purpose of importance to the community through a shared use agreement or a school district or school policy that opens school facilities for use by government or nongovernmental entities or the public.

¹⁶ "Shared use agreement" is defined in the bill as a written agreement between a school district and a government or nongovernmental entity which defines the roles, responsibilities, terms, and conditions for community use of a school-owned facility for recreation or other purposes.

- Collect and provide data and other information required by the department for monitoring, accountability, and evaluation purposes.
- Give funding priority to high-need communities.¹⁷ In consultation with the Shared Use Task Force, the department may establish additional criteria for funding priorities.
- Submit to the President of the Senate and the Speaker of the House of Representatives:
 - An electronic report on the grants that have been disbursed or are in the process of being disbursed, by December 31, 2017.
 - A final report on the grant disbursements by June 30, 2018.

Shared Use Task Force Responsibility (Section 2)

Section 2 establishes a seven-member Shared Use Task Force (task force)¹⁸ within the DOE to identify barriers in creating shared use agreements and make recommendations to facilitate the shared use of school facilities generally and in high-need communities. This section requires the DOE to appoint the following members to the task force:

- Two representatives from school districts, including 1 representative from school districts 1 through 33 and 1 representative from school districts 34 through 67;
- One representative from a public health department;
- Two representatives from community-based programs in high-need communities; and
- Two representatives from recreational organizations.

Section 2 also specifies requirements for electing a task force chair and vice chair, and conducting meetings.

This section requires the task force to submit a report of its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by October 1, 2017. Additionally, this section requires:

- The department to provide staff necessary to assist the task force; and
- The State Board of Education to adopt rules for implementing and administering the task force provisions.

The bill takes effect on July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁷ “High-need communities” are defined in the bill as communities in which at least 50 percent of children are eligible to receive free or reduced-price meals at the school that will be the subject of the shared use agreement.

¹⁸ A “task force” means an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment. Section 20.03(8), F.S.

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 does not impact state revenues or expenditures. SB 2500, the Senate General Appropriations Act for Fiscal Year 2017-2018, does not provide an appropriation to the Department of Education for funding the shared use of school district recreational facilities authorized in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1013.101 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.)

Recommended CS for CS by Appropriations Subcommittee on Pre-K-12 Education on April 18, 2016:

The committee substitute clarifies the Department of Education's responsibilities relating to funding for shared use of school district recreational facilities.

CS by Education on April 3, 2017:

The committee substitute adds reporting requirements for the Department of Education (DOE) and modifies the reporting requirement for the Shared Use Task Force. Specifically, the committee substitute:

- Adds a provision requiring the DOE to submit to the President of the Senate and the Speaker of the House of Representatives:
 - An electronic report on the grants that have been disbursed or are in the process of being disbursed, by December 31, 2017.
 - A final report on the grant disbursements by June 30, 2018.
- Modifies the deadline for the Shared Use Task force to report its findings and recommendations to the Legislature from June 30, 2018, to October 1, 2017.

B. Amendments:

None.



970744

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Bean)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 69 - 100

and insert:

(4) DEPARTMENT RESPONSIBILITIES.-The department shall:

(a) Establish guidelines for funding eligibility consistent with this section, promote the availability of the funding statewide, provide technical assistance to applicants, evaluate applicants, determine allowable expenses, and disburse funding.

(b) Annually post on its website and report to the



970744

11 President of the Senate and the Speaker of the House of
12 Representatives the expenditure of the funds used to administer
13 this section, including the total amount of funding distributed,
14 the school districts that received funding, the amount of
15 funding each school district received, and the department's
16 evaluation results.

17 (c) Develop an application process for school districts to
18 receive funding. The application must require that a school
19 district:

20 1. Demonstrate that it has an active partnership with a
21 local governmental agency or nonprofit organization;

22 2. Agree to fully implement its shared use project within
23 the grant period;

24 3. Abide by the conditions for receiving assistance;

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

27 5. Collect and provide data and other information required
28 by the department for monitoring, accountability, and evaluation
29 purposes.

30 (d) Give funding priority to high-need communities. In
31

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

33 And the title is amended as follows:

34 Delete lines 7 - 8

35 and insert:

36 providing department responsibilities; specifying
37 funding allocation

By the Committee on Education; and Senators Bean, Broxson,
Mayfield, Brandes, Baxley, and Garcia

581-03345-17

2017984c1

A bill to be entitled

An act relating to the shared use of public school playground facilities; creating s. 1013.101, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Education to provide specified assistance to school districts; providing for funding as established in the General Appropriations Act; specifying funding allocation guidelines; requiring the department to annually post information regarding specified allocations on its website and report to the Legislature; requiring the department to develop an application process for school districts; requiring funding priority to be given to high-need communities; requiring reports to the Legislature by specified dates; creating the Shared Use Task Force within the department; specifying the purpose and membership of the task force; providing requirements for electing a task force chair and vice chair and conducting its meetings; requiring the department to provide the task force with necessary staff; requiring the task force to submit a report to the Legislature by a specified date; providing for expiration of the task force; providing for rulemaking; providing an effective date.

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

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

Page 1 of 5

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

581-03345-17

2017984c1

1013.101 Shared use agreements.—

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

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

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

(b) "Shared use" means allowing access to school playground facilities by community members for recreation or another purpose of importance to the community through a shared use agreement or a school district or school policy that opens school facilities for use by government or nongovernmental entities or the public.

(c) "Shared use agreement" means a written agreement between a school district and a government or nongovernmental

Page 2 of 5

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

581-03345-17

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59 entity which defines the roles, responsibilities, terms, and
 60 conditions for community use of a school-owned facility for
 61 recreation or other purposes.

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

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

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

74 (b) Establish guidelines for funding eligibility consistent
 75 with this section, promote the availability of the funding
 76 statewide, provide technical assistance to applicants, evaluate
 77 applicants, determine allowable expenses, and disburse funding.

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

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

581-03345-17

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

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

94 3. Abide by the conditions for receiving assistance;

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

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

100 (e) Give funding priority to high-need communities. In
 101 consultation with the Shared Use Task Force, the department may
 102 establish additional criteria for funding priorities consistent
 103 with this section.

104 (5) REPORT.—By December 31, 2017, the department shall
 105 submit an electronic report to the President of the Senate and
 106 the Speaker of the House of Representatives on the grants that
 107 have been disbursed or are in the process of being disbursed.
 108 The department shall submit a final report on the grant
 109 disbursements by June 30, 2018.

110 Section 2. Shared Use Task Force.—The Shared Use Task
 111 Force, a task force as defined in s. 20.03, Florida Statutes, is
 112 created within the Department of Education. The task force is
 113 created to identify barriers in creating shared use agreements
 114 and to make recommendations to facilitate the shared use of
 115 school facilities generally and in high-need communities.

116 (1) The task force is composed of 7 members appointed by

581-03345-17

2017984c1

117 the department, as follows:

118 (a) Two representatives from school districts, including 1
119 representative from school districts 1 through 33 and 1
120 representative from school districts 34 through 67;

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

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

124 (d) Two representatives from recreational organizations.

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

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

132 (4) The department shall provide the task force with staff
133 necessary to assist the task force in the performance of its
134 duties.

135 (5) The task force shall submit a report of its findings
136 and recommendations to the President of the Senate and the
137 Speaker of the House of Representatives by October 1, 2017. Upon
138 submission of the report, the task force shall expire.

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/18/17

Meeting Date

984

Bill Number (if applicable)

Topic Shared Use of Public Schools

Amendment Barcode (if applicable)

Name Fely Curva, Ph.D.

Job Title Partner, Curva & Associates LLC

Address 1212 Piedmont Drive

Phone (850)508-2256

Street

Tallahassee

FL

32312

Email fely.curva@

City

State

Zip

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/18/17
Meeting Date

~~984~~ 984
Bill Number (if applicable)

Topic SHARED USE

Amendment Barcode (if applicable)

Name RIVERS BUFORD III

Job Title GOVERNMENT RELATIONS DIRECTOR

Address 2851 REMINGTON GREEN
Street

Phone 850-566-9119

TALLAHASSEE FL 32308
City State Zip

Email Rivers.Buford@heart.org

Speaking: For Against Information

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

Representing AMERICAN HEART 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.

APPEARANCE RECORD

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

4/18/2017

Meeting Date

Topic _____

Bill Number 984
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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
APPEARANCE RECORD

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

4-18-17

Meeting Date

SB964

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Erin McWilliams

Job Title Teacher

Address 31204 Bridgegate Dr

Phone (269) 501-3994

Street

Wesley Chapel FL 33545

City

State

Zip

Email emcwilliams

Speaking: For Against Information

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

Representing USEP

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 Pre-K - 12 Education

BILL: PCS/SB 1302 (641114)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education and Senator Gibson

SUBJECT: Private School Student Participation in Extracurricular Activities

DATE: April 18, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/SB 1302 revises eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports. Specifically, the bill requires the Florida High School Athletic Association (FHSAA), in cooperation with each district school board, to allow a student attending a private school that is not a member of the FHSAA to participate in interscholastic or intrascholastic sports at a public school that a student could choose to attend pursuant to controlled open enrollment.

The bill does not impact state revenues or expenditures.

The bill takes effect July 1, 2017.

II. Present Situation:

Student Eligibility for Interscholastic and Intrascholastic Extracurricular Activities

Each district school board must establish, through its code of conduct, student eligibility standards and related student disciplinary actions regarding student participation in

interscholastic and intrascholastic extracurricular activities.¹ The code of student conduct must provide that:²

- A student not currently suspended from interscholastic or intrascholastic extracurricular activities, or suspended or expelled from school pursuant to a district school board's suspension or expulsion powers provided in law, is eligible to participate in interscholastic and intrascholastic activities.
- A student may not participate in a sport in a sport if the student participated in the same sport at another school during the school year, unless the student meets criteria specified in law.
- A student's eligibility to participate in an interscholastic or intrascholastic activity may not be affected by recruiting allegations until a final determination has been reached.

While district school boards have the authority and responsibility for student eligibility, the Florida High School Athletics Association (FHSAA) retains jurisdiction over, among other things, membership in the FHSAA and school eligibility.³ The FHSAA bylaws require member schools to comply with all FHSAA bylaws and administrative policies and procedures.⁴ Each member school must annually adopt the bylaws as the rules governing its interscholastic athletic programs, as a condition to membership in the FHSAA.⁵ Such adoption acts as a contract between FHSAA and the member school.⁶ Member schools that violate the bylaws are subject to disciplinary action determined to be appropriate by the FHSAA.⁷ To be eligible for participation in interscholastic extracurricular activities under the FHSAA, a high school student⁸ must:⁹

- Maintain a grade point average (GPA) of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester preceding participation or a cumulative GPA of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for high school graduation.¹⁰
- Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required for high school graduation.¹¹ At a minimum, the contract must require that a student attend summer schools, or its graded equivalent, between grades 9 and 10 or grades 10 and 11 as necessary.

¹ Section 1006.195(1)(a), F.S.

² Section 1006.195(1), F.S.

³ Section 1006.195(2)(a), F.S. The FHSAA retains jurisdiction over recruiting prohibitions and violations, student medical evaluations, investigations, sanctions for coaches, forfeiture of contests, student concussions or head injuries, the sports medical advisory committee, general operational provisions of the FHSAA. *Id.*

⁴ Bylaws 2.6 (compliance with rules), 3.3.1 (conditions of membership), and 3.5, (obligations of membership). Florida High School Athletic Association, *2016-2017 FHSAA Bylaws*, available at https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1617_handbook_bylaws.pdf.

⁵ Bylaw 3.3.1(d). Florida High School Athletic Association, *2016-2017 FHSAA Bylaws*, available at https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1617_handbook_bylaws.pdf.

⁶ *Sult v. Gilbert*, 148 Fla. 31, 35 (1941).

⁷ *Sult*, 148 Fla. at 35; bylaw 2.6, Florida High School Athletic Association, *2016-2017 FHSAA Bylaws*, available at https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1617_handbook_bylaws.pdf.

⁸ For purposes of athletics in public K-12 schools, high school includes grade six through 12. Section 1006.20(1), F.S.

⁹ Section 1006.15(3)(a), F.S.

¹⁰ Sections 1002.3105(5) and 1003.4282, F.S.

¹¹ *Id.*

- Earn a cumulative GPA of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for graduation¹² during his or her junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct policies described in law. The eligibility of a student who is convicted of, or found to have committed, a felony or delinquent act that would have been a felony if committed by an adult is governed by district school board policy.

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at the public within the student's attendance zone if the private school where the student is enrolled is not a member of the FHSAA and has an enrollment of less than 125 students (non-FHSAA member private school).¹³ The FHSAA and district school board must adopt guidelines that establish:¹⁴

- A deadline for each sport by which the private school student's parents must register with the public school in writing their intent for their child to participate at that school in the sport.
- Requirements for a private school student to participate, including, but not limited to, meeting the same standards of eligibility, acceptance, behavior, educational progress, and performance which apply to other students participating in interscholastic or intrascholastic sports at a public school or FHSAA member private school.

Controlled Open Enrollment

Beginning with the 2017-2018 school year, a parent whose child is not subject to a current expulsion or suspension order may seek enrollment in and transport his or her child to any public school in the state, including a charter school, which has not reached capacity, as determined by the school district or charter school. The school district or charter school shall accept and report the student for purposes of funding through the Florida Education Finance Program (FEFP). The school district or charter school may provide student transportation at their discretion.¹⁵

Each school must provide preferential treatment in its controlled open enrollment process to:

- Dependent children of active duty military personnel who moved as a result of military orders
- Children relocated due to foster care placement in a different school zone
- Children relocated due to a court ordered change in custody as a result of separation or divorce, or the serious illness or death of a parent
- Students residing in the school district.¹⁶

¹² *Id.*

¹³ Section 1006.15(8), F.S. A private school that has a student who wishes to participate in a public school athletic program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request by the FHSAA; *see also s.* 1006.15(3)(c), (d), and (e), F.S.; bylaw 9.2.2.4, Florida High School Athletic Association, *2016-2017 FHSAA Bylaws*, available at https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1617_handbook_bylaws.pdf.

¹⁴ Section 1006.15(8), F.S.

¹⁵ Section 1002.31(2), F.S.

¹⁶ *Id.*

Each charter school may provide preferential treatment in the controlled open enrollment process to the enrollment limitations consistent with law¹⁷ and its charter contract. The charter school must post the application process required to participate in controlled open enrollment on its website.

A student residing in the school district may not be displaced by a student from another district. A student who transfers may remain at the school until the student completes the highest grade level offered.¹⁸

Each district school board must post on its website the application process required to participate in controlled open enrollment. The process must:

- Adhere to federal desegregation requirements.
- Allow parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.
- Maintain existing academic eligibility criteria for public school choice programs.
- Identify schools that have not reached capacity, as determined by the school district.
- Ensure that each district school board adopts a policy to provide preferential treatment.¹⁹

A school may not delay eligibility or prevent a student participating in controlled open enrollment from being immediately eligible to participate in extracurricular activities. A student may not participate in a sport if the student participated in the same sport in another school during the school year unless the student:

- Is a dependent of active duty military personnel whose move resulted from military orders;
- Relocated due to a foster care placement in a different school zone;
- Relocated due to a court-ordered change in custody; or
- Is authorized for good cause in district or charter school policy.²⁰

III. Effect of Proposed Changes:

The bill amends s. 1006.15, F.S., to revise student eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports. Specifically, the bill requires the Florida High School Athletic Association (FHSAA), in cooperation with each district school board, to allow a student attending a private school that is not a member of the FHSAA to participate in interscholastic or intrascholastic sports at a public school that a student could choose to attend pursuant to controlled open enrollment. Accordingly, private school

¹⁷ See Section 1002.33(10), F.S.

¹⁸ Section 1002.31(2), F.S.

¹⁹ Section 1002.31(3), F.S.

²⁰ Section 1002.31(6), F.S.

students are provided greater choice for participating in interscholastic or intrascholastic activities.

The bill takes effect July 1, 2017.

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 does not impact state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.15 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.)

Recommended CS by Appropriations Subcommittee on Pre-K-12 Education on April 18, 2017:

The committee substitute clarifies that the provision regarding participation in interscholastic or intrascholastic sports at a public school must be in accordance with the district's controlled open enrollment process.

- B. **Amendments:**

None.

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



465790

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Gibson)
recommended the following:

Senate Amendment

Delete line 25
and insert:
student could choose to attend pursuant to the district's
controlled open enrollment process under s. 1002.31 ~~that is~~

By Senator Gibson

6-01135A-17

20171302__

1 A bill to be entitled
 2 An act relating to private school student
 3 participation in extracurricular activities; amending
 4 s. 1006.15, F.S.; revising the eligibility
 5 requirements for certain private school students to
 6 participate in interscholastic or intrascholastic
 7 sports at specified public schools; providing an
 8 effective date.

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

11
 12 Section 1. Paragraph (a) of subsection (8) of section
 13 1006.15, Florida Statutes, is amended to read:

14 1006.15 Student standards for participation in
 15 interscholastic and intrascholastic extracurricular student
 16 activities; regulation.—

17 (8) (a) The Florida High School Athletic Association
 18 (FHSAA), in cooperation with each district school board, shall
 19 facilitate a program in which a middle school or high school
 20 student who attends a private school shall be eligible to
 21 participate in an interscholastic or intrascholastic sport at a
 22 public high school, a public middle school, or a 6-12 public
 23 school to which the student would be assigned according to
 24 district school board attendance area policies or which the
 25 student could choose to attend pursuant to s. 1002.31 ~~that is~~
 26 ~~zoned for the physical address at which the student resides~~ if:

- 27 1. The private school in which the student is enrolled is
 28 not a member of the FHSAA.
 29 2. The private school student meets the guidelines for the

Page 1 of 2

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

6-01135A-17

20171302__

30 conduct of the program established by the FHSAA's board of
 31 directors and the district school board. At a minimum, such
 32 guidelines shall provide:

33 a. A deadline for each sport by which the private school
 34 student's parents must register with the public school in
 35 writing their intent for their child to participate at that
 36 school in the sport.

37 b. Requirements for a private school student to
 38 participate, including, but not limited to, meeting the same
 39 standards of eligibility, acceptance, behavior, educational
 40 progress, and performance which apply to other students
 41 participating in interscholastic or intrascholastic sports at a
 42 public school or FHSAA member private school.

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

Page 2 of 2

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/18/2017

Meeting Date

1302

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St. Petersburg FL

33705

Email justice2jesus@yahoo.com

City

State

Zip

Speaking: For Against Information

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

Representing Justice-2-Jesus

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 Pre-K - 12 Education

BILL: CS/SB 1368

INTRODUCER: Education Committee and Senator Perry and others

SUBJECT: Exceptional Students

DATE: April 18, 2017 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	Fav/CS
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:
 COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1368 removes the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction. Additionally, the bill:

- Authorizes a parent to request and be granted permission for a student’s absence from school for treatment of autism spectrum disorder by a licensed health care practitioner.
- Requires each district school board to adopt an attendance policy authorizing a student’s absence for treatment of autism spectrum disorder.
- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2017.

II. Present Situation:

Exceptional Student Instruction

Educational Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.¹ Student enrollment in ESE programs is one of the factors considered in determining the funding a school district receives.²

The Individuals with Disabilities Education Act (IDEA) requires school districts to make free appropriate public education (FAPE) available to such students ages three through 21.³ A FAPE must include special education and related services⁴ provided by the public school district at no cost to the parent, which meet the standards of the state and are in conformity with the student's Individualized Education Plan (IEP).⁵

Each district school board must provide an appropriate program of special instruction, facilities and services for exceptional students.⁶ Each district program must:⁷

- Provide the necessary professional services for diagnosis and evaluation of exceptional students.
- Provide the special instruction, classes, and services within the district school system, in cooperation with the other district school systems or through contractual arrangements with the approved private schools or community facilities.
- Provide, on an annual basis, information describing all programs and methods of instruction available to parents of a sensory-impaired student.
- Provide instruction to homebound or hospitalized students in accordance with the law⁸ and rules of the State Board of Education.

An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident.⁹ The cost of such instruction, facilities and services for a nonresident student with a disability must be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority or parent.¹⁰ A nonresident student with a disability

¹ Section 1003.57(1)(b), F.S.; Rule 6A-6.03411(1)(m)-(n), F.A.C.

² See s. 1011.62(1)(c), F.S.

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

⁴ "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34(a).

⁵ 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C. An individualized education plan means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the IDEA. 20 U.S.C. s. 1414(d).

⁶ Section 1003.57(1)(b), F.S.

⁷ *Id.*

⁸ *Id.* at (1)(b)4.

⁹ *Id.* at (2)(a)

¹⁰ *Id.*

may not be reported by any school district for full-time equivalent student funding in the Florida Education Finance Program.¹¹

Within 10 business days after an exceptional student is placed in a residential care facility by an agency,¹² the agency or private residential care facility licensed by the agency, as appropriate, must provide written notification of the placement to the school district where the student is currently counted for funding and the receiving school district.¹³ The exceptional student must be enrolled in school and receive a FAPE, special education, and related services while the notice and procedures regarding payment are pending.¹⁴

Within 10 business days after receiving the notification, the receiving school district must review the student's IEP to determine whether it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district.¹⁵ The receiving school district must:¹⁶

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

If the receiving school district declines to provide or contract for the educational instruction, the school district in which the legal residence of the student is located must provide or contract for the educational instruction to the student.¹⁷ The school district that provides educational instruction or contracts to provide educational instruction must report the student for funding purposes.¹⁸

Public School Attendance Policies

Florida law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness.¹⁹ Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.²⁰ The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.²¹ If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the

¹¹ *Id.*

¹² "Agency" means the Department of Children Families, the Agency for Persons with Disabilities, and the Agency for Healthcare Administration. Section 1003.57(3)(a).

¹³ *Id.* at (3)(b).

¹⁴ *Id.*

¹⁵ *Id.* at (3)(c).

¹⁶ *Id.*

¹⁷ Section 1003.57(3)(c), F.S.

¹⁸ *Id.*

¹⁹ Section 1003.24, F.S.

²⁰ *Id.*

²¹ Section 1003.26, F.S.

absences to be excused.²² In such cases, the physician's excuse justifies absences beyond the maximum number of days permitted under the district school board's attendance policy.²³

State law and state board rule also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays or because religious tenets forbid secular activity during the school day.²⁴

III. Effect of Proposed Changes:

Section 4 removes the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction. Accordingly, this section facilitates a seamless transition for an exceptional student with a disability who is placed in a residential facility by requiring the receiving district to provide a free and appropriate education as required under federal law.

The bill also requires changes to school district attendance policies. Specifically,

- Section 1 requires each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder.
- Section 2 authorizes a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner, which includes, but is not limited to, applied behavior analysis, speech therapy, and occupational therapy.
- Section 3 revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

As a result, the bill facilitates access to specialized therapy and treatment by requiring school districts to provide attendance allowances for students with autism spectrum disorder who need these services.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²² Section 1003.24(4), F.S.

²³ *Id.*

²⁴ Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; Rule 6A-1.09514(1) and (2), F.A.C.

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 revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections the Florida Statutes: 1002.20, 1003.21, 1003.24 and 1003.57.

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 on April 3, 2017:

The committee substitute adds to the bill provisions that:

- Authorizes a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner.
- Requires each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder.
- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

B. Amendments:

None.

By the Committee on Education; and Senators Perry and Mayfield

581-03363-17

20171368c1

1 A bill to be entitled
 2 An act relating to exceptional students; amending s.
 3 1002.20, F.S; authorizing a parent to request and be
 4 granted permission for a student's absence from school
 5 for treatment of autism spectrum disorder by a
 6 licensed health care practitioner; amending s.
 7 1003.21, F.S.; requiring each district school board to
 8 adopt an attendance policy authorizing a student's
 9 absence for treatment of autism spectrum disorder;
 10 amending s. 1003.24, F.S.; revising an exemption
 11 relating to parental responsibility for nonattendance
 12 of a student to include treatment for autism spectrum
 13 disorder; amending s. 1003.57, F.S.; prohibiting
 14 certain school districts from declining to provide or
 15 contract for certain students' educational
 16 instruction; providing for funding of such students;
 17 providing an effective date.
 18
 19 Be It Enacted by the Legislature of the State of Florida:
 20
 21 Section 1. Paragraph (c) of subsection (2) of section
 22 1002.20, Florida Statutes, is amended, present paragraph (d) is
 23 redesignated as paragraph (e), and a new paragraph (d) is added
 24 to that subsection, to read:
 25 1002.20 K-12 student and parent rights.—Parents of public
 26 school students must receive accurate and timely information
 27 regarding their child's academic progress and must be informed
 28 of ways they can help their child to succeed in school. K-12
 29 students and their parents are afforded numerous statutory

Page 1 of 6

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

581-03363-17

20171368c1

30 rights, including, but not limited to, the following:
 31 (2) ATTENDANCE.—
 32 (c) *Absence for religious purposes.*—A parent of a public
 33 school student may request and be granted permission for absence
 34 of the student from school for religious instruction or
 35 religious holidays, in accordance with the provisions of s.
 36 1003.21(2)(b)1 ~~1003.21(2)(b)~~.
 37 (d) Absence for treatment of autism spectrum disorder.—A
 38 parent of a public school student may request and be granted
 39 permission for absence of the student from school for an
 40 appointment scheduled to receive a therapy service or other
 41 medical treatment provided by a licensed health care
 42 practitioner for the treatment of autism spectrum disorder
 43 pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).
 44 Section 2. Paragraph (b) of subsection (2) of section
 45 1003.21, Florida Statutes, is amended to read:
 46 1003.21 School attendance.—
 47 (2)
 48 (b) Each district school board, in accordance with rules of
 49 the State Board of Education, shall adopt policies authorizing a
 50 policy that authorizes a parent to request and be granted
 51 permission for absence of a student from school for:
 52 1. Religious instruction or religious holidays.
 53 2. An appointment scheduled to receive a therapy service or
 54 other medical treatment provided by a licensed health care
 55 practitioner for the treatment of autism spectrum disorder,
 56 including, but not limited to, applied behavioral analysis,
 57 speech therapy, and occupational therapy.
 58 Section 3. Subsection (4) of section 1003.24, Florida

Page 2 of 6

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581-03363-17

20171368c1

59 Statutes, is amended to read:

60 1003.24 Parents responsible for attendance of children;
61 attendance policy.—Each parent of a child within the compulsory
62 attendance age is responsible for the child's school attendance
63 as required by law. The absence of a student from school is
64 prima facie evidence of a violation of this section; however,
65 criminal prosecution under this chapter may not be brought
66 against a parent until the provisions of s. 1003.26 have been
67 complied with. A parent of a student is not responsible for the
68 student's nonattendance at school under any of the following
69 conditions:

70 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—
71 Attendance was impracticable or inadvisable on account of
72 sickness or injury, as attested to by a written statement of a
73 licensed practicing physician, or a written statement of a
74 licensed health care practitioner for the treatment of autism
75 spectrum disorder, or was impracticable because of some other
76 stated insurmountable condition as defined by rules of the State
77 Board of Education. If a student is continually sick and
78 repeatedly absent from school, he or she must be under the
79 supervision of a physician, or care of a licensed health care
80 practitioner for the treatment of autism spectrum disorder, in
81 order to receive an excuse from attendance. Such excuse provides
82 that a student's condition justifies absence for more than the
83 number of days permitted by the district school board.

84
85 Each district school board shall establish an attendance policy
86 that includes, but is not limited to, the required number of
87 days each school year that a student must be in attendance and

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581-03363-17

20171368c1

88 the number of absences and tardinesses after which a statement
89 explaining such absences and tardinesses must be on file at the
90 school. Each school in the district must determine if an absence
91 or tardiness is excused or unexcused according to criteria
92 established by the district school board.

93 Section 4. Subsection (3) of section 1003.57, Florida
94 Statutes, is amended to read:

95 1003.57 Exceptional students instruction.—

96 (3) (a) For purposes of this subsection and subsection (4),
97 the term:

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

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

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

105 4. "Placement" means the funding or arrangement of funding
106 by an agency for all or a part of the cost for an exceptional
107 student to reside in a private residential care facility and the
108 placement crosses school district lines.

109 (b) Within 10 business days after an exceptional student is
110 placed in a private residential care facility by an agency, the
111 agency or private residential care facility licensed by the
112 agency, as appropriate, shall provide written notification of
113 the placement to the school district where the student is
114 currently counted for funding purposes under s. 1011.62 and the
115 receiving school district. The exceptional student shall be
116 enrolled in school and receive a free and appropriate public

Page 4 of 6

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581-03363-17 20171368c1

117 education, special education, and related services while the
 118 notice and procedures regarding payment are pending. This
 119 paragraph applies when the placement is for the primary purpose
 120 of addressing residential or other noneducational needs and the
 121 placement crosses school district lines.

122 (c) Within 10 business days after receiving the
 123 notification, the receiving school district must review the
 124 student's individual educational plan (IEP) to determine if the
 125 student's IEP can be implemented by the receiving school
 126 district or by a provider or facility under contract with the
 127 receiving school district. The receiving school district shall:

128 1. Provide educational instruction to the student;
 129 2. Contract with another provider or facility to provide
 130 the educational instruction; or

131 3. Contract with the private residential care facility in
 132 which the student resides to provide the educational
 133 instruction; ~~or~~

134 ~~4. Decline to provide or contract for educational~~
 135 ~~instruction.~~

136
 137 ~~If the receiving school district declines to provide or contract~~
 138 ~~for the educational instruction, the school district in which~~
 139 ~~the legal residence of the student is located shall provide or~~
 140 ~~contract for the educational instruction to the student. The~~
 141 receiving school district providing ~~that provides~~ educational
 142 instruction or contracting ~~contracts~~ to provide educational
 143 instruction shall report the student for funding purposes
 144 pursuant to s. 1011.62.

145 (d)1. The Department of Education, in consultation with the

581-03363-17 20171368c1

146 agencies and school districts, shall develop procedures for
 147 written notification to school districts regarding the placement
 148 of an exceptional student in a residential care facility. The
 149 procedures must:

150 a. Provide for written notification of a placement that
 151 crosses school district lines; and

152 b. Identify the entity responsible for the notification for
 153 each facility that is operated, licensed, or regulated by an
 154 agency.

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

158
 159 The requirements of paragraphs (c) and (d) do not apply to
 160 written agreements among school districts which specify each
 161 school district's responsibility for providing and paying for
 162 educational services to an exceptional student in a residential
 163 care facility. However, each agreement must require a school
 164 district to review the student's IEP within 10 business days
 165 after receiving the notification required under paragraph (b).

166 Section 5. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/18/17
Meeting Date

CS/SB 1368
Bill Number (if applicable)

Topic Exceptional Students

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title _____

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City

State

Zip

Email n.lawther@gmail.com

Speaking: For Against Information

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

Representing Florida PTA

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)

4/18/2017
Meeting Date

SB 1368
Bill Number (if applicable)

Topic Exceptional Student Instruction

Amendment Barcode (if applicable)

Name Michael Lyons

Job Title Vice President

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FL

State

32940

Zip

Email michael.lyons@UTTSINC.COM

Speaking: For Against Information

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

Representing UTTS of Delaware, Inc.

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 Pre-K - 12 Education

BILL: CS/SB 1468

INTRODUCER: Education Committee and Senator Galvano

SUBJECT: Education

DATE: April 18, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1468 codifies responsibilities for the Auditor General, extends the date by which Florida Polytechnic University must meet statutory criteria, expands the authority of the Commissioner of Education, and establishes the Early Childhood Music Education Incentive Pilot Program. Specifically, the bill:

- Codifies the requirement for the Auditor General to conduct financial audits of accounts and records of the Florida School for the Deaf and the Blind.
- Codifies the December 31, 2017, deadline by which the Florida Polytechnic University must meet the criteria established in law relating to accreditation; development of science, technology, engineering, and mathematics programs; and operational framework.
- Authorizes the Commissioner of Education to coordinate, in the event of an emergency, with school districts, Florida College System institutions, and the satellite offices of the Division of Vocational Rehabilitation and the Division of Blind Services to assess their needs for resources to enable such entities to reopen as soon as possible after considering the health, safety, and welfare of students and clients.
- Establishes the Early Childhood Music Education Incentive Pilot Program in the Department of Education for a period of three school years to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2017.

II. Present Situation:

Auditor General

The Auditor General (AG) serves at the pleasure of the Legislature to audit records and perform related duties as prescribed by law.¹ The AG performs his or her duties independently but under the general policies established by the Legislative Auditing Committee (LAC).^{2,3} The AG is required to annually conduct financial audits⁴ of:

- State government;
- All state universities and state colleges;
- The accounts and records of all district school boards in counties with populations of fewer than 150,000, and the Florida School for the Deaf and the Blind;⁵ and
- Once every 3 years, the accounts and records of all district school boards in counties that have populations of 150,000 or more.⁶

Each required financial audit, when practicable, must be completed within nine months following the end of each audited fiscal year of the state agency or political subdivision.⁷

The AG must notify the LAC of any local governmental entity, district school board, charter school, or charter technical career center that does not comply with reporting requirements relating to annual financial audits.⁸

Florida School for the Deaf and Blind

The Florida School for the Deaf and the Blind (FSDB) is a state-supported residential public school for hearing-impaired and visually impaired students in preschool through 12th grade.⁹ The

¹ Art. III, s. 2, Fla. Const. *See also* s. 11.42(2), F.S.

² The Legislative Auditing Committee may take under investigation any matter within the scope of an audit, review, or examination completed or being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and, in connection with such investigation, may exercise the powers of subpoena by law vested in a standing committee of the Legislature. Section 11.40(1), F.S.

³ Section 11.45(2)(k), F.S.

⁴ “Financial audit” means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with auditing standards generally accepted in the United States and government auditing standards as adopted by the Board of Accountancy. When applicable, the scope of financial audits shall encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other applicable federal law. Section 11.45(1)(c).

⁵ The Florida School for the Deaf and the Blind was added by the bill implementing the 2016-2017 General Appropriations Act. Sec. 5, ch. 2016-62, L.O.F.

⁶ 11.45(2)(b)-(e), F.S.

⁷ Section 11.45(4), F.S. Or lesser time provided in law, concurrent resolution, or the Legislative Auditing Committee; however, the AG may postpone audits or other engagements based on an assessment of resources. *Id.*

⁸ Section 11.45(7)(a), F.S. The criteria for financial audit reports are in s. 218.39, F.S.

⁹ Section 1002.36(1), F.S.

FSDB is a component of the delivery of public education within Florida's K-20 education system and is funded through the Department of Education (DOE or department).¹⁰

The FSDB operates under the leadership and direction of its board of trustees (board).¹¹ The board adopts rules, subject to the approval of the State Board of Education (SBE), as it considers necessary to operate the FSDB in conjunction with the rules of the SBE.¹²

Board authority includes, but is not limited to:

- Provide for the proper keeping of accounts and records and for budgeting of funds.
- Enter into contracts.
- Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity.
- Sell or convey by bill of sale, deed, or other legal instrument any property, real or personal, received as a gift, donation, or bequest, upon such terms and conditions as the board of trustees deems to be in the best interest of the school and its students; and invest¹³ such moneys.
- Approve and administer an annual operating budget in accordance with law.¹⁴

The FSDB was appropriated \$50,188,933¹⁵ for operations \$9,074,268¹⁶ for fixed capital outlay in the 2016-17 fiscal year.

Florida Polytechnic University

In 2012,¹⁷ the Legislature created Florida Polytechnic University (FPU) as a state university.¹⁸ By December 31, 2017,¹⁹ FPU must:

¹⁰ Section 1002.36(1), F.S. The Legislature appropriates fixed capital outlay moneys to the School on an annual basis from the Public Education Capital Outlay and Debt Service Trust Fund pursuant to Article XII, Section 9(a)(2) of the State Constitution.

¹¹ Section 1002.36(4), F.S. The School board of trustees consists of seven members who are appointed by the Governor and confirmed by the Senate. One of its members must be a blind person, and one must be a deaf person. Each member is required to have been a Florida resident for at least ten years and the term of office for each member is four years.

¹² Section 1002.36(4)(c), F.S.

¹³ In securities enumerated under s. 215.47(1), (2)(c), (3), (4), and (10), and in The Common Fund, an Investment Management Fund exclusively for nonprofit educational institutions.

¹⁴ See sections 1011.56 and 1011.57, F.S.

¹⁵ Specific Appropriation 113, General Appropriations Act, ch. 2016-66, L.O.F.

¹⁶ Specific Appropriation 26, General Appropriations Act, ch. 2016-66, L.O.F.

¹⁷ Sec. 1, ch. 2012-129, L.O.F.

¹⁸ Section 1000.21(6), F.S. Florida Polytechnic University is one of the 12 state universities in Florida. The other state universities are the University of Florida, Florida State University, Florida Agricultural and Mechanical University, the University of South Florida, Florida Atlantic University, the University of West Florida, the University of Central Florida, The University of North Florida, Florida International University, Florida Gulf Coast University, and New College of Florida.

¹⁹ The date by which Florida Polytechnic University must fulfill those criteria was modified from December 31, 2016 to December 31, 2017, by section 30 the implementing bill to the 2016-2017 General Appropriations Act.

- Achieve accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools;
- Initiate the development of the new programs in the fields of science, technology, engineering, and mathematics;
- Seek discipline-specific accreditation for programs;
- Attain a minimum FTE of 1,244, with a minimum 50 percent of that FTE in the fields of science, technology, engineering, and mathematics and 20 percent in programs related to those fields;
- Complete facilities and infrastructure, including the Science and Technology Building, Phase I of the Wellness Center, and a residence hall or halls containing no fewer than 190 beds; and
- Have the ability to provide, either directly or where feasible through a shared services model, administration of financial aid, admissions, student support, information technology, and finance and accounting with an internal audit function.

Commissioner of Education

The Commissioner of Education (Commissioner) is appointed by the State Board of Education (SBE)²⁰ and serves as the Executive Director of the DOE.²¹ The Commissioner is the chief educational officer of the state, and is responsible for giving full assistance to the SBE in enforcing compliance with the mission and goals of the K-20 education system except for the State University System.²² The commissioner's office operates all statewide functions necessary to support the State Board of Education, including strategic planning and budget development, general administration, assessment, and accountability.²³

The DOE is responsible to coordinate, when necessary, the use of educational facilities during emergency activations among federal and state agencies, local school districts, colleges and universities.²⁴ The DOE also serves as the primary liaisons in coordinating all phases of emergency response from pre-disaster planning through post disaster recovery of educational facilities.²⁵

The DOE has a process in place to gather information from superintendents, Florida College System institution presidents, VR directors, and Blind Services directors when an emergency situation has occurred and a process to report the needs.²⁶ DOE staff members are assigned to serve as contacts (called "Emergency Buddies") to all school districts and colleges.²⁷ In an emergency situation, the Commissioner activates the Emergency Buddies for the affected areas of the state. The Emergency Buddies contact their assigned districts and colleges and collect

²⁰ Art. IX, Sec. 2, Fla. Const.

²¹ Section 20.15(2), F.S.

²² Section 1001.10(1), F.S.

²³ Section 1001.10(2), F.S.

²⁴ Florida Division of Emergency Management, *The State of Florida 2016 Comprehensive Emergency Management Plan, 2016 Draft Revision*, [http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20\(COMPLETE%20FINAL%20DRAFT\).pdf](http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20(COMPLETE%20FINAL%20DRAFT).pdf), at ESF 6 Appendix, p. 10.

²⁵ *Id.*

²⁶ Email, Florida Department of Education (March 17, 2017).

²⁷ *Id.*

specific information.²⁸ The headquarters offices for the Divisions of Blind Services and Vocational Rehabilitation perform the same function for their offices²⁹. The information from each specified education sector is provided to the department's emergency management staff to be compiled into a summary report for the Commissioner.³⁰

Early Childhood Music Education Incentive Pilot Program

Florida's state standards for visual and performing arts establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to acquire by each grade level from kindergarten through grade 5.³¹

Current law,³² requires the Commissioner of Education to publish an annual report that describes student access and participation in fine arts courses and provide information about educators who instruct fine arts; facilities where the instruction is taking place; and the manner in which the curricular content is provided. The report must be posted on the DOE's website and updated annually.³³

According to data from the 2015-2016 annual report,³⁴ the number of K-2 students enrolled statewide in music education programs as a percentage of total K-2 student enrollment has decreased. In the 2011-2012 school year, there were 575,262 K-2 students enrolled in music education programs (87 percent). By the 2015-2016 school year, K-2 student enrollment in music education programs had decreased to 513,648 (82 percent).

In some school districts, there is no reported K-2 student enrollment in music education programs.³⁵

III. Effect of Proposed Changes:

The bill codifies responsibilities for the Auditor General, extends the date by which Florida Polytechnic University must meet statutory criteria, expands the authority of the Commissioner of Education, and establishes the Early Childhood Music Education Incentive Pilot Program.

²⁸ Email, Florida Department of Education (March 17, 2017).

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 1003.41(2)(e), F.S.

³² Section 1003.4995, F.S.

³³ *Id.*

³⁴ The Florida Senate staff analysis of Florida Department of Education, Florida's PK-20 Education Information Portal, *Fine Arts*, <https://edstats.fl DOE.org/SASWebReportStudio/openRVUrl.do?rsRID=SBIP%3A%2F%2FMETASERVER%2FARM%2FPERA%2FEIAS%2FFINE+ARTS%2FWEB+REPORTS%2FFine+Arts+Enrollment.srx%28Report%29> (last visited April 4, 2017)

³⁵ School districts with no reported student enrollment include Dixie, Franklin, Gilchrist, Glades, Gulf, Hamilton, and Lafayette. *Id.*

Auditor General (Section 1)

Section 1 codifies the requirement for the Auditor General to conduct financial audits of accounts and records of the Florida School for the Deaf and the Blind.

Florida Polytechnic University (Section 4)

Section 4 codifies the December 31, 2017, deadline by which the Florida Polytechnic University must meet the criteria established in law.³⁶

Commissioner of Education (Section 2)

Section 2 expands the Commissioner of Education's (Commissioner) authority and responsibility for supporting all sectors during an emergency and will be helpful in securing necessary information in a timely manner before, during, and after any emergency situation.³⁷ This section emphasizes that all sectors should work with the Commissioner to assess needs and direct resources needed to return the facilities to operation as quickly as possible.³⁸

Early Childhood Music Education Incentive Pilot Program (Section 3)

Section 3 establishes the three-year Early Childhood Music Education Incentive Pilot Program (pilot program) beginning with the 2017-2018 school year to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.

This section establishes school district eligibility requirements, which include the superintendent certifying to the Commissioner that the school district has established a comprehensive music education program that:

- Includes all students at the school enrolled in kindergarten through grade 2.
- Is staffed by certified music educators.
- Provides music instruction for at least 30 consecutive minutes 2 days a week.
- Complies with class size requirements under s. 1003.03.
- Complies with the department's standards for early childhood music education programs for students in kindergarten through grade 2.

Section 3 requires the Commissioner to select school districts for participation in the pilot program, subject to legislative appropriation, based on the school district's proximity to the University of Florida (UF) and needs-based criteria established by the State Board of Education (SBE). Selected school districts must annually receive \$150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program. This section provides that each selected school district must annually certify, in a format prescribed by the department, that the school district continues to meet initial eligibility requirements. If a

³⁶ Section 1004.345, F.S.

³⁷ Email, Florida Department of Education (March 17, 2017).

³⁸ *Id.*

selected school district fails to provide the annual certification for a fiscal year, the school district must return all funds received through the pilot program for that fiscal year.

Section 3 requires the UF's College of Education to evaluate the effectiveness of the pilot program by measuring student academic performance and the success of the program. The evaluation must include, but is not limited to, a quantitative analysis of student achievement and a qualitative evaluation of students enrolled in the comprehensive music education programs.

Section 3 authorizes the SBE to adopt rules to administer the pilot program.

The bill takes effect on July 1, 2017.

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 authorizes the Commissioner of Education to select school districts to participate in the Early Childhood Music Education Incentive Pilot Program. Those participating districts must annually receive \$150 per full-time equivalent student in kindergarten through grade 2 enrolled in a comprehensive music program contingent upon a legislative appropriation for the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.45, 1001.10, and 1004.345.

The bill creates section 1003.481 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 on April 3, 2017

The committee substitute adds a provision to the bill, establishing the Early Childhood Music Education Incentive Pilot Program (pilot program) as a 3-school year program in the Department of Education to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2. Specifically, the committee substitute:

- Provides eligibility criteria for school districts to participate in the pilot program.
- Requires the Commissioner of Education to select school districts based on specified criteria.
- Includes a provision to provide selected school districts \$150 annually per FTE enrolled in the program, subject to legislative appropriation.
- Requires a participating school district to annually certify eligibility for the program.
- Requires the University of Florida's College of Education to evaluate the effectiveness of the program.

Authorizes the State Board of Education to adopt rules to administer the pilot program provisions.

By the Committee on Education; and Senator Galvano

581-03348-17

20171468c1

A bill to be entitled

An act relating to education; amending s. 11.45, F.S.; requiring the Auditor General to conduct annual audits of the Florida School for the Deaf and the Blind; amending s. 1001.10, F.S.; authorizing the Commissioner of Education to coordinate with specified entities to assess needs for resources and assistance in an emergency situation; creating s. 1003.481, F.S.; creating the Early Childhood Music Education Incentive Pilot Program within the Department of Education for a specified period; providing for school district eligibility; providing comprehensive music education program requirements; providing for school district selection, funding, and program payments; requiring selected school districts to annually provide a specified certification to the Commissioner of Education; requiring a selected school district to return funds under certain circumstances; requiring the University of Florida's College of Education to perform an evaluation; authorizing the State Board of Education to adopt rules; providing for expiration of the pilot program; amending s. 1004.345, F.S.; extending the timeframe by which the Florida Polytechnic University must meet specified criteria established by the Board of Governors of the State University System; providing an effective date.

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

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

581-03348-17

20171468c1

Section 1. Upon the expiration and reversion of the amendment to section 11.45, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, paragraph (d) of subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census, and the Florida School for the Deaf and the Blind.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (8) is added to section 1001.10, Florida Statutes, to read:

1001.10 Commissioner of Education; general powers and duties.—

(8) In the event of an emergency, the commissioner may coordinate through the most appropriate means of communication with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school,

Page 2 of 5

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

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59 institution, or satellite office the ability to reopen as soon
 60 as possible after considering the health, safety, and welfare of
 61 students and clients.

62 Section 3. Section 1003.481, Florida Statutes, is created
 63 to read:

64 1003.481 Early Childhood Music Education Incentive Pilot
 65 Program.—

66 (1) Beginning with the 2017-2018 school year, the Early
 67 Childhood Music Education Incentive Pilot Program is created
 68 within the Department of Education for a period of 3 school
 69 years. The purpose of the pilot program is to assist selected
 70 school districts in implementing comprehensive music education
 71 programs for students in kindergarten through grade 2.

72 (2) In order for a school district to be eligible for
 73 participation in the pilot program, the superintendent must
 74 certify to the Commissioner of Education, in a format prescribed
 75 by the department, that each elementary school within the
 76 district has established a comprehensive music education program
 77 that:

78 (a) Includes all students at the school enrolled in
 79 kindergarten through grade 2.

80 (b) Is staffed by certified music educators.

81 (c) Provides music instruction for at least 30 consecutive
 82 minutes 2 days a week.

83 (d) Complies with class size requirements under s. 1003.03.

84 (e) Complies with the department's standards for early
 85 childhood music education programs for students in kindergarten
 86 through grade 2.

87 (3) (a) The commissioner shall select school districts for

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88 participation in the pilot program, subject to legislative
 89 appropriation, based on the school district's proximity to the
 90 University of Florida and needs-based criteria established by
 91 the State Board of Education. Selected school districts shall
 92 annually receive \$150 per full-time equivalent student in
 93 kindergarten through grade 2 who is enrolled in a comprehensive
 94 music education program.

95 (b) To maintain eligibility for participation in the pilot
 96 program, a selected school district must annually certify to the
 97 commissioner, in a format prescribed by the department, that
 98 each elementary school within the district provides a
 99 comprehensive music education program that meets the
 100 requirements of subsection (2). If a selected school district
 101 fails to provide the annual certification for a fiscal year, the
 102 school district must return all funds received through the pilot
 103 program for that fiscal year.

104 (4) The University of Florida's College of Education shall
 105 evaluate the effectiveness of the pilot program by measuring
 106 student academic performance and the success of the program. The
 107 evaluation must include, but is not limited to, a quantitative
 108 analysis of student achievement and a qualitative evaluation of
 109 students enrolled in the comprehensive music education programs.

110 (5) The State Board of Education may adopt rules to
 111 administer this section.

112 (6) This section expires June 30, 2020.

113 Section 4. Upon the expiration and reversion of the
 114 amendment to section 1004.345, Florida Statutes, pursuant to
 115 section 36 of chapter 2016-62, Laws of Florida, subsection (1)
 116 of section 1004.345, Florida Statutes, is amended to read:

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117 1004.345 The Florida Polytechnic University.-

118 (1) By December 31, 2017 ~~2016~~, the Florida Polytechnic
119 University shall meet the following criteria as established by
120 the Board of Governors:

121 (a) Achieve accreditation from the Commission on Colleges
122 of the Southern Association of Colleges and Schools;

123 (b) Initiate the development of the new programs in the
124 fields of science, technology, engineering, and mathematics;

125 (c) Seek discipline-specific accreditation for programs;

126 (d) Attain a minimum FTE of 1,244, with a minimum 50
127 percent of that FTE in the fields of science, technology,
128 engineering, and mathematics and 20 percent in programs related
129 to those fields;

130 (e) Complete facilities and infrastructure, including the
131 Science and Technology Building, Phase I of the Wellness Center,
132 and a residence hall or halls containing no fewer than 190 beds;
133 and

134 (f) Have the ability to provide, either directly or where
135 feasible through a shared services model, administration of
136 financial aid, admissions, student support, information
137 technology, and finance and accounting with an internal audit
138 function.

139 Section 5. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/13/2017

Meeting Date

Topic _____

Bill Number 1468
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
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Speaking: For Against Information

Representing JUSTICE-2-JESUS

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 (10/20/11)

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 Pre-K - 12 Education

BILL: PCS/CS/SB 1552 (558178)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education; Education Committee and Senator Simmons

SUBJECT: Florida Best and Brightest Teacher and Principal Scholar Award Program

DATE: April 20, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	Fav/CS
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1552 establishes the Florida Best and Brightest Teacher and Principal Scholar Award Program (Award Program) to recognize the contributions of teachers and principals to student success and performance outcomes and provides criteria for the Award Program.

The bill also revises school improvement and accountability measures that apply to public schools, including charter schools, in order improve struggling and low-performing schools. Specifically, the bill:

- Requires school districts to develop a school improvement plan for each school in the district with a school grade of “D” or “F.”
- Expands the grade levels, indicators, and interventions addressed in a school district’s early warning system to support student academic performance and engagement.
- Specifies educational emergency conditions under which a school district may negotiate provisions of its contract with appropriate bargaining units, which must result in a memorandum of understanding regarding personnel decisions.
- Clarifies conditions and establishes definitions that apply to schools subject to differentiated accountability.
- Accelerates, by at least one school year, the timing and implementation of turnaround options specified in law.

- Revises the options and requirements applied to turnaround traditional public schools and turnaround charter schools.

Funding for the Florida Best and Brightest Teacher and Principal Scholar Award Program is contingent upon an appropriation in the General Appropriations Act. SB 2500, the Senate General Appropriations Act, does not provide an appropriation for the program.

The bill takes effect on July 1, 2017.

II. Present Situation:

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

III. Effect of Proposed Changes:

Florida Best and Brightest Teacher and Principal Scholar Award Program (Section 6)

Present Situation

The Florida Best and Brightest Teacher Scholarship Program provides categorical funding for scholarships to be awarded to classroom teachers¹ who have demonstrated a high level of academic achievement.²

To be eligible for a scholarship, a classroom teacher must have:³

- Achieved a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks⁴ in effect when the classroom teacher took the assessment.
- An evaluation of highly effective⁵ in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired by the district school board and has not been evaluated.

¹ A classroom teacher is defined as a staff member assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers. Includes classroom teachers in school districts, the Florida School for the Deaf and the Blind, and charter schools. Section 1012.731(7), F.S.

² Section 1012.731(2), F.S. *See also* s. 25, ch. 2016-62, L.O.F.

³ Section 1012.731(3)(a), F.S.

⁴ Percentile ranks represent the percentage of students who score equal to or below the score the student obtained.

⁵ Instructional personnel are assigned among four levels of performance, as “highly effective,” “effective,” “needs improvement” (or “developing” for instructional personnel in the first three years of employment), or “unsatisfactory.” Section 1012.34(2)(e), F.S. All instructional personnel and school administrators employed by Florida’s public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices. Evaluations occur annually, except that newly hired classroom teachers are evaluated twice in their first year of teaching in a school district. Section 1012.34(3)(a), F.S. The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities. Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S. Likewise, the evaluation criteria for school administrators include student performance and professional and job responsibilities.

The schedule for the scholarship award is:

- No later than November 1, an eligible classroom teacher must submit to the school district an official record of his or her SAT or ACT score demonstrating a score at or above the 80th percentile based on the National Percentile Ranks in effect when the teacher took the assessment.⁶
- Annually, by December 1, each school district must submit to the Department of Education (DOE) the number of eligible classroom teachers who qualify for the scholarship.
- Annually, by February 1, the DOE must disburse scholarship funds to each school district for each eligible classroom teacher to receive a scholarship as provided in the General Appropriations Act. A scholarship in the amount provided in the General Appropriations Act must be awarded to every eligible classroom teacher. If the number of eligible classroom teachers exceeds the total appropriation authorized in the General Appropriations Act, the department must prorate the per-teacher scholarship amount.⁷
- Annually, by April 1, each school district must award the scholarship to each eligible classroom teacher.

The current statute is scheduled to expire on July 1, 2017.⁸

For the 2016-2017 fiscal year, the Legislature appropriated \$49 million for the Florida Best and Brightest Teacher Scholarship Program.⁹ According to proviso in the 2016 General Appropriations Act, the scholarship award may be up to \$10,000 to every eligible classroom teacher.¹⁰

Effect of Proposed Changes

Section 6 establishes the Florida Best and Brightest Teacher and Principal Scholar Award Program (Award Program) to recognize the contributions of teachers and principals to student success and performance outcomes. The bill provides eligibility criteria:

- For a full-time classroom teacher and a full-time school administrator to qualify for the Award Program scholarship; and
- For a newly hired full-time classroom teacher and full-time school administrator to qualify for a one-time hiring bonus.

Specifically, section 6 requires that to qualify for the Award Program a teacher or an administrator must:

- Be employed on an annual contract or probationary contract;

Section 1012.34(3)(a)1. and 4, F.S. Instructional leadership practices are also included in school administrator evaluations. Section 1012.34(3)(a)3., F.S.

⁶ Once a classroom teacher is deemed eligible by the school district, the teacher remains eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective. Section 1012.731(3)(b), F.S.

⁷ Section 1012.731(5), F.S.

⁸ Section 1012.731(8), F.S.

⁹ Specific Appropriation 103, ch. 2016-66, L.O.F.

¹⁰ *Id.* There were 7,188 total eligible teachers in 2016-2017. Florida Department of Education, *Florida's Best & Brightest Teacher Scholarship Program*, presentation to The Florida Senate Appropriations Subcommittee on Pre-K-12 (January 25, 2017). This would equate to a prorated award of \$6,817 per eligible teacher.

- Participate in the school district’s performance salary schedule;
- Meet one of the achievement requirements specified in the bill; and
- Meet one of the performance requirements specified in the bill, which include:
 - For existing teachers and administrators, a “highly effective” rating or commitment to working in a low-performing school for 3 years and a “highly effective” rating for 2 out of 3 years.
 - For newly hired teachers and administrators, graduation from or completion of a specified undergraduate program with a 3.0 grade point average, and commitment to working for three years in a Florida public school or critical teacher shortage area.

Eligibility Requirements and Awards for Existing Teachers and School Administrators

Section 6 provides that, to receive an Award Program scholarship, a full-time classroom teacher or full-time administrator must:

- Be employed on an annual contract or probationary contract¹¹ and participate in the school district’s performance salary schedule.¹²
- Meet one of the following achievement requirements:
 - For a classroom teacher, a score at or above the 90th percentile on the Florida Teacher Certification Examination in a subject that he or she is teaching.
 - For a school administrator, a score at or above the 90th percentile on the Florida Educational Leadership Examination.
 - For a classroom teacher or school administrator, a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher or school administrator took the assessment.
 - For a classroom teacher or school administrator, a composite score on the GRE, LSAT, GMAT, or MCAT at or above a score adopted by the State Board of Education (SBE).¹³
 - For a classroom teacher or school administrator, a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher’s or administrator’s official final college transcript.
- Meet one of the following performance requirements:
 - Received a rating of highly effective in the school year immediately preceding the year in which the scholarship will be awarded.
 - If he or she works in a low-performing school¹⁴ or a school that was designated by the department as low-performing within the previous 2 years and commits to working at the

¹¹ An annual contract is an employment contract for a period of no longer than one school year that a district school board may choose to award or not award without cause. Section 1012.335(1)(a), F.S. As of July 1, 2011, all new hires of instructional personnel are under annual contract basis, but does not include substitute teachers. *Id.* and (1) and (2). The first annual contract for a newly hired instructional personnel is a one-year probationary contract. *Id.*

¹² The performance salary schedule predicates adjustments to an instructional personnel’s base salary upon his or her annual performance evaluation. Section 1012.34, F.S. Instructional personnel and school administrators hired on or after July 1, 2014, and instructional personnel on annual contracts as of July 1, 2014, must be placed on the performance salary schedule. Section 1012.22(1)(c)4. and 5., F.S. Under the performance salary schedule, annual salary adjustments may only be given to employees rated highly effective or effective on annual performance evaluations. Section 1012.22(1)(c)5.b., F.S.

¹³ The GRE is the Graduate Record Examination; the LSAT is the Law School Admissions Test; the GMAT is the Graduate Management Admission Test; and the MCAT is the Medical College Admission Test.

¹⁴ The Department of Education must annually identify each public school in need of intervention and support to improve student academic performance; school earning a grade of “D” or “F” under the school grading system are schools in need of intervention and support. Section 1008.33(3)(b), F.S.

school for at least 3 years, must have been received a rating of highly effective in the school year immediately preceding the first year in which the scholarship is awarded and maintain a highly effective evaluation rating in at least 2 of every 3 annual performance evaluations, based on a rolling 3-year period.

Eligibility Requirements and Awards for Newly Hired Teachers and School Administrators

Section 6 creates a separate eligibility category for newly hired classroom teachers and school administrators. A newly hired teacher and school administrator, who has not been evaluated, is not eligible for the Award Program scholarship but may receive a one-time hiring bonus of up to \$10,000 if he or she:

- Is employed on an annual contract or probationary contract¹⁵ and participates in the school district's performance salary schedule.¹⁶
- Meets one of the following achievement requirements:
 - For a classroom teacher, a score at or above the 90th percentile on the Florida Teacher Certification Examination in a subject that he or she is teaching.
 - For a school administrator, a score at or above the 90th percentile on the Florida Educational Leadership Examination.
 - For a classroom teacher or school administrator, a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher or school administrator took the assessment.
 - For a classroom teacher or school administrator, a composite score on the GRE, LSAT, GMAT, or MCAT at or above a score adopted by the SBE.¹⁷
 - For a classroom teacher or school administrator, a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher's or administrator's official final college transcript.
- Meets one of the following performance requirements:
 - Recipient of the Florida Prepaid Tuition Scholarship Program¹⁸ who graduated with a minimum 3.0 grade point average and commit, pursuant to SBE rule, to working in a Florida public school for at least 3 years.
 - Completed the college reach-out program¹⁹ and graduated with a minimum 3.0 grade point average, and commit, pursuant to SBE rule, to working in a Florida public school for at least 3 years.
 - Graduate from an approved Florida teacher preparation program²⁰ at a Florida college or university, with a minimum 3.0 grade point average, and commit, pursuant to SBE rule, to working in a critical teacher shortage area²¹ at a Florida public school for at least 3 years.

¹⁵ *Supra* note 14

¹⁶ *Supra* note 15

¹⁷ *Supra* note 16

¹⁸ Section 1009.984, F.S.

¹⁹ Section 1007.34, F.S.

²⁰ Section 1004.04, F.S.

²¹ The term "critical teacher shortage area" means high-need content areas and high-priority location areas identified by the State Board of Education. Section 1012.07, F.S.

In subsequent school years, a newly hired classroom teacher or school administrator may earn a scholarship award if he or she meets the eligibility requirements for an existing teacher or administrator and maintains his or her initial commitment.

Prioritization of Awards

Section 6 requires that a scholarship in the amount provided in the General Appropriations Act (GAA) be awarded to every eligible classroom teacher and administrator. If the number of eligible classroom teachers and school administrators exceeds the total appropriation authorized in the GAA, the bill requires the department to prorate the per-scholar scholarship award amount, except that prior to the distribution of funds, the following priorities apply:

- Classroom teachers and school administrators who commit, pursuant to SBE rule, to working in a low-performing school and meet the specified eligibility criteria, must receive an award equal to a full scholarship award amount.
- Newly hired classroom teachers and school administrators who commit, pursuant to SBE rule, to working in a Florida public school and specified eligibility criteria must receive a one-time hiring bonus of up to \$10,000.

Award Program Implementation

Similar to the current Florida Best and Brightest Teacher Scholarship Program, section 6 establishes the following schedule:

- By November 1, an eligible classroom teacher or school administrator must submit an official record of his or her achievement of the specified eligibility criteria. After a classroom teacher or school administrator is deemed eligible by the school district, including a teacher deemed eligible for the Florida Best and Brightest Teacher Scholarship Program in fiscal years 2015-2016 and 2016-2017, such classroom teacher or school administrator remains eligible as long as he or she maintains employment by the school district and meets other specified requirements.
- Annually, by December 1, each school district must submit to the Department of Education (DOE) the number of classroom teachers or school administrators who qualify for the scholarship.
- Annually, by February 1, the DOE must distribute scholarship funds to each school district.
- Annually, by April 1, each school district must distribute the scholarship awards to eligible classroom teachers and school administrators.

Section 6 requires the SBE to expeditiously adopt rules to implement the Award Program.

Section 6 may assist with recruiting and retaining qualified classroom teachers and school administrators in Florida.

School Improvement and Education Accountability

The SBE is responsible for holding all school districts and public schools accountable for student performance²² through a state system of school improvement and education accountability that

²² Sections 1008.33(1) and (2)(a), 1008.34, and 1008.345, F.S.

assesses student performance by school, identifies schools that are not meeting accountability standards, and institutes appropriate measures for enforcing improvement.²³

The state system of school improvement and education accountability must:²⁴

- Provide for uniform accountability standards;
- Provide assistance of escalating intensity to schools not meeting accountability standards;
- Direct support to schools in order to improve and sustain performance;
- Focus on the performance of student subgroups; and
- Enhance student performance.

Early Warning Systems (Section 1)

Present Situation

Currently, schools that serve any of grades 6, 7, or 8 must implement an early warning system (EWS) to identify students who need additional support to improve academic performance.²⁵ The EWS must include the following early warning indicators:²⁶

- Attendance below 90 percent.
- One or more suspensions.
- Course failure in English Language Arts or mathematics.
- A Level 1 score on the statewide, standardized assessment in English Language Arts or mathematics.
- Additional indicators deemed appropriate by the school district.

The schools' child study team or a school-based team must convene to determine appropriate intervention strategies when a student exhibits two or more early warning indicators.²⁷ The school must provide 10 days' written notice of the meeting to the student's parent and the notice must include the meeting's purpose, time and location, and provide the parent the opportunity to participate.²⁸

Schools offering grades 6, 7, or 8 must include data and information in its school improvement plan regarding the schools early warning system. The information must include:²⁹

- A list of the early warning indicators used;
- The number of students who have two or more early warning indicators;
- The number of students in each grade that exhibits each early warning indicator; and
- A description of all intervention strategies used to improve academic performance of students identified by the early warning system.

²³ Section 1008.33(2)(a), F.S.

²⁴ Section 1008.33(2)(b), F.S.

²⁵ Section 1001.42(18)(a)2., F.S.

²⁶ Section 1001.42(18)(b)1., F.S.

²⁷ Section 1001.42(18)(b)2., F.S.

²⁸ Section 1001.42(18)(b), F.S.

²⁹ Section 1001.42(18)(a)2., F.S.

The school must also describe in its school improvement plan the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system.³⁰

Effect of Proposed Changes

Section 1 expands the schools that must implement an EWS to schools that serve any students in grades 1 through 8 and clarifies that the EWS indicators include:

- A course failure in English Language Arts or math during any grading period; and
- A substantial reading deficiency for a student in grades 1 through 3.

This section requires the school's child study team to consult with the student's parent to determine appropriate intervention strategies for the student when a student exhibits two or more EWS indicators. The data and information relating to the student's EWS indicators must be used by the team to inform any intervention strategies provided to the student.³¹

Beginning in the 2018-2019 academic year, each school's EWS to include data on:

- The number of students identified by the EWS as exhibiting two or more EWS indicators,
- The number of students by grade level who exhibit each EWS indicator, and
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the EWS.

Section 1 may result in the identification of additional students in need of support, which may help such students receive the appropriate intervention to improve the academic performance of such students.

Differentiated Accountability (Section 4)

Present Situation

Current law holds school districts accountable for improving the academic performance of all students and for identifying and improving schools that fail to meet accountability standards.³² The academic performance of all students has a significant effect on the state school system and SBE is required to equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students.³³

³⁰ Section 1001.42(18)(a), F.S.

³¹ Early warning system is already a component of the school improvement plan for schools with a grade of "D" or "F." See Florida Department of Education, *Form SIP-1, School Improvement Plan* (Dec. 2014), available at https://www.flrules.org/gateway/readRefFile.asp?refId=4622&filename=SIP-1_2014-15.pdf (incorporated by reference in rule 6A-1.099811, F.A.C.).

³² Section 1008.33(2)(c), F.S.

³³ Section 1008.33(3)(a), F.S., Art. IX, Fla. Const.

The DOE must annually identify each public school in need of intervention and support to improve student academic performance.³⁴ All schools earning a grade of “D” or “F” are schools in need of intervention and support.³⁵

The SBE must adopt a differentiated matrix of intervention and support strategies for assisting public schools identified as in need of intervention.³⁶ The intervention and support strategies must address student performance and may include improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, and the use of continuous improvement and monitoring plans and processes.³⁷ In addition, the SBE may prescribe reporting requirements to review and monitor the progress of the schools.³⁸ The rule must define the intervention and support strategies for school improvement for schools earning a grade of “D” or “F” and the roles for the district and department.³⁹ The rule shall differentiate among schools earning consecutive grades of “D” or “F,” or a combination thereof, and provide for more intense monitoring, intervention, and support strategies for these schools.⁴⁰

Effect of Proposed Changes

Section 4 requires school districts to develop a school improvement plan for each school in the district with a school grade of “D” or “F.”

This section clarifies conditions and establishes definitions that apply to schools subject to differentiated accountability. The bill requires the SBE rule regarding a differentiated matrix of intervention and support strategies for assisting public schools to define and clearly differentiate among:

- A “school-in-need”, which means a school with a grade of “D,” or which is in danger of earning a grade of “F,” and which is in need of intervention and support.
- A “turnaround school”, which means a school with a grade of “F” or two consecutive grades below a “C,” and which is in need of intensive intervention and support, and which is implementing a district-managed turnaround or a different turnaround option.
- A “persistently low-performing school”, which means a turnaround school that has been subject to a differentiated matrix of intensive intervention and support strategies for more than 3 consecutive years or a turnaround school that was closed within 2 years after submitting a notice of intent. The bill specifies that the SBE rule must define low-performing school to include, at a minimum, any school meeting the requirements of differentiated accountability.

Accordingly, the specified differentiation may assist schools in receiving appropriate supports and implementing relevant strategies to improve student performance outcomes.

³⁴ Section 1008.33(3)(b), F.S.

³⁵ Sections 1008.33(3)(b) and 1008.34, F.S.

³⁶ Section 1008.33(3)(c), F.S.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

Turnaround Options (Sections 3, 4 and 5)

Present Situation

The SBE must apply the most intense intervention and support strategies to schools earning an “F.”⁴¹ Within a year after receiving the first “F,” the school district must implement a differentiated matrix of intervention and support strategies, select a turnaround option, and submit a plan for implementing the turnaround option to the DOE.⁴² The plan must be approved by the SBE and once approved, the turnaround option must be implemented in the following school year.⁴³

Turnaround options available to school districts in current law include:⁴⁴

- Converting the school to a district-managed turnaround school;⁴⁵
- Reassigning students to another school and monitor the progress of each reassigned student;
- Closing the school and reopening the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness;
- Contracting with an outside entity that has a demonstrated record of effectiveness to operate the school; or
- Implementing a hybrid of the above turnaround options or other turnaround models that have a demonstrated record of effectiveness.

The Commissioner of Education is required to assign a community assessment team to each school district or governing board with a school that earned a grade of “F,” or 2 consecutive grades of “D.”⁴⁶ The team is directed to review certain school performance data and make recommendations to the school district, the governing board, or to the SBE, about how to address low performance causes in the school improvement plan.⁴⁷

Effect of Proposed Changes

Section 4 modifies turnaround options available to school districts by adding new options and revising existing options, giving priority to the first three new options. Section 4 adds the following first three options:

- Implement an extended school day with at least 1 hour of additional learning time.
- Enter into a formal agreement with a nonprofit organization with tax exempt status under the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to specified wrap-around services. Districts implementing this option may be eligible for additional funding as provided in the General Appropriations Act. The wrap-around services must include, but are not limited to:
 - Health services;
 - After-school programs;

⁴¹ Section 1008.33(4)(a), F.S.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Section 1008.33(4)(b), F.S.

⁴⁵ A school that earns a grade of “D” for 3 consecutive years must implement the district-managed turnaround option. Section 1008.33(5), F.S.

⁴⁶ Section 1008.345(6)(d), F.S.

⁴⁷ *Id.*

- Drug prevention programs;
- College and career readiness; and
- Food and clothing banks.
- Implement a principal autonomy program school under a performance based contract and in accordance with proposal elements, criteria, and timelines established by the SBE and specifically tailored for a turnaround school. A school district using this option for its turnaround school is eligible to participate in, and receive the benefits of, the principal autonomy program for only the turnaround school.

Section 4 also creates an option to contract as a conversion charter school and deletes the existing hybrid turnaround option. However, school districts are authorized to implement a combination of the specified turnaround options.

Section 5 modifies an existing requirement for the Commissioner of Education to assign a community assessment team to a low-performing school by specifying that such team must be assigned to each school district or governing board with a turnaround school. The team must include intervention and support strategies in the recommendations that the team makes to the school board or the governing board, as applicable, and to the SBE.

Accordingly, section 5 provides turnaround schools with additional options to implement turnaround strategies.

Section 3 conforms a cross reference in s. 1002.332, F.S., resulting from changes made to s. 1008.33, F.S.

Implementation Schedule (Section 4)

Present Situation

Currently, a school that earns a grade of “F,” or 3 consecutive grades of “D,” must have a planning year followed by 2 full school years to implement the initial turnaround. Implementation of the turnaround option is no longer required if the school improves by at least one letter grade during the planning year.⁴⁸

A school earning a grade of “F” or 3 consecutive grades of “D” that improves its letter grade must continue to implement strategies identified in its school improvement plan pursuant to law. The department must annually review implementation of the school improvement plan for 3 years to monitor the school’s continued improvement.⁴⁹

If a school with an “F” or 3 consecutive grades of “D” does not improve by at least one letter grade after 2 full years of implementing the turnaround option, the school district must select a different option and submit another implementation plan to the department for state board approval. Implementation of the new plan must begin the school year following the implementation period of the existing turnaround option, unless the SBE determines that the

⁴⁸ Section 1008.33(4)(c), F.S. *But see* 6A-1.099811(9)(a), F.A.C. (providing that a school district may discontinue implementing a turnaround plan only if it earns a school grade of “C” or higher).

⁴⁹ Section 1001.42(18)(a) and 1008.33(4)(d), F.S.

school is likely to improve a letter grade if additional time is provided to implement the existing turnaround option.⁵⁰

Effect of Proposed Changes

Section 4 accelerates, by at least one school year, the timing and implementation of specific turnaround options. Specifically, section 4 requires a turnaround school to immediately, during its first full year after receiving the designation:

- Implement required intensive intervention and support strategies.
- Provide to DOE the negotiated memorandum of understanding with the bargaining agent in educational emergency circumstances, described below.
- Provide to DOE, by September 1, a district-managed turnaround plan that has been submitted to the SBE for approval and must be implemented for the remainder of the current school year and continue for one additional school year.

The modified timeframe for implementation of turnaround options may assist struggling schools implement appropriate intervention strategies timely.

Educational Emergency (Section 1)

Present Situation

Florida law authorizes district school boards to declare an emergency in cases in which one or more schools in the district are failing or are in danger of failing and negotiate special provisions of its contract with the appropriate bargaining units to free these failing schools from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance.⁵¹

Effect of Proposed Changes

Section 1 specifies educational emergency conditions under which a district school board may negotiate provisions of its contract with appropriate bargaining units that must result in a memorandum of understanding regarding personnel decisions. The district school board is authorized to negotiate in cases in which one or more schools in the district have a grade of "D" or "F." Section 1 also permits a district school board, beginning in the 2018-2019 academic year, to negotiate in cases in which one or more schools in the district are currently subject to, or in danger of being subject to, a differentiated matrix of intervention and support strategies as a turnaround school consistent with Florida law.

This may strengthen the authority and flexibility of school districts facing certain circumstances.

⁵⁰ Section 1008.33(4)(e), F.S.

⁵¹ Section 1001.42(21), F.S.

Charter School Requirements (Section 2)

Present Situation

Charter schools that earn a grade of “D” or “F” must develop a school improvement plan, which must be approved by the sponsor.⁵² Corrective actions are required for charter schools earning three consecutive grades of “D,” two consecutive grades of “D” followed by a grade of “F,” or two nonconsecutive grades of “F” within a three-year period. Such a charter school may choose one of the following corrective actions:⁵³

- Contract for educational services to be provided directly to students, instructional personnel, and school administrators;
- Contract with an outside entity with a track record of effectiveness to operate the school;
- Reorganize the school under a new director or principal who is authorized to hire new staff; or
- Voluntarily close the school.

The charter school must implement the corrective action in the school year following receipt of a third consecutive grade of “D,” a grade of “F” following two consecutive grades of “D,” or a second nonconsecutive grade of “F” within a 3-year period.⁵⁴ A corrective action is no longer required if the charter school improves by at least one letter grade. However, the school must continue to implement its school improvement plan.⁵⁵ If a charter school does not improve by at least one letter grade after two full school years of implementing a corrective action, the school must choose another action.⁵⁶

Effect of Proposed Changes

Section 2 aligns charter school corrective action provisions with actions applied to traditional public schools. Specifically, this section:

- Defines a turnaround charter school as a charter school earning a grade of “F” or two consecutive grades below a “C.”
- Requires each turnaround charter school to take corrective action.
- Requires a turnaround charter school to immediately implement its approved school improvement plan for the remainder of the current school year and continue implementing the plan for at least 1 full school year and select a corrective action specified in law, unless the sponsor waives the corrective action subject to condition as specified in law.⁵⁷

⁵² Section 1002.33(9)(n)1., F.S.

⁵³ Section 1002.33(9)(n)2.a., F.S.

⁵⁴ Section 1002.33(9)(n)2.b., F.S.

⁵⁵ Section 1002.33(9)(n)2.d., F.S.

⁵⁶ Section 1002.33(9)(n)2.c. and e., F.S. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action. The sponsor may waive corrective actions if it determines that the charter school is likely to improve its grade if additional time is given to implement the school improvement plan. The sponsor may also extend the implementation period for a corrective action based upon a similar standard. The sponsor may not waive or extend corrective actions if the charter school earns a second consecutive grade of “F” while in corrective action. *Id.* Unless an exception applies, such a charter school must be terminated by the sponsor. Section 1002.33(9)(n) 4, F.S.

⁵⁷ Section 1002.33(9)(n)2.c., F.S.

This may streamline the application of differentiated accountability to turnaround schools and turnaround charter schools.

The bill takes effect on July 1, 2017.

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 modifies the current Florida Best and Brightest Teacher Scholarship Program by revising classroom teacher eligibility, adding school administrators and establishing eligibility criteria, and creating a one-time hiring bonus for newly hired teachers and administrators. This may increase the number of educators eligible for the award.

Funding for the Florida Best and Brightest Teacher and Principal Scholar Award Program is contingent upon an appropriation in the General Appropriations Act. SB 2500, the Senate General Appropriations Act, does not provide an appropriation for the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1002.33, 1002.332, 1008.33, and 1008.345.

This bill creates section 1012.732 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.)

Recommended CS by Appropriations Subcommittee on Pre-K - 12 Education on April 18, 2017:

The committee substitute modifies school improvement and accountability measures that apply to public schools, including charter schools to:

- Require school districts to develop a school improvement plan for each school in the district with a school grade of “D” or “F.”
- Expand the grade levels, indicators, and interventions addressed in a school district’s early warning system to support student academic performance and engagement.
- Specify educational emergency conditions under which a school district may negotiate provisions of its contract with appropriate bargaining units, which must result in a memorandum of understanding regarding personnel decisions.
- Clarify conditions and establishing definitions that apply to schools subject to differentiated accountability.
- Accelerate by at least one school year, the timing and implementation of turnaround options specified in law.
- Revise the options and requirements that apply to turnaround traditional public schools and turnaround charter schools.

CS by Education on April 3, 2017:

The committee substitute modifies the eligibility requirements for the Florida Best and Brightest Teacher and Principal Scholar Award Program by adding a way by which a classroom teacher and school administrator may satisfy the achievement eligibility requirement for the program award or bonus, as applicable. Specifically, the committee substitute authorizes a classroom teacher and school administrator to satisfy the achievement eligibility requirement by achieving a cumulative undergraduate or graduate grade point average of at least 3.5 on a 4.0 scale, as verified on the teacher’s or administrator’s official final transcript.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
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	.	

Appropriations Subcommittee on Pre-K - 12 Education (Simmons)
recommended the following:

Senate Amendment (with title amendment)

Before line 18

insert:

Section 1. Paragraphs (a) and (b) of subsection (18) and
subsection (21) of section 1001.42, Florida Statutes, are
amended to read:

1001.42 Powers and duties of district school board.—The
district school board, acting as a board, shall exercise all
powers and perform all duties listed below:



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11 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
12 Maintain a system of school improvement and education
13 accountability as provided by statute and State Board of
14 Education rule. This system of school improvement and education
15 accountability shall be consistent with, and implemented
16 through, the district's continuing system of planning and
17 budgeting required by this section and ss. 1008.385, 1010.01,
18 and 1011.01. This system of school improvement and education
19 accountability shall comply with the provisions of ss. 1008.33,
20 1008.34, 1008.345, and 1008.385 and include the following:
21 (a) *School improvement plans.*—
22 ~~1.~~ The district school board shall annually approve and
23 require implementation of a new, amended, or continuation school
24 improvement plan for each school in the district which has a
25 school grade of "D" or "F"; ~~-. If a school~~ has a significant gap
26 in achievement on statewide, standardized assessments
27 administered pursuant to s. 1008.22 by one or more student
28 subgroups, as defined in the federal Elementary and Secondary
29 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not
30 significantly increased the percentage of students passing
31 statewide, standardized assessments; has not significantly
32 increased the percentage of students demonstrating Learning
33 Gains, as defined in s. 1008.34 and as calculated under s.
34 1008.34(3)(b), who passed statewide, standardized assessments;
35 or has significantly lower graduation rates for a subgroup when
36 compared to the state's graduation rate. The, that school's
37 improvement plan of a school that meets the requirements of this
38 paragraph shall include strategies for improving these results.
39 The state board shall adopt rules establishing thresholds and



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40 for determining compliance with this paragraph ~~subparagraph~~.

41 ~~2. A school that includes any of grades 6, 7, or 8 shall~~
42 ~~include annually in its school improvement plan information and~~
43 ~~data on the school's early warning system required under~~
44 ~~paragraph (b), including a list of the early warning indicators~~
45 ~~used in the system, the number of students identified by the~~
46 ~~system as exhibiting two or more early warning indicators, the~~
47 ~~number of students by grade level that exhibit each early~~
48 ~~warning indicator, and a description of all intervention~~
49 ~~strategies employed by the school to improve the academic~~
50 ~~performance of students identified by the early warning system.~~
51 ~~In addition, a school that includes any of grades 6, 7, or 8~~
52 ~~shall describe in its school improvement plan the strategies~~
53 ~~used by the school to implement the instructional practices for~~
54 ~~middle grades emphasized by the district's professional~~
55 ~~development system pursuant to s. 1012.98(4)(b)9.~~

56 (b) *Early warning system.*—

57 1. A school that serves any students in grade 1 through
58 grade ~~includes any of grades 6, 7, or 8~~ shall implement an early
59 warning system to identify students in such ~~grades 6, 7, and 8~~
60 who need additional support to improve academic performance and
61 stay engaged in school. The early warning system must include
62 the following early warning indicators:

63 a. Attendance below 90 percent, regardless of whether
64 absence is excused or a result of out-of-school suspension.

65 b. One or more suspensions, whether in school or out of
66 school.

67 c. Course failure in English Language Arts or mathematics
68 during any grading period.



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69 d. A Level 1 score on the statewide, standardized
70 assessments in English Language Arts or mathematics or, for
71 students in grade 1 through grade 3, a substantial deficiency in
72 reading under s. 1008.25(5) (a).

73

74 A school district may identify additional early warning
75 indicators for use in a school's early warning system. Beginning
76 in the 2018-2019 academic year, the system must include data on
77 the number of students identified by the system as exhibiting
78 two or more early warning indicators, the number of students by
79 grade level who exhibit each early warning indicator, and a
80 description of all intervention strategies employed by the
81 school to improve the academic performance of students
82 identified by the early warning system.

83 2. When a student exhibits two or more early warning
84 indicators, the school's child study team under s. 1003.02 or a
85 school-based team formed for the purpose of implementing the
86 requirements of this paragraph, in consultation with the
87 student's parent, shall convene to determine appropriate
88 intervention strategies for the student. The team must use data
89 and information relating to a student's early warning indicators
90 to inform any intervention strategies provided to the student.

91 The school shall provide at least 10 days' written notice of the
92 meeting to the student's parent, indicating the meeting's
93 purpose, time, and location, and provide the parent the
94 opportunity to participate.

95 ~~(21) EDUCATIONAL AUTHORITY TO DECLARE AN EMERGENCY.—Pursue~~
96 ~~negotiations of May declare an emergency in cases in which one~~
97 ~~or more schools in the district are failing or are in danger of~~



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98 ~~failing and negotiate~~ special provisions of its contract with
99 the appropriate bargaining units to free ~~these~~ schools meeting
100 specified conditions from contract restrictions that limit a the
101 school's ability to implement programs and strategies needed to
102 improve student performance. The negotiations must result in a
103 memorandum of understanding that addresses the selection,
104 placement, and expectations of instructional personnel and
105 school administrators. For purposes of this subsection, an
106 educational emergency exists in a school district under the
107 following conditions, and the school board must act accordingly:

108 (a) A school board may negotiate in cases in which one or
109 more schools in the district have a school grade of "D" or in
110 which a school is in danger of earning a grade of "F."

111 (b) Beginning in the 2018-2019 academic year, a school
112 board may negotiate in cases in which one or more schools in the
113 district are currently subject to, or are in danger of being
114 subject to, a differentiated matrix of intervention and support
115 strategies as a turnaround school or turnaround schools under s.
116 1008.33(3)(c).

117 Section 2. Paragraph (n) of subsection (9) of section
118 1002.33, Florida Statutes, is amended to read:

119 1002.33 Charter schools.—

120 (9) CHARTER SCHOOL REQUIREMENTS.—

121 (n)1. The director and a representative of the governing
122 board of a charter school that has earned a grade of "D" or is
123 in danger of earning a grade of "F" pursuant to s. 1008.34 shall
124 appear before the sponsor to present information concerning each
125 contract component having noted deficiencies. The director and a
126 representative of the governing board shall submit to the



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127 sponsor for approval a school improvement plan to raise student
128 performance. Upon approval by the sponsor, the charter school
129 shall begin implementation of the school improvement plan. The
130 department shall offer technical assistance and training to the
131 charter school and its governing board and establish guidelines
132 for developing, submitting, and approving such plans.

133 2.a. If a charter school earns a grade of "F" or two three
134 consecutive grades below a "C," ~~of "D," two consecutive grades~~
135 ~~of "D" followed by a grade of "F," or two nonconsecutive grades~~
136 ~~of "F" within a 3-year period,~~ the turnaround charter school
137 governing board must immediately implement its approved school
138 improvement plan for the remainder of the school year and
139 continue implementation for at least 1 school year, and shall
140 choose one of the following corrective actions:

141 (I) Contract for educational services to be provided
142 directly to students, instructional personnel, and school
143 administrators, as prescribed in state board rule;

144 (II) Contract with an outside entity that has a
145 demonstrated record of effectiveness to operate the school;

146 (III) Reorganize the school under a new director or
147 principal who is authorized to hire new staff; or

148 (IV) Voluntarily close the charter school.

149 b. The turnaround charter school must implement the
150 corrective action in the school year following receipt of a
151 grade of "F" or a second third consecutive grade below a "C." ~~of~~
152 ~~"D," a grade of "F" following two consecutive grades of "D," or~~
153 ~~a second nonconsecutive grade of "F" within a 3-year period.~~

154 c. The sponsor may annually waive a corrective action if it
155 determines that the turnaround charter school is likely to



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156 improve a letter grade if additional time is provided to
157 implement the intervention and support strategies prescribed by
158 the school improvement plan. Notwithstanding this sub-
159 subparagraph, a charter school that earns a second consecutive
160 grade of "F" is subject to subparagraph 3. ~~4.~~

161 d. A turnaround charter school is no longer required to
162 implement a corrective action if it improves to a grade of "C"
163 or higher ~~by at least one letter grade~~. However, the charter
164 school must continue to implement strategies identified in the
165 school improvement plan. The sponsor must annually review
166 implementation of the school improvement plan to monitor the
167 school's continued improvement pursuant to subparagraph 4. ~~5.~~

168 e. A turnaround charter school implementing a corrective
169 action that does not improve to a grade of "C" or higher ~~by at~~
170 ~~least one letter grade~~ after 2 full school years of implementing
171 the corrective action must select a different corrective action.
172 Implementation of the new corrective action must begin in the
173 school year following the implementation period of the existing
174 corrective action, unless the sponsor determines that the
175 charter school is likely to improve to a grade of "C" or higher
176 ~~a letter grade~~ if additional time is provided to implement the
177 existing corrective action. Notwithstanding this sub-
178 subparagraph, a charter school that earns a second consecutive
179 grade of "F" while implementing a corrective action is subject
180 to subparagraph 3. ~~4.~~

181 ~~3. A charter school with a grade of "D" or "F" that~~
182 ~~improves by at least one letter grade must continue to implement~~
183 ~~the strategies identified in the school improvement plan. The~~
184 ~~sponsor must annually review implementation of the school~~



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185 ~~improvement plan to monitor the school's continued improvement~~
186 ~~pursuant to subparagraph 5.~~

187 ~~3.4.~~ A charter school's charter contract is automatically
188 terminated if the school earns two consecutive grades of "F"
189 after all school grade appeals are final unless:

190 a. The charter school is established to turn around the
191 performance of a district public school pursuant to s.
192 1008.33(4)(b)6. ~~s. 1008.33(4)(b)3.~~ Such charter schools shall be
193 governed by s. 1008.33;

194 b. The charter school serves a student population the
195 majority of which resides in a school zone served by a district
196 public school subject to s. 1008.33(4) ~~that earned a grade of~~
197 ~~"F" in the year before the charter school opened~~ and the charter
198 school earns at least a grade of "D" in its third year of
199 operation. The exception provided under this sub-subparagraph
200 does not apply to a charter school in its fourth year of
201 operation and thereafter; or

202 c. The state board grants the charter school a waiver of
203 termination. The charter school must request the waiver within
204 15 days after the department's official release of school
205 grades. The state board may waive termination if the charter
206 school demonstrates that the Learning Gains of its students on
207 statewide assessments are comparable to or better than the
208 Learning Gains of similarly situated students enrolled in nearby
209 district public schools. The waiver is valid for 1 year and may
210 only be granted once. Charter schools that have been in
211 operation for more than 5 years are not eligible for a waiver
212 under this sub-subparagraph.

213



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214 The sponsor shall notify the charter school's governing board,
215 the charter school principal, and the department in writing when
216 a charter contract is terminated under this subparagraph. The
217 letter of termination must meet the requirements of paragraph
218 (8) (c). A charter terminated under this subparagraph must follow
219 the procedures for dissolution and reversion of public funds
220 pursuant to paragraphs (8) (e)-(g) and (9) (o).

221 ~~4.5.~~ The director and a representative of the governing
222 board of a graded charter school that has implemented a school
223 improvement plan under this paragraph shall appear before the
224 sponsor at least once a year to present information regarding
225 the progress of intervention and support strategies implemented
226 by the school pursuant to the school improvement plan and
227 corrective actions, if applicable. The sponsor shall communicate
228 at the meeting, and in writing to the director, the services
229 provided to the school to help the school address its
230 deficiencies.

231 ~~5.6.~~ Notwithstanding any provision of this paragraph except
232 sub-subparagraphs 3.a.-c. ~~4.a.-e.~~, the sponsor may terminate the
233 charter at any time pursuant to subsection (8).

234 Section 3. Paragraph (b) of subsection (1) of section
235 1002.332, Florida Statutes, is amended to read:

236 1002.332 High-performing charter school system.-

237 (1) For purposes of this section, the term:

238 (b) "High-performing charter school system" means an entity
239 that:

240 1. Operated at least three high-performing charter schools
241 in the state during each of the previous 3 school years;

242 2. Operated a system of charter schools in which at least



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243 50 percent of the charter schools were high-performing charter
244 schools pursuant to s. 1002.331 and no charter school earned a
245 school grade of "D" or "F" pursuant to s. 1008.34 in any of the
246 previous 3 school years regardless of whether the entity
247 currently operates the charter school, except that:

248 a. If the entity assumed operation of a public school
249 pursuant to s. 1008.33(4)(b)6. ~~s. 1008.33(4)(b)3.~~ with a school
250 grade of "F," that school's grade may not be considered in
251 determining high-performing charter school system status for a
252 period of 3 years.

253 b. If the entity established a new charter school that
254 served a student population the majority of which resided in a
255 school zone served by a public school that earned a grade of "F"
256 or three consecutive grades of "D" pursuant to s. 1008.34, that
257 charter school's grade may not be considered in determining
258 high-performing charter school system status if it attained and
259 maintained a school grade that was higher than that of the
260 public school serving that school zone within 3 years after
261 establishment; and

262 3. Did not receive a financial audit that revealed one or
263 more of the financial emergency conditions set forth in s.
264 218.503(1) for any charter school assumed or established by the
265 entity in the most recent 3 fiscal years for which such audits
266 are available.

267 Section 4. Subsections (3), (4), and (5) of section
268 1008.33, Florida Statutes, are amended to read:

269 1008.33 Authority to enforce public school improvement.—

270 (3)(a) The academic performance of all students has a
271 significant effect on the state school system. Pursuant to Art.



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272 IX of the State Constitution, which prescribes the duty of the
273 State Board of Education to supervise Florida's public school
274 system, the state board shall equitably enforce the
275 accountability requirements of the state school system and may
276 impose state requirements on school districts in order to
277 improve the academic performance of all districts, schools, and
278 students based upon the provisions of the Florida K-20 Education
279 Code, chapters 1000-1013; the federal ESEA and its implementing
280 regulations; and the ESEA flexibility waiver approved for
281 Florida by the United States Secretary of Education.

282 (b) ~~Beginning with the 2011-2012 school year,~~ The
283 Department of Education shall annually identify each public
284 school in need of intervention and support to improve student
285 academic performance. All schools earning a grade of "D" or in
286 danger of earning a grade of "F" pursuant to s. 1008.34 are
287 considered schools in need of intervention and support.

288 (c) To assist in implementing paragraph (4) (a) and (b), the
289 state board shall adopt by rule a differentiated matrix of
290 intervention and support strategies for assisting traditional
291 public schools identified under this section and rules for
292 implementing s. 1002.33(9)(n), relating to charter schools. The
293 intervention and support strategies must address student
294 performance and include extended learning by at least 1 extra
295 hour, and may include improvement planning, leadership quality
296 improvement, educator quality improvement, professional
297 development, curriculum alignment and pacing, and the use of
298 continuous improvement and monitoring plans and processes. In
299 addition, the state board may prescribe reporting requirements
300 to review and monitor the progress of the schools. The rule must



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301 define the intervention and support strategies for school
302 improvement for schools earning a grade of "D" or "F" and the
303 roles for the district and department. The rule shall define and
304 differentiate among schools as follows: ~~earning consecutive~~
305 ~~grades of "D" or "F," or a combination thereof, and provide for~~
306 ~~more intense monitoring, intervention, and support strategies~~
307 ~~for these schools.~~

308 1. A "school-in-need" means a school that has a grade of
309 "D" or that is in danger of earning a grade of "F," and that is
310 in need of intervention and support under paragraph (b);

311 2. A "turnaround school" means a school with a grade of "F"
312 or two consecutive grades below a "C" which is in need of
313 intensive intervention and support and which is implementing a
314 district-managed turnaround plan or a different turnaround
315 option approved pursuant to subsection (4). A "turnaround
316 charter school" is a charter school subject to the requirements
317 of s. 1002.33(9)(n); and

318 3. A "persistently low-performing school" means a
319 turnaround school that has been subject to a differentiated
320 matrix of intensive intervention and support strategies for more
321 than 3 consecutive years, or a turnaround school that was closed
322 pursuant to s. 1008.33(4) within 2 years after the submission of
323 a notice of intent.

324
325 The rule must also define a "low-performing school" to include,
326 at minimum, any school meeting the requirements of this
327 subsection.

328 (4) (a) The state board shall apply intensive ~~the most~~
329 ~~intense~~ intervention and support strategies to turnaround



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330 schools earning a grade of "F" or two consecutive grades below a
331 "C." ~~"F."~~ In the first full school year after a school initially
332 receives ~~earns~~ a turnaround school designation, ~~grade of "F,"~~
333 the school district must immediately implement intensive
334 intervention and support strategies prescribed in rule under
335 paragraph (3)(c) and, by September 1, provide, ~~select a~~
336 ~~turnaround option from those provided in subparagraphs (b)1-5.,~~
337 ~~and submit a plan for implementing the turnaround option to the~~
338 department with the memorandum of understanding negotiated
339 pursuant to s. 1001.42(21) and with a district-managed
340 turnaround plan for approval by the state board. Upon approval
341 by the state board, the school district must implement the plan
342 for the remainder of the school year and continue the plan for 1
343 full school year for approval by the state board. Upon approval
344 ~~by the state board, the turnaround option must be implemented in~~
345 ~~the following school year.~~

346 (b) The ~~turnaround~~ options available to the turnaround a
347 ~~school district to address a school~~ include one or a combination
348 of the following turnaround options, giving priority to the
349 first three options ~~that earns a grade of "F" are:~~

350 1. Implement an extended school day with at least 1 hour of
351 additional learning time. ~~Convert the school to a district-~~
352 ~~managed turnaround school;~~

353 2. Enter into a formal agreement with a nonprofit
354 organization with tax exempt status under s. 501(c)(3) of the
355 Internal Revenue Code to implement an integrated student support
356 service model that provides students and families with access to
357 wrap-around services, including, but not limited to, health
358 services, after-school programs, drug-prevention programs,



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359 college and career readiness, and food and clothing banks.
360 Districts implementing this option may be eligible for
361 additional funding as provided in the General Appropriations
362 Act.

363 3. Implement a principal autonomy program school, through a
364 performance contract and in accordance with proposal elements,
365 criteria, and timelines established by the state board pursuant
366 to s. 1011.6202(2)(b) specifically tailored for a turnaround
367 school. For purposes of this section, a school district using
368 this option for its turnaround school is eligible to participate
369 in, and receive the benefits of, the principal autonomy program,
370 pursuant to s. 1011.6202(1) for only the turnaround school.

371 ~~5.2. Reassign students to another school and monitor the~~
372 ~~progress of each reassigned student.~~

373 ~~6.3. Close the school and reopen the school as one or more~~
374 ~~charter schools, each with a governing board that has a~~
375 ~~demonstrated record of effectiveness.~~

376 4. Contract as a conversion charter school or with an
377 outside entity that has a demonstrated record of effectiveness
378 to operate the school. ~~or~~

379 ~~5. Implement a hybrid of turnaround options set forth in~~
380 ~~subparagraphs 1.-4. or other turnaround models that have a~~
381 ~~demonstrated record of effectiveness.~~

382 ~~(c) A school earning a grade of "F" shall have a planning~~
383 ~~year followed by 2 full school years to implement the initial~~
384 ~~turnaround option selected by the school district and approved~~
385 ~~by the state board. Implementation of the turnaround option is~~
386 no longer required if the school improves to a grade of "C" or
387 higher by at least one letter grade.



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388 ~~(d) A school earning a grade of "F" that improves its~~
389 ~~letter grade must continue to implement strategies identified in~~
390 ~~its school improvement plan pursuant to s. 1001.42(18)(a). The~~
391 ~~department must annually review implementation of the school~~
392 ~~improvement plan for 3 years to monitor the school's continued~~
393 ~~improvement.~~

394 ~~(d)(e) If a turnaround school earning a grade of "F" does~~
395 ~~not improve to a grade of "C" or higher by at least one letter~~
396 ~~grade after 2 full school years of implementing the turnaround~~
397 ~~option selected by the school district under paragraph (b), the~~
398 ~~school district must implement ~~select a different option and~~~~
399 ~~submit another turnaround option ~~implementation plan to the~~~~
400 ~~department for approval by the state board. Implementation of~~
401 ~~the turnaround option ~~approved plan~~ must begin the school year~~
402 ~~following the implementation period of the existing turnaround~~
403 ~~option, unless the state board determines that the school is~~
404 ~~likely to improve to a grade of "C" or higher a letter grade if~~
405 ~~additional time is provided to implement the existing turnaround~~
406 ~~option.~~

407 ~~(5) A school that earns a grade of "D" for 3 consecutive~~
408 ~~years must implement the district-managed turnaround option~~
409 ~~pursuant to subparagraph (4)(b)1. The school district must~~
410 ~~submit an implementation plan to the department for approval by~~
411 ~~the state board.~~

412 Section 5. Paragraph (d) of subsection (6) of section
413 1008.345, Florida Statutes, is amended to read:

414 1008.345 Implementation of state system of school
415 improvement and education accountability.—

416 (6)



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417 (d) The commissioner shall assign a community assessment
418 team to each school district or governing board with a
419 turnaround school ~~that earned a grade of "F" or three~~
420 ~~consecutive grades of "D"~~ pursuant to s. 1008.34 to review the
421 school performance data and determine causes for the low
422 performance, including the role of school, area, and district
423 administrative personnel. The community assessment team shall
424 review a high school's graduation rate calculated without high
425 school equivalency diploma recipients for the past 3 years,
426 disaggregated by student ethnicity. The team shall make
427 recommendations to the school board or the governing board and
428 to the State Board of Education based on the interventions and
429 support strategies identified pursuant to subsection (5) to
430 ~~which~~ address the causes of the school's low performance and to
431 incorporate the strategies and may be incorporated into the
432 school improvement plan. The assessment team shall include, but
433 not be limited to, a department representative, parents,
434 business representatives, educators, representatives of local
435 governments, and community activists, and shall represent the
436 demographics of the community from which they are appointed.

437
438 ===== T I T L E A M E N D M E N T =====

439 And the title is amended as follows:

440 Delete lines 2 - 3

441 and insert:

442 An act relating to K-12 education; amending s.
443 1001.42, F.S.; revising provisions relating to school
444 improvements plans; requiring only specified schools
445 to submit a school improvement plan; deleting a



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446 requirement that certain information be included in
447 the improvement plans of certain schools; revising the
448 grade levels required to implement an early warning
449 system; revising the required content of an early
450 warning system; requiring a specified team to monitor
451 specified data; revising what constitutes an
452 educational emergency and establishing duties of
453 district school boards relating to such emergency;
454 amending s. 1002.33, F.S.; revising the criteria a
455 charter school must meet to require corrective action;
456 revising requirements for corrective action by charter
457 schools; revising criteria for waiver of automatic
458 charter termination; amending s. 1002.332, F.S.;
459 conforming a cross-reference; amending s. 1008.33,
460 F.S.; providing that intervention and support services
461 apply consistently to any school meeting specified
462 criteria; revising the required timeline for the
463 implementation of a district-managed turnaround plan;
464 providing turnaround options available to school
465 districts meeting specified criteria; amending s.
466 1008.345, F.S.; revising the criteria a school must
467 meet to have a community assessment team; revising the
468 duties of a community assessment team; creating

By the Committee on Education; and Senator Simmons

581-03347-17

20171552c1

A bill to be entitled

An act relating to the Florida Best and Brightest Teacher and Principal Scholar Award Program; creating s. 1012.732, F.S.; creating the Florida Best and Brightest Teacher and Principal Scholar Award Program to be administered by the Department of Education; providing the intent and purpose of the program; providing eligibility requirements for classroom teachers and school administrators to participate in the program; providing timelines and requirements for program implementation; providing funding priorities; defining the term "school district"; requiring the State Board of Education to adopt rules; providing an effective date.

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

Section 1. Section 1012.732, Florida Statutes, is created to read:

1012.732 The Florida Best and Brightest Teacher and Principal Scholar Award Program.-

(1) INTENT.-The Legislature recognizes that, second only to parents, teachers and principals play the most critical roles within schools in preparing students to achieve a high level of academic performance. The Legislature further recognizes that research has linked student successes and performance outcomes to the academic achievements and performance accomplishments of the teachers and principals who most closely affect their classroom and school learning environments. Therefore, it is the

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

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intent of the Legislature to designate teachers and principals who have achieved high academic standards during their own education as Florida's best and brightest teacher and principal scholars.

(2) PURPOSE.-There is created the Florida Best and Brightest Teacher and Principal Scholar Award Program, as a performance-based scholarship award program, to be administered by the Department of Education. The performance-based award shall provide categorical funding for scholarships to be awarded to full-time classroom teachers, as defined in s. 1012.01(2)(a), and full-time school administrators, as defined in s. 1012.01(3)(c), excluding substitute teachers or substitute school administrators, who have demonstrated a high level of academic achievement and performance.

(3) ELIGIBILITY.-To be eligible for a scholarship, a full-time classroom teacher or full-time school administrator must be employed on an annual contract or probationary contract pursuant to s. 1012.335, participate in the school district's performance salary schedule pursuant to s. 1012.22, and meet at least one of the achievement requirements under paragraph (a) and at least one of the performance requirements under paragraph (b).

(a) Achievement requirements.-

1. For a classroom teacher, a score at or above the 90th percentile on the Florida Teacher Certification Examination in a subject that he or she is teaching;

2. For a school administrator, a score at or above the 90th percentile on the Florida Educational Leadership Examination;

3. For a classroom teacher or school administrator, a composite score at or above the 80th percentile on either the

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59 SAT or the ACT based on the National Percentile Ranks in effect
 60 when the classroom teacher or school administrator took the
 61 assessment;

62 4. For a classroom teacher or school administrator, a
 63 composite score on the GRE, LSAT, GMAT, or MCAT at or above a
 64 score adopted by the State Board of Education; or

65 5. For a classroom teacher or school administrator, a
 66 cumulative undergraduate or graduate grade point average of at
 67 least 3.5 on a 4.0 scale, as verified on the teacher's or
 68 administrator's official final college transcript.

69 (b) Performance requirements.—The classroom teacher or
 70 school administrator:

71 1. Must have been evaluated as highly effective pursuant to
 72 s. 1012.34 in the school year immediately preceding the year in
 73 which the scholarship will be awarded;

74 2. If he or she works in a low-performing school or a
 75 school that was designated by the department as low-performing
 76 within the previous 2 years and commits, pursuant to State Board
 77 of Education rule, to working at the school for at least 3
 78 years, must have been evaluated as highly effective pursuant to
 79 s. 1012.34 in the school year immediately preceding the first
 80 year in which the scholarship will be awarded and maintain a
 81 highly effective evaluation rating in at least two of every
 82 three annual performance evaluations, based on a rolling 3-year
 83 period; or

84 3. Must be newly hired by the district school board, must
 85 not have been evaluated pursuant to s. 1012.34, and must have
 86 met at least one of the following conditions:

87 a. Be a recipient of the Florida Prepaid Tuition

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88 Scholarship Program pursuant to s. 1009.984 who graduates with a
 89 minimum 3.0 grade point average and commit, pursuant to State
 90 Board of Education rule, to working in a Florida public school
 91 for at least 3 years;

92 b. Have completed the college reach-out program pursuant to
 93 s. 1007.34 and graduated with a minimum 3.0 grade point average,
 94 and commit, pursuant to State Board of Education rule, to
 95 working in a Florida public school for at least 3 years; or

96 c. Be a Florida college or university graduate of a Florida
 97 teacher preparation program approved pursuant to s. 1004.04,
 98 have graduated with a minimum 3.0 grade point average, and
 99 commit, pursuant to State Board of Education rule, to working in
 100 a critical teacher shortage area under s. 1012.07 at a Florida
 101 public school for at least 3 years.

102 (4) IMPLEMENTATION.—In order to implement and administer
 103 the program, the following timelines and requirements apply:

104 (a) To demonstrate eligibility for an award, an eligible
 105 classroom teacher or school administrator, as applicable, must
 106 submit to the school district, no later than November 1, an
 107 official record of his or her achievement of the eligibility
 108 requirements specified in paragraph (3)(a). Once a classroom
 109 teacher or school administrator is deemed eligible by the school
 110 district, including teachers deemed eligible for the Florida
 111 Best and Brightest Teacher Scholarship Program in the 2015-2016
 112 or 2016-2017 fiscal years pursuant to s. 25 of chapter 2016-62,
 113 Laws of Florida, the classroom teacher or school administrator
 114 remains eligible as long as he or she remains employed by the
 115 school district as a full-time classroom teacher or full-time
 116 school administrator at the time of the award and continues to

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117 meet the conditions specified under this section.

118 (b) Annually, by December 1, each school district shall
 119 submit to the department the number of eligible classroom
 120 teachers and school administrators who qualify for the
 121 scholarship.

122 (c) Annually, by February 1, the department shall disburse
 123 scholarship funds to each school district for each eligible
 124 classroom teacher and school administrator to receive a
 125 scholarship as provided in the General Appropriations Act.

126 (d) Annually, by April 1, each school district shall award
 127 the scholarship to each eligible classroom teacher and school
 128 administrator.

129 (5) FUNDING.—A scholarship in the amount provided in the
 130 General Appropriations Act shall be awarded to every eligible
 131 classroom teacher and school administrator.

132 (a) If the number of eligible classroom teachers and school
 133 administrators exceeds the total appropriation authorized in the
 134 General Appropriations Act, the department shall prorate the
 135 per-scholar scholarship award amount, except that prior to the
 136 distribution of funds, the following priorities apply:

137 1. Classroom teachers and school administrators who commit,
 138 pursuant to State Board of Education rule, to work in a low-
 139 performing school and meet the performance requirements of
 140 subparagraph (3)(b)2., shall receive an award equal to a full
 141 scholarship award amount. Classroom teachers and school
 142 administrators who do not fulfill the commitment made pursuant
 143 to subparagraph (3)(b)2. may not receive this priority; and

144 2. Newly hired classroom teachers and school administrators
 145 who commit, pursuant to State Board of Education rule, to work

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146 in a Florida public school and meet the performance requirements
 147 under subparagraph (3)(b)3., shall receive a one-time hiring
 148 bonus of up to \$10,000. Classroom teachers and school
 149 administrators who do not fulfill the commitment made pursuant
 150 to subparagraph (3)(b)3. may not receive this priority.

151 (b) Newly hired classroom teachers and newly hired school
 152 administrators who initially participate in the program pursuant
 153 to subparagraph (3)(b)3. may only receive the one-time hiring
 154 bonus under subparagraph (a)2. In subsequent school years, such
 155 classroom teachers and school administrators may earn a
 156 scholarship award pursuant to subparagraph (3)(b)1. or
 157 subparagraph (3)(b)2., if they also maintain their initial
 158 commitments.

159 (6) DEFINITION.—For purposes of this section, the term
 160 "school district" includes the Florida School for the Deaf and
 161 the Blind and charter school governing boards.

162 (7) RULES.—The State Board of Education shall expeditiously
 163 adopt rules to implement this section.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/18/17
Meeting Date

1552
Bill Number (if applicable)
475992
Amendment Barcode (if applicable)

Topic _____

Name Spencer Pylant

Job Title Communications + Government Relations Liaison

Address 7227 Land O'Lakes Blvd.
Street

Phone 813-794-2259

Land O'Lakes FL 34638
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Email spylant@pasco.k12.fl.us

Speaking: For Against Information

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

Representing Pasco County 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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/18/17

Meeting Date

CS/B 1552
Bill Number (if applicable)

Topic Simmons Amendment - Turn around Options

475992
Amendment Barcode (if applicable)

Name Joy Frank

Job Title General Counsel

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Phone 850-577-5784

Street

Tallahassee FL 32301

City

State

Zip

Email JFRANK@FAOSS.ORG

Speaking: For Against Information

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

Representing FL Association of District School Superintendents 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.

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THE FLORIDA SENATE APPEARANCE RECORD

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4/18/17

Meeting Date

SB 1552

Bill Number (if applicable)

475992

Amendment Barcode (if applicable)

Topic Best and Brightest Teachers and Principals

Name ~~Jessica Janssen~~ CORINNE MIXON

Job Title Governmental Consultant

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Phone 850-681-6788

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Tallahassee

FL

32301

City

State

Zip

Email Corinne@rutledge-ecenia.com

Speaking: For Against Information

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

Representing The Florida Association of School Administrators

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

April 18 2017
Meeting Date

1552
Bill Number (if applicable)

475992
Amendment Barcode (if applicable)

Topic Florida Best + Brightest

Name Marie-Claire Leman

Job Title _____

Address 1911 Wahalaaw Ct
Street

Phone 850 728 7514

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 _____

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

4-18-17

Meeting Date

1552

Bill Number (if applicable)

475992

Amendment Barcode (if applicable)

Topic Best & Brightest - School Improvement

Name Wendy Dodge

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33831

City

State

Zip

Email wendy.dodge@polk-fl.net

Speaking: For Against Information

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

Representing Polk County 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4-18-17

Meeting Date

1552

Bill Number (if applicable)

475992

Amendment Barcode (if applicable)

Topic Best & Brightest - School Improvement

Name John J Sullivan

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Street

Phone 754-321-2600

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FL

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City

State

Zip

Email John.J.Sullivan@browardschools.com

Speaking: For Against Information

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

Representing Broward 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.

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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)

4-18-17

Meeting Date

1552

Bill Number (if applicable)

475992

Amendment Barcode (if applicable)

Topic Best & Brightest

Name Catherine Baer

Job Title Chair

Address 1421 Woodgate Way

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Tallahassee

City

FL

State

32308

Zip

Phone 850-345-1114

Email flybaer@gmail.com

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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THE FLORIDA SENATE
APPEARANCE RECORD

4/18/17
Meeting Date

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

1552

~~428~~

Bill Number (if applicable)

Topic Best & Brightest

Amendment Barcode (if applicable)

Name Nancy Richia

Job Title Teacher

Address 22395 Panorama St

Phone 913 230 1592

Street

Brooksville FL 34601

City

State

Zip

Email nrichie@tamjabs.com

Speaking: For Against Information

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

Representing USEP

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

4/19/2017

Meeting Date

CB18B 1552

Bill Number (if applicable)

475992

Amendment Barcode (if applicable)

Topic Florida Best & Brightest

Name Eileen Fernandez

Job Title Associate General Counsel

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Phone 407 317 3200

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City

FL

State

32801

Zip

Email Eileen.Fernandez@^{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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

4-18-17

Meeting Date

1992

Bill Number (if applicable)

475992

Amendment Barcode (if applicable)

Topic Best and Brightest

Name Shawn Frost

Job Title Pres

Address 113 S. Monroe St. 101

Phone 850 391-0425

Street

Tallahassee FL 32307

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Coalition of School Board members

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)

4/18/17
Meeting Date

SB 1552
Bill Number (if applicable)

Topic Florida Best & Brightest Teacher & Principal

Amendment Barcode (if applicable)

Name Scholar Award
Linda Howard

Job Title _____

Address 1931 Mallory Sq
Street

Phone 850-216-2108

Tallahassee, FL 32308
City State Zip

Email Lschaden@comcast.net

Speaking: For Against Information

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

Representing League of Women Voters

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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DW's

THE FLORIDA SENATE APPEARANCE RECORD

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

April 18, 2017

1552

Meeting Date

Bill Number (if applicable)

Topic Best and Brightest - new teacher eligibility

Amendment Barcode (if applicable)

Name Ginger Littleton

Job Title Chair, Bay District School Board

Address 1311 Balboa Avenue

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FL

32401

Email littlt@bay.k12.fl.us

City

State

Zip

Speaking: For Against Information

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

Representing Bay District 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.

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DNS

THE FLORIDA SENATE APPEARANCE RECORD

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

4-18-17
Meeting Date

1552
Bill Number (if applicable)

Topic Best and Brightest

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title president

Address 113 S. Monroe St #101

Phone 850 391-0421

Street

Tallahassee

City

FL

State

32301

Zip

Email info@FCSBM.org

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

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

DNS

4/18/17

Meeting Date

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

SB 1552

Bill Number (if applicable)

475992

Amendment Barcode (if applicable)

Topic Florida Best and Brightest

Name Nancy Lawther

Job Title _____

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Street

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Miami FL

City

State

33146

Zip

Email n.lawther@gmail.com

Speaking: For Against Information

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

Representing _____

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

DNS

9/18/2017

Meeting Date

Topic _____

Bill Number 1552
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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 (10/20/11)

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 Pre-K - 12 Education

BILL: PCS/CS/SB 1598 (614458)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education; Education Committee and Senators Brandes and Perry

SUBJECT: Education

DATE: April 18, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1598 establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools to enhance student learning. Additionally, the bill:

- Renames the current professional development certification and education competency program as the comprehensive teacher mentorship certification program with some modifications.
- Modifies the School Professional Development Act to include specified training relating to the comprehensive teacher mentorship certification program.
- Authorizes the Department of Corrections to enter into a contract with a charter school authorized to operate pursuant to law to provide education services for the Correctional Education Program.

The bill does not impact state revenues or expenditures.

The bill takes effect July 1, 2017.

II. Present Situation:

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.¹ School grades are also used to determine whether a school must select or implement a turnaround option² or whether a school is eligible for school recognition funds as appropriated by the Legislature.³

The annual reports must identify schools as having one of the following grades:⁴

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

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁵ Combination school models include the additional components for the grades served (*e.g.*, a school serving grades K through 12 would include the additional components for the middle and high school models).

Principal Autonomy Pilot Program Initiative

In 2016, the Legislature established the Principal Autonomy Pilot Program Initiative (PAPPI) within the Florida Department of Education (DOE) to provide the principal of a participating school with increased autonomy and authority regarding allocation of resources and staffing to improve student achievement and school management.⁶ A participating school must have received at least two school grades of “D” or “F” during the previous three school years, and a participating principal must have earned a highly effective rating on the prior year's performance evaluation.⁷ The program exempts participating schools from the K-20 Education Code and state board rules implementing such provisions, with some exceptions.⁸ In addition, a principal at a participating school may select qualified instructional personnel for placement at the school and refuse placement or transfer of instructional personnel by the district school superintendent, in any case.⁹ The principal also has greater budgeting authority to allocate resources to help improve student achievement.¹⁰

¹ Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

² *See* s. 1008.33(4), F.S.

³ *See* s. 1008.26, F.S.

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

⁵ *See* s. 1008.34(3)(b), F.S.; Rule 6A-1.09981(4)(a)-(c), F.A.C.

⁶ Chapter 2016-223, L.O.F. *Codified at* ss. 1012.28(8), and 1011.6202, F.S.

⁷ Section 1011.6202(2)(a)1. and 2., F.S.

⁸ *See* s. 1011.6202(3), F.S.

⁹ Section 1012.28(8)(a), F.S.

¹⁰ Section 1012.28(8)(b), F.S.

Educator 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 DOE.¹¹

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.¹²

Types of Educator Certificates

The DOE identifies appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers for all programs and courses funded through the Florida Education Finance Program.¹³

The DOE issues three types of educator certificates:¹⁴

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.¹⁵
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.¹⁶
- 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.¹⁷

Eligibility Criteria for Educator Certification

To be eligible to seek a Florida educator's certificate, an individual must:¹⁸

- 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 and that the information provided in the application is true, accurate, and complete.
- 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. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.
- Submit to a background screening in accordance with Florida law.
- Be of good moral character.
- Be competent and capable of performing the duties, functions, and responsibilities of an educator.

¹¹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹² Section 1012.54, F.S.

¹³ Section 1012.55(1)(c), F.S.

¹⁴ Section 1012.55, F.S.

¹⁵ Section 1012.56(1)-(3) and (5), (6)-(7), F.S.

¹⁶ Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

¹⁷ Section 1012.55(2)(a), F.S.

¹⁸ Section 1012.56(2)(a)-(i), F.S.

- Demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

Professional Development Certification and Education Competency Program

Florida law authorizes a school district to provide a cohesive competency-based professional development certification and education competency program by which members of a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in statute and rules of the State Board of Education (SBE).¹⁹ Participants in this program must hold a state-issued temporary certificate.²⁰ A school district that implements the program must provide a competency-based certification developed by the DOE or developed by the district and approved by the DOE.²¹

Renewal of Professional Certificates

All professional certificates, except a nonrenewable professional certificate, must be renewed every five years.²² In order to qualify for renewal, the applicant must earn at least 6 college credits or 120 inservice (professional development) points during the 5-year cycle.²³ At least 3 college credits or 60 inservice points must be earned in each subject area for which renewal is sought.²⁴ Credits or inservice points may also be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.²⁵ Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.²⁶

School Community Professional Development Act

Florida law requires the DOE, public postsecondary education institutions public school districts, state education foundations, consortia, and professional organizations to work collaboratively to establish a coordinated system of professional development.²⁷ The purpose of this system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.²⁸

¹⁹ Section 1012.56(8)(a), F.S.

²⁰ *Id.*

²¹ Section 1012.56(8)(a), F.S.

²² Section 1012.585(2)(a), F.S.

²³ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; *see* rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

²⁴ Section 1012.585(3)(a), F.S.

²⁵ *Id.*

²⁶ Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

²⁷ Section 1012.98(1), F.S.

²⁸ Section 1012.98(1), F.S.

Education for State Prisoners

Florida law establishes under the Department of Corrections (DOC) a Correctional Education Program, which must be composed of the educational facilities and services of all institutions, and facilities housing inmates operated by the DOC and must be supervised by the DOC.²⁹ Florida law prohibits the expenditure of state funds provided for postsecondary workforce programs on the education of state and federal inmates.³⁰

III. Effect of Proposed Changes:

The bill establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools to enhance student learning. Additionally, the bill:

- Renames the current professional development certification and education competency program as the comprehensive teacher mentorship certification program.
- Modifies the School Professional Development Act to include specified training relating to the comprehensive teacher mentorship certification program.

Schools of Excellence (Sections 2, 4, and 6)

Section 2 establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools and requires the State Board of Education to designate a school as a School of Excellence if the school's percentage of possible points earned in its school grades calculation is in the 80th percentile or higher for schools within the same grade group (elementary schools, middle schools, high schools, or combination schools) for 2 of the last 3 school years. In order to qualify, the school must have data for each applicable school grade component.

A school retains its designation as a School of Excellence for up to 3 years so long as it does not receive a school grade lower than a "B" during that span. The school may renew its designation for another 3 years if it remains in the 80th percentile or higher for 2 of the 3 years and does not receive a grade lower than a "B" in any of the years. A School of Excellence that receives a grade lower than "B" may not continue to be designated as a School of Excellence and loses its administrative flexibility during the remainder of the 3-year period.

Section 2 provides the following administrative flexibilities to a School of Excellence:

- Exemption from any provision in law or rule that expressly requires a minimum period of daily or weekly instruction in a specified subject area.
- Principal autonomy under the Principal Autonomy Pilot Project Initiative (PAPPI).
- For instructional personnel, the substitution of 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of a professional certificate, up to 60 inservice points in a 5-year cycle.
- Exemption from district-set starting and stopping times for the school day.

Section 4 grants to a principal newly assigned to a school with a school grade of "D" or "F" additional authority and responsibilities similar to those granted to principals at Schools of

²⁹ Section 944.801(1), F.S.

³⁰ Section 1011.80(7) F.S.

Excellence and at schools participating in the PAPPI. This section authorizes a school district to revoke the principal's additional authority after the school year following the first school year the school achieves a school grade of "C" or higher. As such, the bill may provide principals with greater autonomy to determine the best approach to improve student performance at that school.

Comprehensive Teacher Mentorship Certification Program (Section 5 and 7)

Section 5 changes the name of the professional development certification and education competency program to the comprehensive teacher mentorship certification program.

Section 5 requires the Florida Department of Education (DOE) to issue a professional certificate to a temporary certificate holder who meets the requirements for a professional certificate enumerated above, is rated highly effective under the district's teacher evaluation system, and

- Completes a comprehensive teacher mentorship certification, or
- Enrolls in a state-approved teacher preparation program or a comprehensive teacher mentorship certification program within 90 days after the issuance of a temporary certificate as an acceptable means of demonstrating mastery of professional preparation and education competence to satisfy educator certification requirements.

As such, section 5 provides that an individual with a temporary certificate is not required to take or achieve a passing score on the professional education competency examination to be awarded a professional certificate.

Section 5 requires a comprehensive teacher mentorship certification program to include a mentorship and induction component, which must include, at minimum, weekly opportunities for mentoring and induction activities. Mentoring and induction activities include, common planning time, ongoing professional development targeted to a teacher's needs, co-teaching experiences, and reflection and follow-up discussions. A teacher selected to serve as a peer mentor is required under the bill to complete specialized training in clinical supervision and participate in ongoing mentor training. Section 7 requires this training be provided under the School Community Professional Development Act.

The DOE is directed to adopt standards for the approval of district developed comprehensive teacher mentorship certification programs, including standards for the teacher mentorship and induction component, by December 31, 2017. The standards for the teacher mentorship and induction component must include:

- Program administration and evaluation;
- Mentor roles, selection, and training;
- Beginning teacher assessment and professional development; and
- Teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices.

Accordingly, this program may ease the pathway to teacher certification for temporary certificate holders and may help school districts recruit and retain teachers.

Education for State Prisoners (Sections 1 and 3)

Section 1 amends s. 944.801, F.S. to authorize the Department of Corrections (DOC) to enter into a contract with a charter school, authorized to operate as part of the state's program of public

education, to provide education services for the Correctional Education Program. Accordingly, such contracts may provide the DOC with another method to offer education services to state prisoners. The bill does not address funding for the delivery of education services by the charter schools.

Section 3 amends s. 1011.80, F.S., to remove the prohibition on expending state funds for postsecondary workforce programs for the education of state and federal inmates.

The bill takes effect July 1, 2017.

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:

According to the Florida Department of Education (DOE), this bill may save professional certificate applicants by not requiring them to enroll in additional college coursework or take the professional education competency examination to be awarded a professional certificate.³¹

C. Government Sector Impact:

According to the DOE, implementation of the bill may require additional staff time to review, approve, and monitor compliance with the statutory requirements for the Professional Development Certification and Education Competency programs, as well as revision of school district professional development systems.³² These additional requirements should be absorbed within existing agency resources.

³¹ Telephone Interview with Government Relations Staff, Florida Department of Education (March 30, 2017).

³² *Id.*

The bill removes the prohibition on expending state postsecondary workforce funds for the education of state and federal inmates. Accordingly, career and technical centers could choose to expend state funds on educating state and federal inmates. The cost of educating these inmates is indeterminate as it would remain a career and technical center's choice whether to engage in this practice.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 944.801, 1012.28, 1012.56, 1012.585, and 1012.98.

This bill creates the following sections of the Florida Statutes: 1003.631 and 1013.29.

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 for CS by Appropriations Subcommittee on Higher Education on April 18, 2017:

The committee substitute:

- Authorizes enrollment in a state-approved teacher preparation program or a comprehensive teacher mentorship certification program within 90 days after the issuance of a temporary certificate as an acceptable means of demonstrating mastery of professional preparation and education competence to satisfy educator certification requirements.
- Specifies that an applicant whose temporary certificate has been revoked due to his or her failure to enroll in a teacher preparation program or a comprehensive teacher mentorship certification program must be enrolled in such program before the department may issue an applicant a new temporary certificate. Additionally, an applicant who was enrolled in a teacher preparation program or a comprehensive teacher mentorship certification program, but is no longer enrolled in the program, has up to 30 days to reenroll or his or her temporary certificate must be revoked.
- Removes the prohibition on expending state funds for postsecondary workforce programs for the education of state and federal inmates.
- Removes authorization for a county to allow high school educational facilities (including charter school educational facilities) to be located on a public or private postsecondary institution campus.

CS by Education on April 3, 2017:

The committee substitute adds provisions to the bill to:

- Authorize the Department of Corrections to enter into a contract with a charter school authorized to operate pursuant to law to provide education services for the Correctional Education Program.
- Specify that a county in which a public or private postsecondary institution is located may authorize a public high school educational facility, including a charter school educational facility, which meets statutory requirements to be located on the postsecondary institution's campus.

B. Amendments:

None.



276152

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Brandes)
recommended the following:

Senate Amendment

Delete lines 183 - 187

and insert:

paragraph (8) (a); ~~or~~

(h) Successful completion of a competency-based
certification program pursuant to s. 1004.85 and achievement of
a passing score on the professional education competency
examination required by rule of the State Board of Education;

or



276152

11 (i) Enrollment in a state-approved teacher preparation
12 program or a comprehensive teacher mentorship certification
13 program within 90 days after the issuance of a temporary
14 certificate.

15 1. An applicant whose temporary certificate has been
16 revoked due to his or her failure to enroll in a teacher
17 preparation program or a comprehensive teacher mentorship
18 certification program must be enrolled in such program before
19 the department may issue the applicant a new temporary
20 certificate.

21 2. An applicant who was enrolled in a teacher preparation
22 program or a comprehensive teacher mentorship certification
23 program but is no longer enrolled in the program has 30 days to
24 reenroll or his or her temporary certificate shall be revoked.



795070

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Farmer)
recommended the following:

Senate Amendment (with title amendment)

Between lines 109 and 110

insert:

Section 3. Subsection (7) of section 1011.80, Florida
Statutes, is amended to read:

1011.80 Funds for operation of workforce education
programs.—

(7)~~(a)~~ A school district or Florida College System
institution that receives workforce education funds must use the



795070

11 money to benefit the workforce education programs it provides.
12 The money may be used for equipment upgrades, program
13 expansions, or any other use that would result in workforce
14 education program improvement. The district school board or
15 Florida College System institution board of trustees may not
16 withhold any portion of the performance funding for indirect
17 costs.

18 ~~(b) State funds provided for the operation of postsecondary~~
19 ~~workforce programs may not be expended for the education of~~
20 ~~state or federal inmates.~~

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete line 13

25 and insert:

26 completing a specified program; amending s. 1011.80,
27 F.S.; removing a provision prohibiting state funds for
28 the operation of postsecondary workforce programs from
29 being used for the education of state or federal
30 inmates; amending s. 1012.28,



371864

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Montford)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 547 - 555.

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

And the title is amended as follows:

Delete lines 46 - 49

and insert:

meet specified criteria;

By the Committee on Education; and Senator Brandes

581-03357-17

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1 A bill to be entitled
 2 An act relating to education; amending s. 944.801,
 3 F.S.; authorizing the Department of Corrections to
 4 contract with charter schools to provide education
 5 services to the Correctional Education Program;
 6 creating s. 1003.631, F.S.; creating the Schools of
 7 Excellence Program; providing for designation as a
 8 School of Excellence; providing requirements for a
 9 School of Excellence; providing for redesignation;
 10 authorizing Schools of Excellence to have specified
 11 administrative flexibilities; authorizing certain
 12 teachers to earn a professional certificate by
 13 completing a specified program; amending s. 1012.28,
 14 F.S.; providing additional authority and
 15 responsibilities to the principal of a School of
 16 Excellence; providing that newly assigned principals
 17 of certain schools must be provided specified
 18 authority and responsibilities; amending s. 1012.56,
 19 F.S.; providing that successful completion of a
 20 specified program demonstrates mastery of certain
 21 skills; revising the criteria instructional personnel
 22 must meet to be issued a professional certificate;
 23 providing that an applicant for professional
 24 certification is not required to take or pass a
 25 specified examination under certain circumstances;
 26 providing requirements for the development and
 27 implementation of a comprehensive teacher mentorship
 28 certification program; providing the purpose of the
 29 program; requiring the Department of Education to

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

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30 adopt standards for the approval of district-developed
 31 programs; providing requirements for such standards;
 32 providing program requirements; providing peer mentor
 33 requirements; amending s. 1012.585, F.S.; providing
 34 that instructional personnel may substitute 1 year of
 35 specified employment for a certain amount of inservice
 36 points within a certain cycle for certificate renewal;
 37 providing such employment does not satisfy a specified
 38 credit hour requirement; amending s. 1012.98, F.S.;
 39 revising the activities designed to implement the
 40 School Community Professional Development Act to
 41 include specified training relating to the
 42 comprehensive teacher mentorship program; revising
 43 requirements for school district professional
 44 development systems; requiring the department to
 45 disseminate professional development programs that
 46 meet specified criteria; creating s. 1013.29, F.S.;
 47 authorizing certain high school educational facilities
 48 to be located on a public or private postsecondary
 49 institution campus under certain circumstances;
 50 providing an effective date.

51
 52 Be It Enacted by the Legislature of the State of Florida:

53
 54 Section 1. Present subsections (4) and (5) of section
 55 944.801, Florida Statutes, are redesignated as subsections (5)
 56 and (6), respectively, and a new subsection (4) is added to that
 57 section, to read:
 58 944.801 Education for state prisoners.—

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

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59 (4) The department may enter into a contract with a charter
60 school authorized to operate under s. 1002.33 to provide
61 education services for the Correctional Education Program.

62 Section 2. Section 1003.631, Florida Statutes, is created
63 to read:

64 1003.631 Schools of Excellence.—The Schools of Excellence
65 Program is established to provide administrative flexibility to
66 the state's top schools so that the instructional personnel and
67 administrative staff at such schools can continue to serve their
68 communities and increase student learning to the best of their
69 professional ability.

70 (1) DESIGNATION.—

71 (a) The State Board of Education shall designate a school
72 as a School of Excellence if the school's percentage of possible
73 points earned in its school grade calculation is in the 80th
74 percentile or higher for schools comprised of the same grade
75 groupings, including elementary schools, middle schools, high
76 schools, and schools with a combination of grade levels, for at
77 least 2 of the last 3 school years. The school must have data
78 for each applicable school grade component pursuant to s.
79 1008.34(3) to be eligible for designation as a School of
80 Excellence. A qualifying school shall retain the designation as
81 a School of Excellence for up to 3 years, at the end of which
82 time the school may renew the designation, if:

83 1. The school was in the 80th percentile or higher pursuant
84 to this subsection for 2 of the previous 3 years; and

85 2. The school did not receive a school grade lower than "B"
86 pursuant to s. 1008.34 during any of the previous 3 years.

87 (b) A school that earns a school grade lower than "B"

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88 pursuant to s. 1008.34 during the 3-year period may not continue
89 to be designated as a School of Excellence during the remainder
90 of that 3-year period and loses the administrative flexibilities
91 provided in subsection (2).

92 (2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence
93 must be provided the following administrative flexibilities:

94 (a) Exemption from any provision of law or rule that
95 expressly requires a minimum period of daily or weekly
96 instruction in a specified subject area.

97 (b) Principal autonomy as provided under s. 1012.28(8).

98 (c) For instructional personnel, the substitution of 1
99 school year of employment at a School of Excellence for 20
100 inservice points toward the renewal of a professional
101 certificate, up to 60 inservice points in a 5-year cycle,
102 pursuant to s. 1012.585(3).

103 (d) Exemption from compliance with district policies or
104 procedures that establish times for the start and completion of
105 the school day.

106 (3) TEACHER CERTIFICATION.—A temporary certificateholder
107 under s. 1012.56(7)(b) who is employed by a School of Excellence
108 may earn a professional certificate by meeting the requirements
109 of s. 1012.56(7)(a)3.

110 Section 3. Subsection (8) of section 1012.28, Florida
111 Statutes, is amended, and subsection (9) is added to that
112 section, to read:

113 1012.28 Public school personnel; duties of school
114 principals.—

115 (8) The principal of a School of Excellence or a school
116 participating in the Principal Autonomy Pilot Program Initiative

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117 under s. 1011.6202 has the following additional authority and
118 responsibilities:

119 (a) In addition to the authority provided in subsection
120 (6), the authority to select qualified instructional personnel
121 for placement or to refuse to accept the placement or transfer
122 of instructional personnel by the district school
123 superintendent. Placement of instructional personnel at a
124 participating school in a participating school district does not
125 affect the employee's status as a school district employee.

126 (b) The authority to deploy financial resources to school
127 programs at the principal's discretion to help improve student
128 achievement, as defined in s. 1008.34(1), and meet performance
129 goals identified in the principal autonomy proposal submitted
130 pursuant to s. 1011.6202.

131 (c) To annually provide to the district school
132 superintendent and the district school board a budget for the
133 operation of the participating school that identifies how funds
134 provided pursuant to s. 1011.69(2) are allocated. The school
135 district shall include the budget in the annual report provided
136 to the State Board of Education pursuant to s. 1011.6202(6).

137 (9) A school district must provide a principal newly
138 assigned to a school with a school grade of "D" or "F" under s.
139 1008.34 with the additional authority and responsibilities
140 provided in subsection (8). The district may revoke the
141 principal's additional authority and responsibilities under this
142 subsection after the school year following the first school year
143 the school achieves a school grade of "C" or higher.

144 Section 4. Subsection (6), paragraph (a) of subsection (7),
145 and paragraph (a) of subsection (8) of section 1012.56, Florida

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146 Statutes, are amended to read:

147 1012.56 Educator certification requirements.—

148 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
149 COMPETENCE.—Acceptable means of demonstrating mastery of
150 professional preparation and education competence are:

151 (a) Successful completion of an approved teacher
152 preparation program at a postsecondary educational institution
153 within this state and achievement of a passing score on the
154 professional education competency examination required by state
155 board rule;

156 (b) Successful completion of a teacher preparation program
157 at a postsecondary educational institution outside Florida and
158 achievement of a passing score on the professional education
159 competency examination required by state board rule;

160 (c) Documentation of a valid professional standard teaching
161 certificate issued by another state;

162 (d) Documentation of a valid certificate issued by the
163 National Board for Professional Teaching Standards or a national
164 educator credentialing board approved by the State Board of
165 Education;

166 (e) Documentation of two semesters of successful, full-time
167 or part-time teaching in a Florida College System institution,
168 state university, or private college or university that awards
169 an associate or higher degree and is an accredited institution
170 or an institution of higher education identified by the
171 Department of Education as having a quality program and
172 achievement of a passing score on the professional education
173 competency examination required by state board rule;

174 (f) Successful completion of professional preparation

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175 courses as specified in state board rule, successful completion
 176 of a professional preparation and education competence program
 177 pursuant to paragraph (8)(b), and achievement of a passing score
 178 on the professional education competency examination required by
 179 state board rule;

180 (g) Successful completion of a comprehensive teacher
 181 mentorship certification ~~professional development certification~~
 182 ~~and education competency~~ program pursuant to, ~~outlined in~~
 183 paragraph (8)(a); or

184 (h) Successful completion of a competency-based
 185 certification program pursuant to s. 1004.85 and achievement of
 186 a passing score on the professional education competency
 187 examination required by rule of the State Board of Education.

188
 189 The State Board of Education shall adopt rules to implement this
 190 subsection ~~by December 31, 2014,~~ including rules to approve
 191 specific teacher preparation programs that are not identified in
 192 this subsection which may be used to meet requirements for
 193 mastery of professional preparation and education competence.

194 (7) TYPES AND TERMS OF CERTIFICATION.—

195 (a) The Department of Education shall issue a professional
 196 certificate for a period not to exceed 5 years to any applicant
 197 who fulfills one of the following:

198 1. Meets all the requirements outlined in subsection (2).

199 2. ~~or,~~ For a professional certificate covering grades 6
 200 through 12, ~~any applicant who:~~

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

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

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204 ~~c.3-~~ Teaches a high school course in the subject of the
 205 advanced degree.

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

212 ~~e.5-~~ Achieves a passing score on the Florida professional
 213 education competency examination required by state board rule.

214 3. Meets the requirements of paragraphs (2)(a)-(h) and
 215 completes a comprehensive teacher mentorship certification
 216 program pursuant to paragraph (8)(a). An applicant who completes
 217 the program and is rated highly effective as determined by his
 218 or her performance evaluation under s. 1012.34 is not required
 219 to take or achieve a passing score on the professional education
 220 competency examination in order to be awarded a professional
 221 certificate.

222
 223 Each temporary certificate is valid for 3 school fiscal years
 224 and is nonrenewable. However, the requirement in paragraph
 225 (2)(g) must be met within 1 calendar year of the date of
 226 employment under the temporary certificate. Individuals who are
 227 employed under contract at the end of the 1 calendar year time
 228 period may continue to be employed through the end of the school
 229 year in which they have been contracted. A school district shall
 230 not employ, or continue the employment of, an individual in a
 231 position for which a temporary certificate is required beyond
 232 this time period if the individual has not met the requirement

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233 of paragraph (2) (g). The State Board of Education shall adopt
 234 rules to allow the department to extend the validity period of a
 235 temporary certificate for 2 years when the requirements for the
 236 professional certificate, not including the requirement in
 237 paragraph (2) (g), were not completed due to the serious illness
 238 or injury of the applicant or other extraordinary extenuating
 239 circumstances. The department shall reissue the temporary
 240 certificate for 2 additional years upon approval by the
 241 Commissioner of Education. A written request for reissuance of
 242 the certificate shall be submitted by the district school
 243 superintendent, the governing authority of a university lab
 244 school, the governing authority of a state-supported school, or
 245 the governing authority of a private school.

246 (8) COMPREHENSIVE TEACHER MENTORSHIP CERTIFICATION PROGRAM
 247 PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION COMPETENCY
 248 PROGRAM.—

249 (a) The Department of Education shall develop and each
 250 school district may provide a ~~cohesive~~ competency-based,
 251 comprehensive teacher mentorship certification ~~professional~~
 252 ~~development certification and education competency~~ program. The
 253 purpose of the program is to provide ~~by which~~ members of a
 254 school district's instructional staff supportive induction
 255 services through which they can demonstrate ~~may satisfy the~~
 256 mastery of professional preparation and education competence
 257 requirements consistent with ~~specified in~~ subsection (6) and
 258 rules of the State Board of Education. Participants must hold a
 259 state-issued temporary certificate. A school district that
 260 implements the program shall provide a competency-based
 261 certification program developed by the Department of Education

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262 or developed by the district and approved by the Department of
 263 Education. The department shall adopt standards for the approval
 264 of district-developed comprehensive teacher mentorship
 265 certification programs, including program administration and
 266 evaluation; mentor roles, selection, and training; beginning
 267 teacher assessment and professional development; and
 268 instructional practices aligned to the Florida Educator
 269 Accomplished Practices. The program shall include the following:

- 270 1. A minimum period of initial preparation before assuming
 271 duties as the teacher of record.
- 272 2. An option for collaboration between school districts and
 273 other supporting agencies or educational entities for
 274 implementation.
- 275 3. An experienced peer-mentor component. Each individual
 276 selected by the district as a peer mentor:
 277
 - 278 a. Must hold a valid professional certificate issued
 279 pursuant to this section;
 280 b. Must have earned at least 3 years of teaching experience
 281 in prekindergarten through grade 12;
 282 c. Must have completed specialized training in clinical
 283 supervision and participate in ongoing mentor training;
 284 d. Must have earned an effective or highly effective rating
 285 on the prior year's performance evaluation under s. 1012.34; and
 286 e. May ~~or~~ be a peer evaluator under the district's
 287 evaluation system approved under s. 1012.34.
 - 288 4. Weekly opportunities for mentoring activities that
 289 include, at a minimum, common planning time, ongoing
 290 professional development targeted to a teacher's needs,
 291 opportunities for a teacher to observe other teachers, co-

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291 teaching experiences, and reflection and follow-up discussions.
 292 Mentorship activities must be provided for a teacher's first
 293 year in the program and may be provided until the teacher
 294 attains his or her professional certificate in accordance with
 295 this section.

296 ~~5.4~~ An assessment of teaching performance aligned to the
 297 district's system for personnel evaluation under s. 1012.34
 298 which provides for:

299 a. An initial evaluation of each educator's competencies to
 300 determine an appropriate individualized professional development
 301 plan.

302 b. A summative evaluation to assure successful completion
 303 of the program.

304 ~~6.5~~ Competency-based training on professional education
 305 preparation content knowledge that includes, but is not limited
 306 to, the following:

307 a. The state standards provided under s. 1003.41, including
 308 scientifically based reading instruction, content literacy, and
 309 mathematical practices, for each subject identified on the
 310 temporary certificate.

311 b. The educator-accomplished practices approved by the
 312 state board.

313 c. A variety of data indicators for monitoring student
 314 progress.

315 d. Methodologies for teaching students with disabilities.

316 e. Methodologies for teaching students of limited English
 317 proficiency appropriate for each subject area identified on the
 318 temporary certificate.

319 f. Techniques and strategies for operationalizing the role

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320 of the teacher in assuring a safe learning environment for
 321 students.

322 ~~7.6~~ Required achievement of passing scores on the subject
 323 area and professional education competency examination required
 324 by State Board of Education rule. Mastery of general knowledge
 325 must be demonstrated as described in subsection (3).

326 Section 5. Subsection (3) and paragraph (b) of subsection
 327 (5) of section 1012.585, Florida Statutes, are amended to read:

328 1012.585 Process for renewal of professional certificates.—

329 (3) For the renewal of a professional certificate, the
 330 following requirements must be met:

331 (a) The applicant must earn a minimum of 6 college credits
 332 or 120 inservice points or a combination thereof. For each area
 333 of specialization to be retained on a certificate, the applicant
 334 must earn at least 3 of the required credit hours or equivalent
 335 inservice points in the specialization area. Education in
 336 "clinical educator" training pursuant to s. 1004.04(5)(b) and
 337 credits or points that provide training in the area of
 338 scientifically researched, knowledge-based reading literacy and
 339 computational skills acquisition, exceptional student education,
 340 normal child development, and the disorders of development may
 341 be applied toward any specialization area. Credits or points
 342 that provide training in the areas of drug abuse, child abuse
 343 and neglect, strategies in teaching students having limited
 344 proficiency in English, or dropout prevention, or training in
 345 areas identified in the educational goals and performance
 346 standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be
 347 applied toward any specialization area. Credits or points earned
 348 through approved summer institutes may be applied toward the

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349 fulfillment of these requirements. Inservice points may also be
 350 earned by participation in professional growth components
 351 approved by the State Board of Education and specified pursuant
 352 to s. 1012.98 in the district's approved master plan for
 353 inservice educational training, including, but not limited to,
 354 serving as a trainer in an approved teacher training activity,
 355 serving on an instructional materials committee or a state board
 356 or commission that deals with educational issues, or serving on
 357 an advisory council created pursuant to s. 1001.452.

358 (b) In lieu of college course credit or inservice points,
 359 the applicant may renew a subject area specialization by passage
 360 of a state board approved Florida-developed subject area
 361 examination or, if a Florida subject area examination has not
 362 been developed, a standardized examination specified in state
 363 board rule.

364 (c) Instructional personnel may substitute 1 school year of
 365 employment at a School of Excellence, as defined in s. 1003.631,
 366 for 20 inservice points, up to a maximum of 60 inservice points
 367 in a 5-year cycle. However, inservice points earned under this
 368 paragraph may not be used to satisfy the 3 credit hour
 369 specialization area requirement under paragraph (a).

370 (d)~~(e)~~ If an applicant wishes to retain more than two
 371 specialization areas on the certificate, the applicant shall be
 372 permitted two successive validity periods for renewal of all
 373 specialization areas, but must earn no fewer than 6 college
 374 course credit hours or the equivalent in any one validity
 375 period.

376 (e)~~(d)~~ The State Board of Education shall adopt rules for
 377 the expanded use of training for renewal of the professional

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378 certificate for educators who are required to complete training
 379 in teaching students of limited English proficiency or students
 380 with disabilities and training in the teaching of reading as
 381 follows:

382 1. A teacher who holds a professional certificate may use
 383 college credits or inservice points earned through training in
 384 teaching students of limited English proficiency or students
 385 with disabilities and training in the teaching of reading in
 386 excess of 6 semester hours during one certificate-validity
 387 period toward renewal of the professional certificate during the
 388 subsequent validity periods.

389 2. A teacher who holds a temporary certificate may use
 390 college credits or inservice points earned through training in
 391 teaching students of limited English proficiency or students
 392 with disabilities and training in the teaching of reading toward
 393 renewal of the teacher's first professional certificate. Such
 394 training must not have been included within the degree program,
 395 and the teacher's temporary and professional certificates must
 396 be issued for consecutive school years.

397 (f)~~(e)~~ Beginning July 1, 2014, an applicant for renewal of
 398 a professional certificate must earn a minimum of one college
 399 credit or the equivalent inservice points in the area of
 400 instruction for teaching students with disabilities. The
 401 requirement in this paragraph may not add to the total hours
 402 required by the department for continuing education or inservice
 403 training.

404 (5) The State Board of Education shall adopt rules to allow
 405 the reinstatement of expired professional certificates. The
 406 department may reinstate an expired professional certificate if

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407 the certificateholder:

408 (b) Documents completion of 6 college credits during the 5
 409 years immediately preceding reinstatement of the expired
 410 certificate, completion of 120 inservice points, or a
 411 combination thereof, in an area specified in paragraph (3) (a) to
 412 include the credit required under paragraph (3) (f) ~~(3) (e)~~.

413

414 The requirements of this subsection may not be satisfied by
 415 subject area examinations or college credits completed for
 416 issuance of the certificate that has expired.

417 Section 6. Paragraph (e) is added to subsection (3) of
 418 section 1012.98, Florida Statutes, and paragraph (b) of
 419 subsection (4) and subsections (10) and (11) of that section are
 420 amended, to read:

421 1012.98 School Community Professional Development Act.—

422 (3) The activities designed to implement this section must:

423 (e) Provide training to teacher mentors as part of the
 424 comprehensive teacher mentorship certification program under s.
 425 1012.56(8) (a). The training must include components on teacher
 426 development, peer coaching, time management, and other related
 427 topics as determined by the Department of Education.

428 (4) The Department of Education, school districts, schools,
 429 Florida College System institutions, and state universities
 430 share the responsibilities described in this section. These
 431 responsibilities include the following:

432 (b) Each school district shall develop a professional
 433 development system as specified in subsection (3). The system
 434 shall be developed in consultation with teachers, teacher-
 435 educators of Florida College System institutions and state

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436 universities, business and community representatives, and local
 437 education foundations, consortia, and professional
 438 organizations. The professional development system must:

439 1. Be approved by the department. All substantial revisions
 440 to the system shall be submitted to the department for review
 441 for continued approval.

442 2. Be based on analyses of student achievement data and
 443 instructional strategies and methods that support rigorous,
 444 relevant, and challenging curricula for all students. Schools
 445 and districts, in developing and refining the professional
 446 development system, shall also review and monitor school
 447 discipline data; school environment surveys; assessments of
 448 parental satisfaction; performance appraisal data of teachers,
 449 managers, and administrative personnel; and other performance
 450 indicators to identify school and student needs that can be met
 451 by improved professional performance.

452 3. Provide inservice activities coupled with followup
 453 support appropriate to accomplish district-level and school-
 454 level improvement goals and standards. The inservice activities
 455 for instructional personnel shall focus on analysis of student
 456 achievement data, ongoing formal and informal assessments of
 457 student achievement, identification and use of enhanced and
 458 differentiated instructional strategies that emphasize rigor,
 459 relevance, and reading in the content areas, enhancement of
 460 subject content expertise, integrated use of classroom
 461 technology that enhances teaching and learning, classroom
 462 management, parent involvement, and school safety.

463 4. Provide inservice activities and support targeted to the
 464 individual needs of new teachers participating in a

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465 comprehensive teacher mentor certification program pursuant to
 466 s. 1012.56(8)(a).
 467 ~~5.4-~~ Include a master plan for inservice activities,
 468 pursuant to rules of the State Board of Education, for all
 469 district employees from all fund sources. The master plan shall
 470 be updated annually by September 1, must be based on input from
 471 teachers and district and school instructional leaders, and must
 472 use the latest available student achievement data and research
 473 to enhance rigor and relevance in the classroom. Each district
 474 inservice plan must be aligned to and support the school-based
 475 inservice plans and school improvement plans pursuant to s.
 476 1001.42(18). Each district inservice plan must provide a
 477 description of the training that middle grades instructional
 478 personnel and school administrators receive on the district's
 479 code of student conduct pursuant to s. 1006.07;
 480 integrated digital instruction and competency-based instruction
 481 and CAPE Digital Tool certificates and CAPE industry
 482 certifications; classroom management; student behavior and
 483 interaction; extended learning opportunities for students; and
 484 instructional leadership. District plans must be approved by the
 485 district school board annually in order to ensure compliance
 486 with subsection (1) and to allow for dissemination of research-
 487 based best practices to other districts. District school boards
 488 must submit verification of their approval to the Commissioner
 489 of Education no later than October 1, annually. Each school
 490 principal may establish and maintain an individual professional
 491 development plan for each instructional employee assigned to the
 492 school as a seamless component to the school improvement plans
 493 developed pursuant to s. 1001.42(18). An individual professional

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494 development plan must be related to specific performance data
 495 for the students to whom the teacher is assigned, define the
 496 inservice objectives and specific measurable improvements
 497 expected in student performance as a result of the inservice
 498 activity, and include an evaluation component that determines
 499 the effectiveness of the professional development plan.
 500 ~~6.5-~~ Include inservice activities for school administrative
 501 personnel that address updated skills necessary for
 502 instructional leadership and effective school management
 503 pursuant to s. 1012.986.
 504 ~~7.6-~~ Provide for systematic consultation with regional and
 505 state personnel designated to provide technical assistance and
 506 evaluation of local professional development programs.
 507 ~~8.7-~~ Provide for delivery of professional development by
 508 distance learning and other technology-based delivery systems to
 509 reach more educators at lower costs.
 510 ~~9.8-~~ Provide for the continuous evaluation of the quality
 511 and effectiveness of professional development programs in order
 512 to eliminate ineffective programs and strategies and to expand
 513 effective ones. Evaluations must consider the impact of such
 514 activities on the performance of participating educators and
 515 their students' achievement and behavior.
 516 ~~10.9-~~ For middle grades, emphasize:
 517 a. Interdisciplinary planning, collaboration, and
 518 instruction.
 519 b. Alignment of curriculum and instructional materials to
 520 the state academic standards adopted pursuant to s. 1003.41.
 521 c. Use of small learning communities; problem-solving,
 522 inquiry-driven research and analytical approaches for students;

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523 strategies and tools based on student needs; competency-based
524 instruction; integrated digital instruction; and project-based
525 instruction.

526

527 Each school that includes any of grades 6, 7, or 8 must include
528 in its school improvement plan, required under s. 1001.42(18), a
529 description of the specific strategies used by the school to
530 implement each item listed in this subparagraph.

531 (10) For instructional personnel and administrative
532 personnel who have been evaluated as less than effective, a
533 district school board shall require participation in specific
534 professional development programs as provided in subparagraph
535 (4)(b)5. ~~(4)(b)4.~~ as part of the improvement prescription.

536 (11) The department shall disseminate to the school
537 community proven model professional development programs that
538 have demonstrated success in increasing rigorous and relevant
539 content, increasing student achievement and engagement, ~~and~~
540 meeting identified student needs, and providing effective
541 mentorship activities to new teachers and training to teacher
542 mentors. The methods of dissemination must include a web-based
543 statewide performance-support system including a database of
544 exemplary professional development activities, a listing of
545 available professional development resources, training programs,
546 and available technical assistance.

547 Section 7. Section 1013.29, Florida Statutes, is created to
548 read:

549 1013.29 High school educational facilities on a public or
550 private postsecondary institution campus.—A county in which a
551 public or private postsecondary institution is located may

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552 authorize a public high school educational facility, including a
553 charter school educational facility, which meets the
554 requirements of this chapter to be located on the postsecondary
555 institution's campus.

556

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

DNS

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/18

Meeting Date

1598

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Andrew Watt

Job Title Director of Legislative Affairs

Address 3300 Forest Hill Blvd

Phone 561-951-1139

Street
West Palm Beach FL 33406
City State Zip

Email Andrew.Watt@PalmBeachSchools.org

Speaking: For Against Information

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

Representing School District of Palm Beach County

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
APPEARANCE RECORD

DNS

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

4/18/2017

Meeting Date

Topic _____

Bill Number 1598
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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 (10/20/11)

CourtSmart Tag Report

Room: KN 412 Case No.:
Caption: Senate Appropriations Subcommittee on Pre-K - 12

Type:
Judge:

Started: 4/18/2017 1:35:26 PM
Ends: 4/18/2017 3:29:53 PM Length: 01:54:28

1:35:25 PM Call to Order Sen. Simmons (Chair)
1:35:31 PM Roll Call
1:35:37 PM Quorum Present
1:36:43 PM Sen. Simmons
1:36:53 PM Tab 7- CS/SB 1468 Education, Introduced by Sen. Galvano
1:38:04 PM Brian Pitts, Trustee Justice-2-Jesus
1:40:17 PM Sen Galvano waives close
1:40:27 PM Roll Call CS/SB 1468
1:40:38 PM CS/SB 1468 Favorably
1:41:08 PM Tab 2- SB 468 Voluntary Prekindergarten Education
1:41:21 PM 1 strike-all Am 395600- Sen. Stargel Introduces
1:43:21 PM Sen. Montford
1:43:39 PM Sen. Stargel
1:44:00 PM Sen. Young
1:44:47 PM Sen. Stargel
1:46:01 PM Sen. Young
1:46:05 PM Sen. Stargel
1:46:38 PM Sen. Young
1:46:54 PM Sen. Stargel
1:47:44 PM Catherine Baer, The Tea Party/Common Ground - waives against
1:48:16 PM Marie Claire Lemman, Common Ground
1:51:58 PM Shawn Frost, Florida Coalition of School Board Members
1:52:42 PM John Mixon, Fla Association of School Administrators- waives in support
1:53:11 PM Sen. Stargel waives close on strike all
1:53:29 PM Am 395600 favorably
1:53:42 PM Back to Bill SB 468
1:55:13 PM Leonard Hall, resident of Panama City
1:58:09 PM Linda Howard, League of Women Voters waives in support
1:58:31 PM Brian Pitts, Trustee Justice-2-Jesus
2:00:07 PM Nancy Lawther, Florida PTA- waives in support
2:00:20 PM James Mosteller, Foundation for Florida's Future- waives in support
2:00:34 PM Adam Giery, Partner- The Children's Movement of Florida- waives in support
2:00:55 PM Sen. Stargel closes on SB 468
2:01:54 PM Roll Call on CS/SB 468
2:02:01 PM CS/SB 468 Favorably
2:02:23 PM TAB 2- SB 808 Maximum Class Size- Sen. Mayfield introduces bill
2:03:46 PM Sen. Montford
2:04:14 PM Sen. Mayfield
2:04:22 PM Sen. Montford
2:04:28 PM Sen. Mayfield
2:04:32 PM Sen. Rouson
2:04:47 PM Shawn Frost -waives in support
2:05:00 PM Linda Howard -waives in support
2:05:10 PM Bob Nave, Florida Taxwatch
2:06:42 PM Sen. Mayfield waives close
2:07:02 PM Roll Call on SB 808
2:07:14 PM SB 808 favorably
2:07:21 PM TAB 6 - CS/SB 1368 Exceptional Students-Senator Perry Introduces
2:08:00 PM Sen. Young
2:08:46 PM Nancy Lawther, Florida PTA-waives in support
2:08:58 PM Michael Lyons, Vice President, UHS of Delaware Inc. -waives in support
2:09:22 PM Sen. Perry waives close

2:09:31 PM Roll Call CS/SB 1368
2:09:39 PM CS/SB 1368 Favorably
2:10:26 PM TAB 3 CS/SB 868 Educational Options and Services - Sen. Baxley introduces
2:12:01 PM Am 232574 Baxley Introduces
2:12:44 PM Erin Ballas, Outward Bound- waives in support
2:12:57 PM Sen. Baxley waives close on amendment
2:13:11 PM Am 232574 Favorably
2:13:31 PM James Mosteller waives in support
2:13:43 PM Tanya Cooper, Florida Department of Education- waives in support
2:13:50 PM Shawn Frost -waives in support
2:14:02 PM Holly Sagoes, Florida Virtual School- waives in support
2:14:12 PM Michael Daniels, Director FFAST -waives in support
2:14:27 PM Margaret Hooper, Coordinator Florida Developmental Disabilities Council- waives in support
2:14:39 PM Sen. Baxley closes on CS/SB 868
2:15:00 PM Roll call CS/SB 868
2:15:08 PM CS/SB868 Favorably
2:15:22 PM TAB 4- CS/SB 984 Shared Use of Public School Playground Facilities- Sen. Broxson for Sen. Bean introduces
2:16:09 PM Sen. Montford
2:19:03 PM Sen. Simmons
2:19:12 PM Sen. Montford
2:19:19 PM Sen. Simmons
2:19:32 PM Sen. Broxson
2:20:20 PM Am 970744 Sen. Broxson Introduces
2:21:07 PM Sen. Broxson waives close
2:21:15 PM Am 970744 Favorably
2:21:36 PM Back to Bill CS/SB 984
2:21:59 PM Fely Curva, Society of Health and Physical Educators (SHAPE) FL- waives in support
2:22:10 PM Rivers Buford, American Heart Association -waives in support
2:22:21 PM Brian Pitts, Justice-2-Jesus
2:24:21 PM Erin McWilliams, USEP - waives in support
2:24:47 PM Sen. Broxson waives close on CS/SB 984
2:25:09 PM Roll Call CS/SB984
2:25:23 PM CS/SB984 Favorably
2:25:35 PM TAB 5- SB1302 Private School Student Participation in Extracurricular Activities - Senator Gibson Introduces
2:27:46 PM Sen. Montford
2:28:46 PM Sen. Gibson
2:30:01 PM Sen. Broxson
2:30:48 PM Sen. Gibson
2:32:19 PM Am 465790 late filed, no objection to taking up amendment
2:32:40 PM Sen. Gibson introduces Am 465790
2:33:22 PM Sen. Gibson waives close
2:33:34 PM Am 465790 Favorably
2:33:49 PM Brian Pitts, waives in support
2:34:02 PM Sen. Gibson waives close on bill
2:34:14 PM Roll Call SB1302
2:34:26 PM SB1302 Favorably
2:34:46 PM Chair moved to Sen. Young
2:35:08 PM TAB 8- CS/SB1552 Florida Best and Brightest Teacher and Principal Scholar Award Program
2:36:08 PM Sen. Simmons Introduces CS/SB1552
2:40:10 PM Sen. Rouson
2:40:36 PM Sen. Simmons
2:43:39 PM Sen. Rouson
2:43:51 PM Sen. Simmons
2:43:57 PM Sen. Rouson
2:44:30 PM Sen. Simmons
2:44:56 PM Sen. Rouson
2:45:13 PM Sen. Simmons
2:45:24 PM Am 475992 Late filed amendment- no objection to take up
2:45:26 PM Am 475992 Sen. Simmons Introduces
2:57:37 PM Sen. Rouson

2:59:28 PM Sen. Simmons
3:01:47 PM Sen. Rouson
3:02:51 PM Sen. Simmons
3:04:12 PM Sen. Lee
3:04:56 PM Sen. Simmons
3:05:02 PM Sen. Lee
3:05:27 PM Sen. Simmons
3:06:50 PM Sen. Lee
3:07:16 PM Sen. Simmons
3:09:01 PM Sen. Farmer
3:09:57 PM Sen. Simmons
3:11:01 PM Sen. Farmer
3:11:04 PM Sen. Broxson
3:13:20 PM Sen. Simmons
3:13:28 PM Sen. Montford
3:13:52 PM Spencer Pylant, Pasco County Schools- waives support
3:14:08 PM Joy Frank, FL Association District School Superintendents Association -waives in support
3:14:26 PM Corinne Mixon, Florida Association of School Administrators - waives in support
3:14:33 PM Marie Claire Leman
3:16:22 PM Wendy Dodge, Polk County Schools - waives support
3:16:28 PM John Sullivan, Broward County Schools
3:16:54 PM Catherine Baer, The Tea Party Network
3:17:41 PM Sen. Montford
3:17:51 PM Time Certain vote at 3:25- Sen. Montford
3:18:04 PM Nancy Richie ,Teacher, USEP
3:19:28 PM Eileen Fernandez, Orange County Public Schools- waives in support
3:19:40 PM Shawn Frost, Florida Coalition of School Board Members
3:20:53 PM Sen. Montford
3:22:05 PM Sen. Rouson
3:22:40 PM Sen. Lee
3:23:17 PM Sen. Simmons waives close
3:23:26 PM Call for vote on amendment - Sen. Young
3:23:36 PM Am 4759992 Favorably
3:23:47 PM Back to Bill CS/SB 1552
3:23:49 PM Linda Howard, League of Women Voters - waives support
3:23:57 PM Ginger Littleton, Chair, Bay District Schools
3:24:09 PM Extend time certain to 3:26 - Sen. Montford
3:24:54 PM Sen. Young
3:24:57 PM Shawn Frost -waiving in support
3:25:08 PM Nancy Lawther - waiving in support
3:25:12 PM Brian Pitts waiving in opposition
3:25:28 PM Sen. Simmons closes
3:25:49 PM Roll Call CS/SB 1552
3:25:58 PM CS/SB 1552 Favorably
3:26:15 PM Chair to Sen. Simmons
3:26:24 PM TAB 9- CS/SB 1598 on Education
3:26:44 PM Am 271652 Sen. Brandes Introduces
3:27:08 PM Brandes closes on Am 271652
3:27:13 PM Am 271652 Favorably
3:27:18 PM Am 795070 late file- no objection
3:27:31 PM Am 795070 Sen. Farmer introduces
3:27:48 PM Am 795070 Favorably
3:28:04 PM Am 371864 late filed no objection
3:28:18 PM Am 371864 Sen. Montford introduces
3:28:27 PM Sen. Brandes accepts amendment
3:28:30 PM Am 371864 Favorably
3:28:39 PM Brandes waives close
3:28:46 PM Roll Call CS/SB1598
3:28:59 PM CS/SB1598 Favorably
3:29:15 PM Sen. Farmer makes motion to show his vote as affirmative on CS/SB 1468
3:29:33 PM Motion adopted
3:29:42 PM Sen. Lee motion to adjourn

3:29:44 PM Meeting adjourned