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|--------------|--|---|------------|-------------------|--|----------------|
| Tab 1 | CS/SB 156 by ED, Perry (CO-INTRODUCERS) Stewart; (Similar to CS/H 01321) Early Childhood Music Education Incentive Pilot Program | | | | | |
| 212296 | A | S | AED, Perry | Delete L.46 - 52: | | 02/12 09:43 AM |

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|--------------|--|--|--|--|--|--|
| Tab 2 | SB 866 by Diaz; (Similar to CS/H 01203) Florida Talent Development Council | | | | | |
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| Tab 3 | SB 918 by Brandes; (Similar to H 00581) Civic Education | | | | | |
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| Tab 4 | CS/SB 1420 by ED, Flores; (Similar to CS/H 01029) Charter Schools | | | | | |
| 536610 | A | S | AED, Flores | Delete L.172: | | 02/11 11:38 AM |
| 795944 | A | S | AED, Flores | Delete L.207 - 209: | | 02/12 10:00 AM |

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|--------------|---|---|-------------|-------------------------|--|----------------|
| Tab 5 | SB 1784 by Gainer; (Compare to CS/H 00901) Vocational Rehabilitation Services | | | | | |
| 704798 | D | S | AED, Gainer | Delete everything after | | 02/12 10:00 AM |

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Senator Stargel, Chair
Senator Diaz, Vice Chair

MEETING DATE: Thursday, February 13, 2020

TIME: 10:00—11:30 a.m.

PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Stargel, Chair; Senator Diaz, Vice Chair; Senators Baxley, Book, Flores, Montford, Pizzo, and Simmons

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|--|------------------|
| 1 | CS/SB 156 Education / Perry (Similar CS/H 1321) | Early Childhood Music Education Incentive Pilot Program; Extending the scheduled expiration of the pilot program; revising an eligibility requirement, etc. ED 11/12/2019 Fav/CS AED 02/13/2020 AP | |
| 2 | SB 866 Diaz (Similar CS/H 1203) | Florida Talent Development Council; Requiring the council to submit, by a specified date, a report with recommendations related to the Pathways in Technology Early College High School (P-TECH) program, or a similar program, to the Governor, the Legislature, the Board of Governors, and the State Board of Education; requiring the P-TECH program to incorporate secondary and postsecondary education with workforce education and work experience, etc. ED 01/21/2020 Favorable AED 02/13/2020 AP | |
| 3 | SB 918 Brandes (Similar H 581) | Civic Education; Requiring the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students, beginning with a specified school year; authorizing students to apply the hours they devote to practicum activities to certain community service requirements; requiring the State Board of Education to designate certain high schools as Freedom Schools, based on criteria the board establishes relating to students' civic learning and civic engagement, etc. ED 01/21/2020 Favorable AED 02/13/2020 AP | |

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education
Thursday, February 13, 2020, 10:00—11:30 a.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---------------------------------|--|--|---|
| 4 | CS/SB 1420 Education / Flores (Similar CS/H 1029) | Charter Schools; Prohibiting sponsors from refusing to receive a charter school application submitted during the calendar year; revising how charter schools operated by not-for-profit or municipal entities may use certain unrestricted current and capital assets; specifying how many applications a high-performing charter school may submit in any school district in the state to establish and operate a new charter school; revising the virtual instruction a virtual charter school may provide, etc. | ED 01/21/2020 Fav/CS AED 02/13/2020 AP |
| 5 | SB 1784 Gainer (Compare CS/H 901) | Vocational Rehabilitation Services; Revising information that the Division of Vocational Rehabilitation must include in its annual performance report to the Governor and the Legislature; requiring the division to provide preemployment transition services to certain eligible persons with disabilities; providing eligibility requirements for the provision of preemployment transition services; revising the composition of the Florida Rehabilitation Council, etc. | ED 02/03/2020 Favorable AED 02/13/2020 AP |
| Other Related Meeting Documents | | | |

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: CS/SB 156

INTRODUCER: Education Committee and Senator Perry

SUBJECT: Early Childhood Music Education Incentive Pilot Program

DATE: February 12, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|----------------|------------|--------------------|
| 1. | <u>Dew</u> | <u>Sikes</u> | <u>ED</u> | <u>Fav/CS</u> |
| 2. | <u>Underhill</u> | <u>Elwell</u> | <u>AED</u> | <u>Pre-meeting</u> |
| 3. | _____ | _____ | <u>AP</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 156 extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2020, to June 30, 2022. The bill also modifies the eligibility requirements for the pilot program by changing the requirement from each elementary school in the district having a comprehensive music education program to specified elementary schools in the district having a comprehensive music education program.

The bill has no impact on state revenues or expenditures. The pilot program is contingent upon legislative appropriation.

This bill takes effect July 1, 2020.

II. Present Situation:

The Legislature established the Early Childhood Music Education Incentive Pilot Program (pilot program) in 2017¹ for three years to assist certain school districts in implementing comprehensive music education programs in kindergarten through grade 2, beginning with the 2017-2018 school year.²

¹ Section 69, ch. 2017-116, L.O.F.

² Section 1003.481(1), F.S.

For a school district to be eligible for participation in the pilot program, the district school superintendent must certify to the Commissioner of Education (commissioner) that each elementary school within the district has established a comprehensive music education program that:³

- Includes all students enrolled at the school in kindergarten through grade 2;
- Is staffed by certified music educators;
- Provides music instruction for at least 30 consecutive minutes two days a week;
- Complies with class size requirements under the law;⁴ and
- Complies with the Department of Education’s standards for early childhood music education programs for students in kindergarten through grade 2.

The commissioner must 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 and needs-based criteria established by the State Board of Education.⁵ 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.⁶

The University of Florida’s College of Education is required to evaluate the effectiveness of the pilot program.⁷ The State Board of Education may adopt rules to administer the pilot program.⁸

The pilot program is scheduled to expire on June 30, 2020.⁹

The pilot program has not been implemented by the Department of Education.¹⁰

III. Effect of Proposed Changes:

The bill extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2020, to June 30, 2022. The bill also modifies the eligibility requirements for the pilot program by changing the requirement from each elementary school in the district having a comprehensive music education program to specified elementary schools in the district having a comprehensive music education program.

This bill takes effect July 1, 2020.

³ Section 1003.481(2)(a)-(e), F.S.

⁴ The maximum number of students assigned to each teacher who is teaching core-curriculum courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students. Section 1003.03(1)(a), F.S.

⁵ Section 1003.481(3)(a), F.S.

⁶ *Id.*

⁷ Section 1003.481(4), F.S.

⁸ Section 1003.481(5), F.S.

⁹ Section 1003.481(6), F.S.

¹⁰ Telephone Interview with staff, Florida Department of Education (Jan 28, 2019). In 2017, the Legislature appropriated \$250,000 for the Early Childhood Music Education Incentive Pilot Program, which was vetoed by the Governor. Specific Appropriation 108, s. 2, ch. 2017-70, L.O.F. In 2018, the Legislature appropriated \$300,000 for the Early Childhood Music Education Incentive Pilot Program, which was vetoed by the Governor. Specific Appropriation 108, s. 2, ch. 2018-9, L.O.F.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. The pilot program is contingent upon legislative appropriation.

VI. Technical Deficiencies:

There is an inconsistency between the eligibility of a district for initial participation and the requirements for a district to maintain eligibility. A school district is able to meet the initial eligibility requirements for participating in the pilot program if the district superintendent certifies that specified elementary schools have established a comprehensive music program. However, in order to maintain eligibility for the pilot program the district must annually certify that each elementary school within the district provides a qualifying comprehensive music education program.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.481 of the Florida Statutes:

IX. Additional Information:

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

CS by Education on November 12, 2019:

The committee substitute changes eligibility requirement for the Early Childhood Music Education Incentive Program from each elementary school in the district having a comprehensive music education program to specified elementary schools in the district having a comprehensive music education program.

- B. **Amendments:**

None.



212296

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Education (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 46 - 52

and insert:

each specified elementary school within the district provides a comprehensive music education program that meets the requirements of subsection (2). If a 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.



212296

11 (4) The University of Florida's College of Education, in
12 collaboration with Florida International University's School of
13 Music, shall

14
15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Between lines 5 and 6

18 insert:

19 conforming a provision to changes made by the act;
20 requiring the University of Florida's College of
21 Education to collaborate with Florida International
22 University for evaluation of the pilot program;

By the Committee on Education; and Senator Perry

581-01391-20

2020156c1

A bill to be entitled

An act relating to the Early Childhood Music Education Incentive Pilot Program; amending s. 1003.481, F.S.; extending the scheduled expiration of the pilot program; revising an eligibility requirement; providing an effective date.

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

Section 1. Section 1003.481, Florida Statutes, is amended to read:

1003.481 Early Childhood Music Education Incentive Pilot Program.—

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

(2) ~~In order for~~ A school district ~~is to be~~ eligible for participation in the pilot program ~~if,~~ the superintendent ~~certifies must certify~~ to the Commissioner of Education, in a format prescribed by the department, that specified elementary schools ~~each elementary school~~ within the district have ~~has~~ established a comprehensive music education program that:

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

(b) Is staffed by certified music educators.

(c) Provides music instruction for at least 30 consecutive

Page 1 of 3

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

581-01391-20

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minutes 2 days a week.

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

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

(3) (a) The commissioner shall 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 and needs-based criteria established by the State Board of Education. Selected school districts shall annually receive \$150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.

(b) To maintain eligibility for participation in the pilot program, a selected school district must annually certify to the commissioner, in a format prescribed by the department, that each elementary school within the district provides a comprehensive music education program that meets the requirements of subsection (2). If a 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.

(4) The University of Florida's College of Education shall 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.

(5) The State Board of Education may adopt rules to

Page 2 of 3

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

581-01391-20

2020156c1

59 administer this section.

60 (6) This section expires June 30, 2022 ~~2020~~.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 866

INTRODUCER: Senator Diaz

SUBJECT: Florida Talent Development Council

DATE: February 12, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|----------------|------------|--------------------|
| 1. | <u>Sagues</u> | <u>Sikes</u> | <u>ED</u> | Favorable |
| 2. | <u>Underhill</u> | <u>Elwell</u> | <u>AED</u> | Pre-meeting |
| 3. | _____ | _____ | <u>AP</u> | _____ |

I. Summary:

SB 866 requires the Florida Talent Development Council (FTDC) to submit a report with recommendations addressing the feasibility of establishing and implementing a Pathways in Technology Early College High School (P-TECH) or similar program that incorporates secondary and postsecondary education with workforce education and work experience, in Florida. The report is required to minimally include the following:

- A school model, for students to earn a high school diploma and associate degree within six years of enrolling in ninth grade.
- A funding model that ensures the program is no cost to students.
- Modification to the school and district accountability requirements.
- An open enrollment policy that encourages a diverse student body.
- Courses of study that support program completion in 4-6 years.
- School governance and staffing recommendations.
- Timelines and additional funding requirements for planning and launching a P-TECH school.
- Seamless articulation with Florida post-secondary institutions.
- Partnerships with industry and business.
- A support model for student success.

The Department of Economic Opportunity will incur costs related to the preparation of the feasibility report. See Section V.

The bill takes effect upon becoming law.

II. Present Situation:

Pathways in Technology Early College High School (P-TECH)

P-TECH, co-developed by the IBM Corporation, is an approach to education that blends high school, community college and workplace skills.¹ P-TECH schools are primarily public schools, governed and supported by the local school district, although there are some examples of similar charter schools. P-TECH is designed to help close the achievement gap among underserved youth. Within six years of enrolling in ninth grade, students graduate with their high school diplomas, no-cost associate degrees and applicable credentials, and participate in workplace learning opportunities.²

P-TECH schools are defined by a set of six key tenets:³

- Public-private partnership;
- Six year integrated program;
- Workplace learning including internships;
- Open enrollment with no grade or testing requirements;
- Cost-free; and
- First in-line for job openings with industry partners.

The P-TECH model has spread to 200 schools⁴ in 23 countries and 8 states⁵, serving 100,000 students⁶ since its founding in 2011. The P-TECH programs currently in operation have developed 12 different pathways based on regional workforce demand, including:⁷

- Construction technology;
- Process technology;
- Cybersecurity;
- Business;
- Mechanical engineering;
- Energy management;
- Healthcare;
- Advanced manufacturing;
- Machining;
- Early childhood education;
- Computer science; and
- Networking technology.

¹ P-TECH, *P-TECH About* <http://www.ptech.org/about/> (last visited Dec. 17, 2019).

² P-TECH, *P-TECH Mission* <http://www.ptech.org/about/mission/> (last visited Dec. 17, 2019).

³ *Id.*

⁴ IBM, *P-TECH: when skills meet opportunity, success happens* <https://www.ibm.com/thought-leadership/ptech/index.html> (last visited Jan. 8, 2020).

⁵ P-TECH, *P-TECH Our Schools* <http://www.ptech.org/resources/schools-map/> (last visited Jan. 8, 2020).

⁶ IBM, *P-TECH: when skills meet opportunity, success happens* <https://www.ibm.com/thought-leadership/ptech/index.html> (last visited Jan. 8, 2020).

⁷ P-TECH, *P-TECH Network, Our Schools, USA* <http://www.ptech.org/p-tech-network/our-schools/usa/> (last visited Dec. 17, 2019).

Florida's Workforce Outlook

An estimated 60 percent of Florida jobs in 2025 will require a postsecondary degree or certificate (postsecondary vocational, associate, bachelor's, master's or higher).⁸ Currently, 49 percent of working age Floridians have a high quality credential or degree.⁹ Florida ranks 21st in the nation for percentage of adults with education and high-quality workforce credentials.¹⁰ In January, 2019, Governor DeSantis issued Executive Order 19-31 to chart a course for Florida to become number one in the nation for workforce education by 2030, with the goal of ensuring Florida students are prepared to succeed in jobs of the future and satisfy the state's growing workforce demands.¹¹

Career Education Opportunities for Secondary Students in Florida

The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency.¹² Career education program standards, for which district school boards and the Florida College System are accountable, include:¹³

- Student demonstration of the academic skills necessary to enter an occupation.
- Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
- Career program articulation with other corresponding postsecondary programs and job training experiences.
- Employer satisfaction with the performance of students who complete career education or reach occupational completion points.
- Student completion, placement, and retention rates.

Florida Career and Professional Education (CAPE)

In 2007, the Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.¹⁴ The primary purpose of the CAPE Act is to:¹⁵

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to post-secondary level coursework and lead to industry certification;
- Support local and regional economic development;

⁸ Lumina Foundation, *A Stronger Nation, Learning beyond high school builds American talent, Florida's Report 2019* available at <http://strongernation.luminafoundation.org/28b5a3da-d809-401e-835d-6a9a3640c35c> at 62.

⁹ *Id.* at 6.

¹⁰ Lumina Foundation, *A Stronger Nation, Learning beyond high school builds American talent, America's Progress* <http://strongernation.luminafoundation.org/report/2019/#nation&n-tsid=byAttainment> (last visited Dec. 17, 2019).

¹¹ Florida Department of Education, *Executive Order 19-31 Interim Report on Florida's Career and Technical Education Audit, July 11, 2019* available at <http://fldoe.org/core/fileparse.php/18788/urlt/EO19-31InterimReport.pdf>.

¹² Section 1004.92(1), F.S.

¹³ Section 1004.92(2)(a), F.S.

¹⁴ Section 1003.491, F.S.

¹⁵ Section 1003.491(1), F.S.

- Respond to Florida’s critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

As part of this act, the Department of Education’s (DOE’s) Division of Career and Adult Education is responsible for developing and maintaining Career and Technical Education (CTE) programs that prepare individuals for occupations important to Florida’s economic development.¹⁶ Each program is aligned to a career cluster and is detailed in curriculum frameworks adopted by the State Board of Education. The programs and courses adopted range from middle grades through associate in science degree level.¹⁷

Career Technical Education (CTE) Graduation Pathway

In addition to requiring high schools to provide students access to CTE courses¹⁸, a minimum 18 credit CTE Graduation pathway was codified in law beginning with the 2019-2020 school year.¹⁹ A student completing the CTE pathway option must complete the specified requirements and earn a cumulative grade point average (GPA) of 2.0 or higher on a 4.0 scale.²⁰ A student must also pass the statewide, standardized grade 10 English Language Arts (ELA) Florida Standards Assessment (FSA) and the statewide, standardized Algebra I End-of-Course (EOC) assessment. The 18 required credits minimally include:²¹

- Four credits in ELA;
- Four credits in mathematics;
- Three credits in science;
- Three credits in social studies;
- Two credits in career and technical education; and
- Two credits in work-based learning programs.

Dual Enrollment

Florida has a long history with articulated acceleration mechanisms for secondary and postsecondary students including dual enrollment.²² Dual enrollment is the enrollment of an eligible secondary student or home education program student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree.²³

Students who meet the eligibility requirements and choose to participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.²⁴

¹⁶ Florida Department of Education, Career & Technical Education <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/> (last visited Dec 17, 2019).

¹⁷ *Id.*

¹⁸ Section 1003.4282(8), F.S.

¹⁹ Section 1003.4282(11), F.S.

²⁰ Section 1003.4282(6)(a), F.S.

²¹ Section 1003.4282(11), F.S.

²² Section 6, ch. 87-212, L.O.F.

²³ Section 1007.271(1), F.S.

²⁴ Section 1007.271(16), F.S.

Over an eight-year period, annual dual enrollment participation at Florida College System (FCS) institutions increased approximately 59 percent from 50,054 students in 2011-2012²⁵ to 79,585 students in 2018-19²⁶, an increase of 29,531 students. In 2018-2019, there were 2,107 students who obtained an associate degree by spring term of their high school graduation year.²⁷

However in 2018-2019, Hispanic, black, and low income students eligible for the Free and Reduced Lunch (FRL) program were underrepresented in Florida's dual enrollment programs at FCS institutions as compared to the composition of Florida public high schools:²⁸

- White students comprised 37.9 percent of all Florida public high school students, but represent 51.1 percent of students enrolled in dual enrollment.
- Hispanic students comprised 33.1 percent of all Florida public high school students but only represent 25 percent of students enrolled in dual enrollment.
- Black students comprised 22.5 percent of all Florida public high school students but only represent 15.2 percent of students enrolled in dual enrollment.
- Free and Reduced Lunch students represented 53.5 percent of all Florida public high school students but only 35.7 percent of students enrolled in dual enrollment.

Collegiate High School Program

In 2014, the Legislature codified the collegiate high school program and specified related requirements.²⁹ Florida law requires each FCS institution to work with each district school board in its designated service area³⁰ to establish one or more collegiate high school programs.³¹

At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications and to successfully complete 30 credit hours through dual enrollment toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.³²

In fall 2018, there were 11,146 students enrolled in a collegiate high school or collegiate high school program.³³

Florida Talent Development Council

In 2019, the legislature reconstituted the Higher Education Coordinating Council (HECC) as the FTDC for the purpose of developing a data-driven, statewide approach to meeting Florida's need

²⁵ The Florida College System, *Data Snapshot, Dual Enrollment in the Florida College System* available at https://www.floridacollegesystem.com/sites/www/Uploads/Publications/DataSnapshots/2018/FCS_Data_Snapshot_Dual_Enrollment_Participation_04.06.2018.pdf.

²⁶ Email, Florida Department of Education (Jan. 8, 2020).

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 10, ch. 2014-184, L.O.F.

³⁰ Section 1000.21(3), F.S.

³¹ Section 1007.273(1), F.S.

³² Section 1007.273(2), F.S.

³³ Email from Elizabeth Moya, Director of Legislative Affairs Florida Department of Education (Jan. 8, 2020) (on file with the Senate Committee on Education).

for a 21st century workforce, which utilizes the in-state talent supply system.³⁴ The FTDC is responsible for the development and monitoring of a strategic plan for talent development to accomplish the attainment goal of 60 percent of working age adults with a high-value postsecondary credential by 2030.³⁵

III. Effect of Proposed Changes:

The bill requires the FTDC to submit a report with recommendations addressing the feasibility of establishing and implementing P-TECH or similar program, in Florida. The report must be submitted to the Governor, President of the Senate, Speaker of the House of Representatives, Board of Governors, and State Board of Education by December 1, 2020.

The report must include, at a minimum, recommendations regarding the following:

- A school model, for students to earn a high school diploma, an associate degree, and applicable industry certifications and work experience within 6 years of enrolling in 9th grade.
- A funding model that ensures the P-TECH program is no cost to students.
- Modification to the school and district accountability requirements.
- An open enrollment policy that encourages a diverse student body.
- Courses of study that support program completion in 4-6 years and meet regional workforce demand.
- School governance and staffing recommendations.
- Timelines and additional funding requirements for planning and launching a P-TECH school.
- Seamless articulation with Florida post-secondary institutions.
- Partnerships with industry and business to include private investment, work-based training, internships, and first-in-line job opportunities upon graduation.
- A support model for student success.

Requiring the FTDC to prepare and submit a report on the feasibility of implementing a P-TECH, or similar program, may lead to the establishment of such schools in Florida. The establishment of P-TECH programs may assist in preparing students for careers and help Florida attain its goal of 60 percent of working age adults with a high-value postsecondary credential by 2030.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁴ Section 1004.015(1), F.S.

³⁵ Section 1004.015(4), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Economic Opportunity will incur costs related to the preparation of the feasibility report by the FTDC regarding implementing a P-TECH, or similar program. The Department of Economic Opportunity estimates it will need \$250,000 from the department's contracted services appropriation in order to prepare the report.³⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1004.015 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

³⁶ Department of Economic Development, *Senate Bill 866 Fiscal Analysis* (Jan. 1, 2020) (on file with the Appropriation Subcommittee on Education).

B. Amendments:

None.

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

By Senator Diaz

36-01031B-20

2020866__

A bill to be entitled

An act relating to the Florida Talent Development Council; amending s. 1004.015, F.S.; requiring the council to submit, by a specified date, a report with recommendations related to the Pathways in Technology Early College High School (P-TECH) program, or a similar program, to the Governor, the Legislature, the Board of Governors, and the State Board of Education; requiring the P-TECH program to incorporate secondary and postsecondary education with workforce education and work experience; providing requirements for the report; providing an effective date.

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

Section 1. Subsection (6) is added to section 1004.015, Florida Statutes, to read:

1004.015 Florida Talent Development Council.—

(6) By December 1, 2020, the council shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors, and the State Board of Education a report with recommendations that address the feasibility of establishing and implementing the Pathways in Technology Early College High School (P-TECH) program, or a similar program, in Florida. The term "P-TECH program" means a program that incorporates secondary and postsecondary education with workforce education and work experience through a flexible 6-year integrated model. The report must, at a minimum, include the following:

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(a) A school model program for students to earn a high school diploma, an associate degree, and applicable industry certifications and work experience within 6 years after enrolling in the 9th grade. Magnet schools, schools-within-a-school, charter schools, pilot programs, and other school model options may be considered by the council.

(b) A funding model that ensures that the P-TECH program, or a similar program, is provided at no cost to students. Funding model recommendations may incorporate K-12, postsecondary, workforce, grants, scholarships, and other funding options.

(c) Recommendations for modifications to the school and district accountability requirements of s. 1008.34 to accommodate flexibility within the model program.

(d) An open enrollment policy that encourages a diverse student body that includes students from low-income families and first-generation college students.

(e) Courses of study which support program completion in 4 years to 6 years and which meet regional workforce demand.

(f) School governance and staffing recommendations, including faculty qualifications.

(g) Timelines and additional funding requirements for planning and launching a P-TECH program, or a similar program, at a school.

(h) A plan for seamless articulation with Florida's postsecondary institutions.

(i) Recommendations for partnerships with industries and businesses, which include private investment, work-based training, internships, and priority placement for job

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59 opportunities upon graduation.

60 (j) A support model for student success, which may include
61 flexible class scheduling, advising and mentoring components,
62 and other wrap-around services.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 918

INTRODUCER: Senator Brandes

SUBJECT: Civic Education

DATE: February 12, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|----------------|------------|--------------------|
| 1. | <u>Dew</u> | <u>Sikes</u> | <u>ED</u> | Favorable |
| 2. | <u>Underhill</u> | <u>Elwell</u> | <u>AED</u> | Pre-meeting |
| 3. | _____ | _____ | <u>AP</u> | _____ |

I. Summary:

SB 918 authorizes the development and integration of a nonpartisan civic literacy practicum and the designation of a public school providing high-quality civic learning as a Freedom School. Specifically, the bill requires:

- The Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school’s curriculum for the high school United States Government course, along with a process for district school boards to verify student completion of the practicum.
- School districts to include and accept nonpartisan civic literacy practicum activities and hours in requirements for academic awards.
- The State Board of Education to annually designate each public school in the state which provides students with high-quality civic learning, based on specified criteria, as a Freedom School.

The bill has a fiscal impact, however the Department of Education can implement the provisions of the bill with existing resources. See Section V.

The bill takes effect July 1, 2020.

II. Present Situation:

Florida law requires the adoption of standards for core curricula content taught in public schools and specifies the requirements students must meet to earn a standard high school diploma.¹

¹ Sections 1003.41 and 1003.4282(3), F.S.

Next Generation Sunshine State Standards

The Next Generation Sunshine State Standards (NGSSS) establish the core content to be taught in Florida and specify the core knowledge and skills K-12 public school students are expected to acquire.² The curricular content must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; collaboration skills; information and media-literacy skills; and civic-engagement skills, among others.³

The State Board of Education (SBE) is responsible for adopting the NGSSS and subsequent revisions to standards in rule.⁴ NGSSS for social studies include at a minimum curricular content for geography, United States and world history, government, civics, humanities, economics, and financial literacy.⁵

High School Diploma Requirements

A student can graduate from a Florida high school with a standard high school diploma through successfully completing one of the following options:⁶

- The 24-credit option;
- The 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) option;
- The Career and Technical Education (CTE) Pathway;
- An International Baccalaureate (IB) curriculum; or
- An Advanced International Certificate of Education (AICE) curriculum.

To earn a standard high school diploma through the 24-credit option, 18-credit ACCEL option, or CTE Pathway, a student must complete 14 credits in the following subject areas:⁷

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one each in Algebra I and Geometry.
- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.⁸
- Three credits in social studies, including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.

Service Learning

Service learning refers to a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their schools or communities.⁹ Service learning activities are directly tied to academic curricula, standards, and course, district, or state

² Section 1003.41(1), F.S.

³ *Id.*

⁴ Section 1003.41(3)-(4), F.S.

⁵ Section 1003.41(2)(d), F.S.

⁶ Section 1003.4282(1)(a), F.S.

⁷ Section 1003.4282(3), F.S.

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

⁹ Section 1003.497(1), F.S.

assessments.¹⁰ The Department of Education must encourage school districts to initiate, adopt, expand and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12.

Civic Literacy in Florida

Florida law establishes civic literacy as a priority of the Florida K-20 education system and defines civic literacy to mean that students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.¹¹

III. Effect of Proposed Changes:

The bill authorizes the development and integration of a nonpartisan civic literacy practicum and the designation of a public school providing high-quality civic learning as a Freedom School. Specifically, the bill requires:

- The Commissioner of Education (commissioner) to develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school's curriculum for the high school United States Government course, along with a process for district school boards to verify student completion of the practicum.
- School districts to include and accept nonpartisan civic literacy practicum activities and hours in requirements for academic awards.
- The State Board of Education (SBE) to annually designate each public school in the state which provides students with high-quality civic learning, based on specified criteria, as a Freedom School.

The bill requires the commissioner to develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school's curriculum for the high school United States Government course required for high school graduation, beginning with the 2021-2022 school year. The bill also requires the commissioner to develop a process by which a district school board can verify that a student successfully completed a practicum meeting the required criteria, specifically:

- The criteria must require a student to:
 - Identify a civic issue that impacts his or her community.
 - Rigorously research the issue from multiple perspectives and develop a plan for his or her personal involvement in addressing the issue.
 - Create a portfolio to evaluate and reflect upon his or her experience and the outcomes or likely outcomes of his or her involvement. A portfolio must, at a minimum, include research, evidence, and a written plan of involvement.
- A civic literacy practicum must be:
 - Nonpartisan;
 - Focus on addressing at least one community issue; and
 - Promote a student's ability to consider differing points of view and engage in civil discourse with individuals who hold an opposing opinion.

¹⁰ *Id.*

¹¹ Section 1000.03(5)(c), F.S.

School districts are required to include and accept nonpartisan civic literacy practicum activities and hours in requirements for academic awards, especially those awards that currently include community service as a criterion or selection actor. The bill authorizes school districts to count the hours outside of classroom instruction a student devotes to the nonpartisan civic literacy practicum to implement his or her plan of involvement toward meeting the community service requirements of the Florida Bright Futures Scholarship Program.

The bill requires the SBE to designate, on an annual basis, each public school in the state which provides students with high-quality civic learning, including civic-engagement skills, as a Freedom School. The SBE must establish the criteria for a school's designation as a Freedom School, which must include:

- The extent to which strategies to develop high-quality civic learning, including civic-engagement skills, are integrated into the classroom using best instructional practices.
- The scope of integration of high-quality civic learning, including civic-engagement skills, across the school's curricula.
- The extent to which the school supports interdisciplinary, teacher-led professional learning communities to support continuous improvement in instruction and student achievement.
- The percentage of students graduating with a standard high school diploma who successfully completed a civic literacy practicum and earned associated community service.

This bill aligns with the Governor's Executive Order 19-32, which requires the commissioner to review Florida's education standards and materials and to identify opportunities to equip high school graduates with sufficient knowledge of America's civics.

The creation of a civic literacy practicum may promote civic literacy in Florida and create an additional pathway for students to fulfil the community service requirements of other academic awards.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. There may be costs for a school district to incorporate a nonpartisan civic literacy practicum into a school's curriculum for the high school United States Government course. However, the nonpartisan civic literacy practicum is not required and a school district will only experience these costs if the district chooses to incorporate the practicum into its curriculum for the course.

The bill requires the Department of Education to develop criteria for the practicum, to determine the status of whether or not each school has a practicum as part of the U.S. Government course, to review the process by which a district can verify that a student successfully completes a practicum, and to establish the criteria for designation of a participating school as a Freedom School. The number of schools that may participate is unknown. The department estimated that it would require two additional staff (Program Specialist IV and an Administrative Assistant) at \$146,789 to implement the provisions of the bill.¹² However, the department has vacant positions that could be used to absorb any additional workload.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1003.44 of the Florida Statutes.

¹² Department of Education, *Senate Bill 918 Fiscal Analysis* (Dec. 16, 2019) (on file with the Appropriations Subcommittee on Education).

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Brandes

24-01214-20

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A bill to be entitled

An act relating to civic education; amending s. 1003.44, F.S.; requiring the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students, beginning with a specified school year; requiring the commissioner to develop a certain process for use by district school boards; specifying criteria for the civic literacy practicum; authorizing students to apply the hours they devote to practicum activities to certain community service requirements; requiring the State Board of Education to designate certain high schools as Freedom Schools, based on criteria the board establishes relating to students' civic learning and civic engagement; providing an effective date.

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

Section 1. Present subsection (5) of section 1003.44, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

1003.44 Patriotic programs; rules.—

(5) (a) In order to help students evaluate the roles, rights, and responsibilities of United States citizens and determine methods of active participation in society, government, and the political system, the commissioner shall develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school's curriculum for the high school United States Government course under s.

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1003.4282(3) (d), beginning with the 2021-2022 school year. The commissioner also shall develop a process by which a district school board can verify that a student successfully completed a practicum meeting the criteria.

1. The criteria must require a student to:

a. Identify a civic issue that impacts his or her community.

b. Rigorously research the issue from multiple perspectives and develop a plan for his or her personal involvement in addressing the issue.

c. Create a portfolio to evaluate and reflect upon his or her experience and the outcomes or likely outcomes of his or her involvement. A portfolio must, at minimum, include research, evidence, and a written plan of involvement.

2. A civic literacy practicum must be nonpartisan, focus on addressing at least one community issue, and promote a student's ability to consider differing points of view and engage in civil discourse with individuals who hold an opposing opinion.

(b) The hours outside of classroom instruction which a student devotes to the nonpartisan civic literacy practicum to implement his or her plan of involvement may be counted toward meeting the community service requirements of the Florida Bright Futures Scholarship Program. School districts must include and accept nonpartisan civic literacy practicum activities and hours in requirements for academic awards, especially those awards that currently include community service as a criterion or selection factor.

(c) The State Board of Education shall annually designate each public school in the state which provides students with

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59 high-quality civic learning, including civic-engagement skills,
60 as a Freedom School. The state board shall establish the
61 criteria for a school's designation as a Freedom School. The
62 criteria must include:

63 1. The extent to which strategies to develop high-quality
64 civic learning, including civic-engagement skills, are
65 integrated into the classroom using best instructional
66 practices.

67 2. The scope of integration of high-quality civic learning,
68 including civic-engagement skills, across the school's
69 curricula.

70 3. The extent to which the school supports
71 interdisciplinary, teacher-led professional learning communities
72 to support continuous improvement in instruction and student
73 achievement.

74 4. The percentage of students graduating with a standard
75 high school diploma who successfully completed a civic literacy
76 practicum and earned community service hours as provided in this
77 subsection.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: CS/SB 1420

INTRODUCER: Education Committee and Senator Flores

SUBJECT: Charter Schools

DATE: February 12, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|----------------|------------|--------------------|
| 1. | <u>Dew</u> | <u>Sikes</u> | <u>ED</u> | <u>Fav/CS</u> |
| 2. | <u>Underhill</u> | <u>Elwell</u> | <u>AED</u> | <u>Pre-meeting</u> |
| 3. | _____ | _____ | <u>AP</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1420 revises provisions regarding charter school applications, employee and board member criminal history checks, and virtual instruction programs. Specifically, the bill:

- Requires a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
- Specifies a high-performing charter school may submit two applications to establish a new charter school to be opened at a time determined by the high-performing charter school, with conditions.
- Authorizes a virtual charter school to provide part-time virtual instruction and contract with any public or charter school to provide any course the virtual school cannot provide.
- Authorizes a charter school to transfer unrestricted current or capital assets to other charter schools operated by the not-for-profit or municipal entity within the state, rather than being limited to other charter schools within the school district.

Virtual charter schools that provide part-time virtual instruction may cause the student FTE and state funding for the Florida Education Finance Program to increase if the virtual charter schools enroll non-public students on a part-time basis. In addition, the provision of the bill allowing a charter school to transfer assets to a charter school in another district would authorize local taxpayer funds in one district to financially support charter schools in a different district. See Section V.

The bill takes effect July 1, 2020.

II. Present Situation:

Florida Charter Schools

Charter schools are public schools that operate under a performance contract (charter),¹ which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results.² The charter between the charter school governing board and the charter school sponsor details the school's mission, program, goals, students served, methods of assessment, and ways to measure success.³

A district school board may sponsor a charter school in the county in which the district school board has jurisdiction.⁴ Additionally, a state university may grant a charter to a developmental research (laboratory) school.⁵

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

Charter School Applications

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

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

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level.

¹ Section 1002.33(5)(a), F.S.

² Section 1002.33(7), F.S.

³ Florida Department of Education, *FAQ, What are charter schools?* <http://fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Jan. 14, 2020).

⁴ Section 1002.33(5)(a)1., F.S.

⁵ Section 1002.32, F.S. Such school must be considered a charter lab school. Section 1002.33(5)(a)2., F.S.

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

⁷ Section 1002.33(3)(a), F.S.

⁸ Section 1002.33(6)(b), F.S.

⁹ Section 1002.33(6)(b)3.a., F.S.

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

- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Documents for the establishment of a virtual charter school that the applicant has executed with a provider of virtual instruction services, in accordance with law.¹¹

A sponsor must receive and consider charter school applications received on or before February 1 of each year in order for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment.¹²

High-Performing Charter Schools

A charter school is considered a high-performing charter school if it:¹³

- Received at least two school grades of "A" and no school grade below "B" during each of the previous three school years or received at least two consecutive school grades of "A" in the most recent two school years.
- Received an unqualified opinion on each required annual financial audit¹⁴ in the most recent three fiscal years for which such audits are available, or two most recent fiscal years if the charter school earns two consecutive grades of "A."
- Did not receive a financial audit that revealed one or more of the financial emergency conditions specified in law¹⁵ in the most recent three fiscal years for which such audits are available, or two most recent fiscal years if the charter school earns two consecutive grades of "A."

There are currently 213 charter schools in the state designated as high-performing charter schools.¹⁶

¹¹ Section 1002.45(1)(d), F.S.

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

¹³ Section 1002.331(1), F.S.

¹⁴ Any local governmental entity, district school board, charter school, or charter technical career center that will not undergo a financial audit for that fiscal year by the Auditor General must have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds. Section 218.39(1), F.S.

¹⁵ Section 218.503(1), F.S.

¹⁶ Florida Department of Education, *Active High Performing Schools* (Dec. 18, 2019), available at <http://app4.fldoe.org/CSA/PostToWeb/ManageSearch.aspx>.

High-Performing Charter School Applications

An application submitted by a high-performing charter school or a high-performing charter school system may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:¹⁷

- The application of a high-performing charter school does not materially comply¹⁸ with the charter school application requirements or, for a high-performing charter school system, the application does not materially comply with high-performing charter school system application requirements specified in law;¹⁹
- The charter school proposed in the application does not materially comply with charter school requirements specified in law;²⁰
- The proposed charter school's educational program does not substantially replicate²¹ that of the applicant or one of the applicant's high-performing charter schools;
- The applicant has made a material misrepresentation or false statement, or concealed an essential or material fact during the application process; or
- The proposed charter school's educational program and financial management practices do not materially comply with the charter school requirements specified in law.

A high-performing charter school may submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program.²²

The Commissioner of Education (commissioner), upon request by a charter school, must verify that the charter school meets the specified criteria and provide a letter to the charter school and the sponsor stating that the charter school is a high-performing charter school. The commissioner must also annually determine whether a high-performing charter school continues to meet the specified criteria.²³ An application submitted by a high-performing charter school must include the verification letter provided by the commissioner.²⁴

If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based on identified criteria, supporting its denial of the

¹⁷ Section 1002.33(6)(b)3.b., F.S.

¹⁸ Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. Section 1002.33(6)(b)3.b., F.S.

¹⁹ Section 1002.332(2)(b), F.S.

²⁰ Section 1002.33(9)(a)-(f), F.S.

²¹ An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools. Section 1002.33(6)(b)3.b., F.S.

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

²³ Section 1002.331(4), F.S.

²⁴ Section 1002.331(3)(a)1., F.S.

application and must provide the letter of denial and supporting documentation to the applicant and to the DOE. The applicant may appeal the sponsor's denial of the application to the State Board of Education (SBE).²⁵ If the sponsor fails to act on the application within 90 days after receipt, the application is deemed approved.²⁶

Charter School Funding and Financial Requirements

Students enrolled in a charter school are funded the same as students enrolled in other public schools in the school district, regardless of sponsorship.²⁷ Funding for students enrolled in a charter school is based on the sum of the school district's operating funds from the Florida Education Finance Program (FEFP)²⁸ and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy, divided and multiplied by the appropriate numbers of weighted full-time equivalent students. Total funding for each charter school is recalculated during the year to reflect the state's revised calculations under the FEFP and the actual weighted full-time equivalent students reported by the charter school.²⁹ Each charter school reports its student enrollment to the sponsor as required by law, and the sponsor includes each charter schools' enrollment in the district's report of student enrollment.³⁰ Charter schools are entitled to their proportionate share of categorical program funds for eligible students and programs.³¹

Charter schools are required to maintain and provide financial information through:³²

- Ensuring that the charter school has retained the services of a certified public accountant or auditor for the annual financial audit, who shall submit the report to the governing body according to the requirements defined by law.³³
- Reviewing and approving the audit report, including audit findings.
- Maintaining a website that enables the public to obtain information regarding the school, including the school's annual budget and its annual independent fiscal audit.³⁴

For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district.³⁵

²⁵ Section 1002.33(6)(b)3.c., F.S. An applicant may appeal any denial of that applicant's application or failure to act on an application to the SBE no later than 30 calendar days after receipt of the sponsor's decision or failure to act, and must notify the sponsor of its appeal. The SBE must by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed. The SBE must remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The SBE's decision is a final action subject to judicial review in the district court of appeal, and the sponsor must act upon the decision of the SBE within 30 calendar days after it is received. Section 1002.33(6)(c), F.S.

²⁶ Section 1002.331(3)(a)2., F.S.

²⁷ Section 1002.33(17), F.S.

²⁸ Section 1011.62, F.S.

²⁹ Section 1002.33(17)(b), F.S.

³⁰ Section 1002.33(17)(a), F.S.

³¹ Florida Department of Education, *FAQ, How are charter school operations funded?* <http://fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited Jan. 14, 2020).

³² Section 1002.33(9)(j)2.-3., F.S.

³³ Section 1002.345, F.S.

³⁴ Section 1002.33(9)(p)1., F.S.

³⁵ Section 1002.33(18)(b), F.S.

Virtual Instruction Programs

Virtual instruction programs provide instruction in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.³⁶ DOE annually publishes online a list of providers approved to offer virtual instruction programs.³⁷ The DOE-published list includes five approved virtual instruction providers for the 2018-2019 school year.³⁸

All students, including home education and private school students, are eligible to participate in any of the following:³⁹

- School district operated part-time or full-time kindergarten through grade 12 virtual instruction programs;⁴⁰
- Full-time virtual charter school instruction;⁴¹
- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state;⁴² or
- Virtual instruction provided by the Florida Virtual School.⁴³

A school district may enter into an agreement with a virtual charter school to provide full-time virtual instruction for students in kindergarten through grade 12.⁴⁴ A virtual charter school may provide instruction by:⁴⁵

- Contracting with the Florida Virtual School.
- Contracting with a DOE-approved provider.
- Entering into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The school district providing virtual instruction shall report full-time equivalent students for a virtual instruction program or a virtual charter school to DOE, and funding shall be provided through the FEFP.⁴⁶

Seven virtual charter schools currently operate in the state for the 2019-2020 school year and generate 3,748 full-time equivalent (FTE) enrollment for funding through the FEFP.⁴⁷

³⁶ Section 1002.45(1)(a)2., F.S.

³⁷ Section 1002.45(2), F.S.

³⁸ Florida Department of Education, School Choice, *List of Approved Program and Course Providers*, <http://www.fldoe.org/schools/school-choice/virtual-edu/approved-provider-resources/approved-providers/> (last visited Mar. 27, 2019).

³⁹ Section 1002.455, F.S.

⁴⁰ Section 1002.45(1)(b), F.S.

⁴¹ Section 1002.33, F.S.

⁴² Section 1003.498, F.S.

⁴³ Section 1002.37, F.S.

⁴⁴ Section 1002.45(1)(c), F.S.

⁴⁵ Section 1002.45(1)(d), F.S.

⁴⁶ Section 1002.45(7)(e), F.S.

⁴⁷ Email from Jared Ochs, Director Legislative Affairs, Florida Department of Education (Jan. 17, 2020) (on file with the Senate Committee on Education).

III. Effect of Proposed Changes:

The bill revises provisions regarding charter school applications, employee and board member criminal history checks, and virtual instruction programs. Specifically, the bill:

- Requires a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
- Specifies a high-performing charter school may submit two applications to establish a new charter school to be opened at a time determined by the high-performing charter school, with conditions.
- Authorizes a virtual charter school to provide part-time virtual instruction and contract with any public or charter school to provide any course the virtual school cannot provide.

Florida Charter Schools

Application

The bill removes the specified date by which charter school applications must be submitted and received each calendar year in order for the school to be opened the next year and prohibits a sponsor from refusing to receive a charter school application submitted any time during the calendar year. The bill also allows a charter school to be opened at a time determined by the applicant, such that the agreement of the sponsor is no longer required.

Funding and Financial Requirements

The bill expands the authorized use of unrestricted current or capital assets identified in the charter school's annual financial audit by allowing these funds to be used by other charter schools operated by the not-for-profit or municipal entity within the state, rather than being limited to other charter schools within the school district. This will allow a charter school to transfer its proportionate share of FEFP funding derived from local and state funds based on the student FTE enrollment from one district to a charter school in a different school district.

High-Performing Charter Schools

The bill applies both to high-performing charter schools that are yet to submit their applications and to those that have already had their applications approved. The bill specifies that a high-performing charter school has the option of submitting two applications for a charter school, to be opened at a time determined by the high-performing charter school. A high-performing charter school may not submit a subsequent application unless each charter school application commences operations or is otherwise withdrawn.

Virtual Charter Schools

The bill authorizes virtual charter schools to provide part-time virtual instruction, in addition to full-time instruction. The bill expands the authority under which a virtual charter school can operate by allowing a virtual charter school to:

- Be an approved virtual provider, rather than being authorized to contract with one.
- Contract with any public or charter school to provide any course that the virtual school cannot otherwise provide.

Expanding the availability of virtual charter school instruction may provide students with greater access to virtual instruction programs.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The provision of the bill that authorizes a virtual charter school to provide part-time virtual instruction has an indeterminate state fiscal impact. The number of FTE students and funding required for the Florida Education Finance Program could increase if the virtual charter schools enroll non-public students on a part-time basis.

The Florida Education Finance Program provides funds to a charter school primarily from state revenues and local property tax revenues provided by local taxpayers who reside in the school district where the charter school is located. The provision of the bill allowing a charter school to transfer assets to a charter school in a different district

would result in local taxpayers in one district supporting charter school students who reside in a different district.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.331, and 1002.45.

IX. Additional Information:

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

CS by Education on January 21, 2020:

The committee substitute removes a verification option for criminal history checks for charter school employees and governing board members, which includes removing the following:

- The requirement for charter school employees or governing board members who are subject to a criminal history check to inform a school district if he or she has completed a criminal history check in another district within the last 5 years.
- The requirement for the school district to verify the results of such criminal history check using the Care Provider Background Screening Clearinghouse.
- The requirement for the department to participate in the Care Provider Background Screening Clearinghouse and rescreening schedule.

B. Amendments:

None.



536610

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Education (Flores) recommended the following:

Senate Amendment

Delete line 172

and insert:

1013.62(2). For this purpose, only unrestricted assets from state sources may be used. For unrestricted assets to be used in accordance with s. 1011.62, if state and local funds cannot be identified, the percentage of state and local funds based on the total funds allocated to the school district from the Florida Education Finance Program shall be applied to the unrestricted



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11 assets to determine the unrestricted funds available to be
12 provided to another charter school pursuant to this paragraph.



795944

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Education (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete lines 207 - 209

and insert:

(d) A virtual charter school may provide full-time virtual instruction for students in kindergarten through grade 12, and, beginning in the 2020-2021 fiscal year, may provide part-time virtual instruction for students in kindergarten through grade 12 who were enrolled in a public school the prior year, if the virtual charter school has a charter



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

And the title is amended as follows:

Delete line 14

and insert:

provide; authorizing virtual charter schools to offer
part-time virtual instruction to certain students
beginning in a specified school year; providing an
effective date.

By the Committee on Education; and Senator Flores

581-02439-20

20201420c1

1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; prohibiting sponsors from refusing to
 4 receive a charter school application submitted during
 5 the calendar year; revising how charter schools
 6 operated by not-for-profit or municipal entities may
 7 use certain unrestricted current and capital assets;
 8 amending s. 1002.331, F.S.; specifying how many
 9 applications a high-performing charter school may
 10 submit in any school district in the state to
 11 establish and operate a new charter school; providing
 12 applicability; amending s. 1002.45, F.S.; revising the
 13 virtual instruction a virtual charter school may
 14 provide; providing an effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Paragraph (b) of subsection (6) and paragraph
 19 (b) of subsection (17) of section 1002.33, Florida Statutes, are
 20 amended to read:
 21 1002.33 Charter schools.—
 22 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 23 applications are subject to the following requirements:
 24 (b) A sponsor shall receive and review all applications for
 25 a charter school using the evaluation instrument developed by
 26 the Department of Education. A sponsor shall receive and
 27 consider charter school applications received during ~~on or~~
 28 ~~before August 1~~ of each calendar year for charter schools to be
 29 opened at the beginning of the school district's next school

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30 year, or to be opened at a time determined ~~agreed to~~ by the
 31 applicant ~~and the sponsor~~. A sponsor may not refuse to receive a
 32 charter school application submitted by an applicant during the
 33 calendar year, ~~before August 1 and may receive an application~~
 34 ~~submitted later than August 1 if it chooses. Beginning in 2018~~
 35 ~~and thereafter, a sponsor shall receive and consider charter~~
 36 ~~school applications received on or before February 1 of each~~
 37 ~~calendar year for charter schools to be opened 18 months later~~
 38 ~~at the beginning of the school district's school year, or to be~~
 39 ~~opened at a time determined by the applicant. A sponsor may not~~
 40 ~~refuse to receive a charter school application submitted before~~
 41 ~~February 1 and may receive an application submitted later than~~
 42 ~~February 1 if it chooses.~~ A sponsor may not charge an applicant
 43 for a charter any fee for the processing or consideration of an
 44 application, and a sponsor may not base its consideration or
 45 approval of a final application upon the promise of future
 46 payment of any kind. Before approving or denying any
 47 application, the sponsor shall allow the applicant, upon receipt
 48 of written notification, at least 7 calendar days to make
 49 technical or nonsubstantive corrections and clarifications,
 50 including, but not limited to, corrections of grammatical,
 51 typographical, and like errors or missing signatures, if such
 52 errors are identified by the sponsor as cause to deny the final
 53 application.
 54 1. In order to facilitate an accurate budget projection
 55 process, a sponsor shall be held harmless for FTE students who
 56 are not included in the FTE projection due to approval of
 57 charter school applications after the FTE projection deadline.
 58 In a further effort to facilitate an accurate budget projection,

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59 within 15 calendar days after receipt of a charter school
60 application, a sponsor shall report to the Department of
61 Education the name of the applicant entity, the proposed charter
62 school location, and its projected FTE.

63 2. In order to ensure fiscal responsibility, an application
64 for a charter school shall include a full accounting of expected
65 assets, a projection of expected sources and amounts of income,
66 including income derived from projected student enrollments and
67 from community support, and an expense projection that includes
68 full accounting of the costs of operation, including start-up
69 costs.

70 3.a. A sponsor shall by a majority vote approve or deny an
71 application no later than 90 calendar days after the application
72 is received, unless the sponsor and the applicant mutually agree
73 in writing to temporarily postpone the vote to a specific date,
74 at which time the sponsor shall by a majority vote approve or
75 deny the application. If the sponsor fails to act on the
76 application, an applicant may appeal to the State Board of
77 Education as provided in paragraph (c). If an application is
78 denied, the sponsor shall, within 10 calendar days after such
79 denial, articulate in writing the specific reasons, based upon
80 good cause, supporting its denial of the application and shall
81 provide the letter of denial and supporting documentation to the
82 applicant and to the Department of Education.

83 b. An application submitted by a high-performing charter
84 school identified pursuant to s. 1002.331 or a high-performing
85 charter school system identified pursuant to s. 1002.332 may be
86 denied by the sponsor only if the sponsor demonstrates by clear
87 and convincing evidence that:

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88 (I) The application of a high-performing charter school
89 does not materially comply with the requirements in paragraph
90 (a) or, for a high-performing charter school system, the
91 application does not materially comply with s. 1002.332(2)(b);

92 (II) The charter school proposed in the application does
93 not materially comply with the requirements in paragraphs
94 (9)(a)-(f);

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

98 (IV) The applicant has made a material misrepresentation or
99 false statement or concealed an essential or material fact
100 during the application process; or

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

104 Material noncompliance is a failure to follow requirements or a
105 violation of prohibitions applicable to charter school
106 applications, which failure is quantitatively or qualitatively
107 significant either individually or when aggregated with other
108 noncompliance. An applicant is considered to be replicating a
109 high-performing charter school if the proposed school is
110 substantially similar to at least one of the applicant's high-
111 performing charter schools and the organization or individuals
112 involved in the establishment and operation of the proposed
113 school are significantly involved in the operation of replicated
114 schools.

115 c. If the sponsor denies an application submitted by a
116

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117 high-performing charter school or a high-performing charter
 118 school system, the sponsor must, within 10 calendar days after
 119 such denial, state in writing the specific reasons, based upon
 120 the criteria in sub-subparagraph b., supporting its denial of
 121 the application and must provide the letter of denial and
 122 supporting documentation to the applicant and to the Department
 123 of Education. The applicant may appeal the sponsor's denial of
 124 the application in accordance with paragraph (c).

125 4. For budget projection purposes, the sponsor shall report
 126 to the Department of Education the approval or denial of an
 127 application within 10 calendar days after such approval or
 128 denial. In the event of approval, the report to the Department
 129 of Education shall include the final projected FTE for the
 130 approved charter school.

131 5. Upon approval of an application, the initial startup
 132 shall commence with the beginning of the public school calendar
 133 for the district in which the charter is granted. A charter
 134 school may defer the opening of the school's operations for up
 135 to 3 years to provide time for adequate facility planning. The
 136 charter school must provide written notice of such intent to the
 137 sponsor and the parents of enrolled students at least 30
 138 calendar days before the first day of school.

139 (17) FUNDING.—Students enrolled in a charter school,
 140 regardless of the sponsorship, shall be funded as if they are in
 141 a basic program or a special program, the same as students
 142 enrolled in other public schools in the school district. Funding
 143 for a charter lab school shall be as provided in s. 1002.32.

144 (b) The basis for the agreement for funding students
 145 enrolled in a charter school shall be the sum of the school

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146 district's operating funds from the Florida Education Finance
 147 Program as provided in s. 1011.62 and the General Appropriations
 148 Act, including gross state and local funds, discretionary
 149 lottery funds, and funds from the school district's current
 150 operating discretionary millage levy; divided by total funded
 151 weighted full-time equivalent students in the school district;
 152 multiplied by the weighted full-time equivalent students for the
 153 charter school. Charter schools whose students or programs meet
 154 the eligibility criteria in law are entitled to their
 155 proportionate share of categorical program funds included in the
 156 total funds available in the Florida Education Finance Program
 157 by the Legislature, including transportation, the research-based
 158 reading allocation, and the Florida digital classrooms
 159 allocation. Total funding for each charter school shall be
 160 recalculated during the year to reflect the revised calculations
 161 under the Florida Education Finance Program by the state and the
 162 actual weighted full-time equivalent students reported by the
 163 charter school during the full-time equivalent student survey
 164 periods designated by the Commissioner of Education. For charter
 165 schools operated by a not-for-profit or municipal entity, any
 166 unrestricted current and capital assets identified in the
 167 charter school's annual financial audit may be used for other
 168 charter schools operated by the not-for-profit or municipal
 169 entity within the state school district. Unrestricted current
 170 assets shall be used in accordance with s. 1011.62, and any
 171 unrestricted capital assets shall be used in accordance with s.
 172 1013.62(2).

173 Section 2. Subsection (3) of section 1002.331, Florida
 174 Statutes, is amended to read:

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175 1002.331 High-performing charter schools.-
 176 (3) (a) 1. A high-performing charter school may submit an
 177 application pursuant to s. 1002.33(6) in any school district in
 178 the state to establish and operate a new charter school that
 179 will substantially replicate its educational program. An
 180 application submitted by a high-performing charter school must
 181 state that the application is being submitted pursuant to this
 182 paragraph and must include the verification letter provided by
 183 the Commissioner of Education pursuant to subsection (4).
 184 2. If the sponsor fails to act on the application within 90
 185 days after receipt, the application is deemed approved and the
 186 procedure in s. 1002.33(7) applies.
 187 (b) A high-performing charter school may submit two
 188 applications for a charter school ~~not establish more than two~~
 189 ~~charter schools~~ within the state under paragraph (a) to be
 190 opened at a time determined by the high-performing charter
 191 school. in any year. A subsequent application to establish a
 192 charter school under paragraph (a) may not be submitted unless
 193 each charter school application commences operations or an
 194 application is otherwise withdrawn. ~~each charter school~~
 195 ~~established in this manner achieves high-performing charter~~
 196 ~~school status.~~ However, a high-performing charter school may
 197 establish more than one charter school within the state under
 198 paragraph (a) in any year if it operates in the area of a
 199 persistently low-performing school and serves students from that
 200 school.
 201 (c) This section applies to any high-performing charter
 202 school with an existing approved application.
 203 Section 3. Paragraph (d) of subsection (1) of section

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20201420c1

204 1002.45, Florida Statutes, is amended to read:
 205 1002.45 Virtual instruction programs.-
 206 (1) PROGRAM.-
 207 (d) A virtual charter school may provide full-time and
 208 part-time virtual instruction for students in kindergarten
 209 through grade 12 if the virtual charter school has a charter
 210 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~
 211 ~~instruction.~~ A virtual charter school may:
 212 1. Contract with the Florida Virtual School.
 213 2. Contract with or be an approved provider under
 214 subsection (2).
 215 3. Enter into an agreement with a school district to allow
 216 the participation of the virtual charter school's students in
 217 the school district's virtual instruction program. The agreement
 218 must indicate a process for reporting of student enrollment and
 219 the transfer of funds required by paragraph (7) (e).
 220 4. Contract with any public or charter school to provide
 221 any course that the virtual school cannot otherwise provide.
 222 Section 4. This act shall take effect July 1, 2020.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 1784

INTRODUCER: Senator Gainer

SUBJECT: Vocational Rehabilitation Services

DATE: February 12, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|----------------|------------|--------------------|
| 1. | <u>Brick</u> | <u>Sikes</u> | <u>ED</u> | Favorable |
| 2. | <u>Underhill</u> | <u>Elwell</u> | <u>AED</u> | Pre-meeting |
| 3. | _____ | _____ | <u>AP</u> | _____ |

I. Summary:

SB 1784 aligns Florida law with federal requirements for state vocational rehabilitation programs to provide preemployment transition services for eligible individuals with a disability who are between 14 and 21 years of age. Specifically, the bill:

- Clarifies that vocational rehabilitation services include preemployment transition services.
- Expands requirements for the Division of Vocational Rehabilitation (VR) to cooperate with other agencies in coordinating preemployment transition plan services for eligible students.
- Modifies the requirements of the assessment performed by the Florida Rehabilitation Council to include an analysis of the alignment of preemployment transitions services with labor market demands.
- Enhances the required annual performance report provided by the VR by requiring the report to include the timeframes for handling cases, the uses of matching federal funds, and preemployment transition services data.

The bill has no impact on state revenues or expenditures. See Section V.

The bill takes effect on July 1, 2020.

II. Present Situation:

According to the 2018 U.S. Census Bureau American Community Survey, approximately 2.7 million individuals with a disability live in Florida, representing over 13 percent of the state's population.¹ Ten percent of the state's working age population, ages 18-64, is composed of

¹ U.S. Census Bureau, *Florida 2018: ACS 5-Year Estimates Data*, available at <https://data.census.gov/cedsci/table?q=&d=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP02&tid=ACSDP5Y2018.DP02&y=2018&g=0400000US12&lastDisplayedRow=104> (last visited Jan. 28, 2020).

individuals with a disability.² Individuals with a disability have an unemployment rate of twice the state average and may be eligible for vocational rehabilitation services.³

Vocational rehabilitation is a federal-state program that helps people who have a physical or mental disability get or keep a job.⁴ The Rehabilitation Services Administration (RSA) within the U.S. Department of Education oversees and administers the program and provides funds to state agencies for these services.⁵ In Fiscal Year 2019, the vocational rehabilitation program in Florida received 78.7 percent of its funding, or \$161,156,579, through a grant from the RSA. The remaining 21.3 percent of the costs, or \$43,616,711, were funded by other state appropriations.⁶

The Florida Division of Vocational Rehabilitation

The Division of Vocational Rehabilitation (VR) within the Department of Education (DOE) administers the vocational rehabilitation program in Florida. The VR provides services to help individuals with a disability find, advance in, or retain employment, and provides services to youth and students with a disability to aid in the transition from high school to a meaningful career path.⁷ In the 2018-2019 fiscal year, VR served 48,439 individuals, including 26,086 customers who were between the ages of 14 through 21.⁸

An individual with a disability⁹ is presumed eligible for vocational rehabilitation services if the person requires rehabilitation services to prepare for, enter, engage in, or retain gainful employment.¹⁰ After determining eligibility, the VR must complete an assessment to determine rehabilitation needs and ensure that an individualized plan for employment (IPE)¹¹ is prepared.¹² The IPE must be designed to achieve the specific employment outcome of the individual and may include services such as vocational evaluation and planning, career counseling and guidance, job-site assessment and accommodations, job placement, job coaching, and on-the-job training.¹³

² U.S. Census Bureau, *supra* note 1.

³ Florida Department of Education, Division of Vocational Rehabilitation, *2018-2019 Annual Report* (2019), available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf>, at 6.

⁴ Florida Division of Vocational Rehabilitation, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited Jan. 28, 2020).

⁵ U.S. Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, *RSA's mission*, <https://rsa.ed.gov/> (last visited Jan. 28, 2020).

⁶ Florida Department of Education, Division of Vocational Rehabilitation, *2018-2019 Annual Report* (2019), available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf>, at 8.

⁷ *Id.* at 6.

⁸ *Id.* at 10.

⁹ Disability means “a physical or mental impairment that constitutes or results in a substantial impediment to employment.” Section 413.20(7), F.S.

¹⁰ Section 413.30(1), F.S.

¹¹ An individualized plan for employment includes a “comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services.” Section 413.20(3), F.S.

¹² See Section 413.30(4)-(5), F.S.

¹³ Florida Department of Education, Division of Vocational Rehabilitation, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited Jan. 28, 2020).

The VR is only required to provide services to the extent they are funded by the Legislature. All individuals eligible for services are placed in categories on a prioritized waiting list based on the significance of their disability.¹⁴ Categories include:

- Category 1, comprised of individuals with the most significant disabilities;
- Category 2, comprised of individuals with a significant disability; and
- Category 3, comprised of individuals with a disability.

In the 2018-2019 fiscal year, the VR served 26,744 individuals in category 1, and, as of June 30, 2019, had a waiting list of 300 individuals in category 3.¹⁵

The Florida Rehabilitation Council

The Florida Rehabilitation Council (Council) is responsible for assisting the VR in the planning and development of statewide rehabilitation programs and services, recommending improvements to such programs and services, and performing other statutory directives as required.¹⁶ Members of the Council are appointed by the Governor and must include current or former applicants for, or recipients of, vocational rehabilitation services.¹⁷

The Council must also consult with the board of directors of CareerSource Florida, Inc.,¹⁸ in carrying out its functions, including the duty to conduct a review and analysis of:¹⁹

- The functions performed by state agencies and other public and private entities responsible for providing services for individual who have a disability.
- Vocational rehabilitation services.
- The employment outcomes achieved by eligible individuals receiving vocational rehabilitation services, including the availability of health or other employment benefits in connection with those employment outcomes.

Preemployment Transition Services

Eligibility for Preemployment Transition Services

The Workforce Innovation and Opportunity Act of 2014 (WIOA)²⁰ aims to increase opportunities for individuals facing barriers to employment and focus on the connection between education and career preparation.²¹ The WIOA requires that state vocational rehabilitation agencies set aside at least 15 percent of their federal funds to provide preemployment transition services to eligible individuals with a disability who:²²

¹⁴ Section 413.731, F.S.

¹⁵ Florida Department of Education, Division of Vocational Rehabilitation, *2018-2019 Annual Report* (2019), at 10, available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf?id=1>.

¹⁶ Section 413.405, F.S.

¹⁷ Section 413.405(1), F.S.

¹⁸ CareerSource Florida, Inc., is the principal workforce policy organization for the state. Section 445.004, F.S.

¹⁹ Section 413.405(9), F.S.

²⁰ Pub. L. No. 113-128, 128 Stat. 1425 (July 22, 2014).

²¹ See U.S. Department of Labor, Employment & Training Administration, *WIOA Overview*, <https://www.doleta.gov/wioa/about/overview/> (last visited Jan. 9, 2020).

²² Workforce Innovation Technical Assistance Center, *Preemployment Transition Services*, <http://www.wintac.org/topic-areas/pre-employment-transition-services> (last visited Jan. 28, 2020).

- Are between 14 and 21 years of age; and
- Have a current individual education plan (IEP); or
- Have or are eligible for an accommodation plan pursuant to s. 504 of the Rehabilitation Act of 1973.

Section 504 of the Rehabilitation Act of 1973²³ prohibits any program or activity that receives federal financial assistance from discriminating against an otherwise qualified individual solely by reason of his or her disability. State and local agencies that administer federally funded programs or activities may devise an accommodation plan for someone with a disability to allow the disabled person's participation in the program.²⁴

All students who are between the ages of three to 21 and have a disability have the right to a free, appropriate public education.²⁵ The IEP is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability.²⁶ To ensure quality planning for a successful transition of a student with a disability to postsecondary education and career opportunities, an IEP team begins the process of identifying the need for transition services before the student with a disability attains the age of 14 years. When the student attains the age of 16, the IEP must include an annually updated statement addressing the intent for the student to pursue a standard high school diploma and other appropriate measurable long-term postsecondary education and career goals.²⁷

Required Preemployment Transition Services

Under the WIOA, the VR must provide five preemployment transition services, including:²⁸

- Job Exploration Counseling – exploring career path options suited to a student's skills, abilities and interests.
- Work-Based Learning Experiences – providing hands-on training for employability skills.
- Counseling on Post-Secondary Education – providing information about continuing education options.
- Workplace Readiness Training – a focus on employability and related skills that prepare individuals with a disability to work.
- Instruction in Self-Advocacy – instruction in effective communication of one's own needs and planning for one's future.

²³ Pub. L. No. 93-112, s. 504, 83 Stat. 355, 361 (1973), as amended and codified in 29 U.S.C. s. 794.

²⁴ See *Alexander v. Choate*, 469 U.S. 287 (1985).

²⁵ Section 1003.5716, F.S.

²⁶ Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

²⁷ Section 1003.5716(2), F.S.

²⁸ Florida Department of Education, Division of Vocational Rehabilitation, Presentation to the House Higher Education & Career Readiness Subcommittee (Oct. 24, 2019), at 20, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2020&DocumentType=Meeting%20Packets&FileName=hec%2010-24-19.pdf>.

Student Transition Activities Record (STAR)

The VR may also cooperate with other agencies in the provision of vocational rehabilitation services.²⁹ The VR may attend IEP meetings for students, work with local workforce development boards to develop work opportunities, and work with schools to coordinate and provide preemployment transition services.³⁰

The VR operates a web-based platform known as the Student Transition Activities Record (STAR) to facilitate the delivery of preemployment transition services. The STAR program is designed to help VR staff and school districts work together in the provision of preemployment transition services. The STAR program provides a platform for school personnel to make referrals to the VR for preemployment transition services for students who do not wish to apply to or participate in the vocational rehabilitation eligibility process.³¹

In the 2018-2019 fiscal year, the VR provided preemployment transition services to 15,402 students with a disability.³² In June 2019, the VR was providing vocational rehabilitation services to 21,248 youth and students between the ages of 14 to 21 years, including 11,779 who were receiving preemployment transition services.³³

Annual Performance Report

The VR submits an annual performance report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes:³⁴

- Caseload data.
- Service use data.
- Financial data.
- Outcome data. Employment data must be provided separately for supported employment.

III. Effect of Proposed Changes:

The bill aligns Florida law with federal requirements for state vocational rehabilitation programs to provide preemployment transition services for eligible individuals with a disability who are between 14 and 21 years of age. Specifically, the bill:

- Clarifies that vocational rehabilitation services include preemployment transition services.
- Expands requirements for the Division of Vocational Rehabilitation (VR) to cooperate with other agencies in coordinating preemployment transition plan services for eligible students.

²⁹ Section 413.731, F.S.

³⁰ Workforce Innovation Technical Assistance Center, *supra* note 26.

³¹ Florida Department of Education, Division of Vocational Rehabilitation, *STAR Program*, http://www.rehabworks.org/stw_star.shtml (last visited Jan. 28, 2020).

³² Email, Florida Department of Education, (Jan. 29, 2020).

³³ Florida Department of Education, Division of Vocational Rehabilitation, Presentation to the House Higher Education & Career Readiness Subcommittee (Oct. 24, 2019), at 25, *available at* <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2020&DocumentType=Meeting%20Packets&FileName=hec%2010-24-19.pdf>.

³⁴ Section 413.207(4), F.S.

- Modifies the requirements of the assessment performed by the Florida Rehabilitation Council to include an analysis of the alignment of preemployment transition services with labor market demands.
- Enhances the required annual performance report provided by the VR by requiring the report to include the timeframes for handling cases, the uses of matching federal funds, and preemployment transition services data.

Preemployment Transition Services

The bill clarifies that the VR must provide preemployment transition services in accordance with the duty to provide vocational rehabilitation services. The bill modifies s. 413.20, F.S., to define “preemployment transition services” as the services of job exploration counseling, work-based learning experiences, counseling on postsecondary education, workplace readiness training, and instruction in self-advocacy as required by the Workforce Innovation and Opportunity Act of 2014, which may be provided to students with a disability who are eligible or potentially eligible for vocational rehabilitation services.

Eligibility for Preemployment Transition Services

The bill modifies s. 413.30, F.S., to expand the presumption that an individual will benefit from vocational rehabilitation services to include preemployment transition services, and the bill requires the VR to evaluate eligibility for preemployment transition services. The required initial assessment and individualized plan for employment must also assess the need for preemployment transition services, and must be prepared within 90 days after the date of determining eligibility, unless unforeseen circumstances prevent it, and the eligible individual agrees that an extension of time is warranted.

The bill provides eligibility for preemployment transition services for an individual with a disability who is between 14 and 21 years of age; who is eligible or potentially eligible for vocational rehabilitation services in a secondary, postsecondary, or other recognized education program; and who has:

- A current individual education plan developed by a local school board in accordance with rules of the State Board of Education; or
- A 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973.

These provisions align Florida law with federal eligibility requirements for providing preemployment transition services.

Coordination of Services

The bill modifies s. 413.41, F.S., to require the VR to enter into a formal interagency agreement with the state education agency to provide for the transition of students with a disability, including preemployment transition services and other vocational rehabilitation services. The VR must also enter into formal interagency agreements with all local educational agencies that are consistent with the state-level agreement and:

- Address the referral of eligible students with a disability for preemployment transition services through the Student Transition Activities Record (STAR) program. The bill modifies s. 413.74, F.S., to require school districts and public agencies to use the STAR program to

refer students with a disability who are potentially eligible for preemployment transition services to the VR.

- Include preemployment transition coordination activities, such as attending individual education plan (IEP) meetings for students with a disability or attending person-centered planning meetings for students with a disability receiving Medicaid.

The bill also modifies s. 413.23, F.S., to specify that the authority for the VR to cooperate with other departments, agencies, and public and private institutions includes the authority to:

- Cooperate to provide preemployment transition services.
- Contract with other entities to provide vocational rehabilitation or preemployment transition services.

In order to ensure that eligible students receive timely services, the bill modifies s. 413.731, F.S., to require the VR to contract with other providers to provide preemployment transition services if the VR is unable to provide the services within 90 days of recognizing the need for services.

Individualized Education Plan

The bill modifies s. 1003.5716, F.S., to add that the required statement of appropriate measurable long-term postsecondary education and career goals in a transition plan for a student with an IEP must also include preemployment transition services needed to assist the student in reaching those goals.

The additional coordination of services required by the bill may assist agencies in ensuring students receive appropriate preemployment transition services as needed.

The Florida Rehabilitation Council

The bill modifies s. 413.405, F.S., to clarify that the requirement for the Florida Rehabilitation Council (Council) to include members who were former or current applicants for, or recipients of, vocational rehabilitation services includes preemployment transition services.

The bill also adds requirements to the Council's review and analysis of vocational rehabilitation services. In addition to existing requirements, the review and analysis must address:

- How employment outcomes under the vocational rehabilitation program align with labor market demands in the state; and, for youth with a disability, the availability of career pathways, including work-based learning experiences and customized employment.
- Preemployment transition services:
 - Provided or paid for from funds made available under the act or through other public or private sources.
 - Provided by state agencies and other public and private entities responsible for providing preemployment transition services to students who have a disability.

Annual Performance Report

The bill modifies s. 413.207, F.S., to add requirements to the performance report that the VR must annually submit to the Governor, the President of the Senate, and the Speaker of the House

of Representatives. The caseload data required in the report must include the timeframes in which eligibility is determined, plans are developed, and services are provided. The bill adds that the report must also include:

- Matching fund data, including the sources and amounts of matching funds received by the VR and the extent to which the state is meeting its cost-sharing requirements.
- Transition services data, including preemployment transition services, for students and youth with a disability by service type, including expenditure data on a statewide and service area basis, employment outcomes achieved by youth served, and postsecondary enrollment rates.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. In Fiscal Year 2019-2020, the Division of Vocational Rehabilitation received an increase of \$12.3 million in recurring federal budget authority to meet the federal requirements for Pre-Employment Transition Services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 413.20, 413.207, 413.23, 413.30, 413.405, 413.41, 413.731, 413.74, and 1003.5716.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Education (Gainer) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (20) through (27) of section 413.20, Florida Statutes, are redesignated as subsections (21) through (28), respectively, and a new subsection (20) is added to that section, to read:

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

(20) "Preemployment transition services" means the services



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11 of job exploration counseling, work-based learning experiences,
12 counseling on comprehensive transition or postsecondary
13 education programs, workplace readiness training, and
14 instruction in self-advocacy as required by the Workforce
15 Innovation and Opportunity Act of 2014, which may be provided to
16 students with disabilities who are eligible or potentially
17 eligible for vocational rehabilitation services.

18 Section 2. Present paragraph (d) of subsection (4) of
19 section 413.207, Florida Statutes, is redesignated as paragraph
20 (e), a new paragraph (d) and paragraph (f) are added to that
21 subsection, and paragraph (a) of that subsection is amended, to
22 read:

23 413.207 Division of Vocational Rehabilitation; quality
24 assurance; performance improvement plan.—

25 (4) By December 1 of each year, the division shall submit a
26 performance report to the Governor, the President of the Senate,
27 and the Speaker of the House of Representatives which includes
28 the following information for each of the 5 most recent fiscal
29 years:

30 (a) Caseload data, by service type and service area,
31 including the number of individuals who apply for services and
32 the timeframes in which eligibility is determined, plans are
33 developed, and services are provided ~~who receive services, by~~
34 ~~service type, reported statewide and by service area.~~

35 (d) Matching fund data, including the sources and amounts
36 of matching funds received by the division and the extent to
37 which the state is meeting its cost-sharing requirements.

38 (f) Transition services data, including preemployment
39 transition services, for students and youth with disabilities by



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40 service type, including expenditure data on a statewide and
41 service area basis, employment outcomes achieved by youth
42 served, and postsecondary enrollment rates.

43 Section 3. Section 413.23, Florida Statutes, is amended to
44 read:

45 413.23 Administration.—The division shall provide
46 vocational rehabilitation services to persons who have
47 disabilities determined to be eligible therefor and
48 preemployment transition services to persons potentially
49 eligible for such services and, in carrying out the purposes of
50 this part, is authorized, among other things:

51 (1) To cooperate with other departments, agencies, public
52 and private ~~and institutions, both public and private, and~~
53 providers in providing for the vocational rehabilitation and
54 preemployment transition services of persons who have
55 disabilities, in studying the problems involved therein, and in
56 establishing, developing, and providing, in conformity with the
57 purposes of this part, such programs, facilities, and services
58 as may be necessary or desirable;

59 (2) To enter into reciprocal agreements with other states
60 to provide for the vocational rehabilitation of residents of the
61 states concerned;

62 (3) To conduct research and compile statistics relating to
63 the vocational rehabilitation of persons who have disabilities;

64 (4) To prepare a federally required state plan for
65 vocational rehabilitation, as required by the act. The state
66 plan must contain all of the elements required by s. 101 of the
67 act, including an assessment of the needs of persons who have
68 disabilities and how those needs may be most effectively met.



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69 The division is authorized to make amendments to the state plan
70 considered necessary to maintain compliance with the act and to
71 implement such changes in order to qualify for and maintain
72 federal funding. After completion of the state plan or making
73 amendments to the state plan, the division must distribute
74 copies of the state plan to the Governor, the President of the
75 Senate, the Speaker of the House of Representatives, and the
76 United States Secretary of Education.

77 Section 4. Subsections (3) and (5) of section 413.30,
78 Florida Statutes, are amended to read:

79 413.30 Eligibility for vocational rehabilitation services.-

80 (3) An individual is presumed to benefit in terms of an
81 employment outcome from vocational rehabilitation services under
82 this part unless the division can demonstrate by clear and
83 convincing evidence that the individual is incapable of
84 benefiting from vocational rehabilitation services in terms of
85 an employment outcome. Before making such a determination, the
86 division must consider the individual's abilities, capabilities,
87 and capacity to perform in a work situation through the use of
88 trial work experiences. Trial work experiences include supported
89 employment, on-the-job training, or other work experiences using
90 realistic work settings. ~~Under limited circumstances, if an~~
91 ~~individual cannot take advantage of trial work experiences or if~~
92 ~~options for trial work experiences have been exhausted, the~~
93 ~~division shall conduct an extended evaluation, not to exceed 18~~
94 ~~months. The evaluation must determine the eligibility of the~~
95 ~~individual and the nature and scope of needed vocational~~
96 ~~rehabilitation services. The extended evaluation must be~~
97 ~~reviewed once every 90 days to determine whether the individual~~



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98 ~~is eligible for vocational rehabilitation services.~~

99 (5) When the division determines that an individual is
100 eligible for vocational rehabilitation services, the division
101 must complete an assessment for determining eligibility and
102 vocational rehabilitation needs and ensure that an
103 individualized plan for employment is prepared within a
104 reasonable period of time, not to exceed 90 days after the date
105 of eligibility determination, unless unforeseen circumstances
106 beyond the control of the division prevent the division from
107 completing the assessment and individualized plan for employment
108 within the 90-day timeframe and the division and the individual
109 agree that an extension of time is warranted.

110 (a) Each individualized plan for employment must be jointly
111 developed, agreed upon, and signed by the vocational
112 rehabilitation counselor or coordinator and the eligible
113 individual or, in an appropriate case, a parent, family member,
114 guardian, advocate, or authorized representative, of the
115 individual.

116 (b) The division must ensure that each individualized plan
117 for employment is designed to achieve the specific employment
118 outcome of the individual, consistent with the unique strengths,
119 resources, priorities, concerns, abilities, and capabilities of
120 the individual, and otherwise meets the content requirements for
121 an individualized plan for employment as set out in federal law
122 or regulation.

123 (c) Each individualized plan for employment shall be
124 reviewed annually, at which time the individual, or the
125 individual's parent, guardian, advocate, or authorized
126 representative, shall be afforded an opportunity to review the



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127 plan and jointly redevelop and agree to its terms. Each plan
128 shall be revised as needed.

129 Section 5. Section 413.301, Florida Statutes, is created to
130 read:

131 413.301 Preemployment transition services.-

132 (1) Preemployment transition services shall be provided to
133 an individual with disabilities who is between 14 and 21 years
134 of age; who is potentially eligible for vocational
135 rehabilitation services in a secondary, postsecondary, or other
136 recognized education program; and who:

137 (a) Has a current individual education plan developed by a
138 local school board in accordance with rules of the State Board
139 of Education; or

140 (b) Meets the definition of an individual with a disability
141 for the purposes of s. 504 of the Rehabilitation Act of 1973.

142 (2) When the division receives documentation that an
143 individual meets the conditions described in subsection (1), the
144 division must provide preemployment transition services within a
145 reasonable period of time, not to exceed 90 days after the date
146 that it receives an individual's consent or, for a minor, a
147 parent's or legal guardian's consent, to receive services,
148 unless unforeseen circumstances beyond the control of the
149 division prevent the division from providing services within the
150 90-day timeframe and the division and the individual or, for a
151 minor, a parent or legal guardian agree that an extension of
152 time is warranted.

153 (3) If the division is unable to provide preemployment
154 transition services within the timeframe required in subsection
155 (2), the division must, upon the request of the individual, or



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156 for a minor, a parent or legal guardian, work with other
157 qualified providers to provide such services.

158 Section 6. Paragraph (h) of subsection (1) and paragraph
159 (d) of subsection (9) of section 413.405, Florida Statutes, are
160 amended to read:

161 413.405 Florida Rehabilitation Council.—There is created
162 the Florida Rehabilitation Council to assist the division in the
163 planning and development of statewide rehabilitation programs
164 and services, to recommend improvements to such programs and
165 services, and to perform the functions listed in this section.

166 (1) The council shall be composed of:

167 (h) Current or former applicants for, or recipients of,
168 vocational rehabilitation services, including preemployment
169 transition services.

170 (9) In addition to the other functions specified in this
171 section, the council shall, after consulting with the board of
172 directors of CareerSource Florida, Inc.:

173 (d) To the extent feasible, conduct a review and analysis
174 of the effectiveness of, and consumer satisfaction with:

175 1. The functions performed by state agencies and other
176 public and private entities responsible for performing functions
177 for individuals who have disabilities.

178 2. Vocational rehabilitation services:

179 a. Provided or paid for from funds made available under the
180 act or through other public or private sources.

181 b. Provided by state agencies and other public and private
182 entities responsible for providing vocational rehabilitation
183 services to individuals who have disabilities.

184 3. Preemployment transition services:



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185 a. Provided or paid for from funds made available under the
186 act or through other public or private sources.

187 b. Provided by state agencies and other public and private
188 entities responsible for providing preemployment transition
189 services to students who have disabilities.

190 4.3. The employment outcomes achieved by eligible
191 individuals receiving services under this part, including the
192 availability of health or other employment benefits in
193 connection with those employment outcomes; alignment with labor
194 market demands in the state; and for youth who have
195 disabilities, the availability of career pathways, including
196 work-based learning experiences and customized employment.

197 Section 7. Section 413.41, Florida Statutes, is amended to
198 read:

199 413.41 Cooperation by division with state agencies.—

200 (1) The division is hereby authorized to cooperate with
201 other agencies of state government or with any nonprofit,
202 charitable corporations or foundations concerned with the
203 problems of persons who have disabilities. The division may
204 provide disability evaluation, work capacity appraisal, and
205 appraisal of vocational rehabilitation potential of persons who
206 have disabilities for other public agencies pursuant to
207 agreements made with such agencies. The division may charge the
208 agencies contracting for these services the actual cost thereof.

209 (2) (a) The division shall enter into a formal interagency
210 agreement with the state education agency that provides for the
211 transition of students who have disabilities, including
212 preemployment transition services and other vocational
213 rehabilitation services as required by s. 101(a)(11)(D) of the



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214 Rehabilitation Act of 1973, as amended. The formal interagency
215 agreement shall comply with the requirements of 34 C.F.R. s.
216 361.22(b).

217 (b) The division shall work with all local educational
218 agencies to provide vocational rehabilitation services,
219 including preemployment transition services, to students with
220 disabilities. Such services may also include any preemployment
221 transition coordination activities, such as attending individual
222 education plan meetings for students with disabilities or
223 attending person-centered planning meetings for students with
224 disabilities who are receiving services under Title XIX of the
225 Social Security Act. The division and local educational agencies
226 must arrange for the timely referral of students for services,
227 including electronic referral as prescribed by the division.

228 Section 8. Subsections (2) through (6) and (8) and
229 paragraphs (h) and (j) of subsection (9) of section 413.615,
230 Florida Statutes, are amended to read:

231 413.615 Florida Endowment for Vocational Rehabilitation.—

232 (2) DEFINITIONS.—For the purposes of this section:

233 (a) "Board" means the board of directors of the Florida
234 Endowment Foundation for the Division of Vocational
235 Rehabilitation within the Department of Education.

236 (b) "Endowment fund" means an account established within
237 the Florida Endowment Foundation for the Division of Vocational
238 Rehabilitation within the Department of Education to provide a
239 continuing and growing source of revenue for vocational
240 rehabilitation efforts.

241 (c) "Foundation" means the Florida Endowment Foundation for
242 the Division of Vocational Rehabilitation within the Department



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243 of Education.

244 (d) "Operating account" means an account established under
245 paragraph (4)(c) ~~(4)(d)~~ to carry out the purposes provided in
246 subsection (10).

247 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it
248 is in the best interest of the citizens of this state that
249 citizens with disabilities be afforded a fair opportunity to
250 become self-supporting, productive members of society. However,
251 there is a critical need for significant additional funding to
252 achieve this goal. Accordingly, the Legislature further finds
253 and declares that:

254 (a) With skilled evaluation procedures and proper
255 rehabilitative treatment, plus employment, training, and
256 supportive services consistent with the needs of the individual,
257 persons who are disabled can assume the activities of daily
258 living and join their communities with dignity and independence.

259 (b) The purpose of this section is to broaden the
260 participation and funding potential for further significant
261 support for the vocational rehabilitation of Florida citizens
262 who are disabled.

263 (c) It is appropriate to encourage individual and corporate
264 support and involvement, as well as state support and
265 involvement, to promote employment opportunities for disabled
266 citizens.

267 (4) REVENUE FOR THE ENDOWMENT FUND.—

268 (a) The endowment fund of the Florida Endowment for the
269 Division of Vocational Rehabilitation within the Department of
270 Education is created as a long-term, stable, and growing source
271 of revenue to be administered, in accordance with rules



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272 promulgated by the division, by the foundation as a direct-
273 support organization of the Division of Vocational
274 Rehabilitation within the Department of Education.

275 (b) The principal of the endowment fund shall derive from
276 any legislative appropriations which may be made to the
277 endowment, and such bequests, gifts, grants, and donations as
278 may be solicited for such purpose by the foundation from public
279 or private sources.

280 ~~(c) All remaining liquid balances of funds held for~~
281 ~~investment and reinvestment by the State Board of Administration~~
282 ~~for the endowment fund on the effective date of this act shall~~
283 ~~be transmitted to the foundation within 60 days for use as~~
284 ~~provided in subsection (10).~~

285 ~~(c)(d)~~ The board of directors of the foundation shall
286 establish the operating account and shall deposit therein the
287 moneys transmitted pursuant to paragraph ~~(c)~~. Moneys in the
288 operating account shall be available to carry out the purposes
289 of subsection (10).

290 ~~(d)(e)~~ Funds received from state sources shall be accounted
291 for separately from bequests, gifts, grants, and donations which
292 may be solicited for such purposes by the foundation from public
293 or private sources. Earnings on funds received from state
294 sources and funds received from public or private sources shall
295 be accounted for separately.

296 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
297 REHABILITATION.—The Florida Endowment Foundation for Vocational
298 Rehabilitation is hereby created as a direct-support
299 organization of the Division of Vocational Rehabilitation within
300 the Department of Education, to encourage public and private



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301 support to enhance vocational rehabilitation and employment of
302 citizens who are disabled. As a direct-support organization, the
303 foundation shall operate under contract with the division and
304 shall:

305 (a) Be a Florida corporation not for profit incorporated
306 under the provisions of chapter 617 and approved by the
307 Department of State.

308 (b) Be organized and operated exclusively to raise funds;
309 to submit requests and receive grants from the Federal
310 Government, the state, private foundations, and individuals; to
311 receive, hold, and administer property; and to make expenditures
312 to or for the benefit of the rehabilitation programs approved by
313 the board of directors of the foundation.

314 (c) Be approved by the division to be operating for the
315 benefit and best interest of the state.

316 (6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract
317 between the foundation and the division shall provide for:

318 (a) Approval of the articles of incorporation of the
319 foundation by the division.

320 (b) Governance of the foundation by a board of directors
321 appointed by the Governor.

322 (c) Submission of an annual budget of the foundation for
323 approval by the division. The division may not approve an annual
324 budget that does not comply with paragraph (9)(j).

325 (d) Approval Certification by the division, after an annual
326 financial and performance review, that the foundation is
327 operating in compliance with the terms of the contract and the
328 rules of the division, and in a manner consistent with the goals
329 of the Legislature in providing assistance to disabled citizens.



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330 (e) The release and conditions of the expenditure of any
331 state revenues.

332 (f) The orderly cessation of operations and reversion to
333 the state of funds held in trust by the foundation if the
334 contract is terminated, the foundation is dissolved, or this
335 section is repealed.

336 (g) The fiscal year of the foundation, to begin on July 1
337 and end on June 30 of each year.

338 (8) BOARD OF DIRECTORS.—The foundation shall be
339 administered by a board of directors, as follows:

340 (a) *Membership*.—The board of directors shall consist of the
341 director of the Division of Vocational Rehabilitation within the
342 Department of Education, or his or her designee, who shall serve
343 as an ex officio member, and nine other members who have an
344 interest in service to persons with disabilities and who:

345 1. Have skills in foundation work or other fundraising
346 activities, financial consulting, or investment banking or other
347 related experience; or

348 2. Have experience in policymaking or management-level
349 positions or have otherwise distinguished themselves in the
350 field of business, industry, or rehabilitation.

351
352 Disabled individuals who meet the above criteria shall be given
353 special consideration for appointment.

354 (b) *Appointment*.—The board members shall be appointed by
355 the Governor.

356 (c) *Terms*.—Board members shall serve for two 3-year terms
357 or until resignation or removal for cause. A board member may
358 continue to serve until a successor is appointed.



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359 (d) *Filling of vacancies.*—In the event of a vacancy on the
360 board caused by other than the expiration of a term, a new
361 member shall be appointed.

362 (e) *Removal for cause.*—Each member is accountable to the
363 Governor for the proper performance of the duties of office. The
364 Governor may remove any member from office for malfeasance,
365 misfeasance, neglect of duty, incompetence, or permanent
366 inability to perform official duties or for pleading nolo
367 contendere to, or being found guilty of, a crime.

368 (9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits
369 prescribed in this section or by rule of the division:

370 (h) The board shall establish an operating account as
371 provided in paragraph (4) (c) ~~(4) (d)~~.

372 (j) Administrative costs shall be kept to the minimum
373 amount necessary for the efficient and effective administration
374 of the foundation and are limited to 15 percent of total actual
375 ~~estimated~~ expenditures in any fiscal ~~calendar~~ year.

376 Administrative costs include ~~payment of travel and per diem~~
377 ~~expenses of board members, officer salaries, chief executive~~
378 ~~officer program management,~~ audits, salaries or other costs for
379 nonofficers and contractors providing services that are not
380 directly related to the mission of the foundation as described
381 in subsection (5), costs of promoting the purposes of the
382 foundation, all travel and per diem expenses of board members,
383 officers' salaries, chief executive officer program management,
384 and other allowable costs. Administrative costs may be paid from
385 the following sources:

386 1. ~~Interest and earnings on the endowment principal for the~~
387 ~~2017-2018 fiscal year.~~



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388 ~~2. Private sources and up to 75 percent of interest and~~
389 ~~earnings on the endowment principal for the 2018-2019 fiscal~~
390 ~~year.~~

391 ~~3. Private sources and up to 50 percent of interest and~~
392 ~~earnings on the endowment principal for the 2019-2020 fiscal~~
393 ~~year.~~

394 1.4. Private sources and up to 25 percent of interest and
395 earnings on the endowment principal for the 2020-2021 fiscal
396 year.

397 ~~2.5.~~ Solely private sources for the 2021-2022 fiscal year
398 and thereafter.

399 Section 9. Paragraph (c) of subsection (2) of section
400 1003.5716, Florida Statutes, is amended to read:

401 1003.5716 Transition to postsecondary education and career
402 opportunities.—All students with disabilities who are 3 years of
403 age to 21 years of age have the right to a free, appropriate
404 public education. As used in this section, the term "IEP" means
405 individual education plan.

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

410 (c) A statement of appropriate measurable long-term
411 postsecondary education and career goals based upon age-
412 appropriate transition assessments related to training,
413 education, employment, and, if appropriate, independent living
414 skills and the transition services, including preemployment
415 transition services and courses of study needed to assist the
416 student in reaching those goals.



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417 Section 10. This act shall take effect July 1, 2020.

418

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

420 And the title is amended as follows:

421 Delete everything before the enacting clause

422 and insert:

423 A bill to be entitled

424 An act relating to vocational rehabilitation services;

425 amending s. 413.20, F.S.; defining the term

426 "preemployment transition services"; amending s.

427 413.207, F.S.; revising information that the Division

428 of Vocational Rehabilitation must include in its

429 annual performance report to the Governor and the

430 Legislature; amending s. 413.23, F.S.; requiring the

431 division to provide preemployment transition services

432 to potentially eligible persons; amending s. 413.30,

433 F.S.; removing provisions relating to trial work

434 evaluation requirements; requiring the division to

435 assess the service needs of eligible individuals

436 within a specified period; providing for an extension

437 of time for the division's assessment under certain

438 circumstances; creating s. 413.301, F.S.; requiring

439 preemployment transition services to be provided to

440 certain individuals with disabilities under certain

441 conditions; requiring that the division provide such

442 services within a reasonable period of time under

443 certain circumstances; requiring the division to work

444 with qualified providers to provide such services

445 under certain circumstances; amending s. 413.405,



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446 F.S.; revising the composition of the Florida
447 Rehabilitation Council; revising the responsibilities
448 of the council to conform to changes made by the act;
449 amending s. 413.41, F.S.; requiring the division to
450 enter into a formal interagency agreement with the
451 state education agency for certain purposes; requiring
452 that such agreement meet specified requirements;
453 requiring the division to work with local educational
454 agencies to provide specified services and arrange for
455 timely referrals; amending s. 413.615, F.S.; revising
456 definitions and legislative intent; revising
457 provisions relating to revenue for the endowment fund
458 of the Florida Endowment for Vocational
459 Rehabilitation; revising provisions relating to the
460 board of directors of the Florida Endowment
461 Foundation; revising provisions relating to
462 administrative costs of the foundation; amending s.
463 1003.5716, F.S.; requiring that a student's individual
464 education plan contain a statement regarding
465 preemployment transition services; providing an
466 effective date.

By Senator Gainer

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1 A bill to be entitled
 2 An act relating to vocational rehabilitation services;
 3 amending s. 413.20, F.S.; revising and providing
 4 definitions; amending s. 413.207, F.S.; revising
 5 information that the Division of Vocational
 6 Rehabilitation must include in its annual performance
 7 report to the Governor and the Legislature; amending
 8 s. 413.23, F.S.; requiring the division to provide
 9 preemployment transition services to certain eligible
 10 persons with disabilities; requiring the division to
 11 cooperate with contracted providers to provide such
 12 services; amending s. 413.30, F.S.; providing
 13 eligibility requirements for the provision of
 14 preemployment transition services; requiring the
 15 division to assess the service needs of eligible
 16 individuals within a specified period; providing for
 17 an extension of such assessment under certain
 18 circumstances; amending s. 413.405, F.S.; revising the
 19 composition of the Florida Rehabilitation Council;
 20 revising the responsibilities of the Florida
 21 Rehabilitation Council to conform to changes made by
 22 the act; amending s. 413.41, F.S.; requiring the
 23 division to enter into formal interagency agreements
 24 with certain entities for certain purposes; requiring
 25 that such agreements meet specified requirements;
 26 amending s. 413.731, F.S.; requiring the division to
 27 contract with other providers to provide preemployment
 28 transition services under certain circumstances;
 29 amending s. 413.74, F.S.; requiring school districts

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30 and public agencies to use the Student Transition
 31 Activities Record program for the referral of certain
 32 students with disabilities; amending s. 1003.5716,
 33 F.S.; requiring that a student's individual education
 34 plan contain a statement regarding preemployment
 35 transition services; providing an effective date.
 36
 37 Be It Enacted by the Legislature of the State of Florida:
 38
 39 Section 1. Present subsections (20) through (27) of section
 40 413.20, Florida Statutes, are redesignated as subsections (21)
 41 through (28), respectively, a new subsection (20) is added to
 42 that section, and subsection (3) of that section is amended, to
 43 read:
 44 413.20 Definitions.—As used in this part, the term:
 45 (3) "Assessment for determining eligibility and vocational
 46 rehabilitation needs" means a review of existing data to
 47 determine whether an individual is eligible for vocational
 48 rehabilitation services, including preemployment transition
 49 services, and to assign the priority, and, to the extent
 50 additional data is necessary to make such determination and
 51 assignment, a preliminary assessment of such data, including the
 52 provision of goods and services during such assessment. If
 53 additional data is necessary, the division must make a
 54 comprehensive assessment of the unique strengths, resources,
 55 priorities, concerns, abilities, capabilities, interests, and
 56 informed choice, including the need for supported employment, of
 57 an eligible individual to make a determination of the goals,
 58 objectives, nature, and scope of vocational rehabilitation

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59 services to be included in the individualized plan for
60 employment.

61 (20) "Preemployment transition services" means the services
62 of job exploration counseling, work-based learning experiences,
63 counseling on postsecondary education, workplace readiness
64 training, and instruction in self-advocacy as required by the
65 Workforce Innovation and Opportunity Act of 2014, which may be
66 provided to students with disabilities who are eligible or
67 potentially eligible for vocational rehabilitation services.

68 Section 2. Present paragraph (d) of subsection (4) of
69 section 413.207, Florida Statutes, is redesignated as paragraph
70 (e), new paragraph (d) and paragraph (f) are added to that
71 subsection, and paragraph (a) of that subsection is amended, to
72 read:

73 413.207 Division of Vocational Rehabilitation; quality
74 assurance; performance improvement plan.—

75 (4) By December 1 of each year, the division shall submit a
76 performance report to the Governor, the President of the Senate,
77 and the Speaker of the House of Representatives which includes
78 the following information for each of the 5 most recent fiscal
79 years:

80 (a) Caseload data, by service type and service area,
81 including the number of individuals who apply for services and
82 the timeframes in which eligibility is determined, plans are
83 developed, and services are provided who receive services, by
84 service type, reported statewide and by service area.

85 (d) Matching fund data, including the sources and amounts
86 of matching funds received by the division and the extent to
87 which the state is meeting its cost-sharing requirements.

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88 (f) Transition services data, including preemployment
89 transition services, for students and youth with disabilities by
90 service type, including expenditure data on a statewide and
91 service area basis, employment outcomes achieved by youth
92 served, and postsecondary enrollment rates.

93 Section 3. Section 413.23, Florida Statutes, is amended to
94 read:

95 413.23 Administration.—The division shall provide
96 vocational rehabilitation services, including preemployment
97 transition services, to persons who have disabilities determined
98 to be eligible therefor and, in carrying out the purposes of
99 this part, is authorized, among other things:

100 (1) To cooperate with other departments, agencies, public
101 and private ~~and~~ institutions, ~~both public and private,~~ and
102 contracted providers in providing for the vocational
103 rehabilitation and preemployment transition services of persons
104 who have disabilities, in studying the problems involved
105 therein, and in establishing, developing, and providing, in
106 conformity with the purposes of this part, such programs,
107 facilities, and services as may be necessary or desirable;

108 (2) To enter into reciprocal agreements with other states
109 to provide for the vocational rehabilitation of residents of the
110 states concerned;

111 (3) To conduct research and compile statistics relating to
112 the vocational rehabilitation of persons who have disabilities;

113 (4) To prepare a federally required state plan for
114 vocational rehabilitation, as required by the act. The state
115 plan must contain all of the elements required by s. 101 of the
116 act, including an assessment of the needs of persons who have

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117 disabilities and how those needs may be most effectively met.
 118 The division is authorized to make amendments to the state plan
 119 considered necessary to maintain compliance with the act and to
 120 implement such changes in order to qualify for and maintain
 121 federal funding. After completion of the state plan or making
 122 amendments to the state plan, the division must distribute
 123 copies of the state plan to the Governor, the President of the
 124 Senate, the Speaker of the House of Representatives, and the
 125 United States Secretary of Education.

126 Section 4. Present subsections (2) through (8) of section
 127 413.30, Florida Statutes, are redesignated as subsections (3)
 128 through (9), respectively, a new subsection (2) is added to that
 129 section, and present subsections (3) and (5) of that section are
 130 amended, to read:

131 413.30 Eligibility for vocational rehabilitation services.-

132 (2) Preemployment transition services shall be provided to
 133 an individual with disabilities who is between 14 and 21 years
 134 of age; who is eligible or potentially eligible for vocational
 135 rehabilitation services in a secondary, postsecondary, or other
 136 recognized education program; and who has:

137 (a) A current individual education plan developed by a
 138 local school board in accordance with rules of the State Board
 139 of Education; or

140 (b) A 504 accommodation plan issued under s. 504 of the
 141 Rehabilitation Act of 1973.

142 (4)(3) An individual is presumed to benefit in terms of an
 143 employment outcome from vocational rehabilitation services or
 144 preemployment transition services under this part unless the
 145 division can demonstrate by clear and convincing evidence that

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146 the individual is incapable of benefiting from vocational
 147 rehabilitation services or preemployment transition services in
 148 terms of an employment outcome. Before making such a
 149 determination, the division must consider the individual's
 150 abilities, capabilities, and capacity to perform in a work
 151 situation through the use of trial work experiences. Trial work
 152 experiences include supported employment, on-the-job training,
 153 or other work experiences using realistic work settings. Under
 154 limited circumstances, if an individual cannot take advantage of
 155 trial work experiences or if options for trial work experiences
 156 have been exhausted, the division shall conduct an extended
 157 evaluation, not to exceed 18 months. The evaluation must
 158 determine the eligibility of the individual and the nature and
 159 scope of needed vocational rehabilitation services or
 160 preemployment transition services. The extended evaluation must
 161 be reviewed once every 90 days to determine whether the
 162 individual is eligible for vocational rehabilitation services or
 163 preemployment transition services.

164 (6)(5) When the division determines that an individual is
 165 eligible for vocational rehabilitation services or preemployment
 166 transition services, the division must complete an assessment
 167 for determining ~~eligibility and~~ vocational rehabilitation or
 168 preemployment transition needs and ensure that an individualized
 169 plan for employment is prepared within a reasonable period of
 170 time, not to exceed 90 days after the date of eligibility
 171 determination, unless unforeseen circumstances beyond the
 172 control of the division prevent the division from completing the
 173 assessment and individualized plan for employment within the 90-
 174 day timeframe and the division and the individual agree that an

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175 extension of time is warranted.

176 (a) Each individualized plan for employment must be jointly
177 developed, agreed upon, and signed by the vocational
178 rehabilitation counselor or coordinator and the eligible
179 individual or, in an appropriate case, a parent, family member,
180 guardian, advocate, or authorized representative, of the
181 individual.

182 (b) The division must ensure that each individualized plan
183 for employment is designed to achieve the specific employment
184 outcome of the individual, consistent with the unique strengths,
185 resources, priorities, concerns, abilities, and capabilities of
186 the individual, and otherwise meets the content requirements for
187 an individualized plan for employment as set out in federal law
188 or regulation.

189 (c) Each individualized plan for employment shall be
190 reviewed annually, at which time the individual, or the
191 individual's parent, guardian, advocate, or authorized
192 representative, shall be afforded an opportunity to review the
193 plan and jointly redevelop and agree to its terms. Each plan
194 shall be revised as needed.

195 Section 5. Paragraph (h) of subsection (1) and paragraph
196 (d) of subsection (9) of section 413.405, Florida Statutes, are
197 amended to read:

198 413.405 Florida Rehabilitation Council.—There is created
199 the Florida Rehabilitation Council to assist the division in the
200 planning and development of statewide rehabilitation programs
201 and services, to recommend improvements to such programs and
202 services, and to perform the functions listed in this section.

203 (1) The council shall be composed of:

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204 (h) Current or former applicants for, or recipients of,
205 vocational rehabilitation services, including preemployment
206 transition services.

207 (9) In addition to the other functions specified in this
208 section, the council shall, after consulting with the board of
209 directors of CareerSource Florida, Inc.:

210 (d) To the extent feasible, conduct a review and analysis
211 of the effectiveness of, and consumer satisfaction with:

212 1. The functions performed by state agencies and other
213 public and private entities responsible for performing functions
214 for individuals who have disabilities.

215 2. Vocational rehabilitation services:

216 a. Provided or paid for from funds made available under the
217 act or through other public or private sources.

218 b. Provided by state agencies and other public and private
219 entities responsible for providing vocational rehabilitation
220 services to individuals who have disabilities.

221 3. Preemployment transition services:

222 a. Provided or paid for from funds made available under the
223 act or through other public or private sources.

224 b. Provided by state agencies and other public and private
225 entities responsible for providing preemployment transition
226 services to students who have disabilities.

227 ~~4.3-~~ The employment outcomes achieved by eligible
228 individuals receiving services under this part, including the
229 availability of health or other employment benefits in
230 connection with those employment outcomes; alignment with labor
231 market demands in the state; and, for youth with disabilities,
232 the availability of career pathways, including work-based

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233 learning experiences and customized employment.

234 Section 6. Section 413.41, Florida Statutes, is amended to
235 read:

236 413.41 Cooperation by division with state agencies.—

237 (1) The division is hereby authorized to cooperate with
238 other agencies of state government or with any nonprofit,
239 charitable corporations or foundations concerned with the
240 problems of persons who have disabilities. The division may
241 provide disability evaluation, work capacity appraisal, and
242 appraisal of vocational rehabilitation potential of persons who
243 have disabilities for other public agencies pursuant to
244 agreements made with such agencies. The division may charge the
245 agencies contracting for these services the actual cost thereof.

246 (2) (a) The division shall enter into a formal interagency
247 agreement with the state education agency that provides for the
248 transition of students with disabilities, including
249 preemployment transition services and other vocational
250 rehabilitation services as required by s. 101(a) (11) (D) of the
251 Rehabilitation Act of 1973, as amended. The formal interagency
252 agreement shall comply with the requirements of 34 C.F.R. s.
253 361.22 (b).

254 (b) The division shall enter into formal interagency
255 agreements with all local educational agencies which are
256 consistent with the state level agreement and address the
257 requirements for providing vocational rehabilitation services,
258 including referral of students with disabilities through the
259 Student Transition Activities Record program who may be eligible
260 for preemployment transition services. The agreements must also
261 include any preemployment transition coordination activities,

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262 such as attending individual education plan meetings for
263 students with disabilities or attending person-centered planning
264 meetings for students with disabilities who are receiving
265 services under title XIX of the Social Security Act.

266 Section 7. Present subsection (4) of section 413.731,
267 Florida Statutes, is redesignated as subsection (5), and a new
268 subsection (4) is added to that section, to read:

269 413.731 Legislative funding; contracting for services.—

270 (4) If the division is unable to provide preemployment
271 transition services for students with disabilities within 90
272 days after the date of determining service needs, the division
273 must contract with other providers to provide such services.

274 Section 8. Subsection (3) is added to section 413.74,
275 Florida Statutes, to read:

276 413.74 Other agencies; cooperation and referral.—

277 (3) School districts and public agencies shall use the
278 Student Transition Activities Record program to refer students
279 with disabilities who are potentially eligible for preemployment
280 transition services to the division.

281 Section 9. Paragraph (c) of subsection (2) of section
282 1003.5716, Florida Statutes, is amended to read:

283 1003.5716 Transition to postsecondary education and career
284 opportunities.—All students with disabilities who are 3 years of
285 age to 21 years of age have the right to a free, appropriate
286 public education. As used in this section, the term "IEP" means
287 individual education plan.

288 (2) Beginning not later than the first IEP to be in effect
289 when the student attains the age of 16, or younger if determined
290 appropriate by the parent and the IEP team, the IEP must include

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291 the following statements that must be updated annually:

292 (c) A statement of appropriate measurable long-term
293 postsecondary education and career goals based upon age-
294 appropriate transition assessments related to training,
295 education, employment, and, if appropriate, independent living
296 skills and the transition services, including preemployment
297 transition services and courses of study needed to assist the
298 student in reaching those goals.

299 Section 10. This act shall take effect July 1, 2020.