

Tab 1	SB 434 by Garcia (CO-INTRODUCERS) Gaetz ; (Similar to CS/H 0287) Principal Autonomy Pilot Program Initiative					
964918	A	S	RCS	ED, Legg	Delete L.84 - 87:	11/18 03:38 PM
251804	D	S L	UNFAV	ED, Bullard	Delete everything after	11/18 03:38 PM
Tab 2	SB 672 by Gaetz (CO-INTRODUCERS) Hukill ; (Identical to H 7011) Educational Options					
Tab 3	SB 7016 by MS (CO-INTRODUCERS) Gaetz ; (Similar to H 1171) Interstate Compact on Educational Opportunity for Military Children					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Legg, Chair
Senator Detert, Vice Chair

MEETING DATE: Wednesday, November 18, 2015
TIME: 2:00—4:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Legg, Chair; Senator Detert, Vice Chair; Senators Benacquisto, Brandes, Bullard, Clemens, Gaetz, Galvano, Garcia, Montford, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 434 Garcia (Similar CS/H 287)	Principal Autonomy Pilot Program Initiative; Creating the Principal Autonomy Pilot Program Initiative; providing a procedure for a school district to participate in the pilot program; requiring principals of participating schools and specified personnel to participate in the University of Virginia School Turnaround Program; requiring participating district school boards to allocate a specified percentage of certain funds to participating schools, etc. ED 11/18/2015 Fav/CS AED AP	Fav/CS Yeas 7 Nays 3
2	SB 672 Gaetz (Identical H 7011)	Educational Options; Creating the "Florida Postsecondary Comprehensive Transition Program Act"; establishing student eligibility requirements for enrollment in the program; establishing the Florida Center for Students with Unique Abilities; establishing a Florida Postsecondary Comprehensive Transition Program Scholarship for certain qualified students; authorizing certain school districts and charter schools to be eligible to receive incentive payments for implementing a standard student attire policy that meets certain criteria, etc. ED 11/18/2015 Favorable AP	Favorable Yeas 10 Nays 1
3	SB 7016 Military and Veterans Affairs, Space, and Domestic Security	Interstate Compact on Educational Opportunity for Military Children; Repealing s. 2 of chapter 2013-20, Laws of Florida; abrogating the future repeal of provisions relating to the compact; providing for future legislative review and repeal of the compact, etc. ED 11/18/2015 Favorable FP	Favorable Yeas 11 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: CS/SB 434

INTRODUCER: Committee on Education Pre-K – 12 and Senators Garcia and Gaetz

SUBJECT: Principal Autonomy Pilot Program Initiative

DATE: November 19, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 434 establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education to provide a highly effective principal of a participating school with increased autonomy and authority to operate his or her school in a way that produces significant improvements in student achievement and school management.

Schools selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education (SBE) rules, with exceptions.

The bill takes effective on July 1, 2016.

II. Present Situation:

Principal Authority and Responsibilities

Among other things, a public school principal is responsible for:¹

- Fully supporting the authority of classroom teachers and school bus drivers regarding student discipline and conduct.
- Providing instructional leadership in the development, revision, and implementation of a school improvement plan.

¹ Section 1001.54, F.S.

- Accurate and timely compliance with statutory reporting requirements.
- The management and care of instructional materials.
- Facilitating parental involvement in their child's education and providing information to parents regarding their child's educational progress and available educational choices pursuant to s. 1002.23, F.S.²

When filling instructional positions³ at the school level, the district school superintendent must consider nominations received from school principals of the respective schools in the school district.⁴ The superintendent then must make recommendations to the district school board regarding each position to be filled and the persons to fill such positions.⁵ Before transferring a classroom teacher from one school to another, the superintendent must consult with the principal of the receiving school and allow the principal to review the teacher's records, including student performance results,⁶ and interview the teacher.⁷ If a principal believes students would not benefit from the placement, he or she may request an alternative placement subject to the approval by the superintendent.⁸ However, the superintendent must accept the principal's decision to refuse placement or transfer of instructional personnel if the instructional personnel has a performance evaluation rating of needs improvement or unsatisfactory.⁹

Florida Principal Leadership Standards

The Florida Principal Leadership Standards (FPLS) are Florida's core expectations for effective school administrators, including school principals.¹⁰ The FPLS are research-based; represent necessary knowledge, skills, and abilities for effective school leadership; and are the basis for school administrator performance evaluations, professional development systems, preparation programs, and certification requirements.¹¹ The FPLS emphasize the ability to improve student learning results; development and retention of quality classroom teachers; and school management practices that promote student learning, effective allocation of resources, and efficient operations.¹²

² Section 1002.23, F.S., is referred to as the Family and School Partnership for Student Achievement Act.

³ Instructional personnel include classroom teachers; staff who provide student personnel services, e.g., certified school counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S.

⁴ Section 1012.27(1), F.S.

⁵ *Id.*

⁶ As measured by the instructional personnel's performance evaluation. Sections 1012.28(6) and 1012.34, F.S.

⁷ Section 1012.27, F.S.

⁸ *Id.*

⁹ Section 1012.28(6), F.S.

¹⁰ State Board of Education Rule 6A-5.080, F.A.C.

¹¹ *Id.*

¹² Section 1012.34, F.S., and Rule 6A-5.080(1)-(2), F.A.C.

Performance Evaluation

Florida law requires each district school superintendent to establish procedures to evaluate the job performance of district instructional, administrative, and supervisory personnel.¹³ School district performance evaluation systems must differentiate among four levels of performance:¹⁴

- Highly effective;
- Effective;
- Needs improvement, or for instructional personnel in their first three years of employment who need improvement, developing; and
- Unsatisfactory.

The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities.¹⁵ At least one-third of a school administrator's evaluation must be based upon student performance, with certain exceptions.¹⁶ Evaluation of instructional leadership must include performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth.¹⁷

Professional Development

Professional development for school administrators is provided through school district professional development systems including the William Cecil Golden Professional Development Program for School Leaders.¹⁸ This program is established in collaboration with state and national professional leadership organizations and it is designed to respond to Florida's needs for quality school leadership and support the efforts of school leaders in improving instruction and student achievement and developing and retaining quality teachers.¹⁹ Professional development provided through the program must be based upon the FPLS and other school leadership standards.²⁰

III. Effect of Proposed Changes:

CS/SB 434 establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide a highly effective principal of a participating school with increased autonomy and authority to operate his or her school in a way that produces significant improvements in student achievement and school management.

¹³ Section 1012.34(1)(a), F.S. The term supervisory personnel is not defined. *See* s. 1012.01(3), F.S.

¹⁴ Section 1012.34(2)(e), F.S.

¹⁵ Section 1012.34(3)(a)1., 3., and 4., F.S.

¹⁶ Section 1012.34(3)(a)1., F.S. If less than three years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment. Section 1012.34(3)(a)1.b., F.S.

¹⁷ Section 1012.34(3)(a)3., F.S.

¹⁸ Section 1012.986, F.S.

¹⁹ *See* ss. 1012.98(4) and 1012.986, F.S.

²⁰ Section 1012.986(1)-(2), F.S.

Schools selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education (SBE) rules, with exceptions.

Participating School Districts

The bill authorizes the SBE to enter into a performance contract with up to three district school boards for participation in PAPPI. The term of the program is three years, at which time the performance of all participating schools in the school district must be evaluated. The SBE may revoke a district's participation in the program during the term of the program and may renew participation upon expiration of the initial term. The bill specifies deadlines for submission and approval of principal autonomy proposals and requires the SBE to adopt rules for administering PAPPI, including criteria for approving proposals.

Principal Autonomy Proposal

The bill requires the school districts seeking to participate in PAPPI to submit a principal autonomy proposal to the SBE for approval. The proposal must:

- Identify three middle or high schools that received at least two school grades of “D” or “F” during the previous three school years;
- Identify three principals who have earned a highly effective rating on the prior year's performance evaluations, one of whom shall be assigned to each of the participating schools;
- Describe the current financial and administrative management of each participating school;
- Identify the areas in which each school principal will have increased fiscal and administrative autonomy, including greater autonomy regarding the hiring of instructional personnel;
- Identify the areas in which each participating school will continue to follow district school board fiscal and administrative policies;
- Explain the methods used to identify the educational strengths and needs of the participating school's students and how student achievement can be improved;
- Establish performance goals for student achievement;
- Explain how increased principal autonomy will help participating schools improve student achievement and school management; and
- Provide each participating school's mission and a description of its student population.

Principal Authority and Responsibilities

The bill revises existing law governing the personnel duties of school principals participating in PAPPI and school budgeting and calculation of expenditures to facilitate implementation of PAPPI. The bill authorizes the principal of a participating school to:

- Select qualified instructional personnel for placement at the school or refuse placement or transfer of instructional personnel by the district school superintendent;
- Deploy financial resources to school programs to help improve student achievement;
- Meet performance goals identified in the principal autonomy proposal; and
- Provide, annually, to the district school superintendent and district school board a budget for the operation of the participating school that identifies how funds are allocated.

The bill requires the principal of each participating school, a three-member leadership team from each participating school, and district personnel working with each participating school to enroll and complete the University of Virginia School Turnaround Program upon acceptance into the pilot program. Each participating school district receives \$100,000 from the DOE for participation in the University of Virginia School Turnaround Program.

The University of Virginia School Turnaround Program is a professional development program for school-level leaders established in collaboration with the University of Virginia Darden School of Business and the Curry School of Education.²¹ The three-year program is designed to respond to the needs of underperforming schools by helping education leaders identify individual key issues and develop individual strategies to turn around a school.²² The program's managers accomplish these tasks by, among other things, hosting workshops to develop turnaround plans, helping participating schools identify qualified school leaders to oversee school turnaround, and conducting on-site visits to help participating schools accomplish turnaround goals.²³ The program's managers and participating schools also collaborate to develop plans designed to help teachers and students reach performance goals.²⁴

Exemptions

The bill authorizes schools participating in PAPPI, with SBE approval of a PAPPI proposal, to be exempt from the K-20 Education Code and SBE rules, except provisions relating to:

- Election and compensation of district school board members, the election or appointment and compensation of district school superintendents, public meetings and public records requirements, financial disclosure, and conflicts of interest.
- Student assessment program, school grading system, and other school improvement and accountability requirements.
- Services to students with disabilities.
- Civil rights and discrimination.
- Student health, safety, and welfare.
- Uniform opening date for public schools.
- Maximum class size, except that compliance for a participating school is calculated at the school-level average, rather than at the individual classroom level.²⁵
- Personnel compensation and salary schedules.
- Workforce reductions for annual contracts for instructional personnel, excluding at-will employees.
- Annual contracts for instructional personnel hired on or after July 1, 2011, excluding at-will employees.
- Personnel performance evaluations.

²¹ University of Virginia, *Darden/Curry Partnership for Leadership in Education*, <http://www.darden.virginia.edu/darden-curry-ple/about/> (last visited November 10, 2015).

²² University of Virginia, *Darden Partnership for Leadership in Education*, available at <http://web3.darden.virginia.edu/ple/>.

²³ *Id.*

²⁴ *Id.*

²⁵ The Florida Constitution provides that class sizes may not exceed 18 students for prekindergarten through 3rd grade; 22 students for 4th through 8th grades; and 25 students for 9th through 12th grades. Section 1(a), Art. IX of the State Constitution and s. 1003.03(1), F.S. The law provides for calculation of class size compliance at the school-level average for public schools of choice, including charter schools. Sections 1002.31(5) and 1002.33(16)(b)3., F.S.

- Educational facilities, excluding provisions governing covered walkways for relocatables and use of relocatable facilities exceeding 20 years of age.
- Administration and implementation of PAPPI.

Funding of the Program

The bill requires the Legislature to provide an appropriation to the DOE for the costs of the pilot program, including administrative costs and enrollment costs for the University of Virginia School Turnaround Program and an additional \$10,000 for each participating principal to use at the school.

Specifically, the bill provides a participating principal greater authority to deploy financial resources and control over his or her school's operational budget.

The bill specifies that schools participating in PAPPI must be guaranteed to receive at least 90 percent of the funds generated in the FEFP by that school rather than current law which specifies at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program (FEFP), including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

Evaluation and Reporting

The bill authorizes a school district to participate in the pilot program for a period of three years. The SBE may renew or revoke a school district's participation in PAPPI if the school district fails to meet the requirements of the program.

The bill requires a participating school district to annually submit a report to the SBE regarding program implementation. Upon completion of the program's first three-year term, the Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives by December 1 of that year.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the Legislature to provide an appropriation to the DOE for the costs of the pilot program, including administrative costs and enrollment costs for the University of Virginia School Turnaround Program.

The bill requires the principal of each participating school, a three-member leadership team from each participating school, and district personnel working with each participating school to enroll and complete the University of Virginia School Turnaround Program upon acceptance into the pilot program. Each participating school district receives \$100,000 from the DOE for participation in the University of Virginia School Turnaround Program and an additional \$10,000 for each participating principal to use at his or her participating school.

The bill specifies that schools participating in PAPPI must be guaranteed to receive at least 90 percent of the funds generated in the FEFP by that school rather than current law which specifies at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program (FEFP), including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates s. 1011.6202 of the Florida Statutes. Also, this bill substantially amends sections 1011.69 and 1012.28 of the Florida Statutes.

IX. Additional Information:

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

CS by Education Pre-K – 12 on November 18, 2015:

The committee substitute authorizes the exemption from the K-20 Education Code and State Board of Education rules to the schools participating in the Principal Autonomy Pilot Program Initiative rather than their respective school districts.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2015	.	
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The Committee on Education Pre-K - 12 (Legg) recommended the following:

Senate Amendment

Delete lines 84 - 87

and insert:

(b), a participating school is exempt from the provisions of chapters 1000-1013 and rules of the state board that implement those exempt provisions.

(b) A participating school shall comply with the



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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
11/18/2015	.	
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	.	
	.	

The Committee on Education Pre-K - 12 (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1011.6202, Florida Statutes, is created
to read:

1011.6202 Principal or Teacher Autonomy Pilot Program
Initiative.—The Principal or Teacher Autonomy Pilot Program
Initiative is created within the Department of Education. The
purpose of the pilot program is to provide the highly effective



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11 principal or teacher of a participating school with increased
12 autonomy and authority to operate his or her school in a way
13 that produces significant improvements in student achievement
14 and school management while complying with constitutional
15 requirements. The State Board of Education may, upon approval of
16 a principal or teacher autonomy proposal, enter into a
17 performance contract with up to three district school boards for
18 participation in the pilot program.

19 (1) PARTICIPATING SCHOOL DISTRICTS.—A Florida school
20 district may submit to the state board for approval either a
21 principal or teacher autonomy proposal that exchanges statutory
22 and rule exemptions for an agreement to meet performance goals
23 established in the proposal. If approved by the state board, the
24 school district shall be eligible to participate in the chosen
25 pilot program for 3 years. At the end of the 3 years, the
26 performance of all participating schools in the school district
27 shall be evaluated.

28 (2) PRINCIPAL OR TEACHER AUTONOMY PROPOSAL.—

29 (a) To participate in the pilot program, a school district
30 must:

31 1. Identify three middle or high schools that received at
32 least two school grades of "D" or "F" pursuant to s. 1008.34
33 during the previous 3 school years.

34 2. If a principal autonomy proposal is chosen, identify
35 three principals who have earned a highly effective rating on
36 the prior year's performance evaluation pursuant to s. 1012.34,
37 each of whom shall be assigned to a different participating
38 school in the program.

39 3. If a teacher autonomy proposal is chosen, identify three



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40 teachers who have earned a highly effective performance
41 evaluation rating for at least 4 consecutive years pursuant to
42 s. 1012.34.

43 4. Describe the current financial and administrative
44 management of each participating school; identify the areas in
45 which each school principal will have increased fiscal and
46 administrative autonomy, including the authority and
47 responsibilities provided in s. 1012.28(8); and identify the
48 areas in which each participating school will continue to follow
49 district school board fiscal and administrative policies.

50 5. Explain the methods used to identify the educational
51 strengths and needs of the participating school's students and
52 identify how student achievement can be improved.

53 6. Establish performance goals for student achievement, as
54 defined in s. 1008.34(1), and explain how the increased autonomy
55 of principals or teachers will help participating schools
56 improve student achievement and school management.

57 7. Provide each participating school's mission and a
58 description of its student population.

59 (b) The state board shall establish criteria, which must
60 include the criteria listed in paragraph (a), for the approval
61 of a principal or teacher autonomy proposal.

62 (c) A school district must submit its principal or teacher
63 autonomy proposal to the state board for approval by December 1
64 in order to begin participation in the subsequent school year.
65 By February 28 of the school year in which the proposal is
66 submitted, the state board shall notify the district school
67 board in writing whether the proposal is approved.

68 (3) EXEMPTION FROM LAWS.—



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69 (a) With the exception of those laws listed in paragraph
70 (b), a participating school district is exempt from the
71 provisions of chapters 1000-1013 and rules of the state board
72 which implement those exempt provisions.

73 (b) A participating school district shall comply with the
74 provisions of chapters 1000-1013, and rules of the state board
75 which implement those provisions, pertaining to the following:

76 1. Those laws relating to the election and compensation of
77 district school board members, the election or appointment and
78 compensation of district school superintendents, public meetings
79 and public records requirements, financial disclosure, and
80 conflicts of interest.

81 2. Those laws relating to the student assessment program
82 and school grading system, including chapter 1008.

83 3. Those laws relating to the provision of services to
84 students with disabilities.

85 4. Those laws relating to civil rights, including s.
86 1000.05, relating to discrimination.

87 5. Those laws relating to student health, safety, and
88 welfare.

89 6. Section 1001.42(4)(f), relating to the uniform opening
90 date for public schools.

91 7. Section 1003.03, governing maximum class size, except
92 that the calculation for compliance pursuant to s. 1003.03 is
93 the average at the school level for a participating school.

94 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
95 compensation and salary schedules.

96 9. Section 1012.33(5), relating to workforce reductions for
97 annual contracts for instructional personnel. This subparagraph



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98 does not apply to at-will employees.

99 10. Section 1012.335, relating to annual contracts for
100 instructional personnel hired on or after July 1, 2011. This
101 subparagraph does not apply to at-will employees.

102 11. Section 1012.34, relating to personnel evaluation
103 procedures and criteria.

104 12. Those laws pertaining to educational facilities,
105 including chapter 1013, except that s. 1013.20, relating to
106 covered walkways for relocatables, and s. 1013.21, relating to
107 the use of relocatable facilities exceeding 20 years of age, are
108 eligible for exemption.

109 13. Those laws pertaining to participating school
110 districts, including this section and ss. 1011.69(2) and
111 1012.28(8).

112 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
113 district shall require that the principal or selected teacher of
114 each participating school, a three-member leadership team from
115 each participating school, and district personnel working with
116 each participating school complete the University of Virginia
117 School Turnaround Program. The required personnel must enroll in
118 the University of Virginia School Turnaround Program upon
119 acceptance into the pilot program. Each participating school
120 district shall receive \$100,000 from the department for
121 participation in the University of Virginia School Turnaround
122 Program.

123 (5) TERM OF PARTICIPATION.—The state board shall authorize
124 a school district to participate in the pilot program for a
125 period of 3 years commencing with approval of the principal or
126 teacher autonomy proposal. Authorization to participate in the



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127 pilot program may be renewed upon action of the state board. The
128 state board may revoke authorization to participate in the pilot
129 program if the school district fails to meet the requirements of
130 this section during the 3-year period.

131 (6) REPORTING.—Each participating school district shall
132 submit an annual report to the state board. The state board
133 shall annually report on the implementation of the Principal or
134 Teacher Autonomy Pilot Program Initiative. Upon completion of
135 the pilot program's first 3-year term, the Commissioner of
136 Education shall submit to the President of the Senate and the
137 Speaker of the House of Representatives by December 1 a full
138 evaluation of the effectiveness of the pilot program.

139 (7) FUNDING.—The Legislature shall provide an appropriation
140 to the department for the costs of the pilot program, including
141 administrative costs and enrollment costs for the University of
142 Virginia School Turnaround Program, and an additional
143 scholarship of \$10,000 to each participating principal or
144 teacher to be used at his or her school.

145 (8) RULEMAKING.—The State Board of Education shall adopt
146 rules to administer this section.

147 Section 2. Subsection (2) of section 1011.69, Florida
148 Statutes, is amended to read:

149 1011.69 Equity in School-Level Funding Act.—

150 (2) Beginning in the 2003-2004 fiscal year, district school
151 boards shall allocate to schools within the district an average
152 of 90 percent of the funds generated by all schools and
153 guarantee that each school receives at least 80 percent, except
154 that schools participating in the Principal or Teacher Autonomy
155 Pilot Program Initiative under s. 1011.6202 are guaranteed to



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156 receive at least 90 percent, of the funds generated by that
157 school based upon the Florida Education Finance Program as
158 provided in s. 1011.62 and the General Appropriations Act,
159 including gross state and local funds, discretionary lottery
160 funds, and funds from the school district's current operating
161 discretionary millage levy. Total funding for each school shall
162 be recalculated during the year to reflect the revised
163 calculations under the Florida Education Finance Program by the
164 state and the actual weighted full-time equivalent students
165 reported by the school during the full-time equivalent student
166 survey periods designated by the Commissioner of Education. If
167 the district school board is providing programs or services to
168 students funded by federal funds, any eligible students enrolled
169 in the schools in the district shall be provided federal funds.

170 Section 3. Subsection (8) is added to section 1012.28,
171 Florida Statutes, to read:

172 1012.28 Public school personnel; duties of school
173 principals.-

174 (8) The principal of a school participating in the
175 Principal or Teacher Autonomy Pilot Program Initiative under s.
176 1011.6202, or the principal in consultation with the selected
177 teacher if a teacher autonomy proposal is chosen, has the
178 following additional authority and responsibilities:

179 (a) In addition to the authority provided in subsection
180 (6), the authority to select qualified instructional personnel
181 for placement or to refuse to accept the placement or transfer
182 of instructional personnel by the district school
183 superintendent. Placement of instructional personnel at a
184 participating school in a participating school district does not



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185 affect the employee's status as a school district employee.

186 (b) The authority to deploy financial resources to school
187 programs at the principal's discretion to help improve student
188 achievement, as defined in s. 1008.34(1), and meet performance
189 goals identified in the principal or teacher autonomy proposal
190 submitted pursuant to s. 1011.6202.

191 (c) The authority to annually provide to the district
192 school superintendent and the district school board a budget for
193 the operation of the participating school that identifies how
194 funds provided pursuant to s. 1011.69(2) are allocated. The
195 school district shall include the budget in the annual report
196 provided to the State Board of Education pursuant to s.
197 1011.6202(6).

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

199
200 ===== T I T L E A M E N D M E N T =====

201 And the title is amended as follows:

202 Delete everything before the enacting clause
203 and insert:

204 A bill to be entitled
205 An act relating to the Principal or Teacher Autonomy
206 Pilot Program Initiative; creating s. 1011.6202, F.S.;
207 creating the Principal or Teacher Autonomy Pilot
208 Program Initiative; providing a procedure for a school
209 district to participate in the pilot program;
210 providing requirements for participating school
211 districts and schools; exempting participating schools
212 from certain laws and rules; requiring principals or
213 specified teachers of participating schools and



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214 specified personnel to participate in the University
215 of Virginia School Turnaround Program; providing for
216 the term of participation in the pilot program;
217 providing for renewal or revocation of authorization
218 to participate in the pilot program; providing for
219 funding, reporting, and rulemaking; amending s.
220 1011.69, F.S.; requiring participating district school
221 boards to allocate a specified percentage of certain
222 funds to participating schools; amending s. 1012.28,
223 F.S.; providing additional authority and
224 responsibilities of the principal, or the principal in
225 consultation with the selected teacher under certain
226 circumstances, of a participating school; providing an
227 effective date.

By Senator Garcia

38-00551-16

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1 A bill to be entitled
 2 An act relating to the Principal Autonomy Pilot
 3 Program Initiative; creating s. 1011.6202, F.S.;
 4 creating the Principal Autonomy Pilot Program
 5 Initiative; providing a procedure for a school
 6 district to participate in the pilot program;
 7 providing requirements for participating school
 8 districts and schools; exempting participating schools
 9 from certain laws and rules; requiring principals of
 10 participating schools and specified personnel to
 11 participate in the University of Virginia School
 12 Turnaround Program; providing for the term of
 13 participation in the pilot program; providing for
 14 renewal or revocation of authorization to participate
 15 in the pilot program; providing for funding,
 16 reporting, and rulemaking; amending s. 1011.69, F.S.;
 17 requiring participating district school boards to
 18 allocate a specified percentage of certain funds to
 19 participating schools; amending s. 1012.28, F.S.;
 20 providing additional authority and responsibilities of
 21 the principal of a participating school; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Section 1011.6202, Florida Statutes, is created
 27 to read:

28 1011.6202 Principal Autonomy Pilot Program Initiative.—The
 29 Principal Autonomy Pilot Program Initiative is created within

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

38-00551-16

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30 the Department of Education. The purpose of the pilot program is
 31 to provide the highly effective principal of a participating
 32 school with increased autonomy and authority to operate his or
 33 her school in a way that produces significant improvements in
 34 student achievement and school management while complying with
 35 constitutional requirements. The State Board of Education may,
 36 upon approval of a principal autonomy proposal, enter into a
 37 performance contract with up to three district school boards for
 38 participation in the pilot program.

39 (1) PARTICIPATING SCHOOL DISTRICTS.—A Florida school
 40 district may submit to the state board for approval a principal
 41 autonomy proposal that exchanges statutory and rule exemptions
 42 for an agreement to meet performance goals established in the
 43 proposal. If approved by the state board, the school district
 44 shall be eligible to participate in the pilot program for 3
 45 years. At the end of the 3 years, the performance of all
 46 participating schools in the school district shall be evaluated.

47 (2) PRINCIPAL AUTONOMY PROPOSAL.—

48 (a) To participate in the pilot program, a school district
 49 must:

50 1. Identify three middle or high schools that received at
 51 least two school grades of "D" or "F" pursuant to s. 1008.34
 52 during the previous 3 school years.

53 2. Identify three principals who have earned a highly
 54 effective rating on the prior year's performance evaluation
 55 pursuant to s. 1012.34, one of whom shall be assigned to each of
 56 the participating schools.

57 3. Describe the current financial and administrative
 58 management of each participating school; identify the areas in

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59 which each school principal will have increased fiscal and
 60 administrative autonomy, including the authority and
 61 responsibilities provided in s. 1012.28(8); and identify the
 62 areas in which each participating school will continue to follow
 63 district school board fiscal and administrative policies.

64 4. Explain the methods used to identify the educational
 65 strengths and needs of the participating school's students and
 66 identify how student achievement can be improved.

67 5. Establish performance goals for student achievement, as
 68 defined in s. 1008.34(1), and explain how the increased autonomy
 69 of principals will help participating schools improve student
 70 achievement and school management.

71 6. Provide each participating school's mission and a
 72 description of its student population.

73 (b) The state board shall establish criteria, which must
 74 include the criteria listed in paragraph (a), for the approval
 75 of a principal autonomy proposal.

76 (c) A school district must submit its principal autonomy
 77 proposal to the state board for approval by December 1 in order
 78 to begin participation in the subsequent school year. By
 79 February 28 of the school year in which the proposal is
 80 submitted, the state board shall notify the district school
 81 board in writing whether the proposal is approved.

82 (3) EXEMPTION FROM LAWS.-

83 (a) With the exception of those laws listed in paragraph
 84 (b), a participating school district is exempt from the
 85 provisions of chapters 1000-1013 and rules of the state board
 86 that implement those exempt provisions.

87 (b) A participating school district shall comply with the

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88 provisions of chapters 1000-1013, and rules of the state board
 89 that implement those provisions, pertaining to the following:

90 1. Those laws relating to the election and compensation of
 91 district school board members, the election or appointment and
 92 compensation of district school superintendents, public meetings
 93 and public records requirements, financial disclosure, and
 94 conflicts of interest.

95 2. Those laws relating to the student assessment program
 96 and school grading system, including chapter 1008.

97 3. Those laws relating to the provision of services to
 98 students with disabilities.

99 4. Those laws relating to civil rights, including s.
 100 1000.05, relating to discrimination.

101 5. Those laws relating to student health, safety, and
 102 welfare.

103 6. Section 1001.42(4)(f), relating to the uniform opening
 104 date for public schools.

105 7. Section 1003.03, governing maximum class size, except
 106 that the calculation for compliance pursuant to s. 1003.03 is
 107 the average at the school level for a participating school.

108 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
 109 compensation and salary schedules.

110 9. Section 1012.33(5), relating to workforce reductions for
 111 annual contracts for instructional personnel. This subparagraph
 112 does not apply to at-will employees.

113 10. Section 1012.335, relating to annual contracts for
 114 instructional personnel hired on or after July 1, 2011. This
 115 subparagraph does not apply to at-will employees.

116 11. Section 1012.34, relating to personnel evaluation

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117 procedures and criteria.

118 12. Those laws pertaining to educational facilities,
 119 including chapter 1013, except that s. 1013.20, relating to
 120 covered walkways for relocatables, and s. 1013.21, relating to
 121 the use of relocatable facilities exceeding 20 years of age, are
 122 eligible for exemption.

123 13. Those laws pertaining to participating school
 124 districts, including this section and ss. 1011.69(2) and
 125 1012.28(8).

126 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
 127 district shall require that the principal of each participating
 128 school, a three-member leadership team from each participating
 129 school, and district personnel working with each participating
 130 school complete the University of Virginia School Turnaround
 131 Program. The required personnel must enroll in the University of
 132 Virginia School Turnaround Program upon acceptance into the
 133 pilot program. Each participating school district shall receive
 134 \$100,000 from the department for participation in the University
 135 of Virginia School Turnaround Program.

136 (5) TERM OF PARTICIPATION.—The state board shall authorize
 137 a school district to participate in the pilot program for a
 138 period of 3 years commencing with approval of the principal
 139 autonomy proposal. Authorization to participate in the pilot
 140 program may be renewed upon action of the state board. The state
 141 board may revoke authorization to participate in the pilot
 142 program if the school district fails to meet the requirements of
 143 this section during the 3-year period.

144 (6) REPORTING.—Each participating school district shall
 145 submit an annual report to the state board. The state board

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146 shall annually report on the implementation of the Principal
 147 Autonomy Pilot Program Initiative. Upon completion of the pilot
 148 program's first 3-year term, the Commissioner of Education shall
 149 submit to the President of the Senate and the Speaker of the
 150 House of Representatives by December 1 a full evaluation of the
 151 effectiveness of the pilot program.

152 (7) FUNDING.—The Legislature shall provide an appropriation
 153 to the department for the costs of the pilot program, including
 154 administrative costs and enrollment costs for the University of
 155 Virginia School Turnaround Program, and an additional
 156 scholarship of \$10,000 to each participating principal to be
 157 used at his or her school.

158 (8) RULEMAKING.—The State Board of Education shall adopt
 159 rules to administer this section.

160 Section 2. Subsection (2) of section 1011.69, Florida
 161 Statutes, is amended to read:

162 1011.69 Equity in School-Level Funding Act.—

163 (2) Beginning in the 2003-2004 fiscal year, district school
 164 boards shall allocate to schools within the district an average
 165 of 90 percent of the funds generated by all schools and
 166 guarantee that each school receives at least 80 percent, except
 167 schools participating in the Principal Autonomy Pilot Program
 168 Initiative under s. 1011.6202 are guaranteed to receive at least
 169 90 percent, of the funds generated by that school based upon the
 170 Florida Education Finance Program as provided in s. 1011.62 and
 171 the General Appropriations Act, including gross state and local
 172 funds, discretionary lottery funds, and funds from the school
 173 district's current operating discretionary millage levy. Total
 174 funding for each school shall be recalculated during the year to

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175 reflect the revised calculations under the Florida Education
 176 Finance Program by the state and the actual weighted full-time
 177 equivalent students reported by the school during the full-time
 178 equivalent student survey periods designated by the Commissioner
 179 of Education. If the district school board is providing programs
 180 or services to students funded by federal funds, any eligible
 181 students enrolled in the schools in the district shall be
 182 provided federal funds.

183 Section 3. Subsection (8) is added to section 1012.28,
 184 Florida Statutes, to read:

185 1012.28 Public school personnel; duties of school
 186 principals.-

187 (8) The principal of a school participating in the
 188 Principal Autonomy Pilot Program Initiative under s. 1011.6202
 189 has the following additional authority and responsibilities:

190 (a) In addition to the authority provided in subsection
 191 (6), the authority to select qualified instructional personnel
 192 for placement or to refuse to accept the placement or transfer
 193 of instructional personnel by the district school
 194 superintendent. Placement of instructional personnel at a
 195 participating school in a participating school district does not
 196 affect the employee's status as a school district employee.

197 (b) The authority to deploy financial resources to school
 198 programs at the principal's discretion to help improve student
 199 achievement, as defined in s. 1008.34(1), and meet performance
 200 goals identified in the principal autonomy proposal submitted
 201 pursuant to s. 1011.6202.

202 (c) To annually provide to the district school
 203 superintendent and the district school board a budget for the

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204 operation of the participating school that identifies how funds
 205 provided pursuant to s. 1011.69(2) are allocated. The school
 206 district shall include the budget in the annual report provided
 207 to the State Board of Education pursuant to s. 1011.6202(6).

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

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THE FLORIDA SENATE

APPEARANCE RECORD

11/18/15

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

SB434

Meeting Date

Bill Number (if applicable)

Topic Principal Autonomy

Amendment Barcode (if applicable)

Name RON BILBAO

Job Title

Address

Phone 919-923-7888

Street

Tallahassee

Email ron.bilbao@floridaea.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Education Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/17/2015
Meeting Date

SB434
Bill Number (if applicable)

Topic principal Autonomy Pilot

Amendment Barcode (if applicable)

Name NIKKI Fried

Job Title

Address 3980 W Broward Blvd # 215

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City Fort Lauderdale State FL Zip

Email nfried@colodnyfast.com

Speaking: For Against Information

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

Representing Broward School Board

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/2015
Meeting Date

434
Bill Number (if applicable)

Topic Principal Autonomy Pilot

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Vice President

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Street

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Vero Beach FL 32967
City State Zip

Email info@FCSBM.org

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 672

INTRODUCER: Senator Gaetz

SUBJECT: Educational Options

DATE: November 17, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Favorable
2.			AP	

I. Summary:

SB 672 codifies and modifies educational choice program provisions of the 2015-2016 General Appropriations Act in four policy areas.

The bill establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

The bill awards incentive payments to school districts and charter schools that implement districtwide or schoolwide, standard student attire policies applicable to students in kindergarten through grade 8. Each school district or charter school qualifies for a minimum award of \$10 per student if it implements a policy that:

- Prohibits certain types or styles of clothing, while requiring solid-colored clothing and fabrics and short- or long-sleeved shirts with collars; and
- Allows reasonable accommodations based on a student's religion, disability, or medical condition.

The bill codifies and amends a number of provisions of the Florida Personal Learning Scholarship Account (PLSA) program. The provisions increase student access, tighten accountability, and streamline administration.

The bill codifies and amends provisions for the Florida Tax Credit (FTC) scholarship program.

During the 2015A Special Session, the Legislature adopted provisions to the standard student attire and PLSA provisions of SB 672 in the 2015-2016 General Appropriations Act (GAA) and the 2015-2016 GAA implementing bill, respectively, for only the 2015-2016 fiscal year; therefore, the policies will expire on July 1, 2016, and the text of affected sections of law will revert back to text in existence on June 30, 2015, unless the Legislature acts to codify policy provisions beyond the 2015-2016 fiscal year. SB 672 saves the standard student attire provisions from repeal and retains the PLSA program changes by reenacting modified provisions.

The bill takes effect July 1, 2016.

II. Present Situation:

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

III. Effect of Proposed Changes:

SB 672 creates the Florida Postsecondary Comprehensive Transition Program (CTP); codifies and amends the Florida Personal Learning Scholarship Accounts Program (PLSA); codifies and amends the Florida Tax Credit Scholarship Program (FTC); and codifies and amends standard student attire legislation.

Florida Postsecondary Comprehensive Transition Program (FPCTP)

Present Situation

Both federal and state laws address postsecondary options for students with disabilities.

The Higher Education Opportunity Act of 2008

The Higher Education Opportunity Act of 2008 amended and extended the Higher Education Act of 1965 by adding new provisions including, but not limited to, supporting programs that provide students with disabilities with a quality higher education.¹ The new provisions established:

- Comprehensive transition and postsecondary (CTP) programs for students with intellectual disabilities;
- Transition programs for students with intellectual disabilities (TPSID) grants to fund programs that promote the successful transition of students with intellectual disabilities into higher education; and
- National coordination of CTP programs for students with intellectual disabilities.²

A student with an intellectual disability means a student:

- “With a cognitive impairment, characterized by significant limitations in:
 - Intellectual and cognitive functioning; and
 - Adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

¹ 20 U.S.C. s. 1140 et. seq.; Pub. L. No. 110-315, 122 Stat. 3361 (Aug. 14, 2008).

² *Id.*

- Who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act.”³

Comprehensive Transition and Postsecondary (CTP) Program

CTP program means a degree, certificate, or nondegree program that meets each of the following:⁴

- Is offered by an institution of higher education (IHE);
- Is delivered to students physically attending the IHE;⁵
- Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an IHE in order to prepare for gainful employment;
- Includes an advising and curriculum structure;
- Requires students with intellectual disabilities to be socially and academically integrated with nondisabled students to the maximum extent possible; and
- Requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution, with such participation focusing on academic components, and occurring through one or more of the following activities with nondisabled peers:
 - Regular enrollment in credit-bearing courses offered by the institution.
 - Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.
 - Enrollment in noncredit-bearing, nondegree courses.
 - Participation in internships or work-based training.

Application for Federal Approval

To have a CTP program that is eligible to participate in the federal student aid programs, an institution must submit an updated *Electronic Application for Approval to Participate in the Title IV Federal Student Aid Programs (E-App)* to the United States Department of Education (USDOE).⁶ The institution also must submit to the USDOE, a copy of the letter or notice sent to the institution’s accrediting agency informing the agency of the institution’s CTP program.⁷

Thirty-nine institutions in 16 states offer CTP programs that are approved to participate in federal student aid programs.⁸ Southeastern University located in Lakeland, Florida, previously offered a CTP program that received approval for participation in federal student aid programs,⁹

³ 20 U.S.C. s. 1140(2).

⁴ 20 U.S.C. s. 1140(1); 34 C.F.R. s. 231(a).

⁵ 34 C.F.R. s. 668.231(a)(2).

⁶ Email, Office of Program Policy Analysis and Government Accountability (Oct. 10, 2014), on file with the Committee on Higher Education staff; 34 C.F.R. s. 668.232.

⁷ 34 C.F.R. s. 668.232(e). Think College, as the National Coordinating Center, is working with the United States Congress regarding a specialized accreditation for programs for students with disabilities. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 7 of 29.

⁸ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Nov. 12, 2015).

⁹ *Id.* “To be an eligible CTP Program, an institution must participate in the Federal student aid programs and offer an approved CTP program, as provided in 34 CFR 668.231 and 34 CFR 668.232 of the Student Assistance General Provisions

but does not currently offer the CTP program.¹⁰ Currently, Florida Panhandle Technical College located in Chipley, Florida, is the only institution in the state that has received federal approval to participate in federal student aid programs for the college's Project Independence program.¹¹

Federal Student Aid for Students in Federally-Approved CTP Programs

A student with an intellectual disability is authorized to receive federal financial aid from Federal Pell Grant, Federal Supplemental Educational Opportunity Grant and Federal Work-Study programs if the student:¹²

- Is enrolled or accepted for enrollment in a CTP program for students with intellectual disabilities at an IHE that participates in the federal student aid programs;
- Maintains satisfactory academic progress, as determined by the institution;¹³ and
- Meets the basic federal student aid eligibility requirements, except that the student is not required to have a high school diploma or General Educational Development (GED) and is not required to pursue a degree or certificate.

The student must provide documentation establishing that the student has an intellectual disability.¹⁴

National Coordination

The Higher Education Opportunity Act of 2008 established a National Center for Information and Technical Support for Postsecondary Students with Disabilities (National Center).¹⁵ The National Center is responsible for:¹⁶

- Providing assistance to students and families and institutions of higher education.
- Building, maintaining, and updating a database of disability support services information.
- Working with organizations and individuals with proven expertise to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education.
- Reporting to the United States Secretary of Education an analysis of the condition of postsecondary success for students with disabilities.

regulations.” U.S. Department of Education, *Title IV Eligibility for an Institution's Comprehensive Transition and Postsecondary Program for Students with Intellectual Disabilities* (June 6, 2011),

<http://www.ifap.ed.gov/eannouncements/060611TitleIVEligInstitComprehensiveTransition.html> (last visited Nov. 12, 2015).

¹⁰ Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

¹¹ Emails, Office of Program Policy Analysis and Government Accountability (May 28, 2015 and Nov. 4, 2015), on file with the Committee on Higher Education staff.

¹² Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Nov. 12, 2015); see also 34 C.F.R. ss. 668.233 and 668.32.

¹³ An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

¹⁴ 34 C.F.R. s. 668.233(c).

¹⁵ 20 U.S.C. s. 1140q(a).

¹⁶ 20 U.S.C. s. 1140q(a)(4).

The Higher Education Opportunity Act of 2008 also established a national coordinating center for institutions of higher education that offer inclusive CTP programs for students with intellectual disabilities, including institutions participating in TPSID grants.¹⁷

In 2010, Think College was selected as the National Coordinating Center by the USDOE to provide support, coordination, training, and evaluation services to 27 TPSID grantees and other programs for students with intellectual disabilities around the nation.¹⁸ Think College is a project of the Institute for Community Inclusion at the University of Massachusetts, Boston.¹⁹

As an alternative to pursuing a traditional postsecondary education program, a student with a disability in Florida may choose to enroll in a non-traditional postsecondary program for students with disabilities. Currently, 19 such non-traditional postsecondary programs are available to students with developmental disabilities²⁰ in Florida.²¹ To enroll in such programs, students with developmental disabilities are not required to meet the institutions' admission criteria with the exception of Nova Southeastern University that requires students to be admitted into the university.²² Program components include auditing postsecondary courses, enrolling in vocational courses, and participating in campus life and job training programs.²³

None of the 19 programs award college credit or a college degree.²⁴ In some instances, students with developmental disabilities complete courses that may be applied toward a workforce

¹⁷ 20 U.S.C. s. 1140q(b) and i(b).

¹⁸ Think College! *Think College National Coordinating Center: Annual Report on the Transition and Postsecondary Programs for Students with Intellectual Disabilities* (2010-2011), available at [http://www.thinkcollege.net/images/stories/FY11_Exec_Summary_NCC%20report\(2\).pdf](http://www.thinkcollege.net/images/stories/FY11_Exec_Summary_NCC%20report(2).pdf), at 2 of 4.

¹⁹ Think College! *College Options for People with Intellectual Disabilities*, <http://www.thinkcollege.net/> (last visited Nov. 10, 2015).

²⁰ Developmental disability means “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.” Section 393.063(9), F.S.

²¹ Some of the 19 postsecondary programs (i.e., Project Student Access and Inclusion Together at Santa Fe College, Transitioning Owls at Florida Atlantic University, Project Panther LIFE at Florida International University, Project STING RAY at the University of South Florida, and Project ACCESS at the Florida Keys Community College) receive TPSID grant funds. Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff; Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf; see also Email, Office of Program Policy Analysis and Government Accountability (Nov. 4, 2015), on file with the Committee on Higher Education staff.

²² Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

²³ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 15 of 29.

²⁴ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 13 of 29.

credential.²⁵ Three programs²⁶ offer certificates that are recognized by the institutions offering such certificates while six programs²⁷ offer certificates of completion.²⁸

Additionally, according to research conducted by Florida's Office of Program Policy Analysis and Government Accountability, parents of students with developmental disabilities expressed concerns regarding a lack of information regarding postsecondary options for students with developmental disabilities.²⁹ Parents also emphasized the need for statewide coordination of postsecondary options and provision of student financial aid, including the ability for such students to apply Florida Prepaid College Plans, to offset program costs.³⁰

Effect of Proposed Changes

SB 672 establishes mechanisms for the approval of postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial assistance in the form of an FPCTP Scholarship, requirements for institutions that offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement bill provisions.

²⁵ *Id.*

²⁶ Florida State College at Jacksonville offers PSAV workforce certificates in certain fields (e.g., child care, automotive collision repair and refinishing, and welding); Florida Atlantic University offers certificates in employment, community access, and community living; and Pensacola State College offers industry certifications in addition to a certificate of completion.

²⁷ Certificates of completion are issued by Florida International University; Pensacola State College; Tallahassee Community College; University of Central Florida; University of North Florida; and University of South Florida, St. Petersburg.

²⁸ Email, Office of Program Policy Analysis and Government Accountability (Nov. 4, 2015), on file with the Committee on Higher Education staff.

²⁹ Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf, at 22 of 29.

³⁰ *Id.* Florida Prepaid College Board suggested clarifying in law that a qualified beneficiary may apply the benefits of an advance payment contract toward the program fees of a program designed for students with disabilities. Florida Prepaid College Board, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf, at 12 of 85.

FPCTPs are established for students with intellectual disabilities. The bill aligns the FPCTP approval requirements to the federal requirements for comprehensive transition and postsecondary (CTP) programs.

State FPCTP Approval

To voluntarily offer an FPCTP, the president or executive director of an institution must submit an application and supporting documents to the statewide coordinating center, by a date established by the center. The bill specifies the application process, timelines, and components.

The application³¹ for approval of a comprehensive transition program proposed by the institution must be approved by the institution's governing board. Additionally, the application must address the federal CTP³² and state FPCTP requirements. Notwithstanding current processes for program approval,³³ the center director must, within 30 days after receipt of an application, submit recommendations regarding program approval or disapproval to the Chancellor of the State University System of Florida (chancellor), for programs proposed by the state universities, or the Commissioner of Education (commissioner), for programs proposed by Florida College System (FCS) institutions, technical centers, or Independent Colleges and Universities of Florida (ICUF) institutions. Receipt of approval for a proposed program means that the program is approved to operate as a Florida-approved CTP program.

If the chancellor or the commissioner, as applicable, does not take action on the center director's recommendation within 15 days after receipt of such recommendation, the proposed program is considered as an approved FPCTP by default. This expedited approval process likely will assist with timely implementation of FPCTPs by institutions. Additionally, students and their families will be able to plan ahead for the students' enrollment in the FPCTPs. To avoid delays in students' access to FPCTPs, an approved program must be implemented no later than the year immediately following the academic year during which the approval is granted. To renew an approved FPCTP, an institution must submit to the statewide coordinating center, an application for renewing the approved program, no later than 3 years following the year during which the approval was initially granted.

In addition to the federal requirements, to address the legislative purpose and intent, an eligible institution³⁴ must in its application for program approval:

- Identify a credential associated with the proposed program which is awarded to a student with an intellectual disability after the student completes the FPCTP.

³¹ SB 672 requires the statewide coordinating center to create an application, based on federal CTP requirements, for approval of proposed programs and renewal of approved programs.

³² 20 U.S.C. s. 1140(1); 34 C.F.R. s. 668.232; and Email, Office of Program Policy Analysis and Government Accountability (Oct. 10, 2014), on file with the Committee on Higher Education staff.

³³ The current process for program approval is based on the criteria established by the Board of Governors of the State University System of Florida (BOG) or the State Board of Education (SBE), as applicable, for the review and approval of proposed new programs at state universities and Florida College System (FCS) institutions. Section 1004.03, F.S.; see Board of Governors Regulation 8.011.

³⁴ SB 672 defines eligible institution as a state university; a Florida College System (FCS) institution; a technical center; or an independent college or university that is located and chartered in Florida, is not-for-profit, is accredited by the Southern Association of Colleges and Schools (SACS), and eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

- Incorporate in program design, at a minimum, inclusive and successful experiential education practices relating to curricular, assessment, and advising structure and internship and employment opportunities. If the FPCTP is designed to be a college credit-bearing degree program, the eligible institution must be responsible for maintaining the rigor and effectiveness of the FPCTP at the same level as another comparable degree program offered by the institution.
- Include a plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities.
- Include performance information, based on indicators identified by the statewide coordinating center, to measure satisfactory academic progress of students and performance of the program.
- Include any other requirement identified by the statewide coordinating center.
- Include a 5-year plan regarding enrollment and operational expectations for the proposed program.

The supporting documents must include documented evidence of receipt of federal approval for a comprehensive transition program offered by the institution which is determined as an eligible program for federal student aid programs, documented evidence of submission of an application for such federal approval, or documentation demonstrating the institution's governing board's commitment to submit an application within the next academic year for federal approval. The federal approval, if received, would allow students enrolled in FPCTPs to become eligible to receive federal student financial aid.³⁵

Student Requirements

Students who wish to enroll in an FPCTP must meet specified criteria. Additionally, a state financial assistance scholarship is established to assist such students with program costs.

Eligibility to Enroll in an FPCTP

To enroll in an FPCTP, the bill establishes student eligibility criteria, requiring that a student:

- Meet the federal definition of a student with an intellectual disability.³⁶
- Physically attend³⁷ a state university, a FCS institution, a technical center, or an ICUF institution.
- Submit to the institution documentation establishing that the student has an intellectual disability³⁸ which may include an individualized plan for employment (IPE)³⁹ or a diagnosis by a licensed physician⁴⁰ or a licensed psychologist.⁴¹

³⁵ Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Nov. 12, 2015).

³⁶ 20 U.S.C. s. 1140(2).

³⁷ 34 C.F.R. s. 668.231(a)(2).

³⁸ 34 C.F.R. s. 668.233(c).

³⁹ The Division of Vocational Rehabilitation of the Department of Education makes determinations regarding whether an individual is eligible for vocational rehabilitation services. The goals, objectives, nature, and scope of vocational rehabilitation services must be included in the individualized plan for employment. Section 413.20(3), F.S.

⁴⁰ Chapters 458 and 459, F.S.

⁴¹ Chapter 490, F.S.

Eligibility to Receive State Financial Assistance

The FPCTP Scholarship is not need-based and is established for students for intellectual disabilities who:

- Meet the student eligibility requirements, as specified in the bill, and
- Enroll in an FPCTP.

The scholarship will likely help students offset costs associated with their enrollment in an FPCTP which may include, but not be limited to, tuition and program fees.

To maintain eligibility to receive the scholarship, a student must continue to meet the federal definition of a student with an intellectual disability, be enrolled in an FPCTP, and demonstrate satisfactory academic progress.⁴² Each institution is responsible for determining satisfactory academic progress of students based on indicators identified by the statewide coordinating center, in collaboration with the Board of Governors for the State University System of Florida (BOG) and the State Board of Education (SBE).

Institution Requirements

In addition to fulfilling FPCTP application and documentation requirements to offer a Florida-approved CTP program, an institution must:

- Notify students and their parents about the eligibility requirements for enrolling in an FPCTP and receiving the FPCTP Scholarship.
- Make student eligibility determinations regarding program enrollment and scholarship receipt based on specified criteria.⁴³
- Certify to the statewide coordinating center the amount of funds disbursed to each student, and must remit to the coordinating center any undisbursed advances by June 1 of each year to reconcile FPCTP Scholarship funds before the end of each fiscal year on June 30.
- Submit an annual report, by August 1 of each year, to the statewide coordinating center which, at a minimum, for the prior academic year, addresses information regarding recruitment, enrollment, and retention of students; completion rate of students enrolled in FPCTPs and related courses, as applicable; transition success of students as measured by employment rates and salary levels at 1 year and 5 years after completion; and any other performance indicator identified by the statewide coordinating center.

Statewide Coordination

To address the concerns of students with developmental disabilities and their parents regarding a lack of statewide coordination of postsecondary options for such students, a statewide coordinating center is established within the University of Central Florida. The center is named the Florida Center for Students with Unique Abilities (statewide coordinating center or center). The center is designed to serve as a one-stop shop for reliable and accurate information on programs and services for students with disabilities including, but not limited to, students with intellectual disabilities. This will likely reduce stress that parents express related to searching for

⁴² An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

⁴³ Similar to some state financial aid awards and tuition assistance grants, the bill requires institutions to determine eligibility of students to receive the FPCTP Scholarship based on specified criteria. Sections 1009.50(4)(c), 1009.505(4)(c), 1009.51(4)(c), and 1009.52(4)(c), F.S.

quality postsecondary options for their child and help parents plan ahead for a pathway to postsecondary education and employment opportunities for their child. Specifically, the center must:

- Disseminate information to students with disabilities and their parents regarding available education programs, services, resources, and employment opportunities for such students.
- Coordinate and facilitate the statewide implementation of FPCTPs including, but not limited to, collaborating with the National Coordinating Center (i.e., Think College) to develop guidelines for statewide implementation of comprehensive transition programs; consulting with the Higher Education Coordinating Council to identify meaningful credentials for FPCTPs and engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities; and administering FPCTP Scholarship funds and FPCTP start-up and enhancement grants.
- Provide technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors, staff, and others, as applicable, at institutions by holding meetings, facilitating collaboration between institutions and parents, assisting institutions with CTP applications, and monitoring federal and state law regarding comprehensive transition programs and notifying the Legislature, the Governor, the BOG, the SBE of any change in relevant law.
- Provide, by October 1 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chancellor, and the commissioner, a summary of the status of statewide implementation of FPCTPs, the student and program performance indicators identified by the statewide coordinating center and performance information submitted by the institutions, the projected student enrollment in FPCTPs, and the education programs and services for students with intellectual disabilities which are available at the institutions.

Rulemaking

The bill requires the BOG and the SBE to consult with the statewide coordinating center to expeditiously adopt regulations and rules, as applicable, to allow the center to perform its responsibilities beginning in the 2016-2017 fiscal year.

Standard Student Attire

Present Situation

Generally, each district school board is authorized to adopt policies requiring students to wear uniforms or policies imposing other dress-related requirements, if a district school board finds that the policies are necessary for the safety and welfare of the student body or school personnel.⁴⁴

Student Codes of Conduct

A district school board has a duty to adopt student codes of conduct for elementary, middle, and high schools and distribute the appropriate codes to teachers, school personnel, students, and

⁴⁴ Section 1001.43(1)(b), F.S. However, students are permitted to wear sunglasses, hats, or other sun-protective wear while outdoors during school hours. *Id.*

parents at the beginning of each school year.⁴⁵ Each code of conduct must contain an explanation of the responsibilities of students regarding appropriate dress and respect for themselves and others, and the role that appropriate dress has on an orderly learning environment.⁴⁶

Public School Uniform Policies

Between the 2003-2004 and 2011-2012 school years, the implementation of mandatory school uniform policies in public schools has increased in the United States.⁴⁷ According to the National Center for Education Statistics, 20% of all public elementary schools and 12% of public secondary schools have adopted mandatory school uniform policies.⁴⁸ The purpose often cited for adopting school uniform policies in public schools is that it promotes a safe and supportive learning environment by reducing incidences of student truancy, disciplinary referrals, and absenteeism.⁴⁹

According to the Florida Department of Education (DOE), a supportive school environment is one of five essential factors attributing to improvements in student performance in reading and mathematics.⁵⁰

Standard Student Attire Incentive Fund

For the 2015-2016 fiscal year only, the Legislature appropriated funds for the Standard Student Attire Incentive Fund to award school districts that established and implemented districtwide, standard student attire policies, consistent with guidelines established by the DOE, for the purpose of promoting safe and supportive learning environments.⁵¹

⁴⁵ Section 1006.07(2), F.S.

⁴⁶ *Id.* The student code of conduct must include a dress code policy prohibiting a student, while on the grounds of a public school during a regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment. *Id.* Any student who violates the dress code policy is subject to specified disciplinary actions determined by the number of violations committed by the student. *Id.*

⁴⁷ The percentage of public schools reporting that they required students to wear uniforms increased from 13% to 19% during those school years. National Center for Education Statistics, Fast Facts, *School Uniforms*, <https://nces.ed.gov/fastfacts/display.asp?id=50> (last visited November 6, 2015).

⁴⁸ Public School Review, *Public School Uniforms: The Pros and Cons for Your Child*, <http://publicschoolreview.com/blog/public-school-uniforms-the-pros-and-cons-for-your-child> (last visited November 6, 2015). *See also*, National Center for Education Statistics, *Digest of Education Statistics*, Table 233.50. Percentage of public and private schools with various safety and security measures, by school level: 2003-04, 2007-08, and 2011-12, https://nces.ed.gov/programs/digest/d14/tables/dt14_233.50.asp (last visited November 6, 2015).

⁴⁹ During the 2015 Regular Legislative Session, the House of Representatives K-12 Subcommittee held a series of meetings to discuss the various factors affecting student performance and the important role that a safe and supportive learning environment has on academic performance. The staff of several Florida school districts testified that the implementation of mandatory school uniform policies, or standard student attire policies, is an effective measure in creating a safe and supportive learning environment which enables students to focus on academic performance. According to the House staff analysis, the following school districts had at least a districtwide, standard student attire policy in kindergarten through grade 8: Alachua, Bay, Madison, Osceola, and Polk. *See* Staff of the Florida House of Representatives, K-12 Subcommittee, *Legislative Bill Analysis for CS/HB 7043* (2015), available at <http://www.flsenate.gov/Session/Bill/2015/7043/Analyses/h7043c.EDC.PDF>.

⁵⁰ Florida Department of Education, *Safe and Supportive Environments*, presentation to the House of Representatives K-12 Subcommittee, February 4, 2015, available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2015&DocumentType=Meeting Packets&FileName=kts 2-4-15.pdf>.

⁵¹ *See* Specific Appropriation 105, s. 2, ch. 2015-232, L.O.F., which appropriated \$10 million in funds for the Standard Student Attire Incentive Fund. *See also*, Florida Department of Education, *District Certification for Standard Student Attire*

In accordance with the 2015 General Appropriations Act (GAA), each district superintendent had to certify, by September 1, 2015, to the Commissioner of Education (Commissioner) that the district school board implemented a districtwide, standard student attire policy.⁵² The following school districts received incentive funds for the 2015-2016 school year:

Florida Department of Education 2015-2016 Student Attire Allocation⁵³

District	K-8 Full-Time Equivalent Students	Allocation
Alachua	18,067.94	\$180,679
Bay	19,115.14	\$191,151
Miami-Dade	217,998.99	\$2,179,990
Flagler	8,651.34	\$86,513
Madison	1,658.47	\$16,585
Osceola	39,550.70	\$395,507
Polk	68,052.14	\$680,521
Taylor	2,022.98	\$20,230
Total	375,117.70	\$3,751,176

In addition, the 2015 GAA required the Commissioner to report the status of implementation of the incentive program to the Governor and the Legislature by December 1, 2015, and by June 30, 2016, to submit a final report summarizing the program and its effect on student learning.⁵⁴

Effect of Proposed Changes

SB 672 essentially codifies proviso in the 2015 General Appropriations Act⁵⁵ by creating the Students Attired for Education (SAFE) Act, which:

- Awards a school district or charter school⁵⁶ a minimum of \$10 per student if it implements a districtwide or schoolwide, standard student attire policy that:

Incentive Fund—Due September 1, 2015, Memorandum to School District Superintendents, July 24, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7400/dps-2015-111.pdf>. According to the 2015 General Appropriations Act (GAA), charter schools were eligible to participate and receive funds through their respective school districts. However, since the 2015 GAA required a qualifying policy to be implemented districtwide, a charter school located in a school district that chose not to implement such a policy was not eligible to independently certify and receive funds under the incentive program.

⁵² Specific Appropriation 105, s. 2, ch. 2015-232, L.O.F. Each school district’s policy must be in effect no later than January 1, 2016. *Id.* Funds are allocated to eligible school districts through the Florida Department of Education’s grant process. See Florida Department of Education, *District Certification for Standard Student Attire Incentive Fund—Due September 1, 2015*, Memorandum to School District Superintendents, July 24, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7400/dps-2015-111.pdf>.

⁵³ Email, Florida Department of Education, Division of Finance and Operations (November 12, 2015).

⁵⁴ Specific Appropriation 105, s. 2, ch. 2015-232, L.O.F.

⁵⁵ *Id.*

⁵⁶ A charter school may also qualify by participating in its sponsor’s qualifying standard student attire policy. Unlike the 2015 GAA, the bill expressly authorizes charter schools to implement schoolwide policies and independently receive incentive payments under the program.

- Applies to all students in kindergarten through grade 8, regardless of individual school grade configurations;
- Prohibits certain types or styles of clothing and requires solid-colored clothing and fabrics and short- or long-sleeved shirts with collars; and
- Allows reasonable accommodations based on a student's religion, disability, or medical condition.
- Requires each district school superintendent or charter school governing board to annually certify to the Commissioner of Education (Commissioner) that the school district or charter school has implemented a qualifying standard student attire policy.
- Requires the Commissioner to make payment of awards in the order in which certifications are received.⁵⁷
- Provides immunity from civil liability to a district school board or a charter school governing board that implements a qualifying standard student attire policy.

Florida Personal Learning Scholarship Accounts Program (PLSA)

Present Situation

The Florida Personal Learning Scholarship Accounts Program (PLSA) was established by the 2014 Legislature.⁵⁸ The PLSA program provides the option for a parent to better meet the individual needs of his or her eligible child.⁵⁹ A parent who applies for PLSA program participation is exercising his or her parental option to determine the appropriate placement or services that best meet the needs of his or her child.⁶⁰

Funds are distributed to an eligible Scholarship Funding Organization (SFO) to establish PLSA scholarship accounts for eligible students.⁶¹ Parents may use funds in the account to choose from a variety of approved items for the student, such as instructional materials, curriculum, specialized services by approved providers, enrollment in private school, assessment fees, and Florida Prepaid College Program contributions.⁶²

A total of \$55.0 million (\$53.4 million for scholarships and \$1.6 million for program administration) was allocated for the 2015-2016 school year.⁶³

Student Eligibility

Present Situation: A parent may establish and maintain a PLSA account if his or her child is:

- A Florida resident;
- Eligible to enroll in kindergarten through grade 12 in a Florida public school;
- Has a disability; and

⁵⁷ On June 30 of each year, any remaining, undisbursed funds revert to the fund from which appropriated pursuant to s. 216.301, F.S.

⁵⁸ Section 6, ch. 2014-184 L.O.F.;

⁵⁹ Section 1002.385(1), F.S.

⁶⁰ Section 1002.385(11), F.S.

⁶¹ Sections 1002.385(2)(e) & (13) F.S.

⁶² Section 1002.385(5), F.S.

⁶³ Specific Appropriation 105, s. 2, ch. 2015-232 L.O.F.

- Is the subject of an Individual Education Plan (IEP) or has received a diagnosis of a disability from a licensed physician or psychologist.⁶⁴

“Disability” means, for a student in kindergarten to grade 12:

- Autism, as defined in s. 393.063(3), F.S.;
- Cerebral palsy, as defined in s. 393.063(4), F.S.;
- Down syndrome, as defined in s. 393.063(13), F.S.;
- An intellectual disability, as defined in s. 393.063(21), F.S.;
- Prader-Willi syndrome, as defined in s. 393.063(25), F.S.;
- Spina bifida, as defined in s. 393.063(36), F.S.;
- for a student in kindergarten, being a high-risk child, as defined in s. 393.063(20)(a), F.S.; and
- Williams syndrome.⁶⁵

Autism, as currently defined for program eligibility, means “a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavioral disorders with age and onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.”⁶⁶

A student is not eligible for the PLSA program:

- While enrolled in a public school⁶⁷ or a school providing services to youth in the Department of Juvenile Justice program;⁶⁸
- While receiving a scholarship in accordance with the Florida Tax Credit Scholarship Program or McKay Scholarship, or any other educational scholarship pursuant to chapter 1002;⁶⁹
- If the student or student’s parent has accepted any payment, refund, or rebate from a provider of any services received while participating in the program;⁷⁰ or
- If the student’s participation in the program has been denied or revoked by the Commissioner of Education; or the student’s parent has forfeited participation in the program by failing to comply with the program’s requirements.⁷¹

During the 2015A Special Session, the PLSA program was amended to increase student eligibility by expanding the definition of autism (to allow students with all degrees of severity),

⁶⁴ Section 1002.385(3)(a), F.S.

⁶⁵ Section 1002.385(2)(d), F.S.

⁶⁶ Section 393.063(3), F.S. Thus, this definition of autism requires that a student exhibit severe and substantial deficits in certain areas. See, Email, Agency for Persons with Disabilities (Dec. 15, 2014).

⁶⁷ Being enrolled in a public school includes, but is not limited to, the Florida School for the Deaf and Blind; the Florida Virtual School; the College-Preparatory Boarding Academy; a developmental research school authorized under s.1002.33, s. 1002.331, or s. 1002.332; or a virtual education program authorized under s. 1002.45. Section 1002.385(4)(a)1, F.S.

⁶⁸ Section 1002.385(4)(a)2., F.S.

⁶⁹ Sections 1002.385(4)(a)3.-4., F.S. The requirements for the Florida Tax Credit Scholarship Program and John M. McKay Scholarships for Students With Disabilities Program can be found in ss. 1002.39, 1002.395, 1002.42, and 1002.421, F.S.

⁷⁰ Section 1002.385(4)(b)1., F.S.

⁷¹ Sections 1002.385(4)(b)2.-3., F.S.

adding muscular dystrophy to the definition of disabilities, and including 3- and 4- year olds with a specified disability.⁷²

Effect of Proposed Changes: The bill codifies the 2015A Special Session amendments. The bill also clarifies that 3- and 4- year olds who are high-risk are eligible for PLSA, and that a high-risk child who reaches six years of age must requalify under a different disability to continue program participation. The bill also reorganizes student requirements and responsibilities.

Student Application and Award Process

Present Situation: Parents must apply to an eligible SFO to participate in the program by February 1 before the school year in which the student wishes to participate.⁷³ Parents may also apply after the February 1 deadline by submitting a late-filed application.⁷⁴ SFOs also have the authority to set alternative dates for vacant, funded student slots.⁷⁵

Scholarships are awarded on a first-come, first-served basis, based upon available funding.⁷⁶ Students that are placed on the wait list, or late-filing applicants may be allowed to participate in the program during the school year, subject to available funding.⁷⁷ The law does not specify how many years a student may remain on the wait-list.⁷⁸

To avoid duplicate payments, PLSA scholarship funds may not be deposited into a student's account until after DOE compares the list of students participating in the program with the list of public school enrollment.⁷⁹

The maximum scholarship amount is comprised of several factors and calculations.⁸⁰ However, the calculation for all students participating in the program is based on the matrix that assigns the student to support Level III of services.⁸¹ The amount of payment can be adjusted upon request of the parent every three years to reevaluate the matrix.⁸²

During the 2015A Special Session, the Legislature amended the program to enable all students to receive their scholarship award in the first quarter of the fiscal year. The Department of Financial Services (DFS) was required to provide DOE with all PLSA funds at the beginning the first quarter of the fiscal year. SFOs were required to confirm student eligibility via final verification, notify DOE, receive the PLSA funds from DOE, and deposit the funds in the student's

⁷² Section 5, ch. 2015-222, L.O.F.

⁷³ Section 1002.385(3)(b), F.S.

⁷⁴ Section 1002.385(12)(d), F.S.

⁷⁵ Section 1002.385(3)(b), F.S.

⁷⁶ Section 1002.385(12)(b), F.S.

⁷⁷ Section 1002.385(12)(d), F.S.

⁷⁸ Section 1002.385, F.S.

⁷⁹ Section 1002.385(9)(e), F.S. (i.e., the October survey).

⁸⁰ Section. 1002.385(13), F.S.

⁸¹ Sections 1002.385(11) and (13)(a)3., F.S. The average scholarship amount for the 2014-2015 school year is approximately \$10,000 per student. See, Florida Department of Education, *Personal Learning Scholarship Account Program FAQs*, <http://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/plsa/plsa-faqs.stml#7166> (last visited February 6, 2015).

⁸² Sections 1002.385(7)(c), (11) and (13)(a), F.S.

scholarship account.⁸³ The program was also amended to prioritize student enrollment in PLSA in the order of renewing students, wait-listed applicants (from the previous year), new applicants, and late-filed applicants.⁸⁴

Effect of Proposed Changes: The bill codifies the 2015A Special Session amendments while further streamlining implementation to provide parents with more flexibility. The bill requires DFS to provide DOE the PLSA funds at the beginning the first quarter of the fiscal year. DOE must release the funds to the SFO after comparing the PLSA student list to the list of public school students and students participating in state scholarship programs. The SFOs would subsequently deposit the funds the student's scholarship account.⁸⁵ However, the bill provides the parent the option to choose to file a final verification document with the SFO to receive funds sooner. Upon confirmation by the SFO, DOE would release the funds to the SFO for deposit into the student's scholarship account.⁸⁶ Additionally, all 3- and 4- year olds would receive the full scholarship award at the beginning of the fiscal year.

The bill also clarifies that students are limited to being placed on the wait list to one year.

Authorized Expenditures

Present Situation: Funds from a PLSA account may be used for:⁸⁷

- Instructional materials;⁸⁸
- Curriculum;⁸⁹
- Specialized services by approved providers selected by the parent;⁹⁰
- Enrollment, tuition or fees in various authorized educational institutions;⁹¹
- Fees for assessments and industry certification examinations;⁹²
- Contributions to the Florida Prepaid College Program account for the benefit of the eligible student;⁹³ and

⁸³ Sections 1002.385(9)(b), (12)(a), and (13)(b), F.S.

⁸⁴ Section 5, ch. 2015-222, L.O.F.

⁸⁵ This process is effectively 2014 law.

⁸⁶ This option is effectively the 2015A Special Session language, but written as an option for the parent as opposed to a requirement in law.

⁸⁷ Section 1002.385(5), F.S.

⁸⁸ Instructional materials also includes digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content. Section 1002.385(5)(a), F.S.

⁸⁹ Curriculum means a complete course of study for a particular content area or grade level, including any required supplemental materials. Section 1002.385(2)(b), F.S.

⁹⁰ *See s. 468.1125, F.S.* Services provided may include, but not limited to applied behavior analysis services and services provided by speech-language, pathologists, occupational therapists, physical therapists, and listening and spoken language specialists. Section 1002.385(5)(c), F.S. The Department of Health, the Agency for Persons with Disabilities, and DOE are required to work with an SFO for easy or automated access to lists of licensed providers of services to ensure efficient administration of the program. Section 1002.385(15), F.S.

⁹¹ The various schools or programs include an eligible private school, an eligible postsecondary educational institution, a private tutoring program, a virtual program offered by a DOE-approved private online provider, the Florida Virtual School, or an approved online course. *See ss. 1002.43, 1002.45(2)(a), 1003.499, and 1004.0961, F.S.*

⁹² Authorized assessments are nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments. Section 1002.385(5)(e), F.S.

⁹³ *See s. 1009.98, F.S., Stanley G. Tate Florida Prepaid College Program.*

- Contracted services provided by a public school or school district, including classes and extracurricular programs for the services specified in the IEP or additional services.⁹⁴

During the 2015A Special Session, the Legislature amended the program to require program funds to be used to meet the individual educational needs of an eligible student. Tuition and part-time tutoring services were added as an authorized program expenditure. The Legislature also authorized 3- and 4- year olds with a statutorily defined disability to be eligible for PLSA, but prohibited a student from receiving VPK funding and PLSA funding at the same time.⁹⁵

Effect of Proposed Changes: The bill codifies the 2015A Special Session amendments, and authorizes PLSA funds to be used for the additional uses:

- Training and the use of maintenance agreements for digital devices,
- Enrollment fees and tuition for a home education program and for a program offered by an eligible postsecondary educational institution,
- Florida College Savings Program,
- Fees for special education programs,
- Transition services by job coaches,
- Fees for the annual evaluation of education progress (for PLSA students in home education),
- For online instruction associated with curriculum, and
- Programs offered by VPK providers and school readiness providers.

Term of the Program

Present Situation: The PLSA program treats the ability of a student to receive scholarship funds, and the ability of the student to spend scholarship funds, separately.

The ability to receive program payments continues until a student:

- Fails to comply with the program requirements;
- Has funds revoked by the Commissioner of Education;
- Returns to or enrolls in a public school; or
- Graduates from high school or reaches 22 years of age, whichever occurs first.⁹⁶

A student's PLSA account will be closed, and funds revert to the state, upon:

- The student's graduation from an eligible postsecondary institution; or
- After any period of 4 consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary education institution.⁹⁷

Effect of Proposed Changes: The bill revises both aspects of the program's term.

The ability to receive program payments continues until the:

- Parent does not renew program eligibility;

⁹⁴ A student who receives services under a contract is not considered to be enrolled in a public school for eligibility purposes. Section 1002.385(5)(g), F.S.

⁹⁵ See ss. 1002.385(2)(d)&(g), (4)(a)2, (5)(d), F.S.

⁹⁶ Section 1002.385(6), F.S.

⁹⁷ Section 1002.385(13)(c), F.S.

- SFO determines that the student is no longer eligible for program renewal;
- Commissioner of Education suspends or revokes program participation or use of funds;
- Student's parent has forfeited participation in the program;
- Student enrolls in a public school; or
- Student graduates from high school or attains 22 years of age, whichever occurs first.

A student's PLSA account will be closed, and funds revert to the state, upon:

- Revocation of program eligibility by the Commissioner for fraud or abuse; or
- After any period of 3 consecutive years after high school completion in which the student is not enrolled in an eligible postsecondary institution or program offered by the institution.

Parent and Student Obligations

Present Situation: Parents of students receiving a scholarship are responsible for signing an agreement with the SFO, procuring the services necessary to educate the student, and paying eligible expenses in excess of the amount of the PLSA account.⁹⁸

A parent must annually submit a notarized, sworn compliance statement to the SFO which states that the parent will:

- Affirm that the student meets regular school student attendance requirements;⁹⁹
- Use funds only for authorized purposes;
- Notify the school district that the student is participating in the program, if the parent chooses to enroll in a home education program;
- Affirm that the student takes all appropriate standardized assessments;
- Request participation in the program by the date provided by the SFO;
- Affirm that the student remains in good standing with the provider or school if those options are selected by the parent;
- Apply for admission of his or her child to a private school if this option is selected by the parent;
- Annually renewing participation in the program;
- Affirm that the parent will not transfer any college savings funds to another beneficiary;
- Affirm that the parent will not take possession of any funding contributed by the state; and
- Affirm that the parent will maintain a portfolio of records for two years to document student learning and requiring it to be available for inspection upon 15 days written notice from the district school superintendent.¹⁰⁰

Effect of Proposed Changes: The bill specifies that the parental agreement and sworn, notarized compliance form are not only utilized for enrollment in the program, but are necessary to maintain program eligibility, including receiving and expending program payments.

⁹⁸ Section 1002.385(11), F.S.

⁹⁹ These requirements are a parochial, religious, or denominational school; a private school supported in whole or in part by tuition charges or by endowments or gifts; a home education program that meets the requirements of chapter 1002, F.S. See ss. 1002.385(11)(a)1., 1003.01(13), 1003.21 and 1003.24, F.S.

¹⁰⁰ Section 1002.385(11)(a), F.S. A parent who fails to comply with these requirements forfeits the PLSA account. Section 1002.385(11), F.S.

The bill revises the parent responsibilities by focusing the parental affirmations so that the parent affirms that:

- The student will meet regular school attendance requirements;
- Program funds will be used only for authorized purposes serving the student's educational needs;
- The parent will be responsible for the education of the student by affirming the student will take all required assessments; and
- The student will remain in good standing with the selected provider or school.

The bill further specifies parental duties.¹⁰¹ The parent must:

- File an application for program file an application for initial program participation and annually renew program participation by specified deadlines;
- Notify the school district of the student's participate in the program, if the parent chooses to enroll the student in a home education program;
- Enroll the student with an eligible VPK or school readiness provider, if either option is selected by the parent;
- Procure the services necessary to educate the student;
- Be responsible for all eligible expenses in excess of the program award amount;
- Not transfer any prepaid college plan or savings plan funds to another beneficiary if PLSA funds have been contributed to such plan; and
- Not receive a payment, refund, or rebate from an approved provider of any services.

School District Obligations

Present Situation: If requested by a parent, a school district must complete a matrix that assigns a level of service to a student with a disability who does not have a matrix.¹⁰² The school district is required to complete the matrix within 30 days after receiving notice of the request, and provide the parent with the matrix level within 10 days thereafter.¹⁰³ The DOE is responsible for notifying the parent and SFO of the amount of funds awarded within 10 days of receiving the matrix level from the district.¹⁰⁴ A school district may only change a matrix to correct a technical, typographical, or calculation error.¹⁰⁵ A school district is required to notify the parent of each eligible student that the matrix may be reevaluated every 3 years.¹⁰⁶

Effect of Proposed Changes: The bill clarifies that if a parent requests a matrix of services that the school district must prepare an IEP first in order to populate the matrix of services document. The bill places the duty to notify the parent of the opportunity to have the matrix reevaluated on the SFO instead of the school district.

¹⁰¹ Some of the duties are currently part of the parental affidavit. Thus, the effect is that some parental responsibilities are not new; rather, they are just no longer required to be included in the parental affidavit.

¹⁰² Sections 1002.385(7)(a), and (11), F.S.

¹⁰³ Section 1002.385(7), F.S.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Section 1002.385(7)(c), F.S.

Department of Education and Commissioner Obligations

Present Situation: The DOE's responsibilities are to:

- Maintain a list of approved providers;
- Require eligible SFOs to verify eligible expenditures;
- Investigate written complaints of a program violation by a parent, private school or district;
- Require the SFO to provide quarterly reports regarding the program; and
- Compare the list of students participating in the program with the public school enrollment lists before each program payment to avoid duplicate payments.¹⁰⁷

The Commissioner of Education (Commissioner):

- Is required to deny, suspend, or revoke a student's participation in the program or the use of program funds, if the student's health, safety, or welfare is in jeopardy or fraud is suspected;
- May deny, suspend, or revoke the use of program funds for material noncompliance with law and rules if the noncompliance is correctable within a reasonable amount of time; and
- Shall require compliance by a date certain for all nonmaterial failures to comply with program law, and deny, suspend or revoke program participation thereafter.¹⁰⁸

In taking such action, the Commissioner may consider factors such as:

- Acts or omissions that led to a previous denial or revocation;
- Failure to reimburse the SFO for improperly received funds;
- Imposition of prior criminal sanctions;
- Imposition of civil fines, administrative fines, license revocation or suspension, program eligibility suspension, termination, or revocation related to an entity's management or operation; or
- Other types of criminal proceedings in which there was a finding of guilt or no contest to offenses involving fraud, deceit, dishonesty, or moral turpitude.¹⁰⁹

During the 2015A Special Session, the Legislature amended the program to require DOE to compare the list of students participating in the program to the list of students participating in school choice scholarship programs throughout the school year. The Legislature also provided the Commissioner with broad authority to deny, suspend, or revoke program participation or use of program funds by the student, or participation or eligibility of an SFO, private school, postsecondary educational institution, approved provider, or other appropriate party. The Commissioner was provided discretion to determine the length of, and conditions for lifting, suspensions or revocations. The length of a suspension or revocation is limited to 5 years, except that it was limited to 10 years for fraud. The Commissioner was authorized to recover unexpended program funds or withhold payments of program funds to recover the unauthorized use of program funds.

Effect of Proposed Changes: The bill codifies the 2015A Special Session amendments, and further specifies DOE's duties and provides the Commissioner with greater discretion concerning the program suspension and revocation.

¹⁰⁷ Section 1002.385(9), F.S.

¹⁰⁸ Section 1002.385(10)(a), F.S.

¹⁰⁹ Section 1002.385(10)(b), F.S.

The bill expands the following DOE duties to:

- Require DOE to identify on its website a list of approved providers, eligible postsecondary educational institutions, eligible private schools, and organizations. DOE may identify or provide links to lists of other approved providers;
- Expand DOE's ability to investigate program complaints by authorizing DOE to investigate students, public schools, SFOs, providers, and other appropriate parties;
- Expand the information DOE must require SFOs to provide in quarterly reports, to include the demographics and disability category of program participants, the matrix level of services, the program award amount per student, and the total expenditures by purpose;
- Codifies DOE's requirement to compare the list of the students participating in the program to the list of students participating in school choice scholarship programs before the award is provided, as well as throughout the school year, and adds to that requirement the students participating in VPK.

The bill codifies the Commissioner's duties and streamlines the Commissioner's duties to:

- Suspend or revoke program participation or the use of program funds by the student or participation or eligibility of an SFO, eligible private school, eligible postsecondary educational institution, approved provider, or other party for a violation of program law; and
- Authorize the Commissioner to consider a party's previous suspension or revocation if a state or federal program, and the failure of the party to reimburse government funds improperly received.

Scholarship-Funding Organization Obligations

Present Situation: An eligible scholarship funding organization (SFO), in administering the program:¹¹⁰

- Establishes PLSA accounts for eligible students;
- Receives applications;
- Confirms initial or continuing participation;
- Determines student eligibility;
- Awards scholarships on a first-come, first-serve basis;
- Provides a process for students on the wait list, or late-filing applicants, to participate in the program;
- Establishes PLSA accounts for each eligible student;
- Verifies program expenditures;
- Returns unused funds to the state when the student is no longer eligible to participate in the program;
- Notifies DOE of applicants by March 1 before the subsequent school year starts;
- Provides DOE with information on the student when the application is received, in order to enable DOE to report the student for funding;¹¹¹

¹¹⁰ Section 1002.385(12), F.S.

¹¹¹ *Id.*

- Pays benefits by establishing a system of electronic funds transfer, including, but not limited to debit cards, electronic payment cards, or any other means of electronic payment that DOE determines to be commercially viable or cost-effective;¹¹² and
- May charge students an application fee, but is required to return the application fee if the student's application is denied or the student is placed on the wait list.¹¹³

During the 2015A Special Session, the Legislature specified student priorities for SFO scholarship awards and required SFOs to collect documentation of final conditions of eligibility from parents in order to receive the scholarship award.

Effect of Proposed Changes: The bill codifies the 2015A Special Session amendments; however, the bill revises the final condition of eligibility documentation to allow parents the option to affirmatively seek to receive scholarship funds before DOE conducts the public school survey. The bill also:

- Clarifies the priority of student applications;
- Requires SFOs to notify DOE of violations of program laws;
- Requires SFOs to maintain a record of interest that accrues in each student's scholarship account;
- Requires SFOs to notify parents about the availability of, and requirements associated with, requesting an initial IEP or IEP reevaluation every year;
- Requires SFOs to document each student's eligibility before granting a scholarship;
- Prohibits SFOs from charging students an application fee; and
- Prohibits SFOs from retaining a student on its wait list for more than one year.

Auditor General Duties

Current Situation: The Auditor General must conduct an annual financial and operational audit related to the program.¹¹⁴ As a part of this audit, the Auditor General must verify, at a minimum, the total amount of students served and eligibility of reimbursements made by each SFO and transmit that information to the department.¹¹⁵ The department will be notified of any SFO that fails to comply with a request for information.¹¹⁶

Effect of Proposed Changes: The bill removes the requirement for an annual financial audit, as it is duplicative with the more comprehensive annual operational audit. The bill also requires the Auditor General to provide the Commissioner with a copy of each such annual operational audit within 10 days after the audit is finalized.

Florida Tax Credit Scholarship Program

SB 672 modifies provisions of the Florida Tax Credit scholarship program (FTC). The purpose of the FTC program is to enable taxpayers to make private, voluntary contributions to SFOs for children of families that have limited financial resources so the parents can choose to send their

¹¹² Section 1002.385(13)(d), F.S.

¹¹³ Specific Appropriation 105, s. 2, Ch. 2015-232, L.O.F.

¹¹⁴ Section 1002.385(14), F.S.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

child to an eligible private school in order to achieve a greater level of excellence in their education and improve the quality of education in Florida.¹¹⁷

Application Fee

Present Situation: SFOs are authorized to charge students with an application fee to apply to FTC.¹¹⁸ However, if an SFO charges an application fee, the fee must be immediately refunded to the person that paid the fee if the student is not enrolled in a participating school within 12 months.¹¹⁹

Effect of Proposed Changes: The bill prohibits a SFO from charging an application fee.

SFO Surety Bond

Present Situation: SFOs are required to provide a surety bond or letter of credit to participate in FTC.¹²⁰

During the 2015A Special Session, the Legislature limited the entities that may file a claims against a SFO's surety bond.¹²¹

Effect of Proposed Changes: The bill codifies the 2015A Special Session amendments regarding who may file a claim against a SFO's surety bond. The bill also provides that the purpose of the surety bond is to secure the faithful performance of the obligations of SFOs in accordance with FTC requirements.

SFOs Disapproved for FTC Participation

Present Situation: SFOs that are disapproved for FTC must revert all remaining funds to the Department of Revenue for redistribution to other SFOs.¹²²

Effect of Proposed Changes: The bill removes the Department of Revenue as the funding pass-through, so that SFOs that are disapproved for FTC transfer all remaining funds directly to other SFOs. Requires the funds to be used to provide scholarships for eligible students. The bill also requires the funds to be deposited in the SFOs scholarship account and to be separately disclosed in the annual financial audit.

Contribution Carry Forward

Present Situation: SFOs are required to expend at least 75% of net eligible contributions on scholarships.¹²³ No more than 25% of such contributions may be carried forward to the following

¹¹⁷ See, s. 1002.395(1)(b), F.S.

¹¹⁸ Section 1002.395(6)(j)1., F.S.

¹¹⁹ *Id.*

¹²⁰ See ss. 1002.395(16)(a)10. and (b), F.S.

¹²¹ *Id.*

¹²² Section 1002.395(16)(f), F.S.

¹²³ Section 1002.395(6)(j)2., F.S.

fiscal year.¹²⁴ Net eligible contributions remaining at the end of the fiscal year that are in excess of the 25% that may be carried forward must be deposited in the state's General Revenue Fund.¹²⁵

Effect of Proposed Changes: The bill removes the requirement that excess contributions be deposited in the General Revenue Fund, and instead requires that such funds be transferred to other SFOs. The funds must be deposited into the SFOs scholarship account and used for scholarships for eligible students. The SFO must separately disclose such funds in its annual audit.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Only one state school choice scholarship program - the Opportunity Scholarship Program - has been successfully challenged on constitutional adequacy and no aid grounds.¹²⁶ Aside from the Opportunity Scholarship Program, no other Florida school choice scholarship program has been declared unconstitutional. The general constitutional challenges have been brought under the state constitutional provisions governing the adequacy of the public education system¹²⁷ and the no aid provision.¹²⁸

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *See* Bush v. Holmes, 886 So.2d 340 (Fla. 1st DCA 2004), affirmed on other grounds, 919 So.2d 392 (Fla. 2006).

¹²⁷ Article IX, s. 1, Fla. Const., providing that "[a]dequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people require."

¹²⁸ Article I, s. 3., Fla. Const., providing that "[n]o revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution."

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 672 authorizes a sum of \$8 million in recurring funds from the General Revenue Fund for the administration of the Florida Postsecondary Comprehensive Transition Program (FPCTP). Specifically, the bill authorizes a sum of:

- \$1.5 million to the Florida Center for Students with Unique Abilities for costs solely associated with the center serving as the statewide coordinating center for the program.
- \$3 million for start-up and enhancement grants to eligible state universities; Florida College System (FCS) institutions; technical centers; and independent colleges or universities that are located and chartered in Florida, are not-for-profit, is accredited by the Southern Association of Colleges and Schools (SACS), and eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.
- \$3.5 million for FPCTP Scholarship awards for students with intellectual disabilities who meet the eligibility requirements to receive the scholarship to offset costs associated with enrollment in an FPCTP which may include, but not be limited to, tuition and program fees.

The bill includes an appropriation in the amount of \$14 million in recurring funds from the General Revenue Fund to the Department of Education for the Standard Student Attire Incentive Program.

The bill appropriates \$71.2 million in recurring funds from the General Revenue Fund for scholarship awards under PLSA. The bill appropriates \$2.136 million in recurring funds from the General Revenue Fund for administrative expenses for each SFO's management and distribution of scholarship awards under PLSA, not to exceed 3 % of the amount of each scholarship award.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.43, 1002.33, 1002.385, 1002.395, 1009.971, 1009.98, and 1009.981.

This bill creates the following sections of the Florida Statutes: 1004.6495 and 1011.78.

This bill creates an undesignated section of the Florida law.

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 Gaetz

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1 A bill to be entitled
 2 An act relating to educational options; creating s.
 3 1004.6495, F.S.; providing a short title; providing
 4 purposes and legislative intent; defining terms;
 5 establishing student eligibility requirements for
 6 enrollment in the Florida Postsecondary Comprehensive
 7 Transition Program; requiring eligible institutions to
 8 make student eligibility determinations; establishing
 9 the Florida Center for Students with Unique Abilities;
 10 specifying the responsibilities of the center and the
 11 center director; specifying amounts of funds to be
 12 used for start-up and enhancement grants; specifying
 13 application requirements for initial approval and
 14 renewal of approval; requiring an eligible institution
 15 with an approved program to submit an annual report to
 16 the center by a specified date; establishing a Florida
 17 Postsecondary Comprehensive Transition Program
 18 Scholarship for certain qualified students; specifying
 19 requirements for a student to maintain scholarship
 20 eligibility; providing for the distribution of
 21 scholarship funds; requiring an eligible institution
 22 to report certain data and information to the center;
 23 requiring an eligible institution to certify and
 24 report the amount of funds disbursed and undisbursed
 25 advances to the center by a specified date; specifying
 26 the amount of the scholarship for eligible students;
 27 authorizing awards to be prorated under certain
 28 circumstances; requiring the center, with the Board of
 29 Governors and the State Board of Education, to

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30 identify program progress and performance indicators;
 31 requiring an annual report to the Legislature, the
 32 Chancellor of the State University System, and the
 33 Commissioner of Education by a specified date;
 34 requiring the center, in collaboration with the Board
 35 of Governors, State Board of Education, Higher
 36 Education Coordinating Council, and other
 37 stakeholders, to submit to the Governor and
 38 Legislature statutory and budgetary recommendations
 39 for the program; requiring the Board of Governors and
 40 the State Board of Education, in consultation with the
 41 center, to adopt regulations and rules; creating s.
 42 1011.78, F.S.; authorizing certain school districts
 43 and charter schools to be eligible to receive
 44 incentive payments for implementing a standard student
 45 attire policy that meets certain criteria; providing a
 46 short title and purpose; establishing the
 47 qualifications for such a payment; providing for
 48 funding, subject to availability in the General
 49 Appropriations Act; requiring the district school
 50 superintendent or charter school governing board to
 51 certify certain information to the commissioner by a
 52 specified date; providing for reversion of the funds
 53 under certain circumstances; providing immunity from
 54 civil liability to a school district board or charter
 55 school governing board that establishes a standard
 56 student attire policy; amending ss. 1001.43 and
 57 1002.33, F.S.; authorizing a district school board or
 58 charter school that implements a standard student

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59 attire policy to be eligible to receive incentive
 60 payments; amending s. 1002.385, F.S.; revising terms
 61 for purposes of the Florida Personal Learning
 62 Scholarship Account Program; revising program
 63 eligibility criteria and program prohibitions for such
 64 accounts; authorizing a parent to submit a specified
 65 document to receive scholarship funds before confirmed
 66 eligibility; requiring that authorized program funds
 67 be used to support the student's educational needs;
 68 authorizing program funds to be spent for specified
 69 fees and services; revising the terms of the program;
 70 providing for the reversion of certain funds to the
 71 state; revising the obligations of school districts,
 72 parents, and the Department of Education with respect
 73 to the program; revising the authority of the
 74 Commissioner of Education to deny, suspend, or revoke
 75 certain program participation and use of program
 76 funds; specifying maximum periods for certain
 77 suspensions and revocations; authorizing the
 78 commissioner to recover program funds through certain
 79 means; revising information that must be provided for
 80 the program by scholarship-funding organizations and
 81 parents of applicants; specifying priority for
 82 participation in the program; revising funding and
 83 payment provisions for the program; requiring the
 84 Auditor General to provide the commissioner with
 85 program annual operational audits by a specified time;
 86 amending s. 1002.395, F.S.; prohibiting a scholarship-
 87 funding organization from charging an application fee;

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88 deleting a requirement that certain fees be returned
 89 to the General Revenue Fund; providing for the
 90 transfer of contributions in excess of the amount that
 91 may be carried forward; revising the surety bond or
 92 letter of credit requirements for nonprofit
 93 scholarship-funding organizations submitting initial
 94 or renewal scholarship program participation
 95 applications; providing for the deposit of certain
 96 transferred funds by certain scholarship-funding
 97 organizations; requiring that certain deposited funds
 98 be separately disclosed; amending s. 1009.971, F.S.;
 99 revising the duties of the Florida Prepaid College
 100 Board; amending ss. 1009.98 and 1009.981, F.S.;
 101 providing implementation procedures for the Stanley G.
 102 Tate Florida Prepaid College Program and the Florida
 103 College Savings Program relating to plans purchased
 104 through the Personal Learning Scholarship Accounts
 105 Programs; providing appropriations; providing an
 106 effective date.

107
 108 Be It Enacted by the Legislature of the State of Florida:

109
 110 Section 1. Section 1004.6495, Florida Statutes, is created
 111 to read:

112 1004.6495 Florida Postsecondary Comprehensive Transition
 113 Program and Florida Center for Students with Unique Abilities.-

114 (1) SHORT TITLE.-This section may be cited as the "Florida
 115 Postsecondary Comprehensive Transition Program Act."

116 (2) PURPOSE AND LEGISLATIVE INTENT.-The purpose of this

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117 section is to increase independent living, inclusive and
 118 experiential postsecondary education, and employment
 119 opportunities for students with intellectual disabilities
 120 through degree, certificate, or nondegree programs and to
 121 establish statewide coordination of the dissemination of
 122 information regarding programs and services for students with
 123 disabilities. It is the intent of the Legislature that students
 124 with intellectual disabilities and students with disabilities
 125 have access to meaningful postsecondary education credentials
 126 and be afforded the opportunity to have a meaningful campus
 127 experience.

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

129 (a) "Center" means the Florida Center for Students with
 130 Unique Abilities established under subsection (5).

131 (b) "Director" means the director of the center.

132 (c) "Eligible institution" means a state university; a
 133 Florida College System institution; a career center; a charter
 134 technical career center; or an independent college or university
 135 that is located and chartered in this state, is not for profit,
 136 is accredited by the Commission on Colleges of the Southern
 137 Association of Colleges and Schools, and is eligible to
 138 participate in the William L. Boyd, IV, Florida Resident Access
 139 Grant Program.

140 (d) "Florida Postsecondary Comprehensive Transition Program
 141 Scholarship" or "scholarship" means the scholarship established
 142 under this section to provide state financial assistance awards
 143 to students who meet the student eligibility requirements
 144 specified in subsection (4) and are enrolled in an FPCTP.

145 (e) "FPCTP" means a Florida Postsecondary Comprehensive

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146 Transition Program that is approved pursuant to paragraph (5)(c)
 147 and offered by an eligible institution.

148 (f) "Transitional student" means a student who is 18 to 26
 149 years of age and meets the student eligibility requirements
 150 specified in subsection (4).

151 (4) STUDENT ELIGIBILITY.—To be eligible to enroll in an
 152 FPCTP at an eligible institution, a student must, as determined
 153 by the institution, based on guidelines established by the
 154 center:

155 (a) Be a "student with an intellectual disability" as that
 156 term is defined in 20 U.S.C. s. 1140(2), including, but not
 157 limited to, a transitional student.

158 (b) Physically attend the eligible institution.

159 (c) Submit to the eligible institution documentation
 160 regarding his or her intellectual disability. Such documentation
 161 may include, but need not be limited to, a current
 162 individualized plan for employment associated with a review
 163 completed pursuant to s. 413.20(3) or a diagnosis from a
 164 physician who is licensed under chapter 458 or chapter 459 or a
 165 psychologist licensed under chapter 490.

166 (5) CENTER RESPONSIBILITIES.—The Florida Center for
 167 Students with Unique Abilities is established within the
 168 University of Central Florida. At a minimum, the center shall:

169 (a) Disseminate information to students with disabilities
 170 and their parents, including, but not limited to:

171 1. Education programs, services, and resources that are
 172 available at eligible institutions.

173 2. Supports, accommodations, technical assistance, or
 174 training provided by eligible institutions, the advisory council

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175 established pursuant to s. 383.141, and regional autism centers
 176 established pursuant to s. 1004.55.

177 3. Mentoring, networking, and employment opportunities.
 178 (b) Coordinate, facilitate, and oversee the statewide
 179 implementation of this section. At a minimum, the director
 180 shall:

181 1. Consult and collaborate with the National Center and the
 182 Coordinating Center, as identified in 20 U.S.C. s. 1140g,
 183 regarding guidelines established by the center for the effective
 184 implementation of the programs for students with disabilities
 185 and for students with intellectual disabilities which align with
 186 the federal requirements and with standards, quality indicators,
 187 and benchmarks identified by the National Center and the
 188 Coordinating Center.

189 2. Consult and collaborate with the Higher Education
 190 Coordinating Council to identify meaningful credentials for
 191 FPCTPs and to engage businesses and stakeholders to promote
 192 experiential training and employment opportunities for students
 193 with intellectual disabilities.

194 3. Establish requirements and timelines for the:
 195 a. Submission and review of an application.
 196 b. Approval or disapproval of an initial or renewal
 197 application.
 198 c. Implementation of an FPCTP, which must begin no later
 199 than the academic year immediately following the academic year
 200 during which the approval is granted.

201 4. Administer scholarship funds.
 202 5. Administer FPCTP start-up and enhancement grants. From
 203 funds appropriated in the 2016-2017 fiscal year for the FPCTP,

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204 \$3 million shall be used for such grants. Thereafter, funds
 205 appropriated for the FPCTP may only be used for such grants if
 206 specifically authorized in the General Appropriations Act. The
 207 maximum annual start-up and enhancement grant award shall be
 208 \$300,000 per institution.

209 6. Report on the implementation and administration of this
 210 section by planning, advising, and evaluating approved degree,
 211 certificate, and nondegree programs and the performance of
 212 students and programs pursuant to subsection (8).

213 (c) Create the application for the initial approval and
 214 renewal of approval as an FPCTP for use by an eligible
 215 institution which, at a minimum, must align with the federal
 216 comprehensive transition and postsecondary program application
 217 requirements. Notwithstanding the program approval requirements
 218 of s. 1004.03, the director shall review applications for the
 219 initial approval of an application for, or renewal of approval
 220 of, an FPCTP.

221 1. Within 30 days after receipt of an application, the
 222 director shall issue his or her recommendation regarding
 223 approval to the Chancellor of the State University System or the
 224 Commissioner of Education, as applicable, or shall give written
 225 notice to the applicant of any deficiencies in the application,
 226 which the eligible institution must be given an opportunity to
 227 correct. Within 15 days after receipt of a notice of
 228 deficiencies, an eligible institution that chooses to continue
 229 to seek program approval shall correct the application
 230 deficiencies and return the application to the center. Within 30
 231 days after receipt of a revised application, the director shall
 232 recommend approval or disapproval of the revised application to

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233 the chancellor or the commissioner, as applicable. Within 15
 234 days after receipt of the director's recommendation, the
 235 chancellor or the commissioner shall approve or disapprove the
 236 recommendation. If the chancellor or the commissioner does not
 237 act on the director's recommendation within 15 days after
 238 receipt of such recommendation, the comprehensive transition
 239 program proposed by the institution shall be considered
 240 approved.

241 2. Initial approval of an application for an FPCTP that
 242 meets the requirements of this section is valid for the 3
 243 academic years immediately following the academic year during
 244 which the approval is granted. An eligible institution may
 245 submit an application to the center requesting that the initial
 246 approval be renewed. If the approval is granted and the FPCTP
 247 continues to meet the requirements of this section, including,
 248 but not limited to, program and student performance outcomes,
 249 and federal requirements, a renewal is valid for the 5 academic
 250 years immediately following the academic year during which the
 251 renewal is granted.

252 3. An application must, at a minimum:

253 a. Identify a credential associated with the proposed
 254 program which will be awarded to eligible students upon
 255 completion of the FPCTP.

256 b. Outline the program length and design, including, at a
 257 minimum, inclusive and successful experiential education
 258 practices relating to curricular, assessment, and advising
 259 structure and internship and employment opportunities, which
 260 must support students with intellectual disabilities who are
 261 seeking to continue academic, career and technical, and

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262 independent living instruction at an eligible institution,
 263 including, but not limited to, opportunities to earn industry
 264 certifications, to prepare students for gainful employment. If
 265 an eligible institution offers a credit-bearing degree program,
 266 the institution is responsible for maintaining the rigor and
 267 effectiveness of a comprehensive transition degree program at
 268 the same level as other comparable degree programs offered by
 269 the institution pursuant to applicable accreditation standards.

270 c. Outline a plan for students with intellectual
 271 disabilities to be integrated socially and academically with
 272 nondisabled students, to the maximum extent possible, and to
 273 participate on not less than a half-time basis, as determined by
 274 the eligible institution, with such participation focusing on
 275 academic components and occurring through one or more of the
 276 following activities with nondisabled students:

277 (I) Regular enrollment in credit-bearing courses offered by
 278 the institution.

279 (II) Auditing or participating in courses offered by the
 280 institution for which the student does not receive academic
 281 credit.

282 (III) Enrollment in noncredit-bearing, nondegree courses.

283 (IV) Participation in internships or work-based training.

284 d. Outline a plan for partnerships with businesses to
 285 promote experiential training and employment opportunities for
 286 students with intellectual disabilities.

287 e. Identify performance indicators pursuant to subsection
 288 (8) and other requirements identified by the center.

289 f. Outline a 5-year plan incorporating enrollment and
 290 operational expectations for the program.

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291 (d) Provide technical assistance regarding programs and
 292 services for students with intellectual disabilities to
 293 administrators, instructors, staff, and others, as applicable,
 294 at eligible institutions by:

295 1. Holding meetings and annual workshops to share
 296 successful practices and to address issues or concerns.

297 2. Facilitating collaboration between eligible institutions
 298 and school districts, private schools operating pursuant to s.
 299 1002.42, and parents of students enrolled in home education
 300 programs operating pursuant to s. 1002.41 in assisting students
 301 with intellectual disabilities and their parents to plan for the
 302 transition of such students into an FPCTP or another program at
 303 an eligible institution.

304 3. Assisting eligible institutions with FPCTP and federal
 305 comprehensive transition and postsecondary program applications.

306 4. Assisting eligible institutions with the identification
 307 of funding sources for an FPCTP and for student financial
 308 assistance for students enrolled in an FPCTP.

309 5. Monitoring federal and state law relating to the
 310 comprehensive transition program and notifying the Legislature,
 311 the Governor, the Board of Governors, and the State Board of
 312 Education of any change in law which may impact the
 313 implementation of this section.

314 (6) INSTITUTION ELIGIBILITY AND RESPONSIBILITIES.—

315 (a) To offer an FPCTP, the president or executive director
 316 of an eligible institution, as applicable, must submit to the
 317 center, by a date established by the center, the following:

318 1. An application for approval of a comprehensive
 319 transition program proposed by the eligible institution, which

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320 must be approved by the institution's governing board and must
 321 address the requirements of the federal comprehensive transition
 322 and postsecondary program under 20 U.S.C. s. 1140 and the
 323 requirements of this section.

324 2. Documented evidence that the institution currently
 325 offers a federally approved comprehensive transition and
 326 postsecondary program that is eligible for federal student aid
 327 programs, documented evidence of the submission of an
 328 application for such federal approval of a program proposed by
 329 the institution, or documentation demonstrating the commitment
 330 of the institution's governing board to submit an application
 331 within the subsequent academic year for federal approval of a
 332 program pursuant to 20 U.S.C. s. 1140.

333 (b) An eligible institution may submit an application to
 334 the center for approval pursuant to the requirements of this
 335 section for implementation of the FPCTP no later than the
 336 academic year immediately following the academic year during
 337 which the approval is granted. An eligible institution must
 338 submit a renewal application to the center no later than 3 years
 339 following the year during which the approval is initially
 340 granted.

341 (c) By August 1 of each year, an eligible institution that
 342 has an FPCTP shall submit an annual report to the center which,
 343 at a minimum, for the prior academic year, addresses the
 344 following performance indicators:

345 1. Efforts to recruit students in the FPCTP and the number
 346 of students enrolled in the program.

347 2. Efforts to retain students in the FPCTP and the
 348 retention rate of students in the program.

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349 3. The completion rate of students enrolled in the FPCTP
 350 and related courses, as applicable.

351 4. Transition success of students who complete the FPCTP,
 352 as measured by employment rates and salary levels at 1 year and
 353 5 years after completion.

354 5. Other performance indicators identified by the center
 355 pursuant to subsection (8).

356 (d) An eligible institution shall notify students with
 357 intellectual disabilities and their parents of the student
 358 eligibility requirements specified in subsection (4) and the
 359 scholarship requirements and eligibility requirements specified
 360 in subsection (7).

361 (7) FLORIDA POSTSECONDARY COMPREHENSIVE TRANSITION PROGRAM
 362 SCHOLARSHIP.—

363 (a) Beginning in the 2016-2017 academic year, the Florida
 364 Postsecondary Comprehensive Transition Program Scholarship is
 365 established for students who meet the student eligibility
 366 requirements specified in subsection (4), are enrolled in an
 367 FPCTP, and are not receiving services that are funded through
 368 the Florida Education Finance Program or a scholarship under
 369 part III of chapter 1002.

370 (b) To maintain eligibility to receive a scholarship, a
 371 student must continue to meet the requirements of paragraph (a)
 372 and must demonstrate satisfactory academic progress in the
 373 FPCTP, as determined by the eligible institution that the
 374 student attends, based on the indicators identified by the
 375 center pursuant to subsection (8).

376 (c) Payment of scholarship funds shall be transmitted to
 377 the director of the center or his or her designee in advance of

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378 the registration period. The director or his or her designee
 379 shall disburse the scholarship funds to the eligible
 380 institutions that are responsible for awarding the scholarship
 381 to students who meet the requirements of paragraphs (a) and (b).

382 (d) During each academic term, by a date established by the
 383 center, an eligible institution shall report to the center the
 384 number and value of all scholarships awarded under this
 385 subsection. Each eligible institution shall also report to the
 386 center necessary demographic and eligibility data and other data
 387 requested by the center for students who received the
 388 scholarship awards.

389 (e) By a date annually established by the center, each
 390 eligible institution shall certify to the center the amount of
 391 funds disbursed to each student and shall remit to the center
 392 any undisbursed advances by June 1 of each year.

393 (f) For the 2016-2017 academic year, the amount of the
 394 annual scholarship shall be \$7,000 for each student who meets
 395 the eligibility requirements of subsection (4). Beginning in the
 396 2017-2018 fiscal year, the funding for the program and the
 397 annual amount of the scholarship to be provided to a student who
 398 meets the eligibility requirements of subsection (4) shall be
 399 the amounts specified in the General Appropriations Act. If
 400 appropriated funds in any fiscal year are not adequate to
 401 provide the maximum allowable award to each eligible student,
 402 the awards may be prorated.

403 (8) ACCOUNTABILITY.—

404 (a) The center, in collaboration with the Board of
 405 Governors and the State Board of Education, shall identify
 406 indicators for the satisfactory progress of a student in an

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407 FPCTP and for the performance of such programs. Each eligible
 408 institution must address the indicators identified by the center
 409 in its application for the approval of a proposed program and
 410 for the renewal of an FPCTP and in the annual report that the
 411 institution submits to the center.

412 (b) By October 1 of each year, the center shall provide to
 413 the Governor, the President of the Senate, the Speaker of the
 414 House of Representatives, the Chancellor of the State University
 415 System, and the Commissioner of Education a report summarizing
 416 information including, but not limited to:

417 1. The status of the statewide coordination of FPCTPs and
 418 the implementation of FPCTPs at eligible institutions including,
 419 but not limited to:

420 a. The number of applications approved and disapproved and
 421 the reasons for each disapproval and no action taken by the
 422 chancellor or the commissioner.

423 b. The number and value of all scholarships awarded to
 424 students and undisbursed advances remitted to the center
 425 pursuant to subsection (7).

426 2. Indicators identified by the center pursuant to
 427 paragraph (a) and the performance of each eligible institution
 428 based on the indicators identified in paragraph (6) (c).

429 3. The projected number of students with intellectual
 430 disabilities who may be eligible to enroll in the FPCTPs within
 431 the next academic year.

432 4. Education programs and services for students with
 433 intellectual disabilities which are available at eligible
 434 institutions.

435 (c) Beginning in the 2016-2017 fiscal year, the center, in

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436 collaboration with the Board of Governors, State Board of
 437 Education, Higher Education Coordinating Council, and other
 438 stakeholders, by December 1 of each year, shall submit to the
 439 Governor, the President of the Senate, and the Speaker of the
 440 House of Representatives statutory and budget recommendations
 441 for improving the implementation and delivery of FPCTPs and
 442 other education programs and services for students with
 443 disabilities.

444 (9) RULES.—The Board of Governors and the State Board of
 445 Education, in consultation with the center, shall expeditiously
 446 adopt any necessary regulations and rules, as applicable, to
 447 allow the center to perform its responsibilities pursuant to
 448 this section beginning in the 2016-2017 fiscal year.

449 Section 2. Section 1011.78, Florida Statutes, is created to
 450 read:

451 1011.78 Standard student attire incentive payments.—There
 452 is created an incentive payment for school districts and charter
 453 schools that implement a standard student attire policy for all
 454 students in kindergarten through grade 8 in accordance with this
 455 section.

456 (1) SHORT TITLE.—This section may be cited as the "Students
 457 Attired for Education (SAFE) Act."

458 (2) PURPOSE.—The purpose of a standard student attire
 459 policy is to provide a safe environment for students which
 460 fosters learning and improves school safety and discipline by:

461 (a) Encouraging students to express their individuality
 462 through personality and academic achievements, rather than
 463 outward appearance.

464 (b) Enabling students to focus on academics, rather than

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465 fashion, because they are able to convey a neat, serious, and
 466 studious image.

467 (c) Minimizing disciplinary problems because students are
 468 not distracted by clothing.

469 (d) Reducing the time needed to correct dress code
 470 violations through a readily available inventory of compliant
 471 attire.

472 (e) Minimizing visible differences between students and
 473 eliminating social pressures to wear brand-name clothing or
 474 colors to show gang affiliation, thereby easing financial
 475 pressures on parents and enhancing school safety.

476 (f) Creating a sense of school pride and belonging.

477 (3) QUALIFICATIONS.—To qualify for the incentive payment, a
 478 school district or charter school must, at a minimum, implement
 479 a standard attire policy that:

480 (a) Applies to all students in kindergarten through grade 8
 481 in the school district or charter school, regardless of
 482 individual school grade configurations.

483 (b) Prohibits certain types or styles of clothing and
 484 requires solid-colored clothing and fabrics for pants, skirts,
 485 shorts, or similar clothing and short- or long-sleeved shirts
 486 with collars.

487 (c) Allows reasonable accommodations based on a student's
 488 religion, disability, or medical condition.

489 (4) AWARD.—Subject to the appropriation of funds by the
 490 Legislature, a qualified school district or charter school shall
 491 receive an annual award of not less than \$10 per student in
 492 kindergarten through grade 8, as specified in the General
 493 Appropriations Act. Before the release of funds, but no later

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494 than September 1 of each year, the district school
 495 superintendent or the charter school governing board shall
 496 certify to the commissioner that the school district or charter
 497 school has implemented a districtwide or schoolwide standard
 498 student attire policy, respectively, in accordance with this
 499 section. A charter school may also qualify by participating in
 500 its sponsor's qualifying policy. The commissioner shall make
 501 payment of awards to school districts and charter schools in the
 502 order in which certifications are received. As of June 30 of
 503 each year, any funds provided pursuant to this section that have
 504 not been disbursed to qualified school districts and charter
 505 schools revert to the fund from which they were appropriated
 506 pursuant to s. 216.301.

507 (5) IMMUNITY.—A district school board or governing board of
 508 a charter school that implements a districtwide or schoolwide
 509 standard student attire policy, respectively, is immune from
 510 civil liability resulting from adoption of the policy in
 511 accordance with this section.

512 Section 3. Paragraph (b) of subsection (1) of section
 513 1001.43, Florida Statutes, is amended to read:

514 1001.43 Supplemental powers and duties of district school
 515 board.—The district school board may exercise the following
 516 supplemental powers and duties as authorized by this code or
 517 State Board of Education rule.

518 (1) STUDENT MANAGEMENT.—The district school board may adopt
 519 programs and policies to ensure the safety and welfare of
 520 individuals, the student body, and school personnel, which
 521 programs and policies may:

522 (b) Require uniforms to be worn by the student body, or

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523 impose other dress-related requirements, if the district school
 524 board finds that those requirements are necessary for the safety
 525 or welfare of the student body or school personnel. However,
 526 students may wear sunglasses, hats, or other sun-protective wear
 527 while outdoors during school hours, such as when students are at
 528 recess. A district school board that implements a districtwide
 529 standard student attire policy pursuant to s. 1011.78 is
 530 eligible to receive incentive payments.

531 Section 4. Paragraph (g) is added to subsection (17) of
 532 section 1002.33, Florida Statutes, to read:

533 1002.33 Charter schools.—

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

539 (g) A charter school that implements a schoolwide standard
 540 student attire policy pursuant to s. 1011.78 is eligible to
 541 receive incentive payments.

542 Section 5. Section 1002.385, Florida Statutes, is amended
 543 to read:

544 1002.385 Florida personal learning scholarship accounts.—

545 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning
 546 Scholarship Accounts Program is established to provide the
 547 option for a parent to better meet the individual educational
 548 needs of his or her eligible child.

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

550 (a) "Approved provider" means a provider approved by the
 551 Agency for Persons with Disabilities, a health care practitioner

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552 as defined in s. 456.001(4), or a provider approved by the
 553 department pursuant to s. 1002.66.

554 (b) "Curriculum" means a complete course of study for a
 555 particular content area or grade level, including any required
 556 supplemental materials and associated online instruction.

557 (c) "Department" means the Department of Education.

558 (d) "Disability" means, for a 3- or 4-year-old child or for
 559 a student in kindergarten to grade 12, autism spectrum disorder,
 560 as defined in the Diagnostic and Statistical Manual of Mental
 561 Disorders, Fifth Edition, published by the American Psychiatric
 562 Association e. 393.063(3); cerebral palsy, as defined in s.
 563 393.063(4); Down syndrome, as defined in s. 393.063(13); an
 564 intellectual disability, as defined in s. 393.063(21); Prader-
 565 Willi syndrome, as defined in s. 393.063(25); ~~or~~ spina bifida,
 566 as defined in s. 393.063(36); ~~for a student in kindergarten,~~
 567 being a high-risk child, as defined in s. 393.063(20) (a);
 568 muscular dystrophy; and Williams syndrome.

569 (e) "Eligible nonprofit scholarship-funding organization"
 570 or "organization" means a nonprofit scholarship-funding
 571 organization that is approved pursuant to s. 1002.395(16) ~~has~~
 572 the same meaning as in s. 1002.395.

573 (f) "Eligible postsecondary educational institution" means
 574 a Florida College System institution; ~~a~~ a state university; ~~a~~
 575 school district technical center; ~~a~~ a school district adult
 576 general education center; an independent college or university
 577 that is eligible to participate in the William L. Boyd, IV,
 578 Florida Resident Access Grant Program under s. 1009.89; ~~a~~
 579 accredited independent ~~nonpublic~~ postsecondary educational
 580 institution, as defined in s. 1005.02, which is licensed to

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581 operate in the state pursuant to requirements specified in part
 582 III of chapter 1005.

583 (g) "Eligible private school" means a private school, as
 584 defined in s. 1002.01, which is located in this state, which
 585 offers an education to students in any grade from kindergarten
 586 to grade 12, and which meets the requirements of:

587 1. Sections 1002.42 and 1002.421; and

588 2. A scholarship program under s. 1002.39 or s. 1002.395,
 589 as applicable, if the private school participates in a
 590 scholarship program under s. 1002.39 or s. 1002.395.

591 (h) "IEP" means individual education plan.

592 (i) "Parent" means a resident of this state who is a
 593 parent, as defined in s. 1000.21.

594 (j) "Program" means the Florida Personal Learning
 595 Scholarship Accounts Program established in this section.

596 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
 597 disability may request and receive from the state a Florida
 598 personal learning scholarship account for the purposes specified
 599 in subsection (5) if:

600 (a) The student:

601 1. Is a resident of this state;

602 2. Is 3 or 4 years of age on or before September 1 of the
 603 year in which the student applies for program participation or
 604 is eligible to enroll in kindergarten through grade 12 in a
 605 public school in this state;

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

607 4. Is the subject of an IEP written in accordance with
 608 rules of the State Board of Education or has received a
 609 diagnosis of a disability ~~as defined in subsection (2)~~ from a

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610 physician who is licensed under chapter 458 or chapter 459 or a
 611 psychologist who is licensed under chapter 490 in this state.

612 (b) ~~Beginning January 2015,~~ The parent has applied to an
 613 eligible nonprofit scholarship-funding organization to
 614 participate in the program by February 1 before the school year
 615 in which the student will participate or an alternative date as
 616 set by the organization for any vacant, funded slots. The
 617 request must be communicated directly to the organization in a
 618 manner that creates a written or electronic record of the
 619 request and the date of receipt of the request. In addition to
 620 the application and any documentation required by the
 621 organization or by State Board of Education rule, the parent may
 622 submit a final verification document pursuant to this paragraph
 623 to receive scholarship funds in the student's account before the
 624 department confirms program eligibility pursuant to paragraph
 625 (9) (e). The final verification document must consist of one of
 626 the following items applicable to the student:

627 1. A completed withdrawal form from the school district, if
 628 the student was enrolled in a public school before the
 629 determination of program eligibility.

630 2. A letter of admission or enrollment from an eligible
 631 private school for the fiscal year in which the student wishes
 632 to participate and, if applicable, a copy of the notification
 633 from the private school that the student has withdrawn from the
 634 John M. McKay Scholarships for Students with Disabilities
 635 Program or the Florida Tax Credit Scholarship Program.

636 3. A copy of the notice of the parent's intent to establish
 637 and maintain a home education program required by s.
 638 1002.41(1) (a) or the annual educational evaluation of the

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639 student in a home education program, which is required by s.
 640 1002.41(2) The organization shall notify the district and the
 641 department of the parent's intent upon receipt of the parent's
 642 request.

643 (4) PROGRAM PROHIBITIONS.-
 644 ~~(a)~~ A student is not eligible for the program if while he
 645 or she is:

646 (a)1- Enrolled in a public school, including, but not
 647 limited to, the Florida School for the Deaf and the Blind; the
 648 Florida Virtual School; the College-Preparatory Boarding
 649 Academy; a developmental research school authorized under s.
 650 1002.32; a charter school authorized under s. 1002.33, s.
 651 1002.331, or s. 1002.332; or a virtual education program
 652 authorized under s. 1002.45. For purposes of this paragraph, a
 653 3- or 4-year-old child who receives services funded through the
 654 Florida Education Finance Program is considered to be a student
 655 enrolled in a public school. Funding provided under this section
 656 for a child eligible for enrollment in the Voluntary
 657 Prekindergarten Education Program shall constitute funding for
 658 the child under part V of this chapter, and no additional
 659 funding shall be provided for the child under part V.

660 ~~(b)2-~~ Enrolled in a school operating for the purpose of
 661 providing educational services to youth in the Department of
 662 Juvenile Justice commitment programs.

663 ~~(c)3-~~ Receiving a scholarship pursuant to the Florida Tax
 664 Credit Scholarship Program under s. 1002.395 or the John M.
 665 McKay Scholarships for Students with Disabilities Program under
 666 s. 1002.39.~~7- or~~

667 (d)4- Receiving any other educational scholarship pursuant

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668 to this chapter.

669 ~~(b) A student is not eligible for the program if:~~

670 ~~1. The student or student's parent has accepted any~~
 671 ~~payment, refund, or rebate, in any manner, from a provider of~~
 672 ~~any services received pursuant to subsection (5);~~

673 ~~2. The student's participation in the program has been~~
 674 ~~denied or revoked by the commissioner of Education pursuant to~~
 675 ~~subsection (10); or~~

676 ~~3. The student's parent has forfeited participation in the~~
 677 ~~program for failure to comply with requirements pursuant to~~
 678 ~~subsection (11).~~

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

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

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

688 (c) Specialized services by approved providers that are
 689 selected by the parent. These specialized services may include,
 690 but are not limited to:

691 1. Applied behavior analysis services as provided in ss.
 692 627.6686 and 641.31098.

693 2. Services provided by speech-language pathologists as
 694 defined in s. 468.1125.

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

696 4. Services provided by physical therapists as defined in

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 697 s. 486.021.
 698 5. Services provided by listening and spoken language
 699 specialists and an appropriate acoustical environment for a
 700 child who is deaf or hard of hearing and who has received an
 701 implant or assistive hearing device.
 702 (d) Enrollment in, or tuition or fees associated with
 703 enrollment in, a home education program, an eligible private
 704 school, an eligible postsecondary educational institution or a
 705 program offered by the institution, a private tutoring program
 706 authorized under s. 1002.43, a virtual program offered by a
 707 department-approved private online provider that meets the
 708 provider qualifications specified in s. 1002.45(2)(a), the
 709 Florida Virtual School as a private paying student, or an
 710 approved online course offered pursuant to s. 1003.499 or s.
 711 1004.0961.
 712 (e) Fees for nationally standardized, norm-referenced
 713 achievement tests, Advanced Placement Examinations, industry
 714 certification examinations, assessments related to postsecondary
 715 education, or other assessments.
 716 (f) Contributions to the Stanley G. Tate Florida Prepaid
 717 College Program pursuant to s. 1009.98 or the Florida College
 718 Savings Program pursuant to s. 1009.981, for the benefit of the
 719 eligible student.
 720 (g) Contracted services provided by a public school or
 721 school district, including classes. A student who receives
 722 services under a contract under this paragraph is not considered
 723 enrolled in a public school for eligibility purposes as
 724 specified in subsection (4).
 725 (h) Tuition and fees for part-time tutoring services

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 726 provided by a person who holds a valid Florida educator's
 727 certificate pursuant to s. 1012.56; a person who holds an
 728 adjunct teaching certificate pursuant to s. 1012.57; or a person
 729 who has demonstrated a mastery of subject area knowledge
 730 pursuant to s. 1012.56(5). As used in this paragraph, the term
 731 "part-time tutoring services" does not qualify as regular school
 732 attendance as defined in s. 1003.01(13)(e).
 733 (i) Fees for specialized summer education programs.
 734 (j) Fees for specialized after-school education programs.
 735 (k) Transition services provided by job coaches.
 736 (l) Fees for an annual evaluation of educational progress
 737 by a state-certified teacher under s. 1002.41(1)(c), if this
 738 option is chosen for a home education student.
 739 (m) Tuition and fees associated with programs offered by
 740 Voluntary Prekindergarten Education Program providers approved
 741 pursuant to s. 1002.55 and school readiness providers approved
 742 pursuant to s. 1002.88.
 743
 744 A provider of any services ~~specialized service provider,~~
 745 ~~eligible private school, eligible postsecondary educational~~
 746 ~~institution, private tutoring program provider, online or~~
 747 ~~virtual program provider, public school, school district, or~~
 748 ~~other entity~~ receiving payments pursuant to this subsection may
 749 not share, refund, or rebate any moneys from the Florida
 750 personal learning scholarship account with the parent or
 751 participating student in any manner.
 752 (6) TERM OF THE PROGRAM.—For purposes of continuity of
 753 educational choice and program integrity:
 754 (a)1. The Program payments made by the state to an

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755 organization for a personal learning scholarship account under
 756 this section shall ~~continue remain in force~~ until:

757 a. The parent does not renew program eligibility;
 758 b. The organization determines that the student is not
 759 eligible for program renewal;
 760 c. The Commissioner of Education suspends or revokes
 761 program participation or use of funds;
 762 d. The student's parent has forfeited participation in the
 763 program for failure to comply with subsection (11);
 764 e. The student enrolls in a public school; or
 765 f. The student graduates from high school or attains 22
 766 years of age, whichever occurs first a student participating in
 767 the program participates in any of the prohibited activities
 768 specified in subsection (4), has funds revoked by the
 769 Commissioner of Education pursuant to subsection (10), returns
 770 to a public school, graduates from high school, or attains 22
 771 years of age, whichever occurs first. A participating student
 772 who enrolls in a public school or public school program is
 773 considered to have returned to a public school for the purpose
 774 of determining the end of the program's term.

775 2. Reimbursements for program expenditures may continue
 776 until the account balance is expended or the account is closed
 777 pursuant to paragraph (b).

778 (b)1. A student's personal learning scholarship account
 779 must be closed and any remaining funds, including, but not
 780 limited to, contributions made to the Stanley G. Tate Florida
 781 Prepaid College Program or earnings from or contributions made
 782 to the Florida College Savings Program using program funds
 783 pursuant to paragraph (5)(f), shall revert to the state upon:

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784 a. Denial or revocation of program eligibility by the
 785 commissioner for fraud or abuse, including, but not limited to,
 786 the student or student's parent accepting any payment, refund,
 787 or rebate, in any manner, from a provider of any services
 788 received pursuant to subsection (5); or
 789 b. After any period of 3 consecutive years after high
 790 school completion or graduation during which the student has not
 791 been enrolled in an eligible postsecondary educational
 792 institution or a program offered by the institution.

793 2. The commissioner must notify the parent and the
 794 organization when a personal learning scholarship account is
 795 closed and program funds revert to the state.

796 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

797 (a)1. The parent of ~~For~~ a student with a disability who
 798 does not have an IEP in accordance with subparagraph (3)(a)4. or
 799 who seeks a reevaluation of an existing IEP may request an IEP
 800 meeting and evaluation from the school district in order to
 801 obtain or revise a matrix of services. The school district shall
 802 notify a parent who has made a request for an IEP that the
 803 district is required to complete the IEP and matrix of services
 804 within 30 days after receiving notice of the parent's request.
 805 The school district shall conduct a meeting and develop an IEP
 806 and a matrix of services within 30 days after receipt of the
 807 parent's request in accordance with State Board of Education
 808 rules. ~~a matrix of services under s. 1011.62(1)(e) and for whom~~
 809 ~~the parent requests a matrix of services,~~ The school district
 810 must complete a matrix that assigns the student to one of the
 811 levels of service as they existed before the 2000-2001 school
 812 year.

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813 2.a. ~~Within 10 school days after a school district receives~~
 814 ~~notification of a parent's request for completion of a matrix of~~
 815 ~~services, the school district must notify the student's parent~~
 816 ~~if the matrix of services has not been completed and inform the~~
 817 ~~parent that the district is required to complete the matrix~~
 818 ~~within 30 days after receiving notice of the parent's request~~
 819 ~~for the matrix of services. This notice must include the~~
 820 ~~required completion date for the matrix.~~

821 ~~b. The school district shall complete the matrix of~~
 822 ~~services for a student whose parent has made a request. The~~
 823 ~~school district must provide the student's parent and the~~
 824 ~~department with the student's matrix level within 10 calendar~~
 825 ~~school days after its completion.~~

826 ~~b.e.~~ The department shall notify the parent and the
 827 ~~eligible nonprofit scholarship funding~~ organization of the
 828 amount of the funds awarded within 10 days after receiving the
 829 school district's notification of the student's matrix level.

830 ~~c.d.~~ A school district may change a matrix of services only
 831 if the change is a result of an IEP reevaluation or to correct a
 832 technical, typographical, or calculation error.

833 (b) For each student participating in the program who
 834 chooses to participate in statewide, standardized assessments
 835 under s. 1008.22 or the Florida Alternate Assessment, the school
 836 district in which the student resides must notify the student
 837 and his or her parent about the locations and times to take all
 838 statewide, standardized assessments.

839 ~~(c) For each student participating in the program, a school~~
 840 ~~district shall notify the parent about the availability of a~~
 841 ~~reevaluation at least every 3 years.~~

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842 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
 843 private school may be sectarian or nonsectarian and shall:

844 (a) Comply with all requirements for private schools
 845 participating in state school choice scholarship programs
 846 pursuant to s. 1002.421.

847 (b) Provide to the ~~eligible nonprofit scholarship funding~~
 848 organization, upon request, all documentation required for the
 849 student's participation, including the private school's and
 850 student's fee schedules.

851 (c) Be academically accountable to the parent for meeting
 852 the educational needs of the student by:

853 1. At a minimum, annually providing to the parent a written
 854 explanation of the student's progress.

855 2. Annually administering or making provision for students
 856 participating in the program in grades 3 through 10 to take one
 857 of the nationally norm-referenced tests identified by the
 858 Department of Education or the statewide assessments pursuant to
 859 s. 1008.22. Students with disabilities for whom standardized
 860 testing is not appropriate are exempt from this requirement. A
 861 participating private school shall report a student's scores to
 862 the parent.

863 3. Cooperating with the scholarship student whose parent
 864 chooses to have the student participate in the statewide
 865 assessments pursuant to s. 1008.22 or, if a private school
 866 chooses to offer the statewide assessments, administering the
 867 assessments at the school.

868 a. A participating private school may choose to offer and
 869 administer the statewide assessments to all students who attend
 870 the private school in grades 3 through 10.

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871 b. A participating private school shall submit a request in
872 writing to the Department of Education by March 1 of each year
873 in order to administer the statewide assessments in the
874 subsequent school year.

875 (d) Employ or contract with teachers who have regular and
876 direct contact with each student receiving a scholarship under
877 this section at the school's physical location.

878 (e) Annually contract with an independent certified public
879 accountant to perform the agreed-upon procedures developed under
880 s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the
881 results if the private school receives more than \$250,000 in
882 funds from scholarships awarded under this section in the 2014-
883 2015 state fiscal year or a state fiscal year thereafter. A
884 private school subject to this paragraph must submit the report
885 by September 15, 2015, and annually thereafter to the
886 ~~scholarship-funding~~ organization that awarded the majority of
887 the school's scholarship funds. The agreed-upon procedures must
888 be conducted in accordance with attestation standards
889 established by the American Institute of Certified Public
890 Accountants.

891
892 The inability of a private school to meet the requirements of
893 this subsection constitutes a basis for the ineligibility of the
894 private school to participate in the program as determined by
895 the commissioner department.

896 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
897 shall:

898 (a) Maintain on its website a list of approved providers as
899 required in s. 1002.66, eligible postsecondary educational

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900 institutions, eligible private schools, and organizations and
901 may identify or provide links to lists of other approved
902 providers.

903 (b) Require each ~~eligible nonprofit scholarship-funding~~
904 organization to verify eligible expenditures before the
905 distribution of funds for any expenditures made pursuant to
906 paragraphs (5)(a) and (b). Review of expenditures made for
907 services specified in paragraphs (5)(c)-(m) ~~(5)(e)-(g)~~ may be
908 completed after the purchase is payment has been made.

909 (c) Investigate any written complaint of a violation of
910 this section by a parent, a student, a private school, a public
911 school or a school district, an organization, a provider, or
912 another appropriate party in accordance with the process
913 established by s. 1002.395(9)(f).

914 (d) Require quarterly reports by an ~~eligible nonprofit~~
915 ~~scholarship-funding~~ organization, which must, at a minimum,
916 include regarding the number of students participating in the
917 program; the demographics of program participants; the
918 disability category of program participants; the matrix level of
919 services, if known; the program award amount per student; the
920 total expenditures for the purposes specified in subsection
921 (5); the types of providers of services to students; and any
922 other information deemed necessary by the department.

923 (e) Compare the list of students participating in the
924 program with the public school student enrollment lists,
925 Voluntary Prekindergarten Education Program enrollment lists,
926 and the list of students participating in school choice
927 scholarship programs established pursuant to this chapter before
928 each scholarship award is provided to the organization, and

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929 ~~subsequently throughout the school year, each program payment to~~
 930 ~~avoid duplicate payments and confirm program eligibility. A~~
 931 ~~parent who files a final verification pursuant to paragraph~~
 932 ~~(3) (b) shall receive scholarship funds before the department~~
 933 ~~confirms program eligibility.~~

934 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
 935 (a) The Commissioner of Education:

936 1. ~~Shall deny, suspend, or revoke a student's participation~~
 937 ~~in the program if the health, safety, or welfare of the student~~
 938 ~~is threatened or fraud is suspected.~~

939 2. ~~Shall deny, suspend, or revoke an authorized use of~~
 940 ~~program funds if the health, safety, or welfare of the student~~
 941 ~~is threatened or fraud is suspected.~~

942 3. ~~May deny, suspend, or revoke an authorized use of~~
 943 ~~program funds for material failure to comply with this section~~
 944 ~~and applicable department rules if the noncompliance is~~
 945 ~~correctable within a reasonable period of time. Otherwise, the~~
 946 ~~commissioner shall deny, suspend, or revoke an authorized use~~
 947 ~~for failure to materially comply with the law and rules adopted~~
 948 ~~under this section.~~

949 4. ~~Shall require compliance by the appropriate party by a~~
 950 ~~date certain for all nonmaterial failures to comply with this~~
 951 ~~section and applicable department rules. The commissioner May~~
 952 ~~deny, suspend, or revoke program participation or use of program~~
 953 ~~funds by the student or participation or eligibility of an~~
 954 ~~organization, eligible private school, eligible postsecondary~~
 955 ~~educational institution, approved provider, or other party for a~~
 956 ~~violation of this section.~~

957 2. May determine the length of, and conditions for lifting,

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958 a suspension or revocation specified in this subsection.

959 3. May recover unexpended program funds or withhold payment
 960 of an equal amount of program funds to recover program funds
 961 that were not authorized for use.

962 4. Shall deny or terminate program participation upon a
 963 parent's forfeiture of a personal learning scholarship account
 964 pursuant to subsection (11) under this section thereafter.

965 (b) In determining whether to ~~deny~~, suspend, or revoke
 966 participation or lift a suspension or revocation in accordance
 967 with this subsection, the commissioner may consider factors that
 968 include, but are not limited to, acts or omissions that by a
 969 participating entity which led to a previous suspension denial
 970 or revocation of participation in a state or federal program or
 971 an education scholarship program; failure to reimburse the
 972 eligible nonprofit scholarship funding organization for program
 973 funds improperly received or retained by the entity; failure to
 974 reimburse government funds improperly received or retained;
 975 imposition of a prior criminal sanction related to the person or
 976 entity or its officers or employees; imposition of a civil fine
 977 or administrative fine, license revocation or suspension, or
 978 program eligibility suspension, termination, or revocation
 979 related to a person's or an entity's management or operation; or
 980 other types of criminal proceedings in which the person or
 981 entity or its officers or employees were found guilty of,
 982 regardless of adjudication, or entered a plea of nolo contendere
 983 or guilty to, any offense involving fraud, deceit, dishonesty,
 984 or moral turpitude.

985 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 986 PARTICIPATION.—A parent who applies for program participation

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987 under this section is exercising his or her parental option to
 988 determine the appropriate placement or the services that best
 989 meet the needs of his or her child. The scholarship award for a
 990 student is based on a matrix that assigns the student to support
 991 Level III services. If a parent ~~receives chooses to request and~~
 992 ~~receive~~ an IEP and a matrix of services from the school district
 993 pursuant to subsection (7), the amount of the payment shall be
 994 adjusted as needed, when the school district completes the
 995 matrix.

996 (a) To satisfy or maintain program eligibility, including
 997 eligibility to receive and spend program payments enroll an
 998 eligible student in the program, the parent must sign an
 999 agreement with the ~~eligible nonprofit scholarship funding~~
 1000 organization and annually submit a notarized, sworn compliance
 1001 statement to the organization to:

1002 1. Affirm that the student is enrolled in a program that
 1003 meets regular school attendance requirements as provided in s.
 1004 1003.01(13)(b)-(d).

1005 2. Affirm that ~~Use~~ the program funds are used only for
 1006 authorized purposes serving the student's educational needs, as
 1007 described in subsection (5).

1008 3. Affirm that the parent is responsible for the education
 1009 of his or her student by, as applicable: takes all appropriate
 1010 standardized assessments as specified in this section.

1011 a. Requiring the student to ~~If the parent enrolls the child~~
 1012 ~~in an eligible private school, the student must take an~~
 1013 assessment in accordance with paragraph (8)(c); selected by the
 1014 private school pursuant to s. 1002.395(7)(e).

1015 b. Providing an ~~If the parent enrolls the child in a home~~

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1016 ~~education program, the parent may choose to participate in an~~
 1017 ~~assessment as part of the annual evaluation in accordance with~~
 1018 ~~provided for in s. 1002.41(1)(c); or-~~

1019 c. Requiring the child to take any pre- and post-
 1020 assessments selected by the provider if the child is 4 years of
 1021 age and is enrolled in a program provided by an eligible
 1022 Voluntary Prekindergarten Education Program provider. A student
 1023 with disabilities for whom a pre- and post-assessment is not
 1024 appropriate is exempt from this requirement. A participating
 1025 provider shall report a student's scores to the parent.

1026 4. ~~Notify the school district that the student is~~
 1027 ~~participating in the Personal Learning Scholarship Accounts if~~
 1028 ~~the parent chooses to enroll in a home education program as~~
 1029 ~~provided in s. 1002.41.~~

1030 5. Request participation in the program by the date
 1031 established by the eligible nonprofit scholarship funding
 1032 organization.

1033 ~~4.6-~~ Affirm that the student remains in good standing with
 1034 the provider or school if those options are selected by the
 1035 parent.

1036 7. ~~Apply for admission of his or her child if the private~~
 1037 ~~school option is selected by the parent.~~

1038 8. ~~Annually renew participation in the program.~~
 1039 ~~Notwithstanding any changes to the student's IEP, a student who~~
 1040 ~~was previously eligible for participation in the program shall~~
 1041 ~~remain eligible to apply for renewal as provided in subsection~~
 1042 ~~(6).~~

1043 9. Affirm that the parent will not transfer any college
 1044 savings funds to another beneficiary.

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1045 ~~10. Affirm that the parent will not take possession of any~~
 1046 ~~funding provided by the state for the Florida Personal Learning~~
 1047 ~~Scholarship Accounts.~~

1048 ~~11. Maintain a portfolio of records and materials which~~
 1049 ~~must be preserved by the parent for 2 years and be made~~
 1050 ~~available for inspection by the district school superintendent~~
 1051 ~~or the superintendent's designee upon 15 days' written notice.~~
 1052 ~~This paragraph does not require the superintendent to inspect~~
 1053 ~~the portfolio. The portfolio of records and materials must~~
 1054 ~~consist of:~~

1055 ~~a. A log of educational instruction and services which is~~
 1056 ~~made contemporaneously with delivery of the instruction and~~
 1057 ~~services and which designates by title any reading materials~~
 1058 ~~used; and~~

1059 ~~b. Samples of any writings, worksheets, workbooks, or~~
 1060 ~~creative materials used or developed by the student.~~

1061 (b) The parent must file an application for initial program
 1062 participation with an organization by the dates established
 1063 pursuant to this section.

1064 (c) The parent must notify the school district that the
 1065 student is participating in the Personal Learning Scholarship
 1066 Program if the parent chooses to enroll the student in a home
 1067 education program as provided in s. 1002.41. This notification
 1068 is not in lieu of the required notification a parent must submit
 1069 to the district when establishing a home education program
 1070 pursuant to s. 1002.41(1)(a).

1071 (d) The parent must enroll his or her child in a program
 1072 from a Voluntary Prekindergarten Education Program provider
 1073 authorized under s. 1002.55, a school readiness provider

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1074 authorized under s. 1002.88, or an eligible private school if
 1075 either option is selected by the parent.

1076 (e) The parent must annually renew participation in the
 1077 program. Notwithstanding any changes to the student's IEP, a
 1078 student who was previously eligible for participation in the
 1079 program shall remain eligible to apply for renewal. However, for
 1080 a high-risk child to continue to participate in the program in
 1081 the school year after he or she reaches 6 years of age, the
 1082 child's application for renewal of program participation must
 1083 contain documentation that the child has a disability defined in
 1084 paragraph (2)(d) other than high-risk status.

1085 (f) ~~(b)~~ The parent is responsible for procuring the services
 1086 necessary to educate the student. When the student receives a
 1087 personal learning scholarship account, the district school board
 1088 is not obligated to provide the student with a free appropriate
 1089 public education. For purposes of s. 1003.57 and the Individuals
 1090 with Disabilities in Education Act, a participating student has
 1091 only those rights that apply to all other unilaterally
 1092 parentally placed students, except that, when requested by the
 1093 parent, school district personnel must develop an individual
 1094 education plan or matrix level of services.

1095 (g) ~~(e)~~ The parent is responsible for the ~~payment of~~ all
 1096 eligible expenses in excess of the amount of the personal
 1097 learning scholarship account ~~in accordance with the terms agreed~~
 1098 ~~to between the parent and the providers.~~

1099 (h) The parent may not transfer any prepaid college plan or
 1100 college savings plan funds contributed pursuant to paragraph
 1101 (5)(f) to another beneficiary while the plan contains funds
 1102 contributed pursuant to this section.

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1103 (i) The parent may not receive a payment, refund, or rebate
 1104 from an approved provider of any services under this program.

1105
 1106 A parent who fails to comply with this subsection forfeits the
 1107 personal learning scholarship account.

1108 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS
 1109 ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP ACCOUNTS.—An
 1110 eligible nonprofit scholarship-funding organization
 1111 participating in the Florida Tax Credit Scholarship Program
 1112 established under s. 1002.395 may establish personal learning
 1113 scholarship accounts for eligible students by:

1114 (a) Receiving applications and determining student
 1115 eligibility in accordance with the requirements of this section.
 1116 The organization shall notify the department of the applicants
 1117 for the program by March 1 before the school year in which the
 1118 student intends to participate. When an application is approved
 1119 received, the scholarship-funding organization must provide the
 1120 department with information on the student to enable the
 1121 department to determine ~~report~~ the student ~~for~~ funding in
 1122 accordance with subsection (13).

1123 (b) Notifying parents of their receipt of a scholarship on
 1124 a first-come, first-served basis, based upon the funds provided
 1125 ~~for this program in the General Appropriations Act.~~

1126 (c) Establishing a date pursuant to paragraph (3) (b) by
 1127 which a parent must confirm initial or continuing participation
 1128 in the program and ~~confirm the establishment or continuance of a~~
 1129 ~~personal learning scholarship account.~~

1130 (d) Reviewing applications and awarding scholarship funds
 1131 to approved applicants using the following priorities:

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1132 1. Renewing students from the previous school year;
 1133 2. Students retained on the previous school year's wait
 1134 list;
 1135 3. Newly approved applicants; and
 1136 4. Late-filed applicants.

1137
 1138 An approved student who does not receive a scholarship must be
 1139 placed on the wait list in the order in which his or her
 1140 application is approved. ~~The~~ ~~Establishing a date and process by~~
 1141 ~~which~~ students on the wait list or subsequent late-filing
 1142 applicants may be allowed to participate in the program during
 1143 the fiscal school year, within the amount of funds provided ~~for~~
 1144 this program in the General Appropriations Act. A student who
 1145 does not receive a scholarship within the fiscal year shall be
 1146 retained on the wait list for the subsequent year.

1147 (e) Establishing and maintaining separate accounts for each
 1148 eligible student. For each account, the organization must
 1149 maintain a record of accrued interest that is retained in the
 1150 student's account and available only for authorized program
 1151 expenditures.

1152 (f) Verifying qualifying educational expenditures pursuant
 1153 to the requirements of paragraph (9) (b) ~~(8) (b).~~

1154 (g) Returning any remaining program unused funds to the
 1155 department pursuant to paragraph (6) (b) when the student is no
 1156 longer eligible for a personal scholarship learning account.

1157 (h) Notifying the parent about the availability of, and the
 1158 requirements associated with, requesting an initial IEP or IEP
 1159 reevaluation every 3 years for each student participating in the
 1160 program.

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1161 (i) Notifying the department of any violation of this
 1162 section.

1163 (j) Documenting each scholarship student's eligibility for
 1164 a fiscal year before granting a scholarship for that fiscal year
 1165 pursuant to paragraph (3) (b).

1166 (13) FUNDING AND PAYMENT.—

1167 (a)1. The maximum funding amount granted for an eligible
 1168 student with a disability, pursuant to subsection (3), shall be
 1169 equivalent to the base student allocation in the Florida
 1170 Education Finance Program multiplied by the appropriate cost
 1171 factor for the educational program which would have been
 1172 provided for the student in the district school to which he or
 1173 she would have been assigned, multiplied by the district cost
 1174 differential.

1175 2. In addition, an amount equivalent to a share of the
 1176 guaranteed allocation for exceptional students in the Florida
 1177 Education Finance Program shall be determined and added to the
 1178 amount in subparagraph 1. The calculation shall be based on the
 1179 methodology and the data used to calculate the guaranteed
 1180 allocation for exceptional students for each district in chapter
 1181 2000-166, Laws of Florida. Except as provided in subparagraph
 1182 3., the calculation shall be based on the student's grade, the
 1183 matrix level of services, and the difference between the 2000-
 1184 2001 basic program and the appropriate level of services cost
 1185 factor, multiplied by the 2000-2001 base student allocation and
 1186 the 2000-2001 district cost differential for the sending
 1187 district. The calculated amount must also include an amount
 1188 equivalent to the per-student share of supplemental academic
 1189 instruction funds, instructional materials funds, technology

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1190 funds, and other categorical funds as provided in the General
 1191 Appropriations Act.

1192 3. Except as otherwise provided in subsection (7), the
 1193 calculation for all students participating in the program shall
 1194 be based on the matrix that assigns the student to support Level
 1195 III of services. If a parent chooses to request and receive a
 1196 matrix of services from the school district, when the school
 1197 district completes the matrix, the amount of the payment shall
 1198 be adjusted as needed.

1199 (b) The amount of the awarded funds shall be 90 percent of
 1200 the calculated amount. One hundred percent of the funds
 1201 appropriated for the program shall be released to the department
 1202 at the beginning of the first quarter of each fiscal year.

1203 (c) Upon notification from the organization that a parent
 1204 has filed a final verification document pursuant to paragraph
 1205 (3) (b) or upon notification from the organization that a 3- or
 1206 4-year-old child's application has been approved for the
 1207 program, the department shall release the student's scholarship
 1208 funds to the organization to be deposited into the student's
 1209 account ~~an eligible student's graduation from an eligible~~
 1210 ~~postsecondary educational institution or after any period of 4~~
 1211 ~~consecutive years after high school graduation in which the~~
 1212 ~~student is not enrolled in an eligible postsecondary educational~~
 1213 ~~institution, the student's personal learning scholarship account~~
 1214 ~~shall be closed, and any remaining funds shall revert to the~~
 1215 state.

1216 (d) For initial eligibility for the program, students
 1217 determined eligible by the organization for a personal learning
 1218 scholarship amount by:

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1219 1. September 1 shall receive 100 percent of the total
 1220 awarded funds.

1221 2. November 1 shall receive 75 percent of the total awarded
 1222 funds.

1223 3. February 1 shall receive 50 percent of the total awarded
 1224 funds.

1225 4. April 1 shall receive 25 percent of the total awarded
 1226 funds.

1227 (e) Accrued interest in the student's account is in
 1228 addition to, and not part of, the awarded funds. Program funds
 1229 include both the awarded funds and accrued interest.

1230 (f)(d) The eligible nonprofit scholarship funding
 1231 organization may shall develop a system for payment of benefits
 1232 by electronic funds transfer, including, but not limited to,
 1233 debit cards, electronic payment cards, or any other means of
 1234 electronic payment that the department deems to be commercially
 1235 viable or cost-effective. A student's scholarship award may not
 1236 be reduced for debit card or electronic payment fees.

1237 Commodities or services related to the development of such a
 1238 system shall be procured by competitive solicitation unless they
 1239 are purchased from a state term contract pursuant to s. 287.056.

1240 (g) In addition to funds appropriated for scholarship
 1241 awards and subject to a separate, specific legislative
 1242 appropriation, an organization may receive an amount equivalent
 1243 to not more than 3 percent of the amount of each scholarship
 1244 award from state funds for administrative expenses if the
 1245 organization has operated as a nonprofit entity for at least the
 1246 preceding 3 fiscal years and did not have any findings of
 1247 material weakness or material noncompliance in its most recent

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1248 audit under s. 1002.395(6)(m). Such administrative expenses must
 1249 be reasonable and necessary for the organization's management
 1250 and distribution of scholarships under this section. Funds
 1251 authorized under this paragraph may not be used for lobbying or
 1252 political activity or expenses related to lobbying or political
 1253 activity. An organization may not charge an application fee for
 1254 a scholarship. Administrative expenses may not be deducted from
 1255 funds appropriated for scholarship awards.

1256 (h)(e) Moneys received pursuant to this section do not
 1257 constitute taxable income to the qualified student or parent of
 1258 the qualified student.

1259 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

1260 (a) The Auditor General shall conduct an annual financial
 1261 and operational audit of accounts and records of each eligible
 1262 scholarship-funding organization that participates in the
 1263 program. As part of this audit, the Auditor General shall
 1264 verify, at a minimum, the total amount of students served and
 1265 the eligibility of reimbursements made by the each eligible
 1266 nonprofit scholarship-funding organization and transmit that
 1267 information to the department. The Auditor General shall provide
 1268 the commissioner with a copy of each annual operational audit
 1269 performed pursuant to this subsection within 10 days after the
 1270 audit is finalized.

1271 (b) The Auditor General shall notify the department of any
 1272 eligible nonprofit scholarship-funding organization that fails
 1273 to comply with a request for information.

1274 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
 1275 Department of Health, the Agency for Persons with Disabilities,
 1276 and the Department of Education shall work with an eligible

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1277 ~~nonprofit scholarship-funding~~ organization for easy or automated
1278 access to lists of licensed providers of services specified in
1279 paragraph (5) (c) to ensure efficient administration of the
1280 program.

1281 (16) LIABILITY.—The state is not liable for the award or
1282 any use of awarded funds under this section.

1283 (17) SCOPE OF AUTHORITY.—This section does not expand the
1284 regulatory authority of this state, its officers, or any school
1285 district to impose additional regulation on participating
1286 private schools, independent ~~nonpublic~~ postsecondary educational
1287 institutions, and private providers beyond those reasonably
1288 necessary to enforce requirements expressly set forth in this
1289 section.

1290 (18) RULES.—The State Board of Education shall adopt rules
1291 pursuant to ss. 120.536(1) and 120.54 to administer this
1292 section.

1293 ~~(19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL~~
1294 ~~YEAR. Notwithstanding the provisions of this section related to~~
1295 ~~notification and eligibility timelines, an eligible nonprofit~~
1296 ~~scholarship-funding organization may enroll parents on a rolling~~
1297 ~~schedule on a first-come, first-served basis, within the amount~~
1298 ~~of funds provided in the General Appropriations Act.~~

1299 Section 6. Paragraph (j) of subsection (6) and paragraphs
1300 (a), (b), and (f) of subsection (16) of section 1002.395,
1301 Florida Statutes, are amended to read:

1302 1002.395 Florida Tax Credit Scholarship Program.—

1303 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1304 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1305 organization:

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1306 (j)1. May use up to 3 percent of eligible contributions
1307 received during the state fiscal year in which such
1308 contributions are collected for administrative expenses if the
1309 organization has operated as an eligible nonprofit scholarship-
1310 funding organization ~~under this section~~ for at least the
1311 preceding 3 ~~state~~ fiscal years and did not have any ~~negative~~
1312 ~~financial~~ findings of material weakness or material
1313 noncompliance in its most recent audit under paragraph (m). Such
1314 administrative expenses must be reasonable and necessary for the
1315 organization's management and distribution of eligible
1316 contributions under this section. No funds authorized under this
1317 subparagraph shall be used for lobbying or political activity or
1318 expenses related to lobbying or political activity. Up to one-
1319 third of the funds authorized for administrative expenses under
1320 this subparagraph may be used for expenses related to the
1321 recruitment of contributions from taxpayers. ~~If~~ An eligible
1322 nonprofit scholarship-funding organization may not charge
1323 charges an application fee for a scholarship, the application
1324 fee must be immediately refunded to the person that paid the fee
1325 if the student is not enrolled in a participating school within
1326 12 months.

1327 2. Must expend for annual or partial-year scholarships an
1328 amount equal to or greater than 75 percent of the net eligible
1329 contributions remaining after administrative expenses during the
1330 state fiscal year in which such contributions are collected. No
1331 more than 25 percent of such net eligible contributions may be
1332 carried forward to the following state fiscal year. All amounts
1333 carried forward, for audit purposes, must be specifically
1334 identified for particular students, by student name and the name

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 1335 of the school to which the student is admitted, subject to the
 1336 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
 1337 and the applicable rules and regulations issued pursuant
 1338 thereto. Any amounts carried forward shall be expended for
 1339 annual or partial-year scholarships in the following state
 1340 fiscal year. Net eligible contributions remaining on June 30 of
 1341 each year that are in excess of the 25 percent that may be
 1342 carried forward shall be transferred to other eligible nonprofit
 1343 scholarship-funding organizations to provide scholarships for
 1344 eligible students. All transferred funds must be deposited by
 1345 each eligible nonprofit scholarship-funding organization
 1346 receiving such funds into its scholarship account. All
 1347 transferred amounts received by any eligible nonprofit
 1348 scholarship-funding organization must be separately disclosed in
 1349 the annual financial audit required under paragraph (m) ~~returned~~
 1350 to the State Treasury for deposit in the General Revenue Fund.

1351 3. Must, before granting a scholarship for an academic
 1352 year, document each scholarship student's eligibility for that
 1353 academic year. A scholarship-funding organization may not grant
 1354 multiyear scholarships in one approval process.

1355
 1356 Information and documentation provided to the Department of
 1357 Education and the Auditor General relating to the identity of a
 1358 taxpayer that provides an eligible contribution under this
 1359 section shall remain confidential at all times in accordance
 1360 with s. 213.053.

1361 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
 1362 APPLICATION.—In order to participate in the scholarship program
 1363 created under this section, a charitable organization that seeks

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 1364 to be a nonprofit scholarship-funding organization must submit
 1365 an application for initial approval or renewal to the Office of
 1366 Independent Education and Parental Choice no later than
 1367 September 1 of each year before the school year for which the
 1368 organization intends to offer scholarships.
 1369 (a) An application for initial approval must include:
 1370 1. A copy of the organization's incorporation documents and
 1371 registration with the Division of Corporations of the Department
 1372 of State.
 1373 2. A copy of the organization's Internal Revenue Service
 1374 determination letter as a s. 501(c)(3) not-for-profit
 1375 organization.
 1376 3. A description of the organization's financial plan that
 1377 demonstrates sufficient funds to operate throughout the school
 1378 year.
 1379 4. A description of the geographic region that the
 1380 organization intends to serve and an analysis of the demand and
 1381 unmet need for eligible students in that area.
 1382 5. The organization's organizational chart.
 1383 6. A description of the criteria and methodology that the
 1384 organization will use to evaluate scholarship eligibility.
 1385 7. A description of the application process, including
 1386 deadlines and any associated fees.
 1387 8. A description of the deadlines for attendance
 1388 verification and scholarship payments.
 1389 9. A copy of the organization's policies on conflict of
 1390 interest and whistleblowers.
 1391 10. A copy of a surety bond or letter of credit to secure
 1392 the faithful performance of the obligations of the eligible

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1393 nonprofit scholarship-funding organization in accordance with
 1394 this section in an amount equal to 25 percent of the scholarship
 1395 funds anticipated for each school year or \$100,000, whichever is
 1396 greater. The surety bond or letter of credit must specify that
 1397 any claim against the bond or letter of credit may be made only
 1398 by an eligible nonprofit scholarship-funding organization to
 1399 provide scholarships to and on behalf of students who would have
 1400 had scholarships funded if it were not for the diversion of
 1401 funds giving rise to the claim against the bond or letter of
 1402 credit.

1403 (b) In addition to the information required by
 1404 subparagraphs (a)1.-9., an application for renewal must include:
 1405 1. A surety bond or letter of credit to secure the faithful
 1406 performance of the obligations of the eligible nonprofit
 1407 scholarship-funding organization in accordance with this section
 1408 equal to the amount of undisbursed donations held by the
 1409 organization based on the annual report submitted pursuant to
 1410 paragraph (6) (m). The amount of the surety bond or letter of
 1411 credit must be at least \$100,000, but not more than \$25 million.
 1412 The surety bond or letter of credit must specify that any claim
 1413 against the bond or letter of credit may be made only by an
 1414 eligible nonprofit scholarship-funding organization to provide
 1415 scholarships to and on behalf of students who would have had
 1416 scholarships funded if it were not for the diversion of funds
 1417 giving rise to the claim against the bond or letter of credit.

1418 2. The organization's completed Internal Revenue Service
 1419 Form 990 submitted no later than November 30 of the year before
 1420 the school year that the organization intends to offer the
 1421 scholarships, notwithstanding the September 1 application

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1422 deadline.

1423 3. A copy of the statutorily required audit to the
 1424 Department of Education and Auditor General.

1425 4. An annual report that includes:

1426 a. The number of students who completed applications, by
 1427 county and by grade.

1428 b. The number of students who were approved for
 1429 scholarships, by county and by grade.

1430 c. The number of students who received funding for
 1431 scholarships within each funding category, by county and by
 1432 grade.

1433 d. The amount of funds received, the amount of funds
 1434 distributed in scholarships, and an accounting of remaining
 1435 funds and the obligation of those funds.

1436 e. A detailed accounting of how the organization spent the
 1437 administrative funds allowable under paragraph (6) (j).

1438 (f) All remaining funds held by a nonprofit scholarship-
 1439 funding organization that is disapproved for participation must
 1440 be transferred ~~revert to the Department of Revenue for~~
 1441 ~~redistribution~~ to other eligible nonprofit scholarship-funding
 1442 organizations to provide scholarships for eligible students. All
 1443 transferred funds must be deposited by each eligible nonprofit
 1444 scholarship-funding organization receiving such funds into its
 1445 scholarship account. All transferred amounts received by any
 1446 eligible nonprofit scholarship-funding organization must be
 1447 separately disclosed in the annual financial audit required
 1448 under subsection (6).

1449 Section 7. Paragraph (aa) is added to subsection (4) of
 1450 section 1009.971, Florida Statutes, to read:

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1451 1009.971 Florida Prepaid College Board.—

1452 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The

1453 board shall have the powers and duties necessary or proper to

1454 carry out the provisions of ss. 1009.97-1009.988, including, but

1455 not limited to, the power and duty to:

1456 (aa) Adopt rules relating to the purchase and use of a

1457 prepaid college plan authorized under s. 1009.98 or a college

1458 savings plan authorized under s. 1009.981 for the Florida

1459 Personal Learning Scholarship Accounts Program pursuant to s.

1460 1002.385, which may include, but need not be limited to:

1461 1. The use of such funds for postsecondary education

1462 programs for students with disabilities;

1463 2. Effective procedures that allow program funds to be used

1464 in conjunction with other funds used by a parent in the purchase

1465 of a prepaid college plan or a college savings plan;

1466 3. The tracking and accounting of program funds separately

1467 from other funds contributed to a prepaid college plan or a

1468 college savings plan;

1469 4. The reversion of program funds, including, but not

1470 limited to, earnings from contributions to the Florida College

1471 Savings Plan;

1472 5. The use of program funds only after private payments

1473 have been used for prepaid college plan or college savings plan

1474 expenditures;

1475 6. Contracting with each eligible nonprofit scholarship-

1476 funding organization to establish mechanisms to implement s.

1477 1002.385, including, but not limited to, identifying the source

1478 of funds being deposited in the plans; and

1479 7. The development of a written agreement that defines the

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1480 owner and beneficiary of an account and outlines

1481 responsibilities for the use of the advance payment contract

1482 funds or savings program funds.

1483 Section 8. Subsection (11) is added to section 1009.98,

1484 Florida Statutes, to read:

1485 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1486 (11) IMPLEMENTATION PROCEDURES.—

1487 (a) A prepaid college plan may be purchased, accounted for,

1488 used, and terminated as provided in s. 1002.385.

1489 (b) A qualified beneficiary may apply the benefits of an

1490 advance payment contract toward the program fees of a program

1491 designed for students with disabilities conducted by a state

1492 postsecondary institution. A transfer authorized under this

1493 subsection may not exceed the redemption value of the advance

1494 payment contract at a state postsecondary institution or the

1495 number of semester credit hours contracted on behalf of a

1496 qualified beneficiary. A qualified beneficiary may not be

1497 changed while a prepaid college plan contains funds contributed

1498 under s. 1002.385.

1499 Section 9. Subsection (10) is added to section 1009.981,

1500 Florida Statutes, to read:

1501 1009.981 Florida College Savings Program.—

1502 (10) IMPLEMENTATION PROCEDURES.—

1503 (a) A college savings plan may be purchased, accounted for,

1504 used, and terminated as provided in s. 1002.385.

1505 (b) A designated beneficiary may apply the benefits of a

1506 participation agreement toward the program fees of a program

1507 designed for students with disabilities conducted by a state

1508 postsecondary institution. A designated beneficiary may not be

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1509 changed while a college savings plan contains funds contributed
 1510 under s. 1002.385.

1511 Section 10. For the 2016-2017 fiscal year:

1512 (1) The sum of \$71.2 million in recurring funds from the
 1513 General Revenue Fund is appropriated to the Department of
 1514 Education for scholarship awards under the Personal Learning
 1515 Scholarship Accounts Program. In addition to the funds
 1516 appropriated for the scholarship awards, the sum of \$2,136,000
 1517 in recurring funds from the General Revenue Fund is appropriated
 1518 to the Department of Education for reasonable and necessary
 1519 administrative expenses for each scholarship-funding
 1520 organization's management and distribution of scholarship awards
 1521 under the program; however, the amount paid to each scholarship-
 1522 funding organization may not exceed 3 percent of the amount of
 1523 each scholarship award.

1524 (2) The sum of \$14 million in recurring funds from the
 1525 General Revenue Fund is appropriated to the Department of
 1526 Education for incentive payments for the Standard Student Attire
 1527 Incentive Program.

1528 (3) The sum of \$8 million in recurring funds from the
 1529 General Revenue Fund is appropriated for the Florida
 1530 Postsecondary Comprehensive Transition Program to be
 1531 administered by the Florida Center for Students with Unique
 1532 Abilities at the University of Central Florida, as follows:

1533 (a) The sum of \$1.5 million shall be provided to the
 1534 Florida Center for Students with Unique Abilities for costs
 1535 solely associated with the center serving as the statewide
 1536 coordinating center for the program.

1537 (b) The sum of \$3 million shall be distributed for startup

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1538 and enhancement grants to eligible institutions pursuant to s.
 1539 1004.6495(5)(b)5., Florida Statutes.

1540 (c) The sum of \$3.5 million shall be distributed as Florida
 1541 Postsecondary Comprehensive Transition Program scholarships for
 1542 students who are enrolled in eligible programs.

1543 Section 11. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15
Meeting Date

SB 072
Bill Number (if applicable)

Topic SB 072 (PLSA)

Amendment Barcode (if applicable)

Name Andrea Wiggins

Job Title _____

Address 918 Julie Lane
Street

Phone 863.255.5129

Lakeland FL 33813
City State Zip

Email wiggins.andrea@gmail.com

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15
Meeting Date

SB 072
Bill Number (if applicable)

Topic PLSA

Amendment Barcode (if applicable)

Name Lydia Burton

Job Title _____

Address 4440 SW Archer Rd Apt. 1221
Street
Gainesville FL 32608
City State Zip

Phone 727-674-8345

Email _____

Speaking: For Against Information

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

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11-18-15
Meeting Date

SB 0672
Bill Number (if applicable)

Topic PLSA

Amendment Barcode (if applicable)

Name Melissa Ward

Job Title _____

Address 15134 Reef Dr. N
Street

Phone _____

Jax FL 32226
City State Zip

Email _____

Speaking: For Against Information

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

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15

Meeting Date

672

Bill Number (if applicable)

Topic Education Choice

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Vice President

Address 8526 96th Ave

Phone 772 584-1454

Street

Vero Beach

State

FL

Zip

32967

Email Frost@ShawnFrost.com

com

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15
Meeting Date

SB 672
Bill Number (if applicable)

Topic Educational Opportunities

Amendment Barcode (if applicable)

Name Larry Williams

Job Title Director of Governmental Affairs

Address 200 W. College Ave
Street
Tallahassee FL 32301
City State Zip

Phone 904-537-8593

Email larry@larrywilliamconsulting.com

Speaking: For Against Information

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

Representing Florida Consortium of Public Charter Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

11/18/15

Meeting Date

SB 672

Bill Number (if applicable)

Topic SB 672 - Educational options

Amendment Barcode (if applicable)

Name Debbie Morham

Job Title Advocacy Director, Foundation FL's Future

Address Street Phone

Street

Phone

City

State

Zip

Email

Speaking: For Against Information

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

Representing Foundation for FL's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11-18-15
Meeting Date

SB 672
Bill Number (if applicable)

Topic SB 672

—
Amendment Barcode (if applicable)

Name Margaret S. Hooper

Job Title Public Policy Coordinator

Address 124 Merritt Drive # 203

Phone 850-921-7263

Street

Tallahassee FL 32301

City

State

Zip

Email MargaretD@FDDC.org

Speaking: For Against Information

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

Representing Florida Developmental Disabilities Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Nov. 18, 2015
Meeting Date

672
Bill Number (if applicable)

Topic Educational Options

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

Address 201 W Park Ave
Street
Tallahassee FL 32301
City State Zip

Phone (850) 205-6823
Email jherzog@flaccb.org

Speaking: For Against Information

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

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

11-18-15

Meeting Date

672

Bill Number (if applicable)

Topic EDUCATIONAL OPTIONS

Amendment Barcode (if applicable)

Name DAVID DANIEL

Job Title _____

Address 311 EAST PARK AVE

Phone 224-5081

Street

TALLAHASSEE

FL

32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA CHAMBER OF COMMERCE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 7016

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: Interstate Compact on Educational Opportunity for Military Children

DATE: November 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Sanders	Hrdlicka		MS Submitted as Committee Bill
1.	Bailey	Klebacha	ED	Favorable
2.			FP	

I. Summary:

SB 7016 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact) and provides for future legislative review and repeal of the Compact on July 1, 2019.

The bill is effective upon becoming law.

II. Present Situation:

Children in active-duty military families face unique educational challenges. The average military child transfers to a different state or school district six to nine times during kindergarten through grade 12. When a parent is reassigned, a military child may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- The need to appoint temporary guardians while the child's parent is deployed.¹

As of July 31, 2014, there were 41,334 students from an active-duty military family residing in Florida.²

¹ Interstate Commission on Educational Opportunity for Military Children, *Guide for Parents, School Officials and Public Administrators* (Nov. 2014), p. 2, available at <http://mic3.net/pages/resources/documents/ParentGuideNov2014.pdf> (last visited October 26, 2015).

² Email correspondence with John Matthews, Program Specialist, Interstate Commission on Educational Opportunity for Military Children on Sept. 22, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.)

Interstate Compact on Educational Opportunity for Military Children

To assist transferring military families, the Council of State Governments' National Center for Interstate Compacts and the U.S. Department of Defense developed the Interstate Compact on Educational Opportunity for Military Children (Compact) with input and assistance from national associations, federal and state officials, departments of education, school officials, and military families.³ The Compact is an agreement between states that is designed to assist member states in uniformly addressing key educational transition issues in enrollment, placement, attendance, eligibility, and graduation.⁴

In order to join the Compact as a member state, each state was required to adopt the Compact in state law. The Compact was effective upon enactment by ten states. Florida was the tenth state to join the Compact on July 1, 2008.⁵ Following Oregon's legislation taking effect in January of 2015, all 50 states and the District of Columbia are now active members of the Compact.⁶

Students eligible for assistance under the Compact must receive public funding through the local education agency and be the children of:

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active-duty orders;
- Members or veterans of the uniformed services who are medically discharged or retired for a period of one year following separation; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.⁷

Florida State Council

The Compact requires member states to establish a state council or appoint an existing entity to coordinate the implementation of the Compact.⁸ At a minimum, the state council must include the following:

- State superintendent of education;
- Superintendent of a school district with a high concentration of military children;
- One representative from a military installation;
- One representative from the legislative branch of government; and
- One representative from the executive branch of government.⁹

³ Military Interstate Children's Compact Commission, *FAQ: What is The Compact?*, available at http://mic3.net/pages/FAQ/faq_indexnew.aspx (last visited October 27, 2015).

⁴ Military Interstate Children's Compact Commission, *Orientation to the Interstate Compact*, (Jan. 2015), p. 7, available at <http://mic3.net/pages/resources/resources.aspx> (last visited October 27, 2015).

⁵ Email correspondence with John Matthews, Program Specialist, Interstate Commission on Educational Opportunity for Military Children on Sept. 22, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.) See ss. 1000.36, 1000.38, and 1000.39, F.S.

⁶ Military Interstate Children's Compact Commission, *FAQ: Where Is The Compact In Terms Of Implementation At The National And State Levels?*, available at http://mic3.net/pages/FAQ/faq_indexnew.aspx (last visited October 27, 2015).

⁷ Article III, s. A of the Compact, s. 1000.36, F.S.

⁸ Article VIII of the Compact, s. 1000.36, F.S.

⁹ Article VIII, s. A of the Compact, s. 1000.36, F.S.

Additionally, the state must appoint or designate a military family education liaison and a compact commissioner. Each of these individuals, unless already a full voting member of the council, shall serve as an ex officio member of the state council.¹⁰

Interstate Commission on Educational Opportunity for Military Children

The Interstate Commission on Educational Opportunity for Military Children (Interstate Commission) is the national governing body created to provide oversight of the Compact, adopt and enforce bylaws and rules, and perform various administrative functions necessary for day-to-day operations.¹¹ The Interstate Commission is comprised of one voting representative from each member state and non-voting, ex officio representatives who are members of interested organizations (e.g., the U.S. Department of Defense).¹² Each state is entitled to one vote on Compact rule adoption or other business matters.¹³ The Interstate Commission must meet at least once per calendar year.¹⁴

The Interstate Commission is authorized to promulgate Compact rules that govern member states in the areas addressed by the Compact. Compact rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.¹⁵ Compact rules must not exceed the scope of authority granted by the Compact. A majority of member state legislatures may invalidate a Compact rule by legislative action.¹⁶

Since the Legislature last reauthorized the Compact in 2013,¹⁷ the Interstate Commission did not adopt any rules or bylaws or make changes to the Compact. The statutes adopting the Compact are repealed on April 10, 2016, unless reenacted by the Legislature.

III. Effect of Proposed Changes:

The bill repeals s. 2, ch. 2013-20, L.O.F., which would repeal Florida's adoption of the Compact on April 10, 2016. The bill provides for the repeal of the Compact statutes, ss. 1000.36, 1000.38, and 1000.39, F.S., on July 1, 2019, unless reviewed and reenacted by the Legislature.

The bill is effective upon becoming law.

¹⁰ Article VIII of the Compact, s. 1000.36, F.S. See also ss. 1000.38 and 1000.39, F.S., and Military Interstate Children's Compact Commission, *Compact Officials in Florida*, available at <http://www.mic3.net/pages/contact/Map/florida.aspx> (last visited October 27, 2015).

¹¹ Articles IX and X of the Compact, s. 1000.36, F.S.

¹² Article IX of the Compact, s. 1000.36, F.S. The voting representative from each state is the compact commissioner.

¹³ Article IX, s. B of the Compact, s. 1000.36, F.S.

¹⁴ Article IX, s. D of the Compact, s. 1000.36, F.S.

¹⁵ Article X, s. B and Article XVIII, s. B of the Compact, s. 1000.36, F.S. The Compact also provides that if any part of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. See Article XVIII, s. E of the Compact, s. 1000.36, F.S.

¹⁶ Article XII of the Compact, s. 1000.36, F.S.

¹⁷ Chapter 2013-20, 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. Other Constitutional Issues:

To address concerns regarding delegation of legislative authority, the bill provides for automatic repeal of Florida's Compact legislation after a period of time, unless reauthorized by the Legislature.¹⁸ Because membership in the Compact requires the state to agree to be bound by rules promulgated by a non-legislative entity, i.e., the Interstate Commission, the repeal provision allows the Legislature to periodically review the Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. Reauthorization of the Compact after such review diminishes a claim that the Legislature has delegated its authority.¹⁹

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Member states pay an annual fee to the Interstate Commission that must be between \$2,000 and \$60,000. The formula is based upon the number of military children eligible for transfer under the Interstate Compact on Educational Opportunity for Military Children at the rate of one dollar per child.

The General Appropriations Act for Fiscal Year 2015-16 appropriated \$42,813 in recurring funds from General Revenue to the Department of Education to pay the dues.²⁰

¹⁸ See s. 5, ch. 2008-225 and s. 3, ch. 2010-52, L.O.F.

¹⁹ See Florida Senate, Legislative Bill Analysis for SB 1060 (2010).

²⁰ Line item 126, proviso, ch. 2015-232, L.O.F.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill repeals Section 2 of Chapter 2013-20, Laws of Florida.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By the Committee on Military and Veterans Affairs, Space, and
Domestic Security

583-00741-16

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A bill to be entitled

An act relating to the Interstate Compact on
Educational Opportunity for Military Children;
repealing s. 2 of chapter 2013-20, Laws of Florida;
abrogating the future repeal of ss. 1000.36, 1000.38,
and 1000.39, F.S., relating to the compact; providing
for future legislative review and repeal of the
compact; providing an effective date.

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

Section 1. Section 2 of chapter 2013-20, Laws of Florida,
is repealed.

Section 2. Sections 1000.36, 1000.38, and 1000.39, Florida
Statutes, shall stand repealed on July 1, 2019, unless reviewed
and saved from repeal through reenactment by the Legislature.

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

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Committee on Education Pre K-12

Judge:

Started: 11/18/2015 2:01:43 PM

Ends: 11/18/2015 3:27:09 PM

Length: 01:25:27

2:01:46 PM Meeting Called to order
2:01:48 PM
2:01:51 PM Quorum is present
2:02:28 PM Comments by Chair Legg
2:03:34 PM Tab 3 - SB 7016 by Committee on Military and Veterans Affairs
2:04:34 PM Presented by Jennifer Hrdlica, Staff Director, Senate Fiscal Policy Committee
2:04:56 PM Sen. Brandes
2:05:03 PM Jennifer
2:05:14 PM Sen. Clemens
2:05:33 PM Jennifer in response
2:05:36 PM Chair
2:05:42 PM Jennifer waives to close
2:05:50 PM Roll Call on SB 7016 - Favorable
2:06:15 PM Tab 2 - SB 672 by Gaetz
2:11:09 PM Chair
2:12:07 PM Sen. Clemens
2:12:29 PM Sen. Gaetz
2:12:51 PM Sen. Clemens
2:12:55 PM Sen. Gaetz
2:14:01 PM Sen. Clemens
2:14:07 PM Sen. Gaetz
2:14:54 PM Chair
2:14:56 PM Sen. Sobel
2:15:36 PM Sen. Gaetz
2:16:39 PM Sen. Sobel
2:16:47 PM Sen. Gaetz
2:17:05 PM Sen. Sobel
2:18:12 PM Sen. Gaetz
2:18:50 PM Chair
2:19:06 PM Andrea Wiggins, Lakeland, FL, in support of bill
2:21:34 PM Chair
2:22:40 PM Lydia Burton, Gainesville, FL, speak in support of bill
2:24:47 PM Chair
2:25:51 PM Melissa Ward, Jacksonville, FL, speak in support of the bill
2:28:37 PM Chair
2:29:39 PM Shawn Frost, VP, Florida Coalition of School Board Members, to speak in support
2:32:24 PM Chair
2:33:25 PM Larry Williams, Dir. of Gov. Affairs, Fla. Consortium of Public Charter Schools, waives in support
2:33:45 PM Debbie Mortham, Foundation for Florida's Future, waives in support
2:33:46 PM Margaret Hooper, Fla. Developmental Disabilities Council, waives in support
2:33:46 PM James Herzog, Assoc. Director for Ed., Fla. Conference of Cath. Bishops, waive in support
2:33:46 PM David Daniel, Florida Chamber of Commerce, waive in support
2:33:46 PM Chair
2:33:47 PM Sen. Bullard, question of staff
2:34:24 PM Chair in response
2:34:32 PM Sen. Gaetz to close
2:34:49 PM Roll Call on SB 672- Favorable
2:36:04 PM Tab 1 - SB 434 by Sen. Garcia
2:36:35 PM Chair
2:37:19 PM Sen. Clemens
2:37:25 PM Sen. Garcia
2:37:41 PM Chair

2:37:51 PM Sen. Detert
2:37:58 PM Sen. Garcia
2:38:18 PM Sen. Montford
2:39:00 PM Sen. Garcia
2:39:24 PM Sen. Montford
2:40:12 PM Sen. Garcia
2:40:15 PM Sen. Montford
2:40:20 PM Sen. Garcia
2:40:27 PM Sen. Montford
2:40:58 PM Sen. Garcia
2:41:35 PM Sen. Montford
2:41:40 PM Sen. Garcia
2:41:47 PM Chair
2:42:08 PM Sen. Montford
2:42:27 PM Chair
2:42:29 PM Sen. Sobel
2:42:47 PM Sen. Garcia
2:43:07 PM Sen. Sobel
2:43:12 PM Sen. Garcia
2:43:28 PM Sen. Sobel
2:44:10 PM Sen. Garcia
2:44:23 PM Sen. Sobel
2:44:54 PM Sen. Garcia
2:46:25 PM Chair
2:46:27 PM Sen. Bullard
2:47:23 PM Sen. Garcia
2:47:57 PM Sen. Bullard
2:48:36 PM Sen. Garcia
2:49:59 PM Sen. Bullard
2:50:45 PM Sen. Garcia
2:51:26 PM Vice Chair Detert is in Chair
2:51:44 PM Chair Detert
2:51:50 PM Amendment Barcode 964918 by Legg
2:52:18 PM Sen. Clemens
2:52:31 PM Sen. Legg
2:52:42 PM Chair Detert
2:52:53 PM Amendment 964918- adopted
2:53:04 PM Chair Legg back in Chair
2:53:10 PM Amendment # 251804 by Bullard -
2:56:03 PM Chair
2:57:07 PM Sen. Bullard
2:57:33 PM Chair
2:57:42 PM Sen. Clemens in debate
2:58:53 PM Chair
2:59:55 PM Sen. Detert in debate
3:00:20 PM Chair
3:00:23 PM Sen. Garcia
3:00:39 PM Sen. Bullard
3:01:53 PM Chair
3:02:59 PM Sen. Brandes
3:03:08 PM Chair
3:03:27 PM Amendment 251804- not adopted
3:03:40 PM Back on bill as amended
3:03:53 PM Ron Bilbao, Fla. Education Association, speak in opposition
3:04:42 PM Sen. Brandes
3:04:52 PM Ron Bilbao in response
3:04:58 PM Sen. Clemens
3:05:34 PM Sen. Garcia
3:05:40 PM Ron Bilbao in response
3:05:59 PM Sen. Garcia
3:06:13 PM Chair
3:06:26 PM Nikki Fried, Broward School Board, waives in support

3:06:31 PM Chair
3:06:35 PM Sen. Montford in debate on bill
3:07:49 PM Chair
3:08:49 PM Sen. Gaetz in debate
3:12:29 PM Chair
3:13:28 PM Sen. Sobel in debate
3:15:25 PM Chair
3:15:27 PM Sen. Bullard in debate
3:17:42 PM Sen. Clemens in debate
3:19:48 PM Chair
3:20:49 PM Sen. Garcia to close
3:23:59 PM Chair
3:24:02 PM Roll Call CS/SB 434 - Favorable
3:24:40 PM Motion by Sen. Detert - Favorable SB 7016
3:25:01 PM Chair
3:26:03 PM Sen. Garcia moves to adjourn

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Opinions

To improve schools, let teachers run them

By David Osborne January 16

David Osborne, co-author of "Reinventing Government" and other books on public-sector reform, directs the Progressive Policy Institute's education reform project.

Walk through a typical public school, and you see students, sitting in rows of identical desks, listening to teachers talk. Unless the teacher is particularly inspiring, half of the students are zoning out. This isn't just a problem for teachers, half of whom leave the profession within their first five years. It's also a problem for their pupils: Disengaged teenagers do not make the best students.

Now imagine if students were instead encouraged to work on projects they chose: building robots, writing plays, researching why bees are dying off by the millions.

When teachers run their own schools, they often make such changes. "We're competing against Xbox 360, and over-scheduled days with soccer practices and very dynamic lives," says Kartal Jaquette, one of 10 teachers who run the Denver Green School. "Are you almost as interesting as a video game? Are you getting almost as much attention as a soccer coach might? Is it as much fun? Because if not, they're going to tune you out."

Teachers are in charge of at least 70 public schools in 15 states; most, but not all, are charter schools. Ten more teacher-run schools, including one in Maryland's Prince George's County, are in the planning stages. These schools are not only redesigning the learning process to better engage students, they're improving student performance. On top of that, they're stemming the high dropout rate among teachers.

Studies show that the average teacher reaches maximum effectiveness after about five years in the classroom. When nearly half of all teachers leave the profession within five years, we are losing talent we desperately need.

There are many reasons for this high dropout rate. But in my years researching education, the complaint I've heard from teachers most often is: "They treat us like children." Polls bear this out: Last spring, Gallup reported that of 12

professions, teachers were the least likely to agree that “at work, my opinions seem to count.”

Most teachers have no say in their schools’ decisions about hiring, promotions, firing, budgets, pay levels, curriculum or scheduling. This lack of control is a big reason they leave the profession, according to the University of Pennsylvania’s Richard Ingersoll, who studies teacher retention.

By contrast, consider the Avalon School, a charter middle and high school in St. Paul, Minn., which opened in 2001. A converted warehouse with high ceilings and exposed pipes, Avalon looks more like a loft space for artists than a public school. Two lead teachers share most of the school’s administrative duties, but all decisions — curriculum, schedule, salaries — are made by the entire group of 28. They meet two mornings a week, marching through each agenda item in a matter of minutes.

“I have a lot of friends in more traditional models,” says Tim Quealy, who teaches math, technology and language arts at Avalon. “They are just told what to do — some big binder lands on their desk, and their days are scripted. They feel very isolated.”

Avalon has committees that handle specific duties: personnel, technology, special education. Every year teachers evaluate one another on each other on four questions: What are their contributions? What are their greatest strengths and skills? What is some constructive feedback? And how confident are you in their overall performance? Parents and students also evaluate teachers, using different questions. If problems surface, the personnel committee appoints a fellow teacher to mentor his or her struggling colleague. If that fails, the group lets the teacher go, which appears to happen more often when teachers are in charge than it does in traditional public schools.

Having more control keeps teachers and students more engaged. Avalon’s high schoolers can take math, biology, physics and Spanish classes, but they spend the majority of their time on projects of their own choosing, with guidance from teachers to ensure that they master state standards. Such a heavy reliance on independent projects is typical of teacher-run schools, according to Kim Farris-Berg and Edward Dirkswager, who studied 11 of them for their 2012 book, “Trusting Teachers With School Success: What Happens When Teachers Call the Shots.”

When I spoke with Avalon students, it was obvious they were immersed in their own educations. One girl I met had adapted a book into a play and directed it when she was in ninth grade. Another wrote an interactive murder mystery and produced it with a classmate, raising \$200 for their prom through ticket sales. A senior boy cooked six meals from different periods of American history. While the teachers ate, he explained the context for each one: that one consisted entirely of beans because it was for slaves, why there was no salt in another meal and so on.

When projects don’t cover all related state standards, teachers — who work more as coaches than instructors — intervene. One student, concerned by the mass die-offs of bees, did a project on bees rather than take biology. He researched threats to bees; visited beekeepers, apiaries and a state bee lab; and listened to TED talks on the subject.

Once he was done, his teacher, Jo Sullivan, identified the state standards on water and carbon cycles he had missed, asked him to research them, then required him to demonstrate mastery.

Every sophomore and junior must do a major project. And to graduate, seniors must complete a 300-hour project, working with an expert from the wider community, and present it to the entire school. “This model is empowering to both the student, because they get to pick what they learn about, and to the teachers,” Sullivan says.

Teacher retention, on a year-to-year basis, averages 95 percent at Avalon, according to lead teacher Carrie Bakken. That’s higher than typical rates in St. Paul district schools, and about 10 percentage points higher than the national average in urban schools.

Charter schools in St. Paul get 24 percent less money per child than district schools, and 40 percent of Avalon’s students have a learning disability. (The project-based approach is well-suited for special education.) Still, Avalon outperforms the St. Paul average on most standardized tests and the state average on some. And its teachers value other measures more, such as the quality of senior projects. In a survey of about 125 graduates, 74 percent were in a post-secondary program or had completed one, and 88 percent agreed that their senior project had helped prepare them.

There are many different teacher-run models; some schools have principals, but teachers make the key decisions, even selecting the principal. Denver Green School (DGS), an “innovation school” with charter-like autonomy that opened in 2010, is a teacher partnership, organized much like a law or consulting firm.

Three lead partners spend most of their time on administration, while still teaching one class a day. But decisions are made by all 10 partners. In addition to fairly full teaching loads, the other seven partners each take charge of one area, such as hiring or professional development. The other 32 teachers are employees who can join the partnership if invited.

Though its students are younger than Avalon’s — pre-K through eighth grade — DGS also relies on student projects more than most other schools. Students tend an organic garden on campus, which provides about 80 pounds of food a week to the school cafeteria from August through October. The day before I visited, the sixth grade put on a harvest festival, during which they reaped the produce and offered organic foods from the garden. While preparing, they read a teenage version of Michael Pollan’s “The Omnivore’s Dilemma,” plus a book about a Cleveland urban landscape that was turned into an organic garden.

All the project work is connected to their classwork. In science class, for instance, the sixth-graders had been studying the water cycle, from rain and snow falling in the Rockies to rivers running out to the sea and evaporating. They then evaluated the use of drip irrigation in the garden and determined that it saved 1 million gallons of water a

year, compared with when the building was vacant and the district was watering weeds.

One year, teacher Kartal Jaquette's second-grade class counted every light in the building, as part of a math project to find out where energy was being wasted. They measured the lumens coming from each light, as well as from mini-skylights, or solar tubes. Using graphs and charts, they figured out which lights they could unscrew. Then they designed a monitoring system, with a student "light sheriff" to make sure that every classroom had enough light but didn't waste energy. Their recommendations, according to lead partner Frank Coyne, saved \$1,200 and 20,000 tons of carbon dioxide a year.

Though DGS prioritizes project-based learning over test prep, its academic results are strong. In ratings of academic achievement at all Denver schools, compiled by the district, DGS is in the second-highest of five categories, "meets expectations." Teachers who consistently weave projects into their lessons produce some of the school's highest test scores. Last year, 26 percent of Jaquette's third-graders tested proficient and 60 percent tested advanced in math. In a school where 60 percent of students are low-income, half are minorities and 27 percent are English-language learners, that is a home run. "There's not another school with that demographic [in the city] who had that level" of proficiency, he adds.

The advocacy group Education Evolving, which just published a guide to creating teacher-run schools, released a poll of teachers and members of the public last year that illustrates why the idea is spreading. After hearing a description of teacher-run schools, 78 percent of teachers surveyed liked the idea. More than half of non-teacher respondents were "very interested" in seeing one in their community, and one in five teachers wanted to implement the idea immediately. Interestingly, those sentiments didn't change among union members.

The biggest obstacles to the spread of teacher-run schools are school districts' central rules, most of which make it impossible to use unusual personnel configurations, alter budgets and make myriad other changes the teacher-run model demands. That's why so many teacher-run schools are charters — they need autonomy to organize as they please.

Many union leaders love the teacher-run model as much as they hate charters. They constantly argue that teachers should be treated as professionals, and there is no more professional model than a teacher-run school. In Minnesota, in fact, the Federation of Teachers has created an organization to authorize teacher-run charters. In that state, and perhaps in others, this model might carve out some islands of truce in the war between unions and charters.

More important, in an era of resistance to tax increases, most districts can't solve their teacher-retention problems by raising salaries. Handing teachers more control is probably our best shot at keeping more quality teachers in the classroom.