

Tab 1 SB 290 by Smith; (Similar to H 0015) STEM Teacher Loan Forgiveness Program

Tab 2 SB 432 by Hutson; (Compare to CS/H 0189) STEM Teachers Pilot Program

492534	D	S	RCS	ED, Garcia	Delete everything after	01/20 04:20 PM
485644	A	S	WD	ED, Montford	Delete L.38:	01/20 04:20 PM

Tab 3 SB 500 by Montford; (Identical to H 0241) Children and Youth Cabinet

Tab 4 SB 806 by Legg; (Similar to H 0585) Instruction for Homebound and Hospitalized Students

Tab 5 SB 884 by Benacquisto (CO-INTRODUCERS) Gaetz, Soto, Bradley, Bullard, Abruzzo; (Identical to H 0907) Youth Suicide Awareness and Prevention

Tab 6 SB 886 by Benacquisto; (Compare to CS/CS/H 0669) Parent and Student Rights

Tab 7 SB 894 by Detert; (Similar to CS/H 0719) Education Personnel

496796	A	S	RCS	ED, Detert	Before L.34:	01/20 04:20 PM
713616	A	S	RCS	ED, Detert	btw L.73 - 74:	01/20 04:20 PM
643634	A	S L	RCS	ED, Detert	Delete L.218 - 261.	01/20 04:20 PM

Tab 8 SB 978 by Legg; (Compare to H 7043) Public School Teachers

660250	A	S	UNFAV	ED, Bullard	Delete L.37 - 43:	01/20 04:20 PM
882154	A	S	UNFAV	ED, Bullard	btw L.57 - 58:	01/20 04:20 PM
948334	A	S	UNFAV	ED, Bullard	btw L.57 - 58:	01/20 04:20 PM
838550	A	S L	RCS	ED, Clemens	Delete L.36 - 57:	01/20 04:20 PM

Tab 9 SB 1060 by Legg; (Compare to H 1343) Career and Adult Education

Tab 10 SB 1064 by Flores; (Similar to H 0873) Special Facility Construction Account

459652	A	S	WD	ED, Montford	Delete L.89 - 93:	01/20 04:20 PM
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Tab 11 SB 1634 by Legg; School Choice

Tab 12 SB 1714 by Brandes; (Similar to H 1365) Competency-based Innovation Pilot Program

744242	A	S L	RCS	ED, Brandes	Delete L.65 - 75:	01/20 04:20 PM
665814	A	S L	RCS	ED, Brandes	Delete L.29 - 30:	01/20 04:20 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Wednesday, January 20, 2016
TIME: 1:30—3:30 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 290 Smith (Similar H 15)	STEM Teacher Loan Forgiveness Program; Creating the STEM Teacher Loan Forgiveness Program; providing for the administration and funding of the program; providing for student eligibility and the use of funds, etc. ED 12/03/2015 Workshop-Discussed ED 01/20/2016 Favorable AED AP	Favorable Yeas 11 Nays 0
2	SB 432 Hutson (Compare CS/H 189)	STEM Teachers Pilot Program; Requiring the Department of Education to implement and administer the STEM Teachers Pilot Program; authorizing certain school districts to hire an individual who is not a certified educator, but who holds a specified degree, to teach courses related to his or her degree, etc. ED 12/03/2015 Workshop-Discussed ED 01/20/2016 Fav/CS AED AP	Fav/CS Yeas 11 Nays 0
3	SB 500 Montford (Identical H 241)	Children and Youth Cabinet; Revising the membership of the cabinet, etc. CF 11/04/2015 Favorable ED 01/20/2016 Favorable RC	Favorable Yeas 11 Nays 0
4	SB 806 Legg (Similar H 585)	Instruction for Homebound and Hospitalized Students; Requiring school districts to provide instruction to homebound or hospitalized students; requiring the State Board of Education to adopt rules related to student eligibility, methods of providing instruction to homebound or hospitalized students, and the initiation of services; requiring each school district to enter into an agreement with certain hospitals within its district by a specified date, etc. ED 01/20/2016 Favorable AED AP	Favorable Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Wednesday, January 20, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 884 Benacquisto (Identical H 907)	Youth Suicide Awareness and Prevention; Requiring the Department of Education to incorporate training in youth suicide awareness and prevention into certain instructional personnel continuing education or inservice training requirements; requiring the department, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, to develop a list of approved materials for the training, etc. ED 01/20/2016 Favorable AED AP	Favorable Yeas 11 Nays 0
6	SB 886 Benacquisto (Compare H 669, CS/H 7029, CS/S 684)	Parent and Student Rights; Revising public school educational choice options available to students throughout the state to include CAPE Digital Tool certificates, CAPE industry certifications, and collegiate high school programs; deleting the definition of and provisions relating to the term "controlled open enrollment"; requiring each school district board to establish a classroom teacher transfer process for parents, to approve or deny a transfer request within a certain timeframe, to notify a parent of a denial, and to post an explanation of the transfer process in the student handbook or a similar publication, etc. ED 01/20/2016 Favorable AED AP	Favorable Yeas 8 Nays 3
7	SB 894 Detert (Similar CS/H 719, Compare H 7043)	Education Personnel; Authorizing certain employees or agents of the Department of Education to have access to certain reports and records; authorizing rather than requiring the Department of Education to sponsor a job fair meeting certain criteria; providing requirements regarding liability insurance for students performing clinical field experience; abrogating the scheduled expiration of the educator liability insurance program, etc. ED 01/20/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 1
8	SB 978 Legg (Compare H 7043)	Public School Teachers; Establishing the Florida Best and Brightest Teacher Scholarship Program; requiring a school district to annually submit the number of eligible teachers to the Department of Education; providing for funding and disbursement of funds, etc. ED 01/13/2016 Workshop-Discussed ED 01/20/2016 Fav/CS AED AP	Fav/CS Yeas 6 Nays 5

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Wednesday, January 20, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 1060 Legg (Compare H 1343, H 7017, S 726, S 1670)	Career and Adult Education; Revising the membership requirements for the State Apprenticeship Advisory Council; revising the attributes that characterize apprenticeable occupations; increasing the maximum number of certain CAPE Digital Tool certificates that the Commissioner of Education may recommend be added to the CAPE Industry Certification Funding List, etc. ED 01/20/2016 Favorable AED AP	Favorable Yeas 11 Nays 0
10	SB 1064 Flores (Similar H 873)	Special Facility Construction Account; Providing that a school district may not receive funds from the Special Facility Construction Account under certain circumstances; providing that certain capital outlay full-time equivalent student enrollment estimates be determined by specified estimating conferences; requiring the total cost per student station to include certain cost overruns; requiring a school district to levy the maximum millage against certain property value under certain circumstances, etc. ED 01/20/2016 Favorable AED AP	Favorable Yeas 11 Nays 0
11	SB 1634 Legg (Compare S 1136)	School Choice; Specifying that the calculation for compliance with maximum class size requirements for a specified district innovation school of choice is at the school level; requiring the State Board of Education to review at a specified interval the performance metrics of each individual innovation school of choice for compliance with certain requirements, etc. ED 01/20/2016 Favorable AED AP	Favorable Yeas 9 Nays 2
12	SB 1714 Brandes (Similar H 1365)	Competency-based Innovation Pilot Program; Establishing a competency-based innovation pilot program within the Department of Education; authorizing certain schools to apply to the department for approval of a competency-based innovation pilot program; providing for expiration of the pilot program, etc. ED 01/20/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Wednesday, January 20, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

By Senator Smith

31-00177-16

2016290__

A bill to be entitled

An act relating to the STEM Teacher Loan Forgiveness Program; creating s. 1009.641, F.S.; creating the STEM Teacher Loan Forgiveness Program; providing for the administration and funding of the program; providing for student eligibility and the use of funds; providing for rulemaking; providing an effective date.

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

Section 1. Section 1009.641, Florida Statutes, is created to read:

1009.641 STEM Teacher Loan Forgiveness Program.-

(1) The STEM Teacher Loan Forgiveness Program, administered by the Department of Education, is established to encourage and incentivize qualified college graduates to remain in this state to teach STEM courses at a public school.

(2) To be eligible, a candidate must meet all of the following criteria:

(a) Be a graduate of a Florida public postsecondary education institution that offers 4-year degrees or teacher certifications.

(b) Hold a valid Florida educator certificate under s. 1012.56.

(c) Be employed by a school district and assigned to teach a science, technology, engineering, or mathematics (STEM) course at a public school in this state for 8 consecutive years.

(3) The program may cover only those loans used to pay the costs of tuition, books, and living expenses.

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31-00177-16

2016290__

(4) The department may make a loan payment of up to \$16,000 on behalf of selected candidates from funds appropriated for the program. All payments are contingent upon proof of completion of program requirements and shall be made directly to the holder of the loan.

(5) The department may recover from funds appropriated for the program the costs of administering the program.

(6) The State Board of Education may adopt rules necessary to administer the program.

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

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 290

INTRODUCER: Senator Smith

SUBJECT: STEM Teacher Loan Forgiveness Program

DATE: January 19, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 290 creates a STEM Teacher Loan Forgiveness Program to encourage and incentivize qualified college graduates to remain in Florida and to teach a science, technology, engineering, or mathematics (STEM) course at a public school.

Specifically, the bill:

- Requires the Department of Education (DOE) to administer the program;
- Establishes eligibility criteria;
- Specifies program loans to be used to cover the cost of tuition, books, and living expenses;
- Authorizes DOE to make loan payments for up to \$16,000 for selected candidates, paid directly to holder of the loan;
- Requires proof of completion of program requirements;
- Authorizes the DOE to recover costs to administer the program; and
- Authorizes the State Board of Education to adopt rules to administer the program.

The bill takes effect on July 1, 2016.

II. Present Situation:

A teacher loan forgiveness program administered by the state of Florida currently does not exist, however, two similar programs previously existed: the Critical Teacher Shortage Student Loan Forgiveness Program¹ and the Critical Teacher Shortage Tuition Reimbursement Program.² In 2011, both programs were repealed due to lack of funding.³

¹ Section 1009.58 and Section 1009.59, F.S. (2010); Repealed by s. 10, Chapter 2011-37, L.O.F. Established in 1983 to encourage qualified personnel to seek employment in subject areas in which critical teacher shortages existed.

² S. 436, ch. 2002-387, L.O.F.; Repealed by s. 10, Chapter 2011-37, L.O.F. Established in 1983 to advance the skills and knowledge of current teachers or persons preparing to teach in critical teacher shortage areas.

³ Repealed by Chapter 2011-37, L.O.F.

STEM Education

The Department of Education (DOE) defines “STEM education” as the intentional integration of science, technology, engineering, and mathematics, and their associated practices to create a student-centered learning environment in which students investigate and engineer solutions to problems, and construct evidence-based explanations of real-world phenomena with a focus on a student’s social, emotional, physical, and academic needs through shared contributions of schools, families, and community partners.⁴

During 2014-15, 175,006 teachers were employed in 4,426 Florida public schools.⁵ Of this number, 47,342 teachers were teaching in a STEM area for eight or more years in a Florida public school district.⁶

A STEM course is not specifically defined in the Department of Education’s 2015-2016 Course Directory.⁷

Postsecondary Education Institutions

The Legislature recognizes that effective teachers make an important contribution to a system that allows students to obtain a high quality education.⁸

The State Board of Education is required to maintain a system for development and approval of teacher preparation programs to allow postsecondary teacher preparation institutions the ability to employ varied and innovative teacher preparation techniques while being held accountable for producing program completers with the competencies and skills needed to achieve the state education goals.⁹

Each state-approved teacher preparation program is required to follow uniform core curricula¹⁰ requirements established by the State Board of Education.¹¹ The programs must include the following:¹²

- Florida Educator Accomplished Practices;
- State-adopted content standards;
- Scientifically researched reading instruction;

⁴ Department of Education, *STEM Programs*, <http://www.fldoe.org/academics/standards/subject-areas/math-science/stem/defining-stem.stml> (last visited January 18, 2016).

⁵ Staff of the Department of Education, *2016 Legislative Bill Analysis for SB 290*, (on file with the Committee on Education Pre-K-12).

⁶ *Id.*

⁷ Department of Education, *2015-2016 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.stml> (last visited January 19, 2016).

⁸ Section 1004.04, F.S.; Rule 6A-5.066, F.A.C.

⁹ *Id.*

¹⁰ Rule 6A-5.066, F.A.C. Uniform Core Curricula requires all state-approved teacher preparation programs to meet the standards contained in the Educator Accomplished Practices, Competencies and Skills for Teacher Certification, state content standards, and scientifically researched reading instruction appropriate to the candidate’s teacher preparation program.

¹¹ Section 1004.04(2), F.S.; Rule 6A-5.066, F.A.C.

¹² Section 1004.04(2)(b), F.S.

- Content literacy and mathematics practices;
- Strategies appropriate for the instruction of English language learners;
- Strategies appropriate for the instruction of students with disabilities; and
- School safety.

Before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area or areas during field experience.¹³ The candidate must pass each portion of the Florida Teacher Certification Examination required for professional certificate in the area or areas of program concentration.¹⁴

Florida educator certificates are issued through the DOE, not through the postsecondary education institutions.¹⁵

Educator Preparation Institutes

An educator preparation institute is defined as an institute created by a postsecondary institution or a qualified private provider and approved by the DOE.¹⁶ A DOE approved postsecondary institute provides:¹⁷

- Professional development instruction to assist teachers to improve classroom instruction and in meeting certification or recertification requirements;
- Instruction to assist potential and existing substitute teachers;
- Instruction to assist paraprofessionals in meeting education and training requirements; and
- Instruction for baccalaureate degree holders to become certified teachers in order to increase routes to the classroom for mid-career professionals who hold a baccalaureate degree and college graduates who were not education majors.

Florida Educator Certification

Florida educator certificates are issued by the Florida Department of Education.¹⁸

The Legislature has established certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.¹⁹ The established certificate renewal process promotes the continuing professional improvement of school personnel, thereby enhancing public education in all areas of the state.²⁰

¹³ Section 1004.04(2)(d), F.S.

¹⁴ *Id.*

¹⁵ Section 1012.56, F.S.; Rule 6A-4.001, F.A.C.

¹⁶ Section 1004.85, F.S.

¹⁷ Section 1004.85 (2), F.S.; Rule 6A-5.066, F.A.C.

¹⁸ Section 1012.56, F.S.

¹⁹ Section 1012.54, F.S.

²⁰ *Id.*

III. Effect of Proposed Changes:

SB 290 creates a STEM Teacher Loan Forgiveness Program (program) to encourage and incentivize qualified college graduates to remain in Florida and to teach a science, technology, engineering, or mathematics (STEM) course at a public school.

Specifically, the bill requires the candidate to be a graduate of a Florida public postsecondary education institution that offers 4-year degrees or teacher certifications. The bill specifies that the candidate must hold a valid Florida educator certificate which provides evidence that an educator in Florida is professionally qualified in order to protect the educational interests of students, parents, and the public at large;²¹ however, a Florida educator certificate is issued from the Department of Education (DOE), not through the postsecondary education institution.²²

The bill requires an eligible candidate to be employed by a school district and assigned to teach a science, technology, engineering, or mathematics (STEM) course at a public school in Florida for 8 consecutive years. The purpose of the program is to retain knowledgeable STEM teachers and to encourage other qualified personnel to seek employment in STEM education by making repayments toward the loans received by students from postsecondary education study in STEM education.

The STEM Teacher Loan Forgiveness Program is not an existing program. Funding for the program is contingent on appropriations and the loan payments for up to \$16,000 is for an indeterminate period of time.

The bill:

- Requires the DOE to administer the program; and
- Authorizes the State Board of Education to adopt rules to administer the program.

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.

²¹ Rule 6A-4.001, F.A.C.

²² Section 1012.56, F.S.; Rule 6A-4.001, F.A.C.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DOE estimates the total administration cost is \$79,200 (IT) plus \$71,265 (program) recurring for an initial total of \$150,825.²³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1009.641 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

²³ Staff of the Department of Education, *2016 Agency Bill Analysis SB 290*, (on file with the Committee on Education Pre-K-12).

By Senator Hutson

6-00482-16

2016432__

A bill to be entitled

An act relating to the STEM Teachers Pilot Program; creating s. 1012.571, F.S.; requiring the Department of Education to implement and administer the STEM Teachers Pilot Program; authorizing certain school districts to hire an individual who is not a certified educator, but who holds a specified degree, to teach courses related to his or her degree; requiring an individual hired through the pilot program to meet specified criteria; requiring the department to submit a report to the Legislature, which must include a recommendation on continuing the pilot program; providing for rulemaking; providing an effective date.

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

Section 1. Section 1012.571, Florida Statutes, is created to read:

1012.571 STEM Teachers Pilot Program.-

(1) Beginning with the 2016-2017 school year, the Department of Education shall implement and administer a 5-year STEM Teachers Pilot Program.

(2) Under the pilot program, a school district that is ranked in the top 10 percent of school districts, as determined by the district grade calculated under s. 1008.34, may hire as a teacher an individual who does not hold a professional or temporary certificate to teach in a regular academic field in the kindergarten through grade 12 school program. The individual must hold at least a master's degree in the area of science,

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technology, engineering, or mathematics, and the course that he or she will teach must be related to his or her degree.

(3) An individual hired under the pilot program must meet the requirements of s. 1012.56(2) (a), (2) (b), (2) (d), (2) (e), and (2) (f) and document receipt of at least a master's degree in the area of science, technology, engineering, or mathematics from an accredited institution of higher learning.

(4) At the conclusion of the pilot program, the department shall analyze the performance data of students within participating school districts and submit a report on the findings to the President of the Senate and the Speaker of the House of Representatives. At a minimum, the report must include a recommendation for continuing or terminating the pilot program.

(5) The State Board of Education shall adopt rules to administer this section.

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 432

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

SUBJECT: Teacher Certification

DATE: January 22, 2016 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 432 creates an expedited pathway for an individual holding a Florida temporary educator certificate to earn a Florida professional educator certificate for grades 6-12.

Specifically, the bill requires the applicant to:

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

The bill takes effect on July 1, 2016.

II. Present Situation:

STEM Education

STEM education is the intentional integration of science, technology, engineering, and mathematics, and their associated practices to create a student-centered learning environment in which students investigate and engineer solutions to problems, and construct evidence-based explanations of real-world phenomena with a focus on a student's social, emotional, physical, and academic needs through shared contributions of schools, families, and community partners.¹

During 2014-15, 175,006 teachers were employed in 4,426 Florida public schools.² Of this number, 47,342 teachers were teaching in a STEM area for eight or more years in a Florida public school district.³

Instructional Personnel Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education.⁴

Certification requirements are established to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence to demonstrate an acceptable level of professional performance.⁵

Types of Educator Certificates

The Department of Education (DOE) identifies appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers⁶ for all programs and courses funded through the Florida Education Finance Program.⁷

The DOE issues three types of educator certificates:⁸

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.⁹
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.¹⁰

¹ Department of Education, *STEM Programs*, <http://www.fldoe.org/academics/standards/subject-areas/math-science/stem/defining-stem.stml> (last visited January 15, 2016).

² *Staff of the Department of Education, Legislative Bill Analysis for SB 290* (2016).

³ *Id.*

⁴ Sections 1012.55(1) and 1002.33(12)(f), F.S.

⁵ Section 1012.54, F.S.

⁶ Department of Education, *2015-2016 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.stml> (last visited January 21, 2016).

⁷ Section 1012.55(1)(c), F.S.

⁸ Section 1012.55, F.S.

⁹ Section 1012.56(1), (2), (3), (5), (6), and (7), F.S.

¹⁰ Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

- An Athletic Coaching certificate covers a full-time or part-time individual who is employed as an athletic coach in any public school in any district of the state.¹¹

Eligibility Criteria for Educator Certification

To be eligible to seek a Florida educator's certificate, an individual must submit an application and meet specified requirements:¹²

- Be at least 18 years of age;
- File an affidavit to uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida;
- Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the DOE has identified as having a quality program resulting in a bachelor's degree, or higher;
- Submit to a background screening;
- Be of good moral character;
- Be competent and capable of performing the duties, functions, and responsibilities of an educator; and
- Demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

General Knowledge

Mastery of general knowledge may be demonstrated through several methods, including achieving a passing score on the General Knowledge Test¹³ or achieving passing scores established in state board rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills portions of the Graduate Record Examination.¹⁴

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.¹⁵

If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.¹⁶

Subject Area Knowledge

Mastery of subject area knowledge may be demonstrated by earning a qualifying bachelor's or higher degree and passing the Florida-developed subject area examination specified in state

¹¹ Section 1012.55(2)(a), F.S.

¹² Section 1012.56(2), F.S.; Rule 6A-4.002, F.A.C.

¹³ Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Language Skills, Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.

¹⁴ Section 1012.56(3)(e), F.S.; Rules 6A-4.002(4)(e) and 6A-4.0021(12)(a), F.A.C.

¹⁵ Section 1012.56(7), F.S.

¹⁶ *Id.*

board rule¹⁷ or, if a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in state board rule.¹⁸

An applicant may also demonstrate mastery of subject area knowledge by providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory, by National Board for Professional Teaching Standards, or by American Board for Certification of Teacher Excellence, if the certificate is comparable to the Florida certificate issued for the same subject area.¹⁹

Professional Preparation and Education Competence

Mastery of professional preparation and education competence is typically demonstrated by successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida, or a teacher preparation program from an out-of-state accredited or department-approved institution, and achieving a passing score on the Professional Education Test required by state board rule.²⁰

Individuals who already have a bachelor's or higher degree in a subject other than education, competence is demonstrated in part by completing 15 semester hours in professional preparation courses specified in state board rule²¹ and achieving a passing score on the Professional Education Test.²²

Exception to Educator Certification

Currently, local school district boards can issue an adjunct teaching certificate to any applicant who meets specific requirements²³ and has expertise in the subject area to be taught.²⁴ The adjunct teaching certificate is only valid through the term of the annual contract between the educator and school district.²⁵

The State Board of Education provides rules to authorize district school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.²⁶

¹⁷ Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 44 subject area tests. Florida Department of Education, *Florida Teacher Certification Examinations*, http://www.fl.nesinc.com/FL_TIGS.asp (last visited January 21, 2016).

¹⁸ Section 1012.56(5), F.S.

¹⁹ Section 1012.56(5)(e) and (f), F.S.; Rule 6A-4.002(1)(i)-(j), F.A.C.

²⁰ Section 1012.56(6)(a) and (b), F.S.; *see s.* 1004.04, F.S.; Rule 6A-4.003(1) and (4), F.A.C. The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.A.C.

²¹ Section 1012.56(6)(f), F.S.; Rule 6A-4.006, F.A.C. The required 15 semester hours of course work in professional education areas include: classroom management, child and adolescent development and learning, educational assessment practices, effective instructional techniques, strategies, and materials to meet the needs of diverse learners, applications of research-based practices in reading, and strategies for teaching students of limited English proficiency.

²² Section 1012.56(6)(f), F.S.

²³ Section 1012.56(2)(a)-(f) and (10), F.S.

²⁴ Section 1012.57(1), F.S.

²⁵ Section 1012.57(4), F.S.

²⁶ Section 1012.55(1)(c), F.S.

III. Effect of Proposed Changes:

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

Specifically, the bill requires the applicant to:

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

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

The bill permits an individual to bypass the 15 semester hours of professional preparation requirements, therefore, omitting coursework in topics such as classroom management with a focus on safe learning environments, educational assessment practices, and instructional strategies for teaching students of limited English proficiency. However, the bill presumes the knowledge and skills covered in the content areas of the professional preparation coursework would otherwise be acquired by the educator.

In addition, a candidate who meets all of these requirements may apply for a professional certificate before the completion of his or her three-year temporary certification period.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 1012.56 of the Florida Statutes.

IX. Additional Information:A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education Pre-K – 12 on January 20, 2016:**

The committee substitute modifies the bill as follows:

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

B. Amendments:

None.



492534

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2016	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional
certificate for a period not to exceed 5 years to any applicant



492534

11 who meets all the requirements outlined in subsection (2) or,
12 for a professional certificate covering grades 6 through 12, any
13 applicant who:

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

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

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

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

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

27
28 Each temporary certificate is valid for 3 school fiscal years
29 and is nonrenewable. However, the requirement in paragraph
30 (2)(g) must be met within 1 calendar year of the date of
31 employment under the temporary certificate. Individuals who are
32 employed under contract at the end of the 1 calendar year time
33 period may continue to be employed through the end of the school
34 year in which they have been contracted. A school district shall
35 not employ, or continue the employment of, an individual in a
36 position for which a temporary certificate is required beyond
37 this time period if the individual has not met the requirement
38 of paragraph (2)(g). The State Board of Education shall adopt
39 rules to allow the department to extend the validity period of a



492534

40 temporary certificate for 2 years when the requirements for the
41 professional certificate, not including the requirement in
42 paragraph (2)(g), were not completed due to the serious illness
43 or injury of the applicant or other extraordinary extenuating
44 circumstances. The department shall reissue the temporary
45 certificate for 2 additional years upon approval by the
46 Commissioner of Education. A written request for reissuance of
47 the certificate shall be submitted by the district school
48 superintendent, the governing authority of a university lab
49 school, the governing authority of a state-supported school, or
50 the governing authority of a private school.

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

52

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

54 And the title is amended as follows:

55 Delete everything before the enacting clause
56 and insert:

57

A bill to be entitled

58

An act relating to teacher certification; amending s.

59

1012.56, F.S.; providing alternative requirements for

60

earning a professional educator certificate that

61

covers certain grades; providing an effective date.



485644

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/20/2016	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 38

and insert:

shall report on the school districts that participated in the pilot program, the number of individuals hired and the STEM courses taught by those individuals, and the number of individuals who have remained teachers and the number of individuals who have left and their reasons for leaving the teaching position. The department shall also analyze the



485644

11 performance data of students in

By Senator Montford

3-00603-16

2016500__

1 A bill to be entitled
 2 An act relating to the Children and Youth Cabinet;
 3 amending s. 402.56, F.S.; revising the membership of
 4 the cabinet; providing an effective date.
 5
 6 Be It Enacted by the Legislature of the State of Florida:
 7
 8 Section 1. Subsection (4) of section 402.56, Florida
 9 Statutes, is amended to read:
 10 402.56 Children's cabinet; organization; responsibilities;
 11 annual report.—
 12 (4) MEMBERS.—The cabinet shall consist of 16 ~~14~~ members
 13 including the Governor and the following persons:
 14 (a)1. The Secretary of Children and Families;
 15 2. The Secretary of Juvenile Justice;
 16 3. The director of the Agency for Persons with
 17 Disabilities;
 18 4. The director of the Office of Early Learning;
 19 5. The State Surgeon General;
 20 6. The Secretary of Health Care Administration;
 21 7. The Commissioner of Education;
 22 8. The director of the Statewide Guardian Ad Litem Office;
 23 9. The director of the Office of Adoption and Child
 24 Protection ~~Child Abuse Prevention~~; and
 25 10. A superintendent of schools, appointed by the Governor;
 26 and
 27 ~~11.10.~~ Five members who represent ~~representing~~ children and
 28 youth advocacy organizations and ~~and~~ who are not service providers,
 29 ~~and who are~~ appointed by the Governor.

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

3-00603-16

2016500__

30 (b) The President of the Senate, the Speaker of the House
 31 of Representatives, the Chief Justice of the Supreme Court, the
 32 Attorney General, and the Chief Financial Officer, or their
 33 appointed designees, shall serve as ex officio members of the
 34 cabinet.
 35 (c) The Governor or the Governor's designee shall serve as
 36 the chair of the cabinet.
 37 (d) Nongovernmental members of the cabinet shall serve
 38 without compensation, but are entitled to receive per diem and
 39 travel expenses in accordance with s. 112.061 while in
 40 performance of their duties.
 41 Section 2. This act shall take effect July 1, 2016.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 500

INTRODUCER: Senator Montford

SUBJECT: Children and Youth Cabinet

DATE: January 19, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 500 expands the total membership of the Children and Youth Cabinet to 16 by adding a Governor appointed superintendent of schools to the cabinet, and revises the title “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection.”

The bill does not have a fiscal impact on state government.

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

II. Present Situation:

The Florida Children and Youth Cabinet (cabinet) was created in 2007¹ for the purpose of developing and implementing a shared vision among the branches of government in order to improve child and family outcomes statewide.²

Current cabinet membership includes the Governor and 14 members.³ These members include the Secretary of Children and Families, the Secretary of Juvenile Justice, the director of the Agency for Persons with Disabilities, the director of the Office of Early Learning, the State Surgeon General, the Secretary of Health Care Administration, the Commissioner of Education, the director of the Statewide Guardian Ad Litem Office, the director of the Office of Child

¹ Chapter 2007-151, L.O.F.

² Section 402.56, F.S.

³ Section 402.56, F.S., currently states that the “cabinet shall consist of 14 members including the Governor and the following persons . . .” However, there are 14 specific members listed in addition to the Governor, bringing the total membership to 15 members. The bill changes the total number to 16 members, which will correct an inaccuracy in current law.

Abuse Prevention,⁴ and five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.⁵

III. Effect of Proposed Changes:

SB 500 expands the total membership of the Children and Youth Cabinet to 16 by adding a Governor appointed superintendent of schools to the cabinet, and revises the title “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection.”

Current law states that the “cabinet shall consist of 14 members including the Governor and the following persons...” However, the law lists 14 specific members of the Cabinet in addition to the Governor, bringing the total membership of the cabinet to 15 members. The bill changes the total membership figure to 16 members, thereby accounting for the superintendent of schools, who is appointed by the Governor, and the Governor.

In addition, the bill changes the title of a cabinet member from “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection” to be consistent with the 2007 legislative action.⁶

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴ The Office of Child Abuse Prevention was created in 2006 and the name was changed to the Office of Adoption and Child Protection in 2007. See chapters 2006-194 and 2007-124, L.O.F., respectively.

⁵ Section 402.56, F.S.

⁶ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 402.56 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Legg

17-00160-16

2016806__

A bill to be entitled

An act relating to instruction for homebound and hospitalized students; amending s. 1003.57, F.S.; requiring school districts to provide instruction to homebound or hospitalized students; requiring the State Board of Education to adopt rules related to student eligibility, methods of providing instruction to homebound or hospitalized students, and the initiation of services; requiring the department to develop a standard agreement for school districts; requiring each school district to enter into an agreement with certain hospitals within its district by a specified date; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

(1)

(b) Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable. Each district program must, ~~including provisions that:~~

1. ~~The district school board~~ Provide the necessary professional services for diagnosis and evaluation of exceptional students. At least once every 3 years, the district school board shall submit to the department its proposed

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17-00160-16

2016806__

procedures for the provision of special instruction and services for exceptional students.

2. ~~The district school board~~ Provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet standards established by the commissioner.

3. ~~The district school board~~ Annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a sensory-impaired student.

4. Provide instruction to homebound or hospitalized students in accordance with this section and rules adopted by the state board.

a. The rules adopted by the state board must establish, at a minimum, the following:

(I) Criteria to be used in determining the eligibility of K-12 homebound or hospitalized students for specially designed instruction.

(II) Procedures for determining student eligibility.

(III) A list of appropriate methods for providing instruction to homebound or hospitalized students.

(IV) Requirements for providing instructional services for a homebound or hospitalized student once the student is determined to be eligible for such services. A school district must provide educational instruction to an eligible student who receives treatment in a children's specialty hospital that is licensed under part I of chapter 395 and that is located within

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2016806__

59 its district until the district is able to enter into an
60 agreement with the school district where the student resides.
61 The department shall develop a standard agreement for school
62 districts to use in providing seamless educational instruction
63 to a student who transitions between school districts while
64 receiving services from a children's specialty hospital.

65 b. No later than August 15, 2016, each school district
66 shall enter into an agreement with any children's specialty
67 hospital licensed under part I of chapter 395 and that is
68 located within its district to establish a process by which the
69 hospital must notify the school district of students who may be
70 eligible for instruction consistent with this subparagraph and
71 to establish the timelines for determining student eligibility
72 and for providing educational instruction to eligible students
73 ~~The district school board, once every 3 years, submit to the~~
74 ~~department its proposed procedures for the provision of special~~
75 ~~instruction and services for exceptional students.~~

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

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 806

INTRODUCER: Senator Legg

SUBJECT: Instruction for Homebound and Hospitalized Students

DATE: January 19, 2016

REVISED: _____

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

I. Summary:

SB 806 obligates school districts to provide instruction to homebound or hospitalized students as part of its program of special instruction for exceptional students. More specifically, the bill requires:

- Each school district with children’s hospital located within the district, to enter into an agreement with the hospital no later than August 15, 2016, to establish a process by which the hospital will notify the district of students who may be eligible for educational instruction, and to establish timeliness for determining student eligibility and providing educational instruction.
- Each school district with a children’s specialty hospital located within the district to provide educational instruction to eligible students receiving treatment in the hospital, until the district is able to enter into an agreement with the school district where the student resides.
- Each district school board, at least every three years, to submit its proposed procedures for the provision of special instruction and service for exceptional students to the Department of Education.
- State Board of Education rules to establish: criteria and procedures for determining student eligibility; appropriate methods and requirements for providing instruction for eligible students; and a standard agreement for schools districts to use when students receiving services from a children’s specialty hospital transition between school districts.

The bill takes effect July 1, 2016.

II. Present Situation:

Hospitalized or Homebound Students

A homebound or hospitalized student is a student who “has a medically diagnosed physical or psychiatric condition which is acute or catastrophic in nature, or a chronic illness, or a repeated intermittent illness due to a persisting medical problem and which confines the student to home or hospital, and restricts activities for an extended period of time.”¹

Hospitalized or homebound students are included within the definition of an “exceptional student.”² As such, they are entitled to all the rights and protections of the Individual with Disabilities Education Act (IEA), including a free appropriate public education (FAPE).³ Thus, Hospitalized or homebound students are eligible for certain exceptional student education services.⁴

The school district in which an eligible, hospitalized or homebound student resides is responsible for providing educational services to the student even if the student is placed at a hospital in another district (e.g., a children’s specialty hospital) for treatment.⁵

Eligibility for Specifically Designed Instruction

The minimal evaluation for a student to determine eligibility shall be an annual medical statement from a licensed physician, including a description of the disabling condition or diagnosis with any medical implications for instruction.⁶ This report must state that the student is unable to attend school, describe the plan of treatment, provide recommendations regarding school re-entry, and give an estimated duration of condition or prognosis.⁷

A student who is hospitalized or homebound is eligible for specifically designed instruction if the following criteria are met:⁸

- A licensed physician⁹ must certify that the student:

¹ Rule 6A-6.03020(1), F.A.C. A licensed physician must make the medical diagnosis. *Id.*

² Section 1003.01(3)(a), F.S.

³ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Policy and Procedures Manual Hospital/Homebound Program and Services (2008)*, available at <http://www.fldoe.org/core/fileparse.php/7590/urlt/hhppm08.pdf>

⁴ Section 1003.01(3)(a), F.S.; Rule 6A-6.03020, F.A.C.

⁵ E-mail, Florida Department of Education (January 18, 2016); Florida Department of Education, Bureau of Exceptional Education and Student Services, *Policy and Procedures Manual Hospital/Homebound Program and Services (2008)*, available at <http://www.fldoe.org/core/fileparse.php/7590/urlt/hhppm08.pdf>

⁶ Rule 6A-6.03020(4)(a), F.A.C.

⁷ *Id.* The team may require additional evaluation, which shall be provided at no cost to the parent. *Id.* A physical reexamination and medical report may be requested by the administrator of exceptional education on a more frequent basis and may be required if the student is scheduled to attend part of the school day during a recuperative period of adjustment to a full school schedule. Rule 6A-6.03020(4)(b), F.A.C. This physical reexamination and medical report shall be provided at no cost to the parent. *Id.*

⁸ Rule 6A-6.03020(3), F.A.C. Procedures for determining eligibility must be in accordance with Rule 6A-6.00331, F.A.C.

⁹ The physician must be licensed under chapter 458 or 459, F.S.

- Is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days, or due to a chronic condition, for at least 15 consecutive or nonconsecutive school days, which need not run consecutively;¹⁰
- Is confined to home or hospital;
- Will be able to participate in and benefit from an instructional program;
- Is under medical care for illness or injury which is acute, catastrophic, or chronic in nature; and
- Can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
- The student is enrolled in a public school in kindergarten through 12th grade prior to the referral for homebound or hospitalized services, unless a student already meets eligibility criteria for other exceptional student education services.¹¹
- The student's parent, guardian, or primary caregiver must sign an agreement concerning homebound or hospitalized policies and parental cooperation.¹²

An individual educational plan must be developed or revised for the student before he or she is assigned to a homebound or hospitalized student services program.¹³

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services¹⁴:

- Instruction in a hospital. The hospital administrator or designee is required to provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
- Instruction at home. The parent, guardian or primary caregiver is required to provide a quiet, clean, well-ventilated setting where a teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits which takes into account the student's medical condition and the requirements of the student's coursework.
- Instruction through telecommunications or computer devices. When the IEP team determines that instruction is by telecommunications or computer devices, an open, uninterrupted telecommunication link shall be provided at no additional costs to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.

¹⁰ Or the equivalent on a block schedule. *Id.* No prior absence is required, and districts are encouraged to be proactive in initiating procedures to establish eligibility to avoid any interruption of the student's education. Florida Department of Education, Bureau of Exceptional Education and Student Services, *Policy and Procedures Manual Hospital/Homebound Program and Services (2008)*, available at <http://www.fldoe.org/core/fileparse.php/7590/urlt/hhppm08.pdf>

¹¹ Rule 6A-6.03020(3)(b), F.A.C.

¹² Rule 6A-6.03020(3)(c), F.A.C.

¹³ Rule 6A-6.03020(6), F.A.C. A student may be alternatively assigned to the hospitalized or homebound program and to a school-based program due to an acute, chronic, or intermittent condition as certified by a licensed physician. *Id.* This decision shall be made by the IEP team. *Id.*

¹⁴ Rule 6A-6.03020(7), F.A.C.

Children's Specialty Hospitals

There are three children's specialty hospitals in Florida that meet the licensing criteria in Part 1 of chapter 395, Florida Statutes. The facilities are:¹⁵

- All Children's Hospital, in Pinellas County.
- Nicklaus Children's Hospital, in Miami-Dade County.
- Nemours Children's Specialty Care, in Orange County.

As previously mentioned, the school district in which an eligible, hospitalized or homebound student resides is responsible for providing educational services to the student even if the student is placed at a children's specialty hospital located in another school district for treatment.¹⁶

This placement may delay initiation of educational services for the student while the hospital, the school district in which the hospital is located, and the school district in which the student resides determine when, how and where to deliver the services.¹⁷

III. Effect of Proposed Changes:

SB 806 obligates school districts to provide instruction to homebound or hospitalized students as part of its program of special instruction for exceptional students. More specifically, the bill requires:

- Each school district with children's hospital located within the district, to enter into an agreement with the hospital no later than August 15, 2016, to establish a process by which the hospital will notify the district of students who may be eligible for educational instruction, and to establish timeliness for determining student eligibility and providing educational instruction.
- Each school district with a children's specialty hospital located within the district to provide educational instruction to eligible students receiving treatment in the hospital, until the district is able to enter into an agreement with the school district where the student resides.
- Each district school board, at least every three years, to submit its proposed procedures for the provision of special instruction and service for exceptional students to the Department of Education.
- State Board of Education rules to establish: criteria and procedures for determining student eligibility; appropriate methods and requirements for providing instruction for eligible students; and a standard agreement for schools districts to use when students receiving services from a children's specialty hospital transition between school districts.

Seamless Provision of Instructional Services

The bill requires each school district in which a children's specialty hospital¹⁸ is located to:

- Enter into an agreement with the hospital, no later than August 15, 2015, to establish a process for the hospital to notify the school district of patients who may be eligible for instruction.

¹⁵ E-mail, All Children's Hospital Johns Hopkins Medicine, Government and Corporate Relations (January 19, 2016).

¹⁶ Footnote 5.

¹⁷ E-mail, All Children's Hospital Johns Hopkins Medicine, Government and Corporate Relations (January 19, 2016).

¹⁸ The bill requires the children's specialty hospital to be licensed under part I of chapter 395, Florida Statutes.

- Provide instruction to eligible students until the district enters into an agreement with the school district in which the student resides.

Review of School District's Special Instruction Procedures

The bill requires the district to submit its proposed procedures for the provision of special instruction and services for exceptional students to the Department of Education at least once every three years.

State Board of Education Implementation

The bill provides specific State Board of Education rulemaking authority for hospitalized and homebound students. Furthermore, the bill requires State Board of Education rules, at minimum, to address:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.
- Developing a standard agreement for use by school districts to provide seamless instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.57 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Benacquisto

30-00891A-16

2016884__

A bill to be entitled

An act relating to youth suicide awareness and prevention; creating s. 1012.583, F.S.; requiring the Department of Education to incorporate training in youth suicide awareness and prevention into certain instructional personnel continuing education or inservice training requirements; requiring the department, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, to develop a list of approved materials for the training; specifying requirements for training materials; requiring the training to be included in the existing continuing education or inservice training requirements; providing that no cause of action results from the implementation of this act; providing for rulemaking; providing an effective date.

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

Section 1. Section 1012.583, Florida Statutes, is created to read:

1012.583 Continuing education and inservice training for youth suicide awareness and prevention.—

(1) Beginning with the 2016-2017 school year, the Department of Education shall incorporate 2 hours of training in youth suicide awareness and prevention into existing requirements for continuing education or inservice training for instructional personnel in elementary school, middle school, and high school.

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30-00891A-16

2016884__

(2) The department, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, shall develop a list of approved youth suicide awareness and prevention training materials. The materials:

(a) Must include training on how to identify appropriate mental health services and how to refer youth and their families to those services.

(b) May include materials currently being used by a school district if such materials meet any criteria established by the department.

(c) May include programs that instructional personnel can complete through a self-review of approved youth suicide awareness and prevention materials.

(3) The training required by this section must be included in the existing continuing education or inservice training requirements for instructional personnel and may not add to the total hours currently required by the department.

(4) A person has no cause of action for any loss or damage caused by an act or omission resulting from the implementation of this section or resulting from any training required by this section unless the loss or damage was caused by willful or wanton misconduct. This section does not create any new duty of care or basis of liability.

(5) The State Board of Education may adopt rules to implement this section.

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

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 884

INTRODUCER: Senator Benacquisto

SUBJECT: Youth Suicide Awareness and Prevention

DATE: January 19, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Favorable
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

SB 884 requires the Department of Education (DOE) to incorporate 2 hours of youth suicide awareness and prevention training for all K-12 instructional personnel to receive as part of their continuing education or inservice training.

Specifically, the bill:

- Requires DOE to develop a list of approved training materials;
- Requires the training to be included in existing continuing education requirements and not add to the total hours currently required by the department;
- Authorizes the State Board of Education to adopt implementation rules; and
- Specifies that the training program does not create any new duty of care or basis of liability.

The bill takes effect July 1, 2016.

II. Present Situation:

In 2013, there were a total of 2,928 deaths by suicide in Florida according to the Centers for Disease Control and Prevention.¹ In 2013, suicide was the 3rd leading cause of death for young Floridians ages 15-24.²

Professional Development Act

The School Community Professional Development Act directs the Department of Education, public postsecondary educational institutions, public school districts, public schools, state

¹ Florida Department of Children and Families, *About Suicide*, <http://www.myflfamilies.com/service-programs/mental-health/suicide-prevention/about-suicide> last visited January 15, 2016).

² Florida Department of Children and Families, *About Suicide*, <http://www.myflfamilies.com/service-programs/mental-health/suicide-prevention/teens-young-adults> last visited January 15, 2016).

education foundations, consortia, and professional organizations in the state to work collaboratively to establish a coordinated system of professional development.³

Each school district is required to develop a professional development system which must include inservice activities for instructional personnel focused on:⁴

- Analysis of student achievement data;
- Ongoing formal and informal assessments of student achievement;
- Identification and use of enhanced and differentiated instructional strategies that identify rigor, relevance, and reading in the content areas;
- Enhancement of subject content expertise;
- Integrated use of classroom technology that enhances teaching and learning; and
- Classroom management, parent involvement, and school safety.

Required Inservice Training

District school boards renew state-issued professional certificates for individuals who hold a state-issued professional certificate and are employed by the district.⁵

All professional certificates, except a nonrenewable professional certificate, are renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of renewal requirements.⁶

For the renewal of a professional certificate, an applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof.⁷ For each area of specialization on the certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area.⁸

Inservice in the following areas may be applied toward any specialization area:⁹

- Education in “clinical education” training,¹⁰
- Training in the area of scientifically researched, knowledge-based reading literacy and computational skills acquisition;
- Exceptional student education;
- Normal child development;
- Disorders of development;
- Training in the area of drug abuse;
- Training in the areas of child abuse and neglect;
- Strategies in teaching students having limited proficiency in English;
- Strategies in dropout prevention; or

³ Section 1012.98, F.S.

⁴ Section 1012.98(4)(b)3., F.S.

⁵ Section 1012.585(1), F.S.

⁶ Section 1012.585(2) and (3), F.S.

⁷ Section 1012.585(3)(a), F.S.

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 1004.04(5), F.S.

- Training in priority areas identified in the Florida's K-20 education system goals and performance standards or in the school improvement and education accountability system.¹¹

Additionally, the following areas may be applied toward fulfilling the inservice requirements:¹²

- Approved summer institutes;
- Participation in professional growth components approved by the State Board of Education and the district's approved master plan for inservice educational training;
- Serving as a trainer in an approved teacher training activity; or
- Serving on an instructional materials committee, state board, or commission that deals with educational issues, or an advisory council.

Statewide Office for Suicide Prevention

The Statewide Office of Suicide Prevention is housed within the Department of Children and Families.¹³ The office, is required to:¹⁴

- Develop a network of community-based programs to improve suicide prevention initiatives;
- Prepare and implement the statewide plan with the advice of the Suicide Prevention Coordinating Council;
- Increase public awareness concerning topics relating to suicide prevention; and
- Coordinate education and training curricula in suicide prevention efforts for law enforcement personnel, first responders to emergency calls, health care providers, school employees, and other person who may have contact with persons at risk of suicide.

The Statewide Office for Suicide Prevention is required to operate within available resources but is allowed to seek and accept grants or funds from federal, state, or local sources to support the operation and defray the authorized expenses of the office and the Suicide Prevention coordinating Council.¹⁵

III. Effect of Proposed Changes:

SB 884 requires the Department of Education (DOE) to incorporate 2 hours of youth suicide awareness and prevention training for all K-12 instructional personnel to receive as part of their continuing education or inservice training.

Specifically, the bill:

- Requires DOE to develop a list of approved training materials;
- Requires the training to be included in existing continuing education requirements and not add to the total hours currently required by the department;
- Authorizes the State Board of Education to adopt implementation rules; and
- Specifies that the training program does not create any new duty of care or basis of liability.

¹¹ *Id.*

¹² Section 1012.585(3)(a), F.S.

¹³ Ch. 2011-51, L.O.F.; Section 14.2019, F.S.

¹⁴ Section 14.2019, F.S.

¹⁵ *Id.*

The bill expands the current education and training curricula provided by the Statewide Office for Suicide Prevention by requiring the DOE, the Statewide Office for Suicide Prevention, and suicide prevention experts to collaborate on the creation of a list of youth suicide awareness and prevention training materials.

The bill reduces the costs incurred to school districts to implement the training by:

- Including materials on youth suicide awareness and prevention, that are currently used by school districts, on the DOE approved training materials list; and
- Allowing instructional personnel to complete a training program through the self-review of approved training materials.

The bill authorizes the State Board of Education to adopt implementation rules.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

School districts may incur costs for instructional personnel to attend the training, as well as the costs for substitutes and trainers. These costs are indeterminable.¹⁶

¹⁶ Staff of the Department of Education, *2016 Legislative Bill Analysis for SB 884* (on file with the Committee on Education Pre-K-12).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1012.583 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Benacquisto

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1 A bill to be entitled
 2 An act relating to parent and student rights; amending
 3 s. 1002.20, F.S.; revising public school educational
 4 choice options available to students throughout the
 5 state to include CAPE Digital Tool certificates, CAPE
 6 industry certifications, and collegiate high school
 7 programs; authorizing parents of public school
 8 students to seek private educational choice options
 9 through the Florida Personal Learning Scholarship
 10 Accounts Program under certain circumstances;
 11 providing the right of a parent to know an estimated
 12 amount of money expended for the education of his or
 13 her child; requiring the Department of Education to
 14 provide each school district with such information;
 15 requiring the school districts to provide notification
 16 to parents; authorizing the information to be
 17 published in the student handbook or a similar
 18 publication; amending s. 1002.31, F.S.; deleting the
 19 definition of and provisions relating to the term
 20 "controlled open enrollment"; requiring each school
 21 district to establish a public school parental choice
 22 policy that authorizes parents to choose to enroll
 23 their child in and transport their child to any public
 24 school that has not reached capacity in the state;
 25 authorizing a school district to provide
 26 transportation to students who participate in the
 27 public school parental choice policy; prohibiting the
 28 displacement of certain students who participate in
 29 the public school parental choice policy; authorizing

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30 a student participating in the public school parental
 31 choice policy to remain at a school until a certain
 32 time; revising requirements for the public school
 33 parental choice plan; defining the term "capacity";
 34 authorizing a parent to enroll and transport his or
 35 her child to a public school that has not reached
 36 capacity by a specified date; requiring the school
 37 district to report a student for purposes of the
 38 school district's funding; amending s. 1002.33, F.S.;
 39 requiring a charter school with space available to be
 40 open to any student in the state; creating s.
 41 1003.3101, F.S.; requiring each school district board
 42 to establish a classroom teacher transfer process for
 43 parents, to approve or deny a transfer request within
 44 a certain timeframe, to notify a parent of a denial,
 45 and to post an explanation of the transfer process in
 46 the student handbook or a similar publication;
 47 amending s. 1012.42, F.S.; authorizing a parent of a
 48 child whose teacher is teaching outside the teacher's
 49 field to request that the child be transferred to
 50 another classroom teacher within the school and grade
 51 in which the child is currently enrolled within a
 52 specified timeframe; specifying that a transfer does
 53 not provide a parent the right to choose a specific
 54 teacher; amending ss. 1002.38, 1002.451, and 1006.15,
 55 F.S.; conforming provisions to changes made by the
 56 act; providing an effective date.

57
 58 Be It Enacted by the Legislature of the State of Florida:

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59
60 Section 1. Paragraphs (a) and (b) of subsection (6) of
61 section 1002.20, Florida Statutes, are amended, and subsection
62 (25) is added to that section, to read:

63 1002.20 K-12 student and parent rights.—Parents of public
64 school students must receive accurate and timely information
65 regarding their child’s academic progress and must be informed
66 of ways they can help their child to succeed in school. K-12
67 students and their parents are afforded numerous statutory
68 rights including, but not limited to, the following:

69 (6) EDUCATIONAL CHOICE.—

70 (a) Public educational school choices.—Parents of public
71 school students may seek whatever public educational school
72 choice options that are applicable and available to students
73 throughout the state in their school districts. These options
74 may include public school parental choice controlled open
75 enrollment, single-gender programs, lab schools, virtual
76 instruction programs, charter schools, charter technical career
77 centers, magnet schools, alternative schools, special programs,
78 auditory-oral education programs, CAPE Digital Tool
79 certificates, CAPE industry certifications, collegiate high
80 school programs, advanced placement, dual enrollment,
81 International Baccalaureate, International General Certificate
82 of Secondary Education (pre-AICE), Advanced International
83 Certificate of Education, early admissions, credit by
84 examination or demonstration of competency, the New World School
85 of the Arts, the Florida School for the Deaf and the Blind, and
86 the Florida Virtual School. These options may also include the
87 public educational school choice options of the Opportunity

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88 Scholarship Program and the McKay Scholarships for Students with
89 Disabilities Program.

90 (b) Private educational school choices.—Parents of public
91 school students may seek private educational school choice
92 options under certain programs.

93 1. Under the McKay Scholarships for Students with
94 Disabilities Program, the parent of a public school student with
95 a disability may request and receive a McKay Scholarship for the
96 student to attend a private school in accordance with s.
97 1002.39.

98 2. Under the Florida Tax Credit Scholarship Program, the
99 parent of a student who qualifies for free or reduced-price
100 school lunch or who is currently placed, or during the previous
101 state fiscal year was placed, in foster care as defined in s.
102 39.01 may seek a scholarship from an eligible nonprofit
103 scholarship-funding organization in accordance with s. 1002.395.

104 3. Under the Florida Personal Learning Scholarship Accounts
105 Program, the parent of a student with a qualifying disability
106 may apply for a personal learning scholarship to be used for
107 educational needs in accordance with s. 1002.385.

108 (25) FISCAL TRANSPARENCY.—A parent has the right to know
109 the average amount of money estimated to be expended from all
110 local, state, and federal sources, for the education of his or
111 her child, including operating and capital outlay expenses. The
112 department shall annually provide each district the estimated
113 amount of funding allocated for a student in the district by
114 grade level and level of support. Each district must notify
115 parents of the estimated amount of funding allocated for a
116 student similar to their child, based upon grade level and level

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117 of support. The fiscal transparency notification may be included
 118 in the student handbook or a similar publication.

119 Section 2. Section 1002.31, Florida Statutes, is amended to
 120 read:

121 1002.31 ~~Controlled open enrollment~~, Public school parental
 122 choice.-

123 ~~(1) As used in this section, "controlled open enrollment"~~
 124 ~~means a public education delivery system that allows school~~
 125 ~~districts to make student school assignments using parents'~~
 126 ~~indicated preferential school choice as a significant factor.~~

127 (1)(2) Each district school board shall establish a public
 128 school parental choice policy that authorizes a parent to choose
 129 to enroll his or her child in and transport his or her child to
 130 any public school in the state which has not reached capacity,
 131 including charter schools. This policy may offer controlled open
 132 enrollment within the public schools which is in addition to the
 133 existing choice programs, such as virtual instruction programs,
 134 magnet schools, alternative schools, special programs, advanced
 135 placement, and dual enrollment. The district may provide
 136 transportation to the students at the district's discretion. A
 137 student assigned to a school may not be displaced by the public
 138 school parental choice policy included in the district's plan.
 139 For the purposes of continuity of educational choice, a student
 140 may continue to attend the chosen school until the student
 141 completes the highest grade offered by the school.

142 ~~(2)(3) Each district school board offering controlled open~~
 143 ~~enrollment shall adopt by rule and post on its website a public~~
 144 ~~school parental choice controlled open enrollment plan that~~
 145 ~~which must:~~

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146 (a) Adhere to federal desegregation requirements.

147 (b) ~~Include an application process required to participate~~
 148 ~~in controlled open enrollment that allows parents to declare~~
 149 ~~school preferences, including placement of siblings within the~~
 150 ~~same school.~~

151 ~~(c)~~ Provide a lottery procedure to determine student
 152 assignment and establish an appeals process for hardship cases.

153 ~~(c)(d)~~ Afford parents of students in multiple session
 154 schools preferred access to ~~controlled open enrollment~~.

155 ~~(d)(e)~~ Maintain socioeconomic, demographic, and racial
 156 balance.

157 ~~(e)(f)~~ Address the availability of transportation.

158 ~~(f)~~ Maintain existing eligibility criteria for educational
 159 choice, pursuant to s. 1002.20(6)(a).

160 (g) Identify schools that have not reached capacity. The
 161 term "capacity" means a level of capital outlay FTE enrollment
 162 in a school which exceeds 95 percent of the space and occupant
 163 design capacity of its nonrelocatable facilities. However, if a
 164 school's initial design incorporated relocatable or modular
 165 instructional space, the term means a level of capital outlay
 166 FTE enrollment in a school which exceeds 95 percent of the space
 167 and occupant design capacity of its core facilities.

168 (h) Provide preferential treatment to all of the following:

169 1. Dependent children of active duty military personnel.

170 2. Siblings who could attend the same school.

171 3. Students residing in the district.

172 4. Children who have been relocated due to a foster care
 173 placement.

174 (3) Beginning in the 2017-2018 school year, or earlier if

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 175 authorized by the district, a parent may choose to enroll his or
 176 her child in and transport his or her child to any public school
 177 that has not reached capacity, including charter schools, in any
 178 school district in this state. The school district shall accept
 179 the student and report the student for purposes of the
 180 district's funding pursuant to the Florida Education Finance
 181 Program.

182 (4) For a student in grades 9 through 12, interscholastic
 183 and intrascholastic extracurricular student activity eligibility
 184 may be impacted by choosing to attend a school other than the
 185 school assigned by the district.

186 (5)(4) In accordance with the reporting requirements of s.
 187 1011.62, each district school board shall annually report the
 188 number of students exercising public school choice, by type of
 189 educational choice, in accordance with attending the various
 190 types of public schools of choice in the district, including
 191 schools such as virtual instruction programs, magnet schools,
 192 and public charter schools, according to rules adopted by the
 193 State Board of Education.

194 (6)(5) For a school or program that is a public school of
 195 choice under this section, the calculation for compliance with
 196 maximum class size pursuant to s. 1003.03 is the average number
 197 of students at the school level.

198 Section 3. Paragraph (a) of subsection (10) of section
 199 1002.33, Florida Statutes, is amended to read:

200 1002.33 Charter schools.—

201 (10) ELIGIBLE STUDENTS.—

202 (a) A charter school must shall be open to any student
 203 covered in an interdistrict agreement or residing in the school

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 204 district in which the charter school is located; however, in the
 205 case of a charter lab school, the charter lab school must shall
 206 be open to any student eligible to attend the lab school as
 207 provided in s. 1002.32 or who resides in the school district in
 208 which the charter lab school is located. A charter school with
 209 space available must be open to any student in the state,
 210 pursuant to s. 1002.31. Any eligible student must shall be
 211 allowed interdistrict transfer to attend a charter school when
 212 based on good cause. Good cause includes shall include, but is
 213 not limited to, geographic proximity to a charter school in a
 214 neighboring school district.

215 Section 4. Section 1003.3101, Florida Statutes, is created
 216 to read:

217 1003.3101 Additional educational choice options.—Each
 218 school district board shall establish a transfer process for a
 219 parent to request his or her child be transferred to another
 220 classroom teacher. A school must approve or deny the transfer
 221 within 2 weeks after receiving a request. If a request for
 222 transfer is denied, the school must notify the parent and
 223 specify the reasons for the denial. An explanation of the
 224 transfer process must be made available in the student handbook
 225 or a similar publication.

226 Section 5. Subsection (2) of section 1012.42, Florida
 227 Statutes, is amended to read:

228 1012.42 Teacher teaching out-of-field.—

229 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a district
 230 school system is assigned teaching duties in a class dealing
 231 with subject matter that is outside the field in which the
 232 teacher is certified, outside the field that was the applicant's

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233 minor field of study, or outside the field in which the
 234 applicant has demonstrated sufficient subject area expertise, as
 235 determined by district school board policy in the subject area
 236 to be taught, the parents of all students in the class shall be
 237 notified in writing of such assignment. A parent who receives
 238 this notification may, after the October student membership
 239 survey, request that his or her child be transferred to another
 240 classroom teacher within the school and grade in which the
 241 student is currently enrolled. The school district shall grant
 242 the parent's request and transfer the student to a different
 243 classroom teacher within a reasonable period of time, not to
 244 exceed 2 weeks. This subsection does not provide a parent the
 245 right to choose a specific teacher.

246 Section 6. Paragraph (e) of subsection (3) of section
 247 1002.38, Florida Statutes, is amended to read:

248 1002.38 Opportunity Scholarship Program.—

249 (3) SCHOOL DISTRICT OBLIGATIONS.—

250 (e) If the parent chooses to request that the student be
 251 enrolled in a higher-performing public school in the school
 252 district, transportation costs to the higher-performing public
 253 school shall be the responsibility of the school district. The
 254 district may utilize state categorical transportation funds or
 255 state-appropriated public educational school choice incentive
 256 funds for this purpose.

257 Section 7. Paragraph (c) of subsection (1) and paragraph
 258 (a) of subsection (6) of section 1002.451, Florida Statutes, are
 259 amended to read:

260 1002.451 District innovation school of technology program.—

261 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.—

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262 (c) An innovation school of technology must be open to any
 263 student covered in an interdistrict agreement or residing in the
 264 school district in which the innovation school of technology is
 265 located. An innovation school of technology shall enroll an
 266 eligible student who submits a timely application if the number
 267 of applications does not exceed the capacity of a program,
 268 class, grade level, or building. If the number of applications
 269 exceeds capacity, all applicants shall have an equal chance of
 270 being admitted through a public random selection process.
 271 However, a district may give enrollment preference to students
 272 who identify the innovation school of technology as the
 273 student's preferred choice pursuant to the district's public
 274 school parental choice controlled open enrollment plan.

275 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

276 (a) A district school board may apply to the State Board of
 277 Education for an innovation school of technology if the
 278 district:

279 1. Has at least 20 percent of its total enrollment in
 280 public educational school choice programs or at least 5 percent
 281 of its total enrollment in charter schools;

282 2. Has no material weaknesses or instances of material
 283 noncompliance noted in the annual financial audit conducted
 284 pursuant to s. 218.39; and

285 3. Has received a district grade of "A" or "B" in each of
 286 the past 3 years.

287 Section 8. Paragraphs (c), (d), and (e) of subsection (3)
 288 of section 1006.15, Florida Statutes, are amended to read:

289 1006.15 Student standards for participation in
 290 interscholastic and intrascholastic extracurricular student

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291 activities; regulation.-

292 (3)

293 (c) An individual home education student is eligible to
 294 participate at the public school to which the student would be
 295 assigned according to district school board attendance area
 296 policies or which the student could choose to attend pursuant to
 297 public school parental choice ~~district or interdistrict~~
 298 ~~controlled open enrollment~~ provisions, or may develop an
 299 agreement to participate at a private school, in the
 300 interscholastic extracurricular activities of that school,
 301 provided the following conditions are met:

302 1. The home education student must meet the requirements of
 303 the home education program pursuant to s. 1002.41.

304 2. During the period of participation at a school, the home
 305 education student must demonstrate educational progress as
 306 required in paragraph (b) in all subjects taken in the home
 307 education program by a method of evaluation agreed upon by the
 308 parent and the school principal which may include: review of the
 309 student's work by a certified teacher chosen by the parent;
 310 grades earned through correspondence; grades earned in courses
 311 taken at a Florida College System institution, university, or
 312 trade school; standardized test scores above the 35th
 313 percentile; or any other method designated in s. 1002.41.

314 3. The home education student must meet the same residency
 315 requirements as other students in the school at which he or she
 316 participates.

317 4. The home education student must meet the same standards
 318 of acceptance, behavior, and performance as required of other
 319 students in extracurricular activities.

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320 5. The student must register with the school his or her
 321 intent to participate in interscholastic extracurricular
 322 activities as a representative of the school before the
 323 beginning date of the season for the activity in which he or she
 324 wishes to participate. A home education student must be able to
 325 participate in curricular activities if that is a requirement
 326 for an extracurricular activity.

327 6. A student who transfers from a home education program to
 328 a public school before or during the first grading period of the
 329 school year is academically eligible to participate in
 330 interscholastic extracurricular activities during the first
 331 grading period provided the student has a successful evaluation
 332 from the previous school year, pursuant to subparagraph 2.

333 7. Any public school or private school student who has been
 334 unable to maintain academic eligibility for participation in
 335 interscholastic extracurricular activities is ineligible to
 336 participate in such activities as a home education student until
 337 the student has successfully completed one grading period in
 338 home education pursuant to subparagraph 2. to become eligible to
 339 participate as a home education student.

340 (d) An individual charter school student pursuant to s.
 341 1002.33 is eligible to participate at the public school to which
 342 the student would be assigned according to district school board
 343 attendance area policies or which the student could choose to
 344 attend, pursuant to district or interdistrict public school
 345 parental choice ~~controlled open enrollment~~ provisions, in any
 346 interscholastic extracurricular activity of that school, unless
 347 such activity is provided by the student's charter school, if
 348 the following conditions are met:

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349 1. The charter school student must meet the requirements of
 350 the charter school education program as determined by the
 351 charter school governing board.

352 2. During the period of participation at a school, the
 353 charter school student must demonstrate educational progress as
 354 required in paragraph (b).

355 3. The charter school student must meet the same residency
 356 requirements as other students in the school at which he or she
 357 participates.

358 4. The charter school student must meet the same standards
 359 of acceptance, behavior, and performance that are required of
 360 other students in extracurricular activities.

361 5. The charter school student must register with the school
 362 his or her intent to participate in interscholastic
 363 extracurricular activities as a representative of the school
 364 before the beginning date of the season for the activity in
 365 which he or she wishes to participate. A charter school student
 366 must be able to participate in curricular activities if that is
 367 a requirement for an extracurricular activity.

368 6. A student who transfers from a charter school program to
 369 a traditional public school before or during the first grading
 370 period of the school year is academically eligible to
 371 participate in interscholastic extracurricular activities during
 372 the first grading period if the student has a successful
 373 evaluation from the previous school year, pursuant to
 374 subparagraph 2.

375 7. Any public school or private school student who has been
 376 unable to maintain academic eligibility for participation in
 377 interscholastic extracurricular activities is ineligible to

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378 participate in such activities as a charter school student until
 379 the student has successfully completed one grading period in a
 380 charter school pursuant to subparagraph 2. to become eligible to
 381 participate as a charter school student.

382 (e) A student of the Florida Virtual School full-time
 383 program may participate in any interscholastic extracurricular
 384 activity at the public school to which the student would be
 385 assigned according to district school board attendance area
 386 policies or which the student could choose to attend, pursuant
 387 to district or interdistrict public school parental choice
 388 ~~controlled open enrollment~~ policies, if the student:

389 1. During the period of participation in the
 390 interscholastic extracurricular activity, meets the requirements
 391 in paragraph (a).

392 2. Meets any additional requirements as determined by the
 393 board of trustees of the Florida Virtual School.

394 3. Meets the same residency requirements as other students
 395 in the school at which he or she participates.

396 4. Meets the same standards of acceptance, behavior, and
 397 performance that are required of other students in
 398 extracurricular activities.

399 5. Registers his or her intent to participate in
 400 interscholastic extracurricular activities with the school
 401 before the beginning date of the season for the activity in
 402 which he or she wishes to participate. A Florida Virtual School
 403 student must be able to participate in curricular activities if
 404 that is a requirement for an extracurricular activity.

405 Section 9. This act shall take effect July 1, 2016.

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 886

INTRODUCER: Senator Benacquisto

SUBJECT: Parent and Student Rights

DATE: January 19, 2016

REVISED: _____

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

I. Summary:

SB 886 expands educational choice options and notification requirements regarding information parents have to make decisions about the placement of their children in educational settings. Specifically the bill:

- Expands parent notification requirements to include school district reporting average, estimated funding expenditures on a per student basis.
- Authorizes parent ability to choose to enroll his or her child in any public school in the state which has not reached capacity. The bill further defines capacity.
- Authorizes a parent to request a transfer of his or her child to a different classroom teacher.

The bill takes effect July 1, 2016.

II. Present Situation:

There is a range of information and school choice options available to parents, from academic progress information, multiple school choice options, and notifications about and limits to certain types of teachers that may be assigned a student.

Educational Transparency

Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed about ways that the parents can help their child to succeed in school.¹

¹ Section 1002.20, F.S.

For purposes of exceptional student education (ESE), district school boards must provide parents, at the initial individual education plan (IEP) team meeting, the amount of state appropriations that the school district receives for each of the five ESE support levels for a full-time student.²

Public School Educational Choice Options

Parents of public school students may seek school choice options such as controlled open enrollment, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, Advanced International Certificate of Education, credit by examination or demonstration of competency, the School for Deaf and the Blind, the Florida Virtual School, and the public school options for the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.³

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that gives school districts the option of making student school assignments using a parent's indicated preferential public school choice as a significant factor.⁴

Each district school board offering the controlled open enrollment must adopt by rule a controlled open enrollment plan (plan) and post the plan on the district's website.⁵ The plan must.⁶

- Adhere to federal desegregation requirements.
- Include an application process required to participate in controlled open enrollment that allows parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.

The controlled open enrollment provisions do not specify how a district may determine, or limit, the number of students that may be enrolled in these schools.⁷ However, "over-capacity" is otherwise statutorily defined to mean a school whose capital outlay FTE enrollment exceeds 100% of the space and occupancy design capacity of its nonrelocatable facilities.⁸ If a school's initial design incorporated relocatable or modular instruction space, and "over-capacity school"

² Section 1003.57(1)(j), F.S.

³ Section 1002.20(6), F.S.

⁴ Section 1002.31(1), F.S.; Implementation of the plan by a district school board is optional. Section 1002.31(2), F.S.

⁵ Section 1002.31(3), F.S.

⁶ Section 1002.31(3), F.S.

⁷ Section 1002.31, F.S.

⁸ Section 1013.21(1)(b), F.S.

means a school the capital outlay FTE enrollment of which exceeds 100% of the space and occupant design capacity of its core facilities.⁹

Notification and Ability to Change Teachers

Each district school board must adopt and implement a plan to assist teachers who teach out-of-field and prioritize professional development activities for such teachers.¹⁰ If a teacher is assigned a class that is outside the field in which the teacher is certified or has demonstrated sufficient subject matter expertise, parents of all students in that class must be notified, in writing, of such assignment.¹¹

Public school students are prohibited from being taught by a classroom teacher who received a performance evaluation rating of “needs improvement” or “unsatisfactory” if the student was taught by a classroom teacher that received a performance rating of “needs improvement” or “unsatisfactory” in the previous school year.¹²

III. Effect of Proposed Changes:

SB 886 expands educational choice options and notification requirements regarding information parents have to make decisions about the placement of their children in educational settings. Specifically the bill:

- Expands parent notification requirements to include school district reporting average, estimated funding expenditures on a per student basis.
- Authorizes parent ability to choose to enroll his or her child in any public school in the state which has not reached capacity. The bill further defines capacity.
- Authorizes a parent to request a transfer of his or her child to a different classroom teacher.

Educational Transparency

The bill requires a school district to notify parents of the estimated amount of funding¹³ allocated to a student similar to their child, based upon grade level and level of support. This notification may be included in the student handbook or similar publication.

The bill updates statutes that provide an overview of public and private educational options. The bill also revises applicable terminology by using the term “educational choice” instead of “school choice,” to identify that the available choices stem beyond a specific school.

⁹ *Id.*

¹⁰ Section 1012.42(1), F.S. The district school board must require the teacher to participate in a certification or staff development program that is designed to provide the teacher with the necessary competencies to perform assigned duties. *Id.*

¹¹ Section 1012.42(2), F.S.

¹² Section 1012.2315(6), F.S. For elementary school students, this probation applies to any subject, while the prohibition for middle school and high school students is limited to teachers who receive the performance evaluations in the same subject area. *Id.* A parent may provide written consent to exempt extracurricular courses from this prohibition. *Id.*

¹³ The funding amount is the average amount of money estimated to be expended from all sources, state, local, and federal, including operating and capital outlay expenses.

Public School Educational Choice Options

The bill eliminates controlled open enrollment as the mechanism for making student school assignments, and instead allows parents to choose to send their children to any school in the district or state. Specifically, the bill:

- Requires each district school board to establish a public school parental choice policy and post on its website a public school parental choice plan that authorizes a parent to choose to enroll his or her child in any school in the district, including charter schools, subject to capacity. The parent is responsible for providing transportation.
- Allows a parent to choose to enroll his or her child in any public school in the state, including charter schools, that has not reached capacity. The district may provide transportation at the district's discretion, otherwise the parent is responsible for transporting the child to school. The school district must report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.
- Defines capacity to mean a school in which the capital outlay full-time equivalent (FTE) enrollment exceeds 95 percent of the space and occupant design capacity of its nonrelocatable facilities. If a school's initial design incorporated relocatable or modular instructional space, the term "capacity" must mean a school in which the capital outlay FTE enrollment exceeds 95 percent of the space and occupant design capacity of its core facilities. In effect, the bill prevents controlled open enrollment plans from identifying artificially low limits to student enrollment, while ensuring a 5% buffer for overall school capacity.

Notification and Ability to Change Teachers

The bill creates two additional types of mechanisms for a parent to request transfer of his or her child to a different teacher:

- Each district school board must establish a transfer process for a parent to request his or her child to be transferred to another classroom teacher. The transfer process must be published in the student handbook or similar publication. A school must grant or deny the transfer within 2 weeks after receiving a request for such transfer. If a request is denied, the school must notify the parent of the denial and provide reasons for the denial.
- A parent may request a transfer of his or her child to another classroom teacher within the school and grade upon receipt of written notification that the child's assigned teacher is an out-of-field teacher. The bill requires school districts to grant parents' requests for such transfers within 2 weeks; however, parents do not have the right to choose a specific teacher.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1002.31, 1002.33, 1002.38, 1002.451, 1006.15, and 1012.42.

This bill creates section 1003.3101 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Detert

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1 A bill to be entitled
 2 An act relating to education personnel; amending s.
 3 39.202, F.S.; authorizing certain employees or agents
 4 of the Department of Education to have access to
 5 certain reports and records; amending s. 215.22, F.S.;
 6 providing that certain provisions do not apply to the
 7 Educational Certification and Service Trust Fund;
 8 amending s. 1012.05, F.S.; authorizing rather than
 9 requiring the Department of Education to sponsor a job
 10 fair meeting certain criteria; requiring the
 11 department to coordinate a best practice community;
 12 amending s. 1012.39, F.S.; providing requirements
 13 regarding liability insurance for students performing
 14 clinical field experience; creating s. 1012.562, F.S.;
 15 requiring the department to approve school leader
 16 preparation programs; providing for approval;
 17 providing program requirements; providing for
 18 rulemaking; amending s. 1012.75, F.S.; deleting the
 19 minimum required amount of liability coverage for
 20 specified personnel; requiring annual notification of
 21 liability insurance to specified personnel; abrogating
 22 the scheduled expiration of the educator liability
 23 insurance program; amending s. 1012.79, F.S.; revising
 24 membership of the Education Practices Commission;
 25 authorizing the Commissioner of Education to appoint
 26 emeritus members to the commission; amending s.
 27 1012.796, F.S.; authorizing the commissioner to issue
 28 a letter of guidance in response to a complaint
 29 against a certified teacher or administrator;

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30 providing an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Paragraphs (q), (r), and (s) of subsection (2)
 35 of section 39.202, Florida Statutes, are redesignated as
 36 paragraphs (r), (s), and (t), respectively, and a new paragraph
 37 (q) is added to that subsection, to read:
 38 39.202 Confidentiality of reports and records in cases of
 39 child abuse or neglect.—
 40 (2) Except as provided in subsection (4), access to such
 41 records, excluding the name of the reporter which shall be
 42 released only as provided in subsection (5), shall be granted
 43 only to the following persons, officials, and agencies:
 44 (q) An employee or agent of the Department of Education who
 45 is responsible for the investigation or prosecution of
 46 misconduct by a certified educator.
 47 Section 2. Subsection (4) of section 215.22, Florida
 48 Statutes, is amended to read:
 49 215.22 Certain income and certain trust funds exempt.—
 50 (4) Notwithstanding the exemptions granted in subsections
 51 (1), (2), and (3), this section shall not exempt income of a
 52 revenue nature or any trust fund which was subject to the
 53 service charge pursuant to s. 215.20 on January 1, 1990. This
 54 subsection does not apply to the Educational Certification and
 55 Service Trust Fund.
 56 Section 3. Subsection (4) of section 1012.05, Florida
 57 Statutes, is amended to read:
 58 1012.05 Teacher recruitment and retention.—

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59 (4) The Department of Education, in cooperation with
 60 district personnel offices, ~~may shall~~ sponsor a job fair in a
 61 central part of the state to match in-state educators and
 62 potential educators and out-of-state educators and potential
 63 educators with teaching opportunities in this state. The
 64 Department of Education is authorized to collect a job fair
 65 registration fee not to exceed \$20 per person and a booth fee
 66 not to exceed \$250 per school district or other interested
 67 participating organization. The revenue from the fees shall be
 68 used to promote and operate the job fair. Funds may be used to
 69 purchase promotional items such as mementos, awards, and
 70 plaques. The Department of Education shall also coordinate a
 71 best practice community to ensure that school district personnel
 72 responsible for teacher recruitment and other human resources
 73 functions are operating with the most up-to-date knowledge.

74 Section 4. Subsection (3) of section 1012.39, Florida
 75 Statutes, is amended to read:

76 1012.39 Employment of substitute teachers, teachers of
 77 adult education, nondegreed teachers of career education, and
 78 career specialists; students performing clinical field
 79 experience.—

80 (3) A student who is enrolled in a state-approved teacher
 81 preparation program in a postsecondary educational institution
 82 that is approved by rules of the State Board of Education and
 83 who is jointly assigned by the postsecondary educational
 84 institution and a district school board to perform a clinical
 85 field experience under the direction of a regularly employed and
 86 certified educator shall, while serving such supervised clinical
 87 field experience, be accorded the same protection of law as that

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88 accorded to the certified educator except for the right to
 89 bargain collectively as an employee of the district school
 90 board. The district school board providing the clinical field
 91 experience shall notify the student electronically or in writing
 92 of the availability of educator liability insurance under s.
 93 1012.75. A postsecondary educational institution or district
 94 school board may not require a student enrolled in a state-
 95 approved teacher preparation program to purchase liability
 96 insurance as a condition of participation in any clinical field
 97 experience or related activity on the premises of an elementary
 98 or secondary school.

99 Section 5. Section 1012.562, Florida Statutes, is created
 100 to read:

101 1012.562 Public accountability and state approval of school
 102 leader preparation programs.—The Department of Education shall
 103 establish a process for the approval of Level I and Level II
 104 school leader preparation programs that will enable aspiring
 105 school leaders to obtain their certificate in educational
 106 leadership under s. 1012.56. School leader preparation programs
 107 must be competency-based, aligned to the principal leadership
 108 standards adopted by the state board, and open to individuals
 109 employed by public schools, including charter schools and
 110 virtual schools. Level I programs may be offered by school
 111 districts or postsecondary institutions and lead to initial
 112 certification in educational leadership for the purpose of
 113 preparing individuals to serve as school administrators. Level
 114 II programs may be offered by school districts, build upon Level
 115 I training, and lead to renewal certification as a school
 116 principal.

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- 117 (1) PURPOSE.—The purpose of school leader preparation
 118 programs is to:
- 119 (a) Increase the supply of effective school leaders in the
 120 public schools of this state.
- 121 (b) Produce school leaders who are prepared to lead the
 122 state’s diverse student population in meeting high standards for
 123 academic achievement.
- 124 (c) Enable school leaders to facilitate the development and
 125 retention of effective and highly effective classroom teachers.
- 126 (d) Produce leaders with the competencies and skills
 127 necessary to achieve the state’s education goals.
- 128 (e) Sustain the state system of school improvement and
 129 education accountability.
- 130 (2) LEVEL I PROGRAMS.—
- 131 (a) Initial approval of a Level I program shall be for a
 132 period of 5 years. A postsecondary institution or school
 133 district may submit to the department in a format prescribed by
 134 the department an application to establish a Level I school
 135 leader preparation program. To be approved, a Level I program
 136 must:
- 137 1. Provide competency-based training aligned to the
 138 principal leadership standards adopted by the State Board of
 139 Education.
- 140 2. If the program is provided by a postsecondary
 141 institution, partner with at least one school district.
- 142 3. Describe the qualifications that will be used to
 143 determine program admission standards, including a candidate’s
 144 instructional expertise and leadership potential.
- 145 4. Describe how the training provided through the program

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- 146 will be aligned to the personnel evaluation criteria under s.
 147 1012.34.
- 148 (b) Renewal of a Level I program’s approval shall be for a
 149 period of 5 years and shall be based upon evidence of the
 150 program’s continued ability to meet the requirements of
 151 paragraph (a). A postsecondary institution or school district
 152 must submit an institutional program evaluation plan in a format
 153 prescribed by the department for a Level I program to be
 154 considered for renewal. The plan must include:
- 155 1. The percentage of personnel who complete the program and
 156 are placed in school leadership positions in public schools
 157 within the state.
- 158 2. Results from the personnel evaluations required under s.
 159 1012.34 for personnel who complete the program.
- 160 3. The passage rate of personnel who complete the program
 161 on the Florida Education Leadership Examination.
- 162 4. The impact personnel who complete the program have on
 163 student learning as measured by the formulas developed by the
 164 commissioner pursuant to s. 1012.34(7).
- 165 5. Strategies for continuous improvement of the program.
- 166 6. Strategies for involving personnel who complete the
 167 program, other school personnel, community agencies, business
 168 representatives, and other stakeholders in the program
 169 evaluation process.
- 170 7. Additional data included at the discretion of the
 171 postsecondary institution or school district.
- 172 (c) A Level I program must guarantee the high quality of
 173 personnel who complete the program for the first 2 years after
 174 program completion or the person’s initial certification as a

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 175 school leader, whichever occurs first. If a person who completed
 176 the program is evaluated at less than highly effective or
 177 effective under s. 1012.34 and the person's employer requests
 178 additional training, the Level I program must provide additional
 179 training at no cost to the person or his or her employer. The
 180 training must include the creation of an individualized plan
 181 agreed to by the employer that includes specific learning
 182 outcomes. The Level I program is not responsible for the
 183 person's employment contract with his or her employer.

(3) LEVEL II PROGRAMS.—Initial approval and subsequent
 184 renewal of a Level II program shall be for a period of 5 years.
 185 A school district may submit to the department in a format
 186 prescribed by the department an application to establish a Level
 187 II school leader preparation program or for program renewal. To
 188 be approved or renewed, a Level II program must:

(a) Demonstrate that personnel accepted into the Level II
 190 program have:

1. Obtained their certificate in educational leadership
 192 under s. 1012.56.

2. Earned a highly effective or effective designation under
 195 s. 1012.34.

3. Satisfactorily performed instructional leadership
 197 responsibilities as measured by the evaluation system in s.
 198 1012.34.

(b) Demonstrate that the Level II program:

1. Provides competency-based training aligned to the
 201 principal leadership standards adopted by the State Board of
 202 Education.

2. Provides training aligned to the personnel evaluation

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 204 criteria under s. 1012.34 and professional development program
 205 in s. 1012.986.

3. Provides individualized instruction using a customized
 207 learning plan for each person enrolled in the program that is
 208 based on data from self-assessment, selection, and appraisal
 209 instruments.

4. Conducts program evaluations and implements program
 211 improvements using input from personnel who completed the
 212 program and employers and data gathered pursuant to paragraph
 213 (2) (b).

(c) Gather and monitor the data specified in paragraph
 215 (2) (b).

(4) RULES.—The State Board of Education shall adopt rules
 217 to administer this section.

Section 6. Subsection (3) of section 1012.75, Florida
 219 Statutes, is amended to read:

1012.75 Liability of teacher or principal; excessive
 221 force.—

(3) The Department of Education shall administer an
 223 educator liability insurance program, as provided in the General
 224 Appropriations Act, to protect full-time instructional personnel
 225 from liability for monetary damages and the costs of defending
 226 actions resulting from claims made against the instructional
 227 personnel arising out of occurrences in the course of activities
 228 within the instructional personnel's professional capacity. For
 229 purposes of this subsection, the terms "full-time," "part-time,"
 230 and "administrative personnel" shall be defined by the
 231 individual district school board. For purposes of this
 232 subsection, the term "instructional personnel" has the same

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233 meaning as provided in s. 1012.01(2).

234 (a) Liability coverage ~~of at least \$2 million~~ shall be
235 provided to all full-time instructional personnel. Liability
236 coverage may be provided to the following individuals who choose
237 to participate in the program, at cost: part-time instructional
238 personnel, administrative personnel, and students enrolled in a
239 state-approved teacher preparation program pursuant to s.
240 1012.39(3).

241 (b) By August 1 of each year, the department shall notify
242 the personnel specified in paragraph (a) of the pending
243 procurement for liability coverage. By September 1 of each year,
244 each district school board shall notify the personnel specified
245 in paragraph (a) of the liability coverage provided pursuant to
246 this subsection. The department shall develop the form of the
247 notice which shall be used by each district school board. The
248 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and
249 include the amount of coverage, a general description of the
250 nature of the coverage, and the contact information for coverage
251 and claims questions. The notification shall be provided
252 separately from any other correspondence. Each district school
253 board shall certify to the department, by September 15 of each
254 year, that the notification required by this paragraph has been
255 provided.

256 (c) The department shall consult with the Department of
257 Financial Services to select the most economically prudent and
258 cost-effective means of implementing the program through self-
259 insurance, a risk management program, or competitive
260 procurement.

261 ~~(d) This subsection expires July 1, 2016.~~

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262 Section 7. Subsection (1) of section 1012.79, Florida
263 Statutes, is amended to read:

264 1012.79 Education Practices Commission; organization.—

265 (1) The Education Practices Commission is composed ~~consists~~
266 of the following 25 members: ~~10, including 8~~ teachers; 5
267 administrators, at least one of whom represents ~~shall represent~~
268 a private or virtual school; 4 ~~7~~ lay citizens who are, ~~5 of whom~~
269 ~~shall be~~ parents of public school students and who are unrelated
270 to public school employees; and 2 of whom shall be former
271 charter school governing board or district school board members
272 or former superintendents, assistant superintendents, or deputy
273 superintendents; and 4 ~~5~~ sworn law enforcement officials,
274 appointed by the State Board of Education from nominations by
275 the Commissioner of Education and subject to Senate
276 confirmation. Before ~~Prior to~~ making nominations, the
277 commissioner shall consult with teaching associations, parent
278 organizations, law enforcement agencies, and other involved
279 associations in the state. In making nominations, the
280 commissioner shall attempt to achieve equal geographical
281 representation, as closely as possible.

282 (a) A teacher member, in order to be qualified for
283 appointment:

284 1. Must be certified to teach in the state.

285 ~~2. Must be a resident of the state.~~

286 ~~2.3.~~ Must have practiced the profession in this state for
287 at least 5 years immediately preceding the appointment.

288 (b) A school administrator member, in order to be qualified
289 for appointment:

290 1. Must have an endorsement on the educator certificate in

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291 the area of school administration or supervision.

292 ~~2. Must be a resident of the state.~~

293 ~~2.3.~~ Must have practiced the profession as an administrator
294 for at least 5 years immediately preceding the appointment.

295 ~~(e) The lay members must be residents of the state.~~

296 ~~(c)(d)~~ The law enforcement official members must have
297 served in the profession for at least 5 years immediately
298 preceding appointment and have background expertise in child
299 safety.

300 (d) The Commissioner of Education, upon request or
301 recommendation from the commission, may also appoint up to five
302 emeritus members from the commission's prior membership to serve
303 1-year terms. Notwithstanding any prior service on the
304 commission, an emeritus member may serve up to five 1-year
305 terms. An emeritus member serves as a voting member at a
306 discipline hearing and as a consulting but nonvoting member
307 during a business meeting.

308 (e) All members must be residents of the state.

309 Section 8. Subsection (3) of section 1012.796, Florida
310 Statutes, is amended to read:

311 1012.796 Complaints against teachers and administrators;
312 procedure; penalties.-

313 (3) The department staff shall advise the commissioner
314 concerning the findings of the investigation. The department
315 general counsel or members of that staff shall review the
316 investigation and advise the commissioner concerning probable
317 cause or lack thereof. The determination of probable cause shall
318 be made by the commissioner. The commissioner shall provide an
319 opportunity for a conference, if requested, prior to determining

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320 probable cause. The commissioner may enter into deferred
321 prosecution agreements in lieu of finding probable cause if, in
322 his or her judgment, such agreements are in the best interests
323 of the department, the certificateholder, and the public. Such
324 deferred prosecution agreements shall become effective when
325 filed with the clerk of the Education Practices Commission.
326 However, a deferred prosecution agreement ~~may shall~~ not be
327 entered into if there is probable cause to believe that a felony
328 or an act of moral turpitude, as defined by rule of the State
329 Board of Education, has occurred. Upon finding no probable
330 cause, the commissioner shall dismiss the complaint and may
331 issue a letter of guidance to the certificateholder.

332 Section 9. This act shall take effect July 1, 2016.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 894

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

SUBJECT: Education Personnel

DATE: January 22, 2016 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 894 modifies and expands several statutory provisions relating to education personnel.

Specifically, the bill:

- Adds Department of Education (DOE) employees and agents, who investigate or prosecute educator misconduct, to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect.
- Authorizes the DOE to use information from the Central Abuse Hotline for educator certification discipline and review.
- Authorizes the Commissioner of Education to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct.
- Modifies the membership of the Education Practices Commission.
- Exempts the Educational Certification and Service Trust Fund from the General Revenue service charge.
- Prohibits postsecondary education institutions and school districts from requiring students participating in a clinical field experience to purchase liability insurance.
- Authorizes DOE to sponsor an educator job fair.
- Requires DOE to coordinate a best practices community to assist school districts with teacher recruitment and other human resource functions.
- Removes State Board of Education rulemaking authority regarding school district assignment of newly hired instructional personnel.
- Establishes in law state approval of school leader preparation programs.

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

II. Present Situation:

The present situation for the relevant portions of CS/SB 894 is discussed in the Effect of Proposed Changes Section of this analysis.

III. Effect of Proposed Changes:

CS/SB 894 modifies and expands several statutory provisions relating to education personnel.

Educator Misconduct

Present Situation

Florida law requires that each person¹ in a position who provides direct instruction to students meet the state's educator certification requirements and criteria. The Office of Professional Practices Services² (PPS) within the Department of Education (DOE) investigates misconduct by educators who hold a Florida Educator Certificate or a valid application for a Florida Educator Certificate.³

The DOE is required to investigate legally sufficient⁴ complaints of misconduct⁵ committed by certified educators and advise the Commissioner of Education (Commissioner) on whether probable cause exists.⁶ Upon a finding of probable cause, the Commissioner must file a formal complaint and prosecute the complaint pursuant to chapter 120, F.S.⁷ If the Commissioner does not find probable cause, the complaint must be dismissed.⁸

¹ Such persons include instructional personnel (e.g., classroom teachers, student advisors, or certified school counselors) or administrative personnel (e.g., deputy superintendents, school principals, or assistance principals). Section 1012.01(2)-(3), F.S.

² Florida Department of Education, Professional Practices, <http://www.fldoe.org/teaching/professional-practices> (last visited January 14, 2016).

³ Florida Department of Education, Role of Professional Practices Services, <http://www.fldoe.org/teaching/professional-practices/role-of-professional-practices-service.stml> (last visited January 13, 2016).

⁴ Section 1012.796(1)(a), F.S. The complaint is legally sufficient if it contains ultimate facts showing a violation has occurred. *Id.* and s. 1012.795, F.S.

⁵ Misconduct may include fraudulently obtaining an educator certificate, knowingly failing to report actual or suspected child abuse, or breach of contract. Section 1012.795(1), F.S.

⁶ Section 1012.796(3), F.S.

⁷ *Id.* at (6). An administrative law judge assigned to hear the complaint makes recommendations to the EPC for review and preparation of final order issued by a panel of five EPC members. Sections 1012.79(8)(a), 1012.795(6), and 1012.796(1), F.S. In 2014, 16 of the 19 hearings involved teacher misconduct. Florida Department of Education, Division of K-12 Educator Quality, *2015 Agency Legislative Bill Analysis for HB 587* (March 16, 2015) at 2, on file with the Committee on Education Pre-K – 12. Unless the complaint involves a felony or crime of moral turpitude, the Commissioner may enter into a deferred prosecution agreement with the certified educator in lieu of finding probable cause. Section 1012.796(3), F.S. An educator may be directed to participate through a deferred prosecution agreement or final order of the EPC in the recovery network program for assistance in obtaining treatment and services for alcohol abuse, drug abuse, or a mental condition. Section 1012.798(1), F.S. Voluntary participation in the program may be considered as a mitigating factor or a condition of disciplinary action. *Id.* at (5).

⁸ *Id.* For the period starting January 1, 2015, and ending November 24, 2015, the Commissioner issued findings of probable cause to 565 educators and no probable cause to 356 educators. See Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 894), at 5, *r'cvd* December 23, 2015 (on file with the staff of the Committee on Education Pre-K – 12).

Currently, the PPS is not legally authorized to access records relating to cases of child abuse, abandonment, or neglect involving a certified educator.⁹ Records held by the Department of Children and Families (DCF) regarding reports of child abuse, abandonment, or neglect, including reports made to the statewide Central Abuse Hotline, are confidential and exempt from public records requirements, unless specifically authorized in law.¹⁰

Access to records, excluding the name of the person reporting abuse, is granted to a limited list of persons, officials, and agencies (*e.g.*, Department of Health employees responsible for child protective investigations, criminal justice agencies, or school district employees designated as a liaison between the school district and DCF).¹¹ Employees of the PPS, who are responsible for investigating educator misconduct, are not included on the list of persons or entities granted access to records relating to child abuse, abandonment, or neglect or reports made to the statewide Central Abuse Hotline.

The Education Practices Commission (EPC), as a quasi-judicial body, issues penalties against an educator's certificate.¹² The EPC interprets and applies the standards¹³ of professional practice established by the State Board of Education (State Board); revokes or suspends educator certificates, or takes other disciplinary action, for misconduct; reports to and meets with the State Board; and adopts rules.¹⁴

The EPC consists of 25 members including:¹⁵

- Eight teachers;
- Five administrators, at least one of whom must represent a private school;
- Seven lay citizens, five of whom must be parents of public school students with no family relation to a public school employee and two of whom must be former district school board members; and
- Five sworn law enforcement officials.

The members are appointed by the State Board based upon nominations made by the Commissioner, subject to confirmation by the Florida Senate.¹⁶

⁹ Any person who knows, or has reason to suspect, that a child is abused, abandoned, or neglected must report such knowledge or suspicion to the Department of Children and Families (DCF). Section 39.201(1), F.S. School teachers and other school officials or personnel are required to make such reports and the failure to do so is a felony of the third degree. Sections 39.201(1)(d) and 39.205(2), F.S.

¹⁰ Sections 39.202(1) and 39.2021(1), F.S.

¹¹ Section 39.202(2), F.S.

¹² *Id.*

¹³ Code of Ethics of the Education Profession in Florida, Rule 6A-10.080, F.A.C., and Principles of Professional Conduct for the Education Profession in Florida, Rule 6A-10.081, F.A.C., <http://www.fldoe.org/teaching/professional-practices/code-of-ethics-principles-of-professio.stml> (last visited January 13, 2016).

¹⁴ Sections 1012.79(7) and 1012.795(1), F.S. A district school board retains its authority to discipline teachers and administrators. Section 1012.79(8)(b), F.S.

¹⁵ Section 1012.79(1), F.S. The eight teacher members comprise 32 percent of the total EPC membership. *See* Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 894), at 4, *r'cvd* December 23, 2015 (on file with the staff of the Committee on Education Pre-K – 12).

¹⁶ Section 1012.79(1), F.S. Before making nominations, the Commissioner must consult with teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. *Id.* Teachers, school administrators, and lay citizens who wish to serve on the EPC must be Florida residents to be appointed; however, law enforcement officials are not required to be Florida residents, but they must have expertise in child safety. *Id.*

Effect of Proposed Changes

The bill authorizes, in addition to other individuals and agencies authorized by law,¹⁷ the DCF to release records pertaining to child abuse, abandonment, or neglect cases, which are otherwise confidential and exempt from public records requirements, to DOE employees or agents who investigate or prosecute misconduct by certified educators. Allowing access to such records may assist the DOE in conducting more thorough and informed investigations of educator misconduct.

Also, the bill authorizes the Commissioner to issue a letter of guidance to a certified educator who has had a complaint of misconduct filed against him or her, rather than finding probable cause to prosecute. The bill may provide the Commissioner with more flexibility in determining the course of action to take regarding complaints of educator misconduct by permitting him or her to issue a letter of guidance if deemed more appropriate under the circumstances.

Furthermore, the bill increases the number of teacher members and diversifies the representation on the EPC by including virtual school administrators, former charter school governing board members, and public school officials, while also ensuring that members are citizens of the state.

Specifically, the bill makes the following revisions to EPC membership:

- Redistributes the number of teacher, lay citizen, and sworn law enforcement members while retaining the existing number of members (25) as follows:
 - The number of teacher members is increased from 8 to 10.
 - The number of lay citizen members is reduced from 7 to 4, all of whom must be parents of public school students.
 - The number of sworn law enforcement officials is reduced from 5 to 4.
- Revises the membership to include:
 - Former charter governing board members or former superintendents, assistant superintendents, or deputy superintendents.
 - Virtual school administrators.
- Requires all members to be Florida residents.
- Authorizes the Commissioner, upon request or recommendation from the EPC, to appoint up to 5 emeritus members from previous membership of the EPC to serve 1-year terms and who:
 - May serve up to five 1-year terms;
 - Are voting members for discipline hearings; and
 - Are consulting, nonvoting members for business meetings.

Educational Certification and Service Trust Fund

Present Situation

The State Board establishes fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping based on estimates of the revenue required to implement the laws regarding certification of school personnel.¹⁸ The DOE must remit all proceeds from the collection of certification fees, fines, penalties, and costs levied

¹⁷ Section 39.202(2), F.S.

¹⁸ Section 1012.59(1), F.S.

pursuant to chapter 1012, F.S., relating to education personnel, for deposit into the Educational Certification and Service Trust Fund.¹⁹ The monies from the fund are disbursed for the purpose of paying the expenses incurred by the EPC, as well as for printing forms and bulletins and issuing certificates.²⁰

The earnings received or credited by trust funds, including interest, are subject to an 8 percent service charge that is appropriated to the General Revenue Fund.²¹ Generally, any trust fund administered by the DOE is exempt from the service charge; however, the Educational Certification and Service Trust Fund is the only trust fund administered by the DOE that is subject to the service charge.²²

Effect of Proposed Changes

The bill expressly exempts the Educational Certification and Service Trust Fund from the 8 percent service charge consistent with all other trust funds administered by the DOE. In effect, the funds that would have been deposited into the General Revenue Fund may be used for activities related to educator certification, as well as activities related to education practices and professional practices.²³

Educator Liability Insurance

Present Situation

Public school educators are immune from personal liability through the doctrine of sovereign immunity.²⁴ Each district school board may provide legal services for officers and employees charged with civil or criminal actions arising out of, or in the performance of, their assigned duties and responsibilities.²⁵ Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a bus driver, may not be held civilly or criminally liable for any action carried out in conformity with State Board and district school board rules regarding the control, discipline, suspension, and expulsion of students.²⁶

¹⁹ *Id.* at (2).

²⁰ *Id.*

²¹ Section 215.20(1), F.S.

²² Section 215.22(1)(j), F.S. Since the Educational Certification and Service Trust Fund was subject to the service charge on January 1, 1990, it is not exempt. *Id.* at (4). See also Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 894), at 4, *r'cvd* December 23, 2015 (on file with the staff of the Committee on Education Pre-K – 12).

²³ Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 894), at 5, *r'cvd* December 23, 2015 (on file with the staff of the Committee on Education Pre-K – 12).

²⁴ No officer, employee, or agent of the state or of any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Section 768.28(9)(a), F.S.

²⁵ Section 1012.26, F.S. District school boards must reimburse reasonable legal expenses incurred by officers and employees of school boards who are charged with civil or criminal actions arising out of or in the performance of assigned duties and responsibilities upon successful defense by the employee or officer. *Id.*

²⁶ Section 1012.75, F.S.

Furthermore, a student who is enrolled in a state-approved teacher preparation program and who is jointly assigned a clinical field experience under the direction of a regularly employed and certified educator is given the same protection of law as that of the certified educator except for the right to bargain collectively as an employee of the district school board.²⁷

During the 2015 Legislative Special Session “A,” the Legislature passed SB 2502-A implementing specific appropriations made in the 2015-2016 General Appropriations Act, including Specific Appropriation 99B, which appropriated funds in the amount of \$1.2 million for the educator liability insurance program (program) to be administered by the DOE.²⁸ The purpose of the program is to protect full-time instructional personnel from liability for monetary damages and the costs of defending actions as a result of claims arising from incidents that occur during the course of performing professional responsibilities.²⁹

Under the program, a minimum of \$2 million in liability coverage must be provided to full-time instructional personnel, while other individuals may choose to participate at their own cost: part-time instructional personnel, administrative personnel, and students enrolled in a state-approved teacher preparation program.³⁰ The DOE and each district school board is required to notify personnel of the availability of liability coverage.³¹ The program is scheduled to expire July 1, 2016.³²

Effect of Proposed Changes

The bill requires a district school board to provide electronic or written notification to a student participating in a clinical field experience of the availability of educator liability insurance for purchase at his or her own cost. Also, each district school board or postsecondary education institution is prohibited from requiring a student enrolled in a state-approved teacher preparation program to purchase liability insurance as a condition of participation. In effect, the bill ensures that students are able to participate in such programs without conditional limitations.

Educator Recruitment, Retention, and Assignment

Present Situation

The DOE is responsible for cooperating with teacher organizations, district personnel offices, schools, colleges, and departments of all public and nonpublic postsecondary educational institutions to focus on the recruitment and retention of qualified teachers in the state.³³ In order to fulfill this responsibility, the DOE is required to perform the following duties, including, but not limited to:³⁴

- Developing and implementing a system for posting teaching vacancies and establishing a database of applicants accessible within and outside the state.

²⁷ Section 1012.39(3), F.S.

²⁸ Section 10, ch. 2015-222, L.O.F., *implementing* Specific Appropriation 99B, s. 2, ch. 2015-232, L.O.F.

²⁹ Section 1012.75(3), F.S., *as amended by* s. 10, ch. 2015-222, L.O.F.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Section 1012.05(1), F.S.

³⁴ *Id.* at (2).

- Developing and distributing promotional materials relating to a career in teaching.
- Identifying best practices for retaining high-quality teachers.

Current law requires the DOE, in cooperation with district personnel offices, to sponsor a job fair in the central part of the state to match in-state and out-of-state educators and potential educators with teaching opportunities in the state.³⁵ The DOE may collect a registration fee not to exceed \$20 per person and a booth fee not to exceed \$250 per school district or other interested participant.³⁶ The fees are used to promote and operate the job fair and may be used to purchase promotional items such as mementos, awards, and plaques.³⁷

In 2006, the Legislature found that there were disparities in the qualifications of teachers assigned to teach in a school with a grade of “A” versus those that were assigned to teach in a school with a grade of “F.”³⁸ The disparities were in the average years of experience, number of out-of-field teachers, median salary, and teacher performance on certification examinations.³⁹ To address such disparities, the Legislature prohibited school districts from assigning to schools graded “D” or “F” a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, and out-of-field teachers.⁴⁰ Each school district was required to certify to the Commissioner that it had met its duty to assign teachers equitably.⁴¹

Beginning July 1, 2014, school districts were authorized to assign an individual newly hired as instructional personnel to a school that earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous 3 years if the individual meets specified criteria (*e.g.*, has received an effective or highly effective rating in previous year or has successfully completed or is enrolled in a teacher preparation program).⁴²

The State Board has rulemaking authority regarding those particular teacher assignments; however, it has not adopted any rules to that effect.⁴³ Although the State Board has not adopted rules, the Commissioner continues to have oversight authority to ensure that school districts are complying with the teacher assignment requirements.⁴⁴ Moreover, the State Board has enforcement authority upon notification from the Commissioner that a school district has failed to comply with the requirements.⁴⁵

Effect of Proposed Changes

The bill grants DOE the discretion to sponsor a centrally located job fair for educators and potential educators. In effect, DOE may decide to reallocate resources, which would otherwise

³⁵ *Id.* at (4).

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 57, ch. 2006-74, L.O.F., *codified as* s. 1012.2315, F.S.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Section 2, ch. 2014-32, L.O.F.; *codified as* s. 1012.2315(2)(b), F.S.

⁴³ Section 1012.2315(2)(b)3., F.S.

⁴⁴ Section 1012.2315(2), F.S.

⁴⁵ *Id.*

be used to sponsor the job fair, in support of other recruitment and retention efforts as it deems necessary.

Also, the bill requires the DOE to coordinate and establish a best practices community to assist school district personnel responsible for recruiting educators and performing other human resource-related functions.

Additionally, the bill removes the State Board's rulemaking authority regarding the assignment of newly hired as instructional personnel to a school that earned a grade of "F" in the previous year or any combination of three consecutive grades of "D" or "F" in the previous 3 years. The State Board has not adopted rules addressing such assignments; however, the Commissioner and State Board retain oversight and enforcement authority, respectively, to ensure that school districts are complying with the requirements.

School Leader Preparation Programs

Present Situation

School leaders include school administrators, school principals, school directors, career center directors, and assistant principals.⁴⁶ School principals or school directors serve as the administrative head of a school and are responsible for coordinating and administering the instructional and noninstructional activities of the school.⁴⁷ Assistant principals are staff members who assist the administrative head of the school regarding curricular and administrative matters.⁴⁸

The Florida Principal Leadership Standards (FPLS) are Florida's core expectations for effective school administrators.⁴⁹ The FPLS are research-based; represent necessary knowledge, skills, and abilities for effective school leadership; and are the basis for school administrator preparation programs, certification competencies, certification examinations, performance evaluations, and professional development systems.⁵⁰ The FPLS emphasize the ability to improve student learning results; develop and retain quality classroom teachers; and manage the organization, operations, and facilities of a school.⁵¹ The job performance of school administrators must be evaluated annually.⁵²

The law requires school leaders to be certified and directs the State Board to classify school services, designate certification subject areas, establish competencies for certification, and

⁴⁶ Section 1012.01(3), F.S. Administrative personnel are K-12 personnel who perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and noninstructional administrators, as well as school administrators who perform administrative duties at the school-level.

Id.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Rule 6A-5.080, F.A.C.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Section 1012.34(3)(a), F.S. The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities. *Id.* At least one-third of a school administrator's evaluation must be based upon student performance. *Id.* Based upon these criteria, an administrator is assigned a performance rating of highly effective, effective, needs improvement, or unsatisfactory. *Id.* at (2)(e).

certification requirements for all school-based personnel.⁵³ The State Board has established in rule two classes of certification for school administrators – educational leadership and school principal. Certification in educational leadership qualifies one for any position falling under the classification “school administrator.”⁵⁴ In order to advance to certification as a school principal, one must first be certified in educational leadership.⁵⁵

In Florida, aspiring school administrators must complete a school leader preparation program approved by DOE.⁵⁶ State Board rule authorizes DOE to approve two types of school leader preparation programs.⁵⁷ Level I programs may be offered by school districts and postsecondary institutions and lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators.⁵⁸ Level II programs may be offered by school districts, build upon Level I training, and lead to certification as a school principal.⁵⁹ State Board rule specifies criteria for initial and continued approval of Level I and Level II school leader preparation programs.⁶⁰

Effect of Proposed Changes

The bill establishes in law a system of accountability and state approval for school leader preparation programs offered by Florida postsecondary institutions and public school districts. Currently, the criteria for approval of school leader programs, including a bi-level certification and preparation process, exists in State Board rule.⁶¹ In effect, the bill codifies the existing approval process and criteria that exists in State Board rule with slight modifications.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁵³ Section 1012.55(1)(a)-(b), F.S.

⁵⁴ Rule 6A-5.081, F.A.C.

⁵⁵ Rule 6A-4.0083, F.A.C.

⁵⁶ Rule 6A-5.081, F.A.C. The William Cecil Golden Professional Development Program for School Leaders is a professional development program for school principals. The program was established in collaboration with state and national professional leadership organizations. 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. Professional development provided through the program must be based upon the FPLS and other school leadership standards. Section 1012.986, F.S.

⁵⁷ Rule 6A-5.081, F.A.C.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 894 eliminates the General Revenue service charge on fees that support the Educational Certification and Service Trust Fund, which, according to the Department of Education (DOE), will increase revenues by approximately \$600,000.⁶²

The DOE estimates that \$3,500 in annual travel expenses would be incurred for all five emeritus members appointed to the Education Practices Commission (EPC), plus an additional \$1,250 per year for substitute teacher reimbursements to account for emeritus members who are teachers and for increasing teacher members on the EPC.⁶³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.201, 39.202, 215.22, 1012.05, 1012.2315, 1012.39, 1012.79, and 1012.796.

Also, the bill creates the following section of the Florida Statutes: 1012.562.

⁶² Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 894), at 8, *r'cvd* December 23, 2015 (on file with the staff of the Committee on Education Pre-K – 12).

⁶³ Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 894), at 8, *r'cvd* December 23, 2015 (on file with the staff of the Committee on Education Pre-K – 12).

IX. Additional Information:

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

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

The committee substitute makes the following substantial changes to the bill:

- Authorizes the Department of Education to use information from the statewide Central Abuse Hotline, which is administered by the Department of Children and Families, for purposes of educator certification discipline and review.
- Removes the State Board of Education’s rulemaking authority regarding school district assignment of newly hired instructional personnel to schools that earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous 3 years.
- Removes provisions relating to the educator liability insurance program.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2016	.	
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The Committee on Education Pre-K - 12 (Detert) recommended the following:

Senate Amendment (with title amendment)

Before line 34

insert:

Section 1. Subsection (6) of section 39.201, Florida Statutes, is amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(6) Information in the central abuse hotline may not be used for employment screening, except as provided in s.



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11 39.202(2)(a) and (h). Information in the central abuse hotline
12 and the department's automated abuse information system may be
13 used by the department, its authorized agents or contract
14 providers, the Department of Health, or county agencies as part
15 of the licensure or registration process pursuant to ss.
16 402.301-402.319 and ss. 409.175-409.176. Pursuant to s.
17 39.202(2)(q), the information in the central abuse hotline may
18 also be used by the Department of Education for purposes of
19 educator certification discipline and review.

20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Between lines 2 and 3

24 insert:

25 39.201, F.S.; authorizing certain information to be
26 used for educator certification discipline and review;
27 amending s.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2016	.	
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The Committee on Education Pre-K - 12 (Detert) recommended the following:

Senate Amendment (with title amendment)

Between lines 73 and 74

insert:

Section 4. Paragraph (b) of subsection (2) of section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

(b)1. Beginning July 1, 2014, a school district may assign an individual newly hired as instructional personnel to a school



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11 that has earned a grade of "F" in the previous year or any
12 combination of three consecutive grades of "D" or "F" in the
13 previous 3 years pursuant to s. 1008.34 if the individual:

14 a. Has received an effective rating or highly effective
15 rating in the immediate prior year's performance evaluation
16 pursuant s. 1012.34;

17 b. Has successfully completed or is enrolled in a teacher
18 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
19 1012.56, or a teacher preparation program specified in State
20 Board of Education rule, is provided with high quality mentoring
21 during the first 2 years of employment, holds a certificate
22 issued pursuant to s. 1012.56, and holds a probationary contract
23 pursuant to s. 1012.335(2) (a); or

24 c. Holds a probationary contract pursuant to s.
25 1012.335(2) (a), holds a certificate issued pursuant to s.
26 1012.56, and has successful teaching experience, and if, in the
27 judgment of the school principal, students would benefit from
28 the placement of that individual.

29 2. As used in this paragraph, the term "mentoring" includes
30 the use of student achievement data combined with at least
31 monthly observations to improve the educator's effectiveness in
32 improving student outcomes. Mentoring may be provided by a
33 school district, a teacher preparation program approved pursuant
34 to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher
35 preparation program specified in State Board of Education rule.

36 ~~3. The State Board of Education shall adopt rules under ss.~~
37 ~~120.536(1) and 120.54 to implement this paragraph.~~

38
39 Each school district shall annually certify to the Commissioner



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40 of Education that the requirements in this subsection have been
41 met. If the commissioner determines that a school district is
42 not in compliance with this subsection, the State Board of
43 Education shall be notified and shall take action pursuant to s.
44 1008.32 in the next regularly scheduled meeting to require
45 compliance.

46

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

48 And the title is amended as follows:

49 Between lines 11 and 12

50 insert:

51 amending s. 1012.2315, F.S.; eliminating certain State
52 Board of Education rulemaking authority related to
53 teacher assignment;



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2016	.	
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	.	

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

Senate Amendment (with title amendment)

Delete lines 218 - 261.

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

And the title is amended as follows:

Delete lines 18 - 23

and insert:

rulemaking; amending s. 1012.79, F.S.; revising

By Senator Legg

17-00992A-16

2016978__

A bill to be entitled

An act relating to public school teachers; creating s. 1012.731, F.S.; providing legislative intent; defining the term "school district"; establishing the Florida Best and Brightest Teacher Scholarship Program; providing eligibility criteria; requiring a school district to annually submit the number of eligible teachers to the Department of Education; providing for funding and disbursement of funds; providing an effective date.

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

Section 1. Section 1012.731, Florida Statutes, is created to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that teachers play a critical role in preparing students to achieve a high level of academic performance. The Legislature further recognizes that research has linked student performance to a teacher's own academic achievements. Therefore, it is the intent of the Legislature to designate teachers who have achieved high academic standards during their own education as Florida's Best and Brightest Teacher scholars.

(2) DEFINITION.—For purposes of this section, the term "school district" includes the Florida School for the Deaf and the Blind and a charter school governing board.

(3) PROGRAM.—There is created the Florida Best and

Page 1 of 3

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

17-00992A-16

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Brightest Teacher Scholarship Program to be administered by the Department of Education. Beginning in the 2016-2017 school year, the scholarship program shall provide categorical funding for scholarships to be awarded to teachers who have demonstrated a high level of academic achievement.

(4) TEACHER ELIGIBILITY CRITERIA.—

(a) To be eligible for a Florida Best and Brightest Teacher scholarship:

1. A teacher must have scored at or above the 60th percentile on either the SAT or the ACT, based upon the percentile ranks in effect when the teacher took the assessment, and must have been evaluated as highly effective pursuant to s. 1012.34; or

2. A teacher who is in his or her first year and who has not been evaluated pursuant to s. 1012.34 must have scored at or above the 80th percentile on either the SAT or the ACT, based upon the percentile ranks in effect when the teacher took the assessment.

(b) In order to demonstrate eligibility for an award, a teacher must submit to the school district no later than October 1 an official record of his or her SAT or ACT score demonstrating that he or she scored at or above the 60th percentile, based upon the percentile ranks in effect when he or she took the assessment. If a teacher is deemed eligible by the school district, the teacher will remain eligible as long as he or she is employed by the school district and maintains or, if the teacher is a first-year teacher, is evaluated at the highly effective level pursuant to s. 1012.34.

(5) ELIGIBILITY NOTIFICATION; FUNDING AND DISBURSEMENT OF

Page 2 of 3

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

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72FUNDS.-

(a) By December 1 of each year, each school district shall submit to the department the number of eligible teachers who qualify for the scholarship.

(b) By February 1 of each year, the department shall disburse scholarship funds, in an amount prescribed by the Legislature in the General Appropriations Act, to each school district for eligible teachers to receive a scholarship. If the number of eligible teachers exceeds the total appropriation authorized in the General Appropriation Act, the department shall prorate the per-teacher scholarship amount.

(c) By April 1 of each year, each school district shall provide payment of the scholarship to each eligible teacher.

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

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 978

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

SUBJECT: Public School Teachers

DATE: January 22, 2016

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 978 codifies the Florida Best and Brightest Teacher Scholarship Program (scholarship program) to award a scholarship, in an amount prescribed by the Legislature in the General Appropriations Act, to a public school teacher who has:

- Completed his or her second year of teaching;
- Scored at or above the 60th percentile on the SAT or ACT, based upon the percentile rankings in effect when the assessment was taken; and
- Been evaluated as highly effective.

A teacher who is deemed eligible under the scholarship program by the school district remains eligible while he or she is employed by the school district and if he or she maintains a performance evaluation as highly effective.

The bill takes effect on July 1, 2016.

II. Present Situation:

For the 2015-2016 fiscal year, the Legislature appropriated funds in the amount of \$44,022,483 for the Florida Best and Brightest Teacher Scholarship Program (scholarship program) in the 2015 General Appropriations Act (GAA).¹ According to proviso in the 2015 GAA, up to 4,402

¹ Specific Appropriation 99A, s. 2, ch. 2015-232, L.O.F.

teachers² may each be awarded a \$10,000 scholarship if the following eligibility criteria are met:³

- Scoring at or above the 80th percentile on the SAT or ACT, based on the percentile rankings applicable during the time that the assessment was taken; and
- Receiving a performance evaluation as highly effective pursuant to s. 1012.34, F.S.⁴

However, a first-year teacher who has not yet been evaluated may be eligible for the scholarship program if his or her SAT or ACT score is at or above the 80th percentile.⁵

In order to demonstrate eligibility for the scholarship program, an eligible teacher had to submit to the school district⁶ by October 1, 2015, an official record of his or her SAT or ACT score.⁷ Each school district was required to submit to the Department of Education (DOE) the number of eligible teachers who qualified for the scholarship program by December 1, 2015, and, based on the number of eligible teachers reported, the DOE must disburse the funds to each school district by February 1, 2016.⁸ Each school district must make payment of the scholarship funds to eligible teachers by April 1, 2016.⁹

If the number of eligible teachers exceeds the total appropriated in the 2015 GAA, the DOE must prorate the per-teacher scholarship amount.¹⁰ According to the DOE, 5,332 teachers have been deemed eligible for the scholarship award, with each teacher receiving an award in the amount of \$8,256.27.¹¹

While the scholarship program is being implemented, the DOE has provided guidance through a series of memoranda to assist school districts in determining teacher eligibility.¹²

² The Florida Department of Education (DOE) has interpreted “teachers” eligible for the program to mean “classroom teachers” as defined in s. 1012.01(2)(a), F.S. DOE’s Memorandum to School District Superintendents, *Guidance on Best and Brightest Teacher Scholarship*, July 27, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7404/dps-2015-116.pdf>. “Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers.” Section 1012.01(2)(a), F.S. However, the DOE has further interpreted that a substitute teacher is not eligible under the program, since a teacher must be evaluated as highly effective and a performance evaluation is not conducted for substitute teachers. DOE’s Memorandum to School District Superintendents, *The Best and Brightest Teacher Scholarship Program – Frequently Asked Questions*, addendum A, September 4, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7450/dps-2015-145a.pdf>.

³ *Supra* note 1.

⁴ Each school district determines the level of performance of instructional personnel, including classroom teachers, based on the school district’s evaluation system, approved by the DOE. Section 1012.34(1), F.S. There are four levels of performance: highly effective; effective; needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing; and unsatisfactory. *Id.* at (2)(e).

⁵ *Supra* note 1.

⁶ According to proviso in the 2015 GAA, a “school district” includes the Florida School for the Deaf and the Blind and a charter school governing board.

⁷ *Supra* note 1.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Brian Dassler, Deputy Chancellor, Florida Department of Education, Presentation to the Senate Committee on Education Pre-K – 12 *re: Florida’s Best & Brightest Teacher Scholarship Program* (January 13, 2016).

¹² Florida Department of Education’s (DOE) Memorandum to School District Superintendents, *Guidance on Best and Brightest Teacher Scholarship*, July 27, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7404/dps->

III. Effect of Proposed Changes:

CS/SB 978 codifies the Florida Best and Brightest Teacher Scholarship Program (scholarship program), which was appropriated for in the 2015 General Appropriations Act (GAA),¹³ to award a scholarship to a public school teacher who has:

- Completed his or her second year of teaching;
- Scored at or above the 60th percentile on the SAT or ACT, based upon the percentile rankings in effect when the assessment was taken; and
- Been evaluated as highly effective.

The bill requires, by October 1, an eligible teacher to submit to the school district¹⁴ an official record of his or her SAT or ACT score demonstrating that he or she has met the qualifying percentile ranking. Furthermore, a teacher who is deemed eligible under the scholarship program by the school district remains eligible while he or she is employed by the school district and if he or she maintains a performance evaluation as highly effective. In effect, a teacher who has been deemed eligible for the scholarship program by the school district would not need to resubmit SAT or ACT scores and officially apply for the scholarship funds each year, unless he or she transferred to another school district.

By December 1, each school district must submit to the Department of Education (DOE) the number of eligible teachers who qualify for scholarship funds. Subsequently, by February 1, the DOE must disburse scholarship funds, in an amount prescribed by the Legislature in the GAA, to each school district for payment to eligible teachers no later than April 1. If the number of eligible teachers exceeds the total appropriation authorized in the GAA, the DOE must prorate the per-teacher scholarship amount.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[2015-116.pdf](#). DOE's Memorandum to School District Superintendents, *The Best and Brightest Teacher Scholarship Program – Frequently Asked Questions*, September 4, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7449/dps-2015-145.pdf> (addenda A-C available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7450/dps-2015-145a.pdf>, <http://info.fldoe.org/docushare/dsweb/Get/Document-7451/dps-2015-145b.pdf>, and <http://info.fldoe.org/docushare/dsweb/Get/Document-7452/dps-2015-145c.pdf>).

¹³ *Supra* note 1.

¹⁴ The bill defines the term “school district” to include the Florida School for the Deaf and the Blind and a charter school governing board.

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 provides that the total amount of funding for the Florida Best and Brightest Teacher Scholarship Program shall be prescribed by the Legislature in the General Appropriations Act. Therefore, the per-teacher scholarship amount will depend on the number of eligible teachers reported by the school districts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1012.731 of the Florida Statutes.

IX. Additional Information:

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

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

The committee substitute revises the teacher eligibility criteria for the Florida Best and Brightest Teacher Scholarship Program by:

- Requiring a teacher to have completed his or her second year of teaching.
- Removing scholarship eligibility for first-year teachers.

B. Amendments:

None.



660250

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/20/2016	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 37 - 43
and insert:
scholarship, a teacher must have attended an accredited college of education and:

1. Must have scored at or above the 60th percentile on either the SAT or the ACT, based upon the percentile ranks in effect when the teacher took the assessment, and must have been evaluated as highly effective pursuant to s. 1012.34; or



660250

11

2. If he or she is in their first year and has



882154

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/20/2016	.	
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	.	
	.	

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

Senate Amendment

Between lines 57 and 58
insert:

(c) Notwithstanding the SAT and ACT score requirements in paragraphs (a) and (b), a teacher may also demonstrate eligibility for the scholarship by being evaluated as highly effective pursuant to s. 1012.34 for 4 consecutive years. Such performance shall replace any ACT or SAT score eligibility requirement.



948334

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/20/2016	.	
	.	
	.	
	.	

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

Senate Amendment

Between lines 57 and 58
insert:

(c) Notwithstanding the SAT and ACT score requirements in paragraphs (a) and (b), a teacher who cannot secure his or her SAT or ACT score may demonstrate eligibility for the scholarship through a National Board Certification or an accredited subject area certification. Such certifications shall replace any ACT or SAT score eligibility requirement.



838550

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2016	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 36 - 57
and insert:

(a) To be eligible for a Florida Best and Brightest Teacher scholarship, a teacher must have completed his or her second year of teaching; must have scored at or above the 60th percentile on the SAT or the ACT, based upon the percentile ranks in effect when the teacher took the assessment; and must have been evaluated as highly effective pursuant to s. 1012.34.



838550

11 (b) In order to demonstrate eligibility for an award, a
12 teacher must submit to the school district no later than October
13 1 an official record of his or her SAT or ACT score
14 demonstrating that he or she scored at or above the 60th
15 percentile, based upon the percentile ranks in effect when he or
16 she took the assessment. If a teacher is deemed eligible by the
17 school district, the teacher will remain eligible as long as he
18 or she is employed by the school district and maintains the
19 highly effective level pursuant to s. 1012.34.

By Senator Legg

17-00639B-16

20161060__

A bill to be entitled

An act relating to career and adult education; amending s. 446.021, F.S.; redefining and reordering terms; conforming provisions to changes made by the act; amending s. 446.032, F.S.; conforming provisions to changes made by the act; amending s. 446.045, F.S.; revising the membership requirements for the State Apprenticeship Advisory Council; amending s. 446.081, F.S.; providing for construction; amending s. 446.091, F.S.; conforming provisions to changes made by the act; amending s. 446.092, F.S.; revising the attributes that characterize apprenticeable occupations; amending s. 1008.44, F.S.; increasing the maximum number of certain CAPE Digital Tool certificates that the Commissioner of Education may recommend be added to the CAPE Industry Certification Funding List; deleting the requirement that certain digital tool certificates be updated solely by the Chancellor of Career and Adult Education; amending s. 1009.42, F.S.; expanding the financial aid appeals process to other school entities; providing an effective date.

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

Section 1. Present subsections (2), (4), (5), (6), and (9) of section 446.021, Florida Statutes, are amended, and present subsections (1), (3), (8), (10), (11), and (12) of that section are redesignated as subsections (8), (11), (12), (3), (6), and (4), respectively, to read:

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

Page 1 of 7

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

17-00639B-16

20161060__

~~(1)(2)~~ "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of a journeyworker ~~journeyman-craftsman~~, which training should be combined with properly coordinated studies of related technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be ~~either~~ an employer, an association of employers, or a local joint apprenticeship committee.

~~(5)(4)~~ "Journeyworker Journeyman" means a worker recognized within an industry as having mastered the skills and competencies required for a specific trade or occupation. The term includes a mentor, technician, or specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation through formal apprenticeship, attainment of a nationally recognized industry certification, or practical on-the-job experience and formal training ~~person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.~~

~~(9)(5)~~ "Preapprenticeship program" means an organized course of instruction, including, but not limited to, industry certifications identified under s. 1008.44, in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.

Page 2 of 7

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

17-00639B-16

20161060__

62 ~~(2)(6)~~ "Apprenticeship program" means an organized course
 63 of instruction, including, but not limited to, CAPE industry
 64 certifications identified under s. 1008.44, registered and
 65 approved by the department, which course shall contain all terms
 66 and conditions for the qualifications, recruitment, selection,
 67 employment, and training of apprentices including such matters
 68 as the requirements for a written apprenticeship agreement.

69 ~~(10)(9)~~ "Related instruction" means an organized and
 70 systematic form of instruction designed to provide the
 71 apprentice with knowledge of the theoretical and technical
 72 subjects related to a specific trade or occupation. Such
 73 instruction may be given in a classroom through occupational or
 74 industrial courses or outside of a classroom through
 75 correspondence courses of equivalent value, electronic media, or
 76 other forms of self-study approved by the department.

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

79 446.032 General duties of the department for apprenticeship
 80 training.—The department shall:

81 (1) Establish uniform minimum standards and policies
 82 governing apprentice programs and agreements. The standards and
 83 policies shall govern the terms and conditions of the
 84 apprentice's employment and training, including the quality
 85 training of the apprentice for, but not limited to, such matters
 86 as ratios of apprentices to journeyworkers journeymen, safety,
 87 related instruction, and on-the-job training; but these
 88 standards and policies may not include rules, standards, or
 89 guidelines that require the use of apprentices and job trainees
 90 on state, county, or municipal contracts. The department may

17-00639B-16

20161060__

91 adopt rules necessary to administer the standards and policies.

92 Section 3. Paragraph (b) of subsection (2) of section
 93 446.045, Florida Statutes, is amended to read:

94 446.045 State Apprenticeship Advisory Council.—

95 (2)

96 (b) The Commissioner of Education or the commissioner's
 97 designee shall serve ex officio as chair of the State
 98 Apprenticeship Advisory Council, but may not vote. The state
 99 director of the Office of Apprenticeship of the United States
 100 Department of Labor shall serve ex officio as a nonvoting member
 101 of the council. The Governor shall appoint to the council four
 102 members representing employee organizations and four members
 103 representing employer organizations. Each of these eight members
 104 shall represent industries that have registered apprenticeship
 105 programs. The Governor shall also appoint two public members who
 106 are knowledgeable about registered apprenticeship and
 107 apprenticeable occupations and who are independent of any joint
 108 or nonjoint organization, one of whom shall be recommended by
 109 joint organizations, and one of whom shall be recommended by
 110 nonjoint organizations. Members shall be appointed for 4-year
 111 staggered terms. A vacancy shall be filled for the remainder of
 112 the unexpired term.

113 Section 4. Subsection (4) is added to section 446.081,
 114 Florida Statutes, to read:

115 446.081 Limitation.—

116 (4) Nothing in ss. 446.011-446.092, in any rules adopted
 117 under those sections, or in any apprentice agreement approved
 118 under those sections shall operate to invalidate any special
 119 provision for veterans, minority persons, or women relating to

17-00639B-16 20161060__

120 the standards, apprentice qualifications, or operation of the
 121 program which is not otherwise prohibited by law, executive
 122 order, or authorized regulation.

123 Section 5. Section 446.091, Florida Statutes, is amended to
 124 read:

125 446.091 On-the-job training program.—All provisions of ss.
 126 446.011-446.092 relating to apprenticeship and
 127 preapprenticeship, including, but not limited to, programs,
 128 agreements, standards, administration, procedures, definitions,
 129 expenditures, local committees, powers and duties, limitations,
 130 grievances, and ratios of apprentices and job trainees to
 131 journeyworkers journeymen on state, county, and municipal
 132 contracts, shall be appropriately adapted and made applicable to
 133 a program of on-the-job training authorized under those
 134 provisions for persons other than apprentices.

135 Section 6. Section 446.092, Florida Statutes, is amended to
 136 read:

137 446.092 Criteria for apprenticeship occupations.—An
 138 apprenticeable occupation is a skilled trade that which
 139 possesses all of the following characteristics:

140 (1) It is customarily learned in a practical way through a
 141 structured, systematic program of on-the-job, supervised
 142 training.

143 (2) It is clearly identified and commonly recognized
 144 throughout an the industry and may be associated with a
 145 nationally recognized industry certification ~~or recognized with a~~
 146 ~~positive view towards changing technology.~~

147 (3) It involves manual, mechanical, or technical skills and
 148 knowledge that, in accordance with the industry standards for

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149 that occupation, requires ~~which require~~ a minimum of 2,000 hours
 150 of on-the-job work and training, which hours are excluded from
 151 the time spent at related instruction.

152 (4) It requires related instruction to supplement on-the-
 153 job training. Such instruction may be given in a classroom
 154 through occupational or industrial courses or outside of a
 155 classroom through correspondence courses of equivalent value,
 156 electronic media, or other forms of self-study approved by the
 157 department.

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

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

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

165 ~~(b) Managerial occupations.~~

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

168 Section 7. Paragraph (b) of subsection (1) of section
 169 1008.44, Florida Statutes, is amended to read:

170 1008.44 CAPE Industry Certification Funding List and CAPE
 171 Postsecondary Industry Certification Funding List.—

172 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
 173 of Education shall, at least annually, identify, under rules
 174 adopted by the State Board of Education, and the Commissioner of
 175 Education may at any time recommend adding the following
 176 certificates, certifications, and courses:

177 (b) No more than 30 ~~45~~ CAPE Digital Tool certificates

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20161060

178 limited to the areas of word processing; spreadsheets; sound,
179 motion, and color presentations; digital arts; cybersecurity;
180 and coding pursuant to s. 1003.4203(3) that do not articulate
181 for college credit. Such certificates shall be annually
182 identified on the CAPE Industry Certification Funding List ~~and~~
183 ~~updated solely by the Chancellor of Career and Adult Education.~~
184 The certificates shall be made available to students in
185 elementary school and middle school grades and, if earned by a
186 student, shall be eligible for additional full-time equivalent
187 membership pursuant to s. 1011.62(1)(o)1.

188 Section 8. Subsection (2) of section 1009.42, Florida
189 Statutes, is amended to read:

190 1009.42 Financial aid appeal process.—

191 (2) The president of each state university and each Florida
192 College System institution, each district school board that
193 operates a career center pursuant to s. 1001.44, and each
194 charter technical career center that operates pursuant to s.
195 1002.34 shall establish a procedure for appeal, by students, of
196 grievances related to the award or administration of financial
197 aid at the institution.

198 Section 9. This act shall take effect July 1, 2016.

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 1060

INTRODUCER: Senator Legg

SUBJECT: Career and Adult Education

DATE: January 19, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<u>Favorable</u>
2.	<u> </u>	<u> </u>	<u>AED</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SB 1060 updates terminology and expands opportunities and requirements related to career and adult education. Specifically, the bill:

- Updates, revises, and expands terminology and criteria to align statutory law to federal guidelines and regulations regarding apprenticeship programs.
- Increases the number of CAPE Digital Tool certificates that can be earned by elementary and middle school students, and approved annually on the CAPE Industry Certification Funding List.
- Requires school district career centers and charter technical career centers to establish financial aid appeal procedures for students seeking redress of grievances.

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

II. Present Situation:

Apprenticeship Programs

Federal Program Requirements

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)¹ in 1937.² Following the passage of the act, Registered Apprenticeship (RA) programs consisted mainly of

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

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

manufacturing, construction, and utilities industries.³ In 2008, revised regulations were issued by the U.S. Department of Labor which increase program flexibility to better serve the needs of today's apprentices and program sponsors.⁴

For apprentices and program sponsors, the regulations:⁵

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

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

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

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

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

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

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

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

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

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

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

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

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

State Law Regarding Apprenticeship Programs

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

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

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices¹³ including such matters as the requirements for a written apprenticeship agreement.”¹⁴ A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.”¹⁵

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

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

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

¹¹ 29 C.F.R. s. 29.2 (2008).

¹² Section 446.011(1), F.S.

¹³ An “apprentice” means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A “journeyman means” “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (*e.g.*, customarily learned in a practical way through a structured, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

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

¹⁵ Section 446.021(5), F.S.

¹⁶ Section 446.041, F.S.

¹⁷ The DOE is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S.; Rule 6A-23.004, F.A.C. “Uniform minimum

- Canceling registration of programs that fail to comply with DOE standards and policies.

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

The State Apprenticeship Advisory Council (Council) advises the DOE on matters related to apprenticeship.¹⁹ The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.²⁰ The Commissioner of Education (Commissioner) or the Commissioner's designee must serve ex officio as chair of the Council, but may not vote.²¹ Two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations are appointed by the Governor to the Council.²² One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.²³

CAPE Digital Tool Certificates

The DOE annually identifies CAPE Digital Tool certificates²⁴ available to school districts to use in their programs for public elementary and middle school students to attain digital skills needed for academic work and future employment.²⁵ The skills may include, but are not limited to:²⁶

- Word processing;
- Spreadsheets;
- Presentations;
- Digital arts;
- Cybersecurity; and
- Coding.

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

Section 446.021(8), F.S.

¹⁸ Section 446.052(3), F.S.

¹⁹ Section 446.045(2)(a), F.S.

²⁰ *Id.*

²¹ Section 446.045(2)(b), F.S.

²² *Id.*

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

²⁴ A certificate is earned through coursework with a specific focus and learning objectives, attainment of which demonstrates knowledge of course content. Certification results from an assessment process demonstrating mastery or competency of a set of standards. American Council for Accredited Certification, National Organization for Competency Assurance (NOCA) Standard 1100: “Certificate” vs. “Certification” available at <http://www.acac.org/forms/otherpdfs/NOCA%20Article%203-09.pdf>.

²⁵ Section 1003.4203(3), F.S.

²⁶ *Id.*

The certificates are identified on the CAPE Industry Certification Funding List²⁷ (list) and solely updated by the Chancellor of Career and Adult Education.²⁸ Currently, the list includes 15 CAPE Digital Tool certificates, the maximum number allowed.²⁹ In the 2014-2015 school year, 3,666 students earned a total of 3,953 CAPE Digital Tool certificates in 26 school districts.³⁰ A student who earns a CAPE Digital Tool certificate generates an additional full-time equivalent student membership for purposes of school district funding under the Florida Education Finance Program.³¹

Career and Technical Education Programs

Florida law states that “[t]he purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency.”³² Public school districts and FCS institutions are responsible for ensuring adherence to accountability standards for career education programs, including, but not limited to:³³

- Student demonstration of the academic skills necessary to enter an occupation.
- Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
- Student completion, placement, and retention rates.³⁴

The DOE is responsible for, among other things, providing timely, accurate technical assistance to schools districts and FCS institutions and developing program standards and industry-driven benchmarks for career, adult, and community education programs.³⁵

²⁷ All items on the list must include written exams that are third-party developed, scored by the certifying agency, and given in a proctored testing environment. Rule 6A-6.0573, F.A.C.

²⁸ *Id.* To earn an industry certification, a student is assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized and must be: (1) within an industry that addresses a critical local or statewide economic need; (2) linked to an occupation that is included in the workforce system’s targeted occupation list; or (3) linked to an occupation that is identified as emerging. Section 1003.492(2), F.S. *See also*, Florida Department of Education, Industry Certification <http://www.fldoe.org/academics/career-adult-edu/industry-certification> (last visited January 19, 2016). The DOE must also identify other certificates, certifications, and courses on the CAPE Industry Certification Funding List (*e.g.*, CAPE ESE Digital Tool certificates, CAPE Innovation Courses, and CAPE Acceleration Industry Certifications). Section 1008.44(1), F.S.

²⁹ Section 1008.44(1)(b), F.S. Florida Department of Education, *2015-2016 CAPE Industry Certification Funding List*, at 6, available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/1516icfl.pdf>. A more detailed list is available at <http://www.fldoe.org/academics/career-adult-edu/cape-secondary/cape-industry-cert-funding-list-current.stml> (last visited January 11, 2016).

³⁰ Florida Department of Education, Email, January 7, 2016.

³¹ Section 1008.44(1)(b), F.S. Additional full-time equivalent (FTE) student membership is based on successful completion of a career-themed course, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List. Section 1011.62(1)(o), F.S. An additional 0.025 FTE shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school grades. *Id.*

³² Section 1004.92(1), F.S.

³³ *Id.* at (2)(a).

³⁴ The DOE must develop a system of performance measures in order to evaluate the career education programs which measure program enrollment, completion rates, placement rates, and amount of earnings at the time of placement. Placement and employment information, where applicable, shall contain data relevant to job retention, including retention rates. The State Board of Education must adopt by rule the specific measures and any definitions needed to establish the system of performance measures. Section 1008.43(1)(a), F.S.; Rule 6A-10.0342, F.A.C.

³⁵ *Id.* at (2)(b).

The president of each state university or FCS institution is responsible for establishing procedures for appeals to redress student grievances related to the award or administration of financial aid at the university or institution.³⁶ Although Florida law does not expressly require career and technical centers to establish such procedures, federal law does. As student financial aid granting institutions in accordance with Title IV of the Higher Education Act of 1965, career and technical centers must establish and maintain financial aid appeal procedures.³⁷

III. Effect of Proposed Changes:

SB 1060 updates terminology and expands opportunities and requirements related to career and adult education. Specifically, the bill:

- Updates, revises, and expands terminology and criteria to align statutory law to federal guidelines and regulations regarding apprenticeship programs.
- Increases the number of CAPE Digital Tool certificates that can be earned by elementary and middle school students and approved annually on the CAPE Industry Certification Funding List.
- Requires school district career centers and charter technical career centers to establish financial aid appeal procedures for students seeking redress of grievances.

Apprenticeships

Definitions

The bill changes the term “journeyman” to “journeyworker.” Also, the bill clarifies and expands the definition of the term journeyworker as a worker who has mastered the skills and competencies required for a specific trade or occupation through a formal apprenticeship, attainment of a nationally recognized industry certification, or practical on-the-job experience or formal training. The revised definition aligns the state definition with federal law and recognizes the importance of industry certifications as nationally recognized credentials that demonstrate competency of the student’s knowledge in a specific trade or occupation.

The bill redefines “related instruction” by specifying that such instruction may be given in occupational or industrial courses taught inside or outside the classroom through correspondence courses, electronic media, or other forms of self-study approved by the Department of Education (DOE). The bill expands the definition to broaden the types of courses and options for receiving instruction for such courses, which may benefit preapprentices and apprentices who would not otherwise have the opportunity to receive the instruction in a traditional classroom setting.

Apprenticeable Occupations

The bill expands the criteria for an apprenticeable occupation as a clearly identified, skilled trade which may be associated with a nationally recognized industry certification and involves skills and knowledge in accordance with the applicable industry standards. By revising the criteria for an apprenticeable occupation, the bill recognizes the importance of industry certifications as

³⁶ Section 1009.42(2), F.S.

³⁷ 20 U.S.C. s. 1018, *et seq.* (1965), as amended. According to DOE, career and technical centers currently have student financial aid appeal procedures in place. Florida Department of Education, via conference call, January 7, 2016.

nationally recognized credentials that demonstrate competency of the student's knowledge in a specific trade or occupation.

State Apprenticeship Advisory Council Membership

The bill authorizes the Governor to appoint two public members to the State Apprenticeship Advisory Council (council) who are independent of, rather than recommended by, joint or nonjoint organizations affiliated with apprenticeship sponsors, which meets the intent of federal law. The bill may provide the Governor more autonomy when appointing council members.

Apprenticeship Agreements

The bill prohibits apprenticeship programs or agreements from discriminating against or invalidating special provisions for veterans, minority persons, or women. In effect, the bill ensures that such individuals are protected and special provisions are honored in apprenticeship agreements.

CAPE Digital Tool Certificates

The bill increases from 15 to 30 the maximum number of CAPE Digital Tool certificates available for school districts to use in their programs and provides students more options for acquiring digital skills and attaining industry-approved credentials. Also, the bill removes the requirement that the CAPE Digital Tool certificates be updated solely by the Chancellor of Career and Adult Education which may provide the DOE with more flexibility to review, recommend, and update the CAPE Certification Funding List with regard to such certificates.

Career and Technical Center Financial Aid Appeals

The bill requires, consistent with federal law, each district school board operating a career center and each governing board of a charter technical career center to establish procedures for student appeals relating to financial aid grievances. In effect, the bill ensures that students enrolled in career and technical education programs are afforded the same rights relating to student financial aid as students enrolled in state universities and FCS institutions.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The increase in the number of CAPE Digital Tool certificates made available on the CAPE Industry Certification Funding List may result in an increase in the number of students eligible to generate additional full-time equivalent (FTE) funding to school districts.³⁸ For the 2015-2016 fiscal year, 0.025 FTE would generate approximately \$103.86 in additional funding for each certificate earned.³⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.021, 446.032, 446.045, 446.081, 446.091, 446.092, 1008.44, and 1009.42.

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.

³⁸ Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 1060), at 5, *r'cvd* December 23, 2015 (on file with the staff of the Committee on Education Pre-K – 12).

³⁹ *Id.*

By Senator Flores

37-01223A-16

20161064__

A bill to be entitled

An act relating to the Special Facility Construction Account; amending s. 1013.64, F.S.; providing that a school district may not receive funds from the Special Facility Construction Account under certain circumstances; revising the criteria for a request for funding; authorizing the request for a preapplication review to take place at any time; providing exceptions; revising the time period for completion of the review; providing that certain capital outlay full-time equivalent student enrollment estimates be determined by specified estimating conferences; requiring surveys to be cooperatively prepared by certain entities and approved by the Department of Education; prohibiting certain consultants from specified employment and compensation; requiring the total cost per student station to include certain cost overruns; requiring a school district to levy the maximum millage against certain property value under certain circumstances; reducing the required millage to be budgeted for a project; requiring certain plans to be finalized by a specified date; requiring a representative of the department to chair the Special Facility Construction Committee; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (2) of section 1013.64, Florida Statutes, are amended to read:
 1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital

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projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2) (a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. A ~~Ne~~ district may not ~~shall~~ receive funding for more than one approved project in any 3-year period or while any portion of the district's participation requirement is outstanding. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Before ~~Prior to~~ developing construction plans for the proposed facility, the district school board must request a

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62 preapplication review by the Special Facility Construction
 63 Committee or a project review subcommittee convened by the chair
 64 of the committee to include two representatives of the
 65 department and two staff members from school districts not
 66 eligible to participate in the program. A school district may
 67 request a preapplication review at any time; however, if the
 68 district school board seeks inclusion in the department's next
 69 annual capital outlay legislative budget request, the
 70 preapplication review request must be made before February 1.
 71 Within 90 ~~60~~ days after receiving the preapplication review
 72 request, the committee or subcommittee must meet in the school
 73 district to review the project proposal and existing facilities.
 74 To determine whether the proposed project is a critical need,
 75 the committee or subcommittee shall consider, at a minimum, the
 76 capacity of all existing facilities within the district as
 77 determined by the Florida Inventory of School Houses; the
 78 district's pattern of student growth; the district's existing
 79 and projected capital outlay full-time equivalent student
 80 enrollment as determined by the demographic, revenue, and
 81 education estimating conferences established in s. 216.136
 82 department; the district's existing satisfactory student
 83 stations; the use of all existing district property and
 84 facilities; grade level configurations; and any other
 85 information that may affect the need for the proposed project.
 86 2. The construction project must be recommended in the most
 87 recent survey or survey amendment cooperatively prepared surveys
 88 by the district and the department, and approved by the
 89 department under the rules of the State Board of Education. If a
 90 district employs a consultant in the preparation of a survey or

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91 survey amendment, the consultant may not be employed by or
 92 receive compensation from a third party that designs or
 93 constructs a project recommended by the survey.
 94 3. The construction project must appear on the district's
 95 approved project priority list under the rules of the State
 96 Board of Education.
 97 4. The district must have selected and had approved a site
 98 for the construction project in compliance with s. 1013.36 and
 99 the rules of the State Board of Education.
 100 5. The district shall have developed a district school
 101 board adopted list of facilities that do not exceed the norm for
 102 net square feet occupancy requirements under the State
 103 Requirements for Educational Facilities, using all possible
 104 programmatic combinations for multiple use of space to obtain
 105 maximum daily use of all spaces within the facility under
 106 consideration.
 107 6. Upon construction, the total cost per student station,
 108 including change orders, must not exceed the cost per student
 109 station as provided in subsection (6) except for cost overruns
 110 created by a disaster as defined in s. 252.34 or an
 111 unforeseeable circumstance beyond the district's control as
 112 determined by the Special Facility Construction Committee.
 113 7. There shall be an agreement signed by the district
 114 school board stating that it will advertise for bids within 30
 115 days of receipt of its encumbrance authorization from the
 116 department.
 117 8. For construction projects for which Special Facilities
 118 Construction Account funding is sought before the 2019-2020
 119 fiscal year, the district shall, at the time of the request and

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120 for a continuing period necessary to meet the district's
 121 participation requirement of 3 years, levy the maximum millage
 122 against ~~its their~~ nonexempt assessed property value as allowed
 123 in s. 1011.71(2) or shall raise an equivalent amount of revenue
 124 from the school capital outlay surtax authorized under s.
 125 212.055(6). Beginning with construction projects for which
 126 Special Facilities Construction Account funding is sought in the
 127 2019-2020 fiscal year, the district shall, for a minimum of 3
 128 years before submitting the request and for a continuing period
 129 necessary to meet its participation requirement, levy the
 130 maximum millage against the district's nonexempt assessed
 131 property value as authorized under s. 1011.71(2) or shall raise
 132 an equivalent amount of revenue from the school capital outlay
 133 surtax authorized under s. 212.055(6). Any district with a new
 134 or active project, funded under the provisions of this
 135 subsection, shall be required to budget no more than the value
 136 of 1 mill ~~1.5 mills~~ per year to the project until the district's
 137 ~~to satisfy the annual~~ participation requirement relating to the
 138 local discretionary capital improvement millage or the
 139 equivalent amount of revenue from the school capital outlay
 140 surtax is satisfied in the Special Facility Construction
 141 Account.

142 9. If a contract has not been signed 90 days after the
 143 advertising of bids, the funding for the specific project shall
 144 revert to the Special Facility New Construction Account to be
 145 reallocated to other projects on the list. However, an
 146 additional 90 days may be granted by the commissioner.

147 10. The department shall certify the inability of the
 148 district to fund the survey-recommended project over a

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149 continuous 3-year period using projected capital outlay revenue
 150 derived from s. 9(d), Art. XII of the State Constitution, as
 151 amended, paragraph (3)(a) of this section, and s. 1011.71(2).
 152 11. The district shall have on file with the department an
 153 adopted resolution acknowledging its ~~3-year~~ commitment to
 154 satisfy its participation requirement, which is equivalent to ~~of~~
 155 all unencumbered and future revenue acquired from s. 9(d), Art.
 156 XII of the State Constitution, as amended, paragraph (3)(a) of
 157 this section, and s. 1011.71(2), in the year of the initial
 158 appropriation and for the 2 years immediately following the
 159 initial appropriation.

160 12. Final phase III plans must be certified by the district
 161 school board as complete and in compliance with the building and
 162 life safety codes before June 1 of the year the application is
 163 made prior to August 1.

164 (b) The Special Facility Construction Committee shall be
 165 composed of the following: two representatives of the Department
 166 of Education, a representative from the Governor's office, a
 167 representative selected annually by the district school boards,
 168 and a representative selected annually by the superintendents. A
 169 representative of the department shall chair the committee.
 170 Section 2. This act shall take effect July 1, 2016.

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 1064

INTRODUCER: Senator Flores

SUBJECT: Special Facility Construction Account

DATE: January 19, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Favorable
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

SB 1064 modifies authorities and requirements related to the Special Facility Construction Account (SFCA). Specifically, the bill:

- Modifies school district efforts and participation requirements pertaining to new construction funding and discretionary capital improvement millage funding.
- Changes the annual deadline for district school boards to certify final phase construction plans as complete and in compliance with the required codes.
- Specifies that a representative of the department must chair the Special Facility Construction Committee.
- Modifies requirements related to application review, student enrollment projections, educational plant surveys, and project cost overruns.

The bill takes effect July 1, 2016.

II. Present Situation:

The Special Facility Construction Account (SFCA) is established as part of the Public Education Capital Outlay (PECO) and Debt Service Trust Fund to provide construction funds to school districts that have urgent construction needs but lack sufficient resources on hand, and has no reasonable expectation of raising the needed funds over the next three years from authorized sources of capital outlay revenue.¹ A district may not receive funds for more than one approved project in any 3-year period.² The Department of Education (DOE or department) must encourage a construction project that reduces the average size of schools in the district.³

¹ Section 1013.64(2)(a), F.S.

² *Id.*

³ *Id.*

Typically, the projects that receive funds through the SFCA are located in rural areas and that have an insufficient tax base to fund large construction projects.⁴ The state's smaller school districts, which serve fewer than 20,000 students, generally raise considerably less through local discretionary property taxes than larger Florida school districts.⁵ To improve the effectiveness of programs funded by the Special Facility Construction Account, the Office of Program Policy Analysis and Government Accountability (OPPAGA) recommended the following:⁶

- Clarify the types of projects that are eligible for funding.
- Clarify the department's rule in making funding decisions.
- Require that the department conduct educational plant surveys.
- Require the department to approve the final construction plans for funded projects.
- Change the membership of the project selection committee.
- Require districts to levy the maximum discretionary millage prior to their application.

District Effort and Participation Requirement

To receive funds from the SFCA, districts must, at the time of request for funds and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value or raise an equivalent amount of revenue from the school capital outlay surtax.⁷ Additionally, districts must apply unencumbered Capital Outlay and Debt Service (CO&DS)⁸ funds, PECO new construction funds, and discretionary capital improvement millage funds to the project and forego all fixed capital outlay funding for a period of 3 years.⁹ This leaves participating districts with limited ability to pay for other fixed capital outlay needs.¹⁰

Construction Plans

District school boards must certify that final phase III construction plans are complete and in compliance with the building and life safety codes before August 1.¹¹ This deadline does not provide the department sufficient time to review the construction plans before such plans are considered by the Special Facility Construction Committee.¹² Small districts do not have the expertise to determine if an architect used the most cost-effective school design or overbuilt the school.¹³ As a result, such districts may not identify features that do not add value or may incur controllable cost overruns.¹⁴

⁴ Office of Program Policy Analysis and Government Accountability, *Special Facility Construction Projects Appear Needed, but Have Excess Capacity* (Report No. 11-02), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1102rpt.pdf>, at 1.

⁵ *Id.*

⁶ *Id.* at 12.

⁷ Section 1013.64(2)(a)8., F.S.

⁸ Article XII, section 9(d) of the Constitution of the State of Florida requires the revenues derived from the licensing of motor vehicles to be placed monthly in the school district and community college capital outlay and debt service fund in the state treasury and used only as specified.

⁹ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

¹⁰ *Id.*

¹¹ Section 1013.64(2)(a)12., F.S.

¹² Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

¹³ *Id.*

¹⁴ *Id.*

Special Facility Construction Committee

The Special Facility Construction Committee (committee) is responsible for a preapplication review of funding requests for special facility construction projects from the school districts to:¹⁵

- Evaluate the ability of the projects to relieve critical needs and
- Rank the requests in priority order.

The statewide priority list for special facilities construction must be submitted to the legislature in the Commissioner of Education's (commissioner's) annual capital outlay legislative budget request at least 45 days before the legislative session.¹⁶

The committee is composed of:¹⁷

- Two representatives of the department,
- A representative from the Governor's office,
- A representative selected annually by the district school boards, and
- A representative selected annually by the superintendents.

The law does not specify which representative serves as the chair of the committee.¹⁸ In practice, a representative of the department has served as the committee chair.¹⁹

Additionally, the law authorizes a project review subcommittee (subcommittee), convened by the committee, to review preapplications for funding requests for special facility construction projects from the school districts.²⁰ The subcommittee is composed of:²¹

- Two representatives of the department and
- Two staff from school districts that are not eligible to participate in the Special Facility Construction program.

Application Review

Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities.²² The law, however, does not specify a deadline for the school districts to submit the preapplications for review by the committee or subcommittee.²³ In practice, to meet the deadline for the commissioner to submit the capital outlay legislative budget request, the department convenes the committee meeting in August of each year.²⁴

¹⁵ Section 1013.64(2)(a)1. and (c), F.S.

¹⁶ Section 1013.64(2)(c), F.S.

¹⁷ Section 1013.64(2)(b), F.S.

¹⁸ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

¹⁹ *Id.*

²⁰ Section 1013.64(2)(a)1., F.S.

²¹ *Id.*

²² *Id.*

²³ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

²⁴ *Id.*

Student Enrollment Projections

To determine whether a proposed construction project is a critical need, the committee or subcommittee must consider among specified factors, the projected capital outlay full-time equivalent (FTE) student enrollment determined by the department. Laws governing educational facilities plans²⁵ require such plans to be based on demographic, revenue, and education estimating conferences.²⁶

Educational Plant Surveys

To be considered for funding through the SFCA, the construction project must be recommended in the most recent survey or surveys by the school district under the rules of the State Board of Education.²⁷ School districts may:²⁸

- Contract with a private consultant to conduct the educational plant surveys,
- Request the department to conduct facility reviews, or
- Conduct the surveys in-house.

Since 1998, school districts hired private consultants to conduct surveys for 19 of the 24 projects that received funding through the SFCA, “in part, because the districts believed this provided an independent, third-party assessment of their facilities needs.”²⁹ Often these consultants also worked for firms that designed or constructed the facilities.³⁰ Between 2010 and 2015, 13 school districts requested funding, which included 5 districts that contracted with private consultants to conduct the educational plant surveys.³¹

Project Cost Overruns

Project costs are limited by the statutorily established maximum cost per student station.³² However, the law is silent regarding cost increases and changes in project scope.³³ The department identified three projects since 1998-1999 in which the final cost exceeded the amount that the committee originally approved.³⁴

²⁵ Sections 1013.31 and 1013.35(2)(a)1., F.S.

²⁶ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3-4.

²⁷ Section 1013.64(2)(a)2., F.S.

²⁸ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4.

²⁹ Office of Program Policy Analysis and Government Accountability, *Special Facility Construction Projects Appear Needed, but Have Excess Capacity* (Report No. 11-02), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1102rpt.pdf>, at 8.

³⁰ *Id.*

³¹ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4.

³² Section 1013.62(6)(b)1., F.S., see also Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4. Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction or the cost of related offsite improvements. Section 103.64(6), F.S.

³³ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4.

³⁴ Office of Program Policy Analysis and Government Accountability, *Special Facility Construction Projects Appear Needed, but Have Excess Capacity* (Report No. 11-02), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1102rpt.pdf>, at 11.

III. Effect of Proposed Changes:

SB 1064 makes modifications to current law regarding the Special Facility Construction Account (SFCA) to incorporate technical changes suggested by the Department of Education (DOE or department) and options recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA) to improve the effectiveness of the construction projects funded by the SFCA.³⁵

The bill preserves the prohibition on a school district from receiving SFCA funding for more than one approved project within a 3-year period. However, the bill extends this prohibition to any time during which any portion of the district's participation requirement remains outstanding.³⁶ As a result, this modification may help to allocate SFCA funds for targeted construction projects to meet critical need.

District Effort and Participation Requirement

The bill clarifies that a school district's participation requirement is equivalent to all unencumbered and future revenue acquired during a 3-year period, beginning with the year of the initial appropriation and the next two years from Capital Outlay and Debt Service (CO&DS) funding, Public Education Capital Outlay (PECO) new construction funding, and discretionary capital improvement millage funding.³⁷ In addition, the bill:

- Requires that beginning in the 2019-2020 fiscal year, a school district seeking SFCA funding for a construction project must have levied the maximum discretionary capital improvement millage against its nonexempt assessed property value, as authorized in law,³⁸ or an equivalent amount of revenue from the school capital outlay sales surtax, as authorized in law,³⁹ for a minimum of three years prior to the request and for a continuing period necessary to meet the district's participation requirement.⁴⁰ By maintaining the authority in current law, allowing school districts to raise an equivalent amount of revenue from the school capital outlay surtax in lieu of levying the maximum millage rate, the bill preserves the ability of the districts to raise local funds for construction needs before requesting funds from the SFCA.⁴¹ Additionally, the bill will help to identify if a school district is unable to raise sufficient funds for construction projects from the district's ad valorem tax base.⁴²
- Removes the requirement that a school district's participation requirement be satisfied within a 3-year period. This modification will allow a longer period for a participating school district to meet the participation requirement amount so that some capital outlay funds remain available for meeting the construction needs previously identified or to address emergent needs.⁴³

³⁵ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 3.

³⁶ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4.

³⁷ *Id.*

³⁸ Section 1011.71(2), F.S.

³⁹ Section 212.055(6), F.S.

⁴⁰ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 2.

⁴¹ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 4.

⁴² *Id.*

⁴³ *Id.*

- Reduces from 1.5 mills to 1.0 mill, the value of the discretionary capital improvement millage that a school district with a new or active project must budget annually, after the project is approved to meet the participation requirement, until the district's participation requirement is met. This modification will provide a buffer so that some capital outlay funds remain available to meet the construction needs previously identified or to address emergent needs.⁴⁴

A district school board must set the discretionary capital improvement millage levy rate at a public meeting.⁴⁵ The school capital outlay surtax is subject to approval by voter referendum.⁴⁶

Construction Plans

The bill changes from August 1 to June 1, the annual deadline for the district school boards to certify their final phase III construction plans as complete and in compliance with the building and life safety codes. This modification addresses an existing issue regarding insufficient time for the department to review the construction plans before such plans are considered by the Special Facility Construction Committee (committee). The modified deadline will allow the department to:⁴⁷

- Review the construction plans before convening the committee meeting in August of each year.
- Advise the committee whether the construction plans are economical and compliant with the required codes.

Special Facility Construction Committee

The bill codifies current practice by specifying that a representative of the department must chair the committee. This modification will allow the department to designate one of its two representatives to the committee to serve as the committee chair. The bill does not alter the composition of either the committee or the project review subcommittee (subcommittee).⁴⁸

Application Review

The bill specifies that a school district may request a preapplication review of the district's construction project proposal at any time. However, if the district school board seeks inclusion in the department's next annual capital outlay legislative budget request, the district must make the preapplication review request by February 1 of each year.

Additionally, the bill changes the deadline for the committee or subcommittee to complete the preapplication review from 60 days to 90 days after receiving the preapplication review request. As a result, the committee or the subcommittee, as applicable, will have an additional month to complete its review of the district's construction project proposal and existing facilities.

⁴⁴ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 5.

⁴⁵ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 7.

⁴⁶ *Id.*

⁴⁷ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 5.

⁴⁸ *Id.*

These modifications will assist the department in meeting deadlines for preparing and submitting the department's fixed capital outlay legislative budget request.⁴⁹

Student Enrollment Projections

To determine whether a proposed construction project is a critical need based on the projected capital outlay full-time equivalent (FTE) student enrollment, the bill requires the committee or subcommittee to use capital outlay enrollment projections that are based on demographic, revenue, and education estimating conferences rather than the enrollment projections determined by the department. This modification aligns the change in projecting student enrollment to existing laws governing educational facilities plans.⁵⁰ As a result, the bills allows for consistent use of data regarding educational facilities.⁵¹

Educational Plant Surveys

The bill requires proposed special facility construction projects to be included in the most recent survey or survey amendment that is collaboratively prepared by the school districts seeking SFCA funding and the department. This modification will allow the department to better assess the need for special facility construction projects and provide assurance to other school districts and the general public that the SFCA funds are spent on critically needed capital projects.⁵²

Additionally, the bill precludes a consultant, employed by a school district to conduct an educational plant survey or survey amendment, from being employed by or receiving compensation from a third party entity that designs or constructs the special facility recommended by the survey. This modification addresses an existing conflict of interest issue raised by the department, involving consultants hired by school districts to conduct the surveys who also worked for firms that designed or constructed the facilities.⁵³

Project Cost Overruns

The bill authorizes SFCA funds to be used to pay for cost overruns necessitated by a disaster as defined in law⁵⁴ or an unforeseeable circumstance beyond the district's control as determined by the committee. This modification will minimize the state's share of project costs and provide clear guidance to the committee regarding requests for supplemental funding for a project.⁵⁵

The bill takes effect July 1, 2016.

⁴⁹ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 5.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*; see also Office of Program Policy Analysis and Government Accountability, *Special Facility Construction Projects Appear Needed, but Have Excess Capacity* (Report No. 11-02), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1102rpt.pdf>, at 8.

⁵⁴ Section 252.34, F.S.

⁵⁵ Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 1064 (Dec. 4, 2015), at 5.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1013.64 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



459652

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/20/2016	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 89 - 93
and insert:
department under the rules of the State Board of Education.

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

And the title is amended as follows:

Delete lines 15 - 16
and insert:



459652

11

Education; requiring the

By Senator Legg

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A bill to be entitled

An act relating to school choice; amending s. 1002.31, F.S.; specifying that the calculation for compliance with maximum class size requirements for a specified district innovation school of choice is at the school level; amending s. 1002.33, F.S.; requiring certain charter schools to include specified language in their charter contracts; amending s. 1002.451, F.S.; changing the term "innovation school of technology" to "innovation school of choice"; authorizing, rather than requiring, an innovation school of choice to adopt and implement a blended learning program; revising the guiding principles of an innovation school of choice; authorizing a district school board to operate one or more innovation schools of choice; revising the minimum content requirements of an application for an innovation school of choice; deleting a provision that authorizes a school to restructure the school day or school year for specified purposes; requiring the State Board of Education to review at a specified interval the performance metrics of each individual innovation school of choice for compliance with certain requirements; providing an effective date.

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

Section 1. Subsection (5) of section 1002.31, Florida Statutes, is amended to read:

1002.31 Controlled open enrollment; public school parental choice.-

(5) For a school ~~or program~~ that is a district innovation

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~~public school of choice approved under s. 1002.451 this section,~~
the calculation for compliance with maximum class size pursuant to s. 1003.03 is the average number of students at the school level.

Section 2. Paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, is amended, and subsection (29) is added to that section, to read:

1002.33 Charter schools.-

(16) EXEMPTION FROM STATUTES.-

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level for a charter school that complies with subsection (29).

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

(29) In order for the calculation for compliance with maximum class size pursuant to s. 1003.03 to be the average at the school level, a charter school must work with its sponsor to

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62 include in the charter contract language that:

63 (a) Clearly articulates how the charter school distinctly
 64 and uniquely defines and provides schoolwide innovation and what
 65 the school's policies are for enrollment in the innovation
 66 school of choice.

67 (b) Specifies performance metrics, including, but not
 68 limited to, trends and targets for students' performance
 69 improvement associated with the innovation.

70 (c) Requires that the status of the performance metrics be
 71 reviewed for compliance every 3 years in order for the
 72 calculation for compliance with maximum class size pursuant to
 73 s. 1003.03 to continue to be at the average at the school level.

74 Section 3. Section 1002.451, Florida Statutes, is amended
 75 to read:

76 1002.451 District innovation school of choice technology
 77 program.—

78 (1) DISTRICT INNOVATION SCHOOL OF CHOICE TECHNOLOGY.—

79 (a) A district school board may operate an innovation
 80 school of choice technology for the purpose of developing
 81 innovation, which may include, but is not limited to, the
 82 innovative use of industry-leading technology, while requiring
 83 high student academic achievement and accountability in exchange
 84 for flexibility and exemption from specified statutes and rules.
 85 The innovation school of choice technology shall operate within
 86 existing resources.

87 (b) An innovation school of choice may, technology is a
 88 school that has, on a schoolwide basis, adopt adopted and
 89 implement implemented a blended learning program. A blended
 90 learning program is an education program in which a student

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91 learns in part through online delivery of content and
 92 instruction with some element of student control over time,
 93 place, path, or pace and in part at a supervised brick-and-
 94 mortar location away from home. Blended learning models must
 95 include major components such as differentiated instruction,
 96 data-driven placement, flexible scheduling, differentiated
 97 teaching, and self-paced learning. The school may use one of the
 98 following blended learning models:

99 1. Flipped classroom model in which students use online
 100 instructional videos and practice concepts in the classroom with
 101 the support of the teacher;

102 2. Flex model in which students learn primarily online and
 103 teachers act as facilitators; or

104 3. Rotation model in which students move between different
 105 learning modalities, such as online instruction, teacher-
 106 directed instruction, seminar or group projects, and one-on-one
 107 teacher coaching. Rotation models include individual, station,
 108 and laboratory models.

109 (c) An innovation school of choice technology must be open
 110 to any student covered in an interdistrict agreement or residing
 111 in the school district in which the innovation school of choice
 112 technology is located. An innovation school of choice technology
 113 shall enroll an eligible student who submits a timely
 114 application if the number of applications does not exceed the
 115 capacity of a program, class, grade level, or building. If the
 116 number of applications exceeds capacity, all applicants shall
 117 have an equal chance of being admitted through a public random
 118 selection process. However, a district may give enrollment
 119 preference to students who identify the innovation school of

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120 ~~choice technology~~ as the student's preferred choice pursuant to
 121 the district's controlled open enrollment plan.

122 (2) GUIDING PRINCIPLES.—An innovation school of choice
 123 ~~technology~~ shall be guided by the following principles:

124 (a) Use innovation to meet high standards of student
 125 achievement in exchange for flexibility with respect to statutes
 126 or rules.

127 (b) Implement innovative learning methods and assessment
 128 tools to implement a schoolwide transformation ~~regarding~~
 129 ~~industry-leading technology~~ to improve student learning and
 130 academic achievement.

131 (c) Promote enhanced academic success and financial
 132 efficiency by aligning responsibility with accountability and
 133 innovation, which may include, but is not limited to, industry-
 134 leading technology.

135 (d) Measure student performance based on student learning
 136 growth, or based on student achievement if student learning
 137 growth cannot be measured.

138 (e) Provide a parent with sufficient information as to
 139 whether his or her child is reading at grade level and making
 140 learning gains each year.

141 (f) Incorporate industry certifications and similar
 142 recognitions into performance expectations.

143 (g) Focus on using innovation, which may include, but is
 144 not limited to, utilizing industry-leading hardware and software
 145 technology for student individual use and for developing to
 146 ~~develop~~ the school's infrastructure in furtherance of this
 147 section.

148 (3) TERM OF PERFORMANCE CONTRACT.—An innovation school of

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149 ~~choice technology~~ may operate pursuant to a performance contract
 150 with the State Board of Education for a period of 5 years.

151 (a) Before expiration of the performance contract, the
 152 school's performance shall be evaluated against the eligibility
 153 criteria, purpose, guiding principles, and compliance with the
 154 contract to determine whether the contract may be renewed. The
 155 contract may be renewed every 5 years.

156 (b) The performance contract shall be terminated by the
 157 State Board of Education if:

158 1. The school receives a grade of "F" as an innovation
 159 school of choice technology for 2 consecutive years;

160 2. The school or district fails to comply with the criteria
 161 in this section;

162 3. The school or district does not comply with terms of the
 163 contract which specify that a violation results in termination;
 164 or

165 4. Other good cause is shown.

166 (4) FUNDING.—A district school board operating an
 167 innovation school of choice technology shall report full-time
 168 equivalent students to the department in a manner prescribed by
 169 the department, and funding shall be provided through the
 170 Florida Education Finance Program as provided in ss. 1011.61 and
 171 1011.62. An innovation school of choice technology may seek and
 172 receive additional funding through incentive grants or public or
 173 private partnerships.

174 (5) EXEMPTION FROM STATUTES.—

175 (a) An innovation school of choice technology is exempt
 176 from chapters 1000-1013. However, an innovation school of choice
 177 ~~technology~~ shall comply with the following provisions of those

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178 chapters:

- 179 1. Laws pertaining to the following:
- 180 a. Schools of technology, including this section.
- 181 b. Student assessment program and school grading system.
- 182 c. Services to students who have disabilities.
- 183 d. Civil rights, including s. 1000.05, relating to
- 184 discrimination.
- 185 e. Student health, safety, and welfare.
- 186 2. Laws governing the election and compensation of district
- 187 school board members and election or appointment and
- 188 compensation of district school superintendents.
- 189 3. Section 1003.03, governing maximum class size, except
- 190 that the calculation for compliance pursuant to s. 1003.03 is
- 191 the average at the school level.
- 192 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
- 193 compensation and salary schedules.
- 194 5. Section 1012.33(5), relating to workforce reductions,
- 195 for annual contracts for instructional personnel. This
- 196 subparagraph does not apply to at-will employees.
- 197 6. Section 1012.335, relating to contracts with
- 198 instructional personnel hired on or after July 1, 2011, for
- 199 annual contracts for instructional personnel. This subparagraph
- 200 does not apply to at-will employees.
- 201 7. Section 1012.34, relating to requirements for
- 202 performance evaluations of instructional personnel and school
- 203 administrators.
- 204 (b) An innovation school of choice technology shall also
- 205 comply with chapter 119 and s. 286.011, relating to public
- 206 meetings and records, public inspection, and criminal and civil

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207 penalties.

- 208 (c) An innovation school of choice technology is exempt
- 209 from ad valorem taxes and the State Requirements for Educational
- 210 Facilities when leasing facilities.
- 211 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—
- 212 (a) A district school board may apply to the State Board of
- 213 Education for an innovation school of choice technology if the
- 214 district:
- 215 1. Has at least 20 percent of its total enrollment in
- 216 public school choice programs or at least 5 percent of its total
- 217 enrollment in charter schools;
- 218 2. Has no material weaknesses or instances of material
- 219 noncompliance noted in the annual financial audit conducted
- 220 pursuant to s. 218.39; and
- 221 3. Has received a district grade of "A" or "B" in each of
- 222 the past 3 years.
- 223 (b) A district school board may operate one or more
- 224 innovation ~~schools~~ schools of choice technology upon the school's
- 225 ~~an~~ application being approved by the State Board of Education.
- 226 1. A district school board may include multiple individual
- 227 innovation schools of choice in an application; however, the
- 228 application must specify for each school how the individual
- 229 innovation school of choice will distinctly and uniquely comply
- 230 on a schoolwide basis with this section. Each innovation school
- 231 of choice identified in an application must be evaluated and
- 232 approved or denied on an individual basis.
- 233 ~~2.1-~~ A district school board may apply to the State Board
- 234 of Education to establish additional schools of choice
- 235 ~~technology~~ if each existing innovation school of choice

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236 ~~technology~~ in the district:

- 237 a. Meets all requirements in this section and in the
238 performance contract;
- 239 b. Has a grade of "A" or "B"; and
- 240 c. Has at least 50 percent of its students exceed the state
241 average on the statewide assessment program pursuant to s.
242 1008.22. This comparison may take student subgroups, as defined
243 in the federal Elementary and Secondary Education Act (ESEA), 20
244 U.S.C. s. 6311(b) (2) (C) (v) (II), into specific consideration so
245 that at least 50 percent of students in each student subgroup
246 meet or exceed the statewide average performance, rounded to the
247 nearest whole number, of that particular subgroup.

248 ~~2. Notwithstanding subparagraph 1., the number of schools
249 of technology in a school district may not exceed:~~

- 250 a. ~~Seven in a school district that has 100,000 or more
251 students.~~
- 252 b. ~~Five in a school district that has 50,000 to 99,999
253 students.~~
- 254 c. ~~Three in a school district that has fewer than 50,000
255 students.~~

256 (c) A school district that meets the eligibility
257 requirements of paragraph (a) may apply to the State Board of
258 Education at any time to enter into a performance contract to
259 operate an innovation school of choice technology. The
260 application for each school must, at a minimum :

- 261 1. Demonstrate how the school district meets and will
262 continue to meet the requirements of this section;
- 263 2. Identify how the school will accomplish the purposes and
264 guiding principles of this section;

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265 3. Identify the statutes or rules from which the district
266 is seeking a waiver for the school;

267 4. Identify and provide supporting documentation for the
268 purpose and impact of each waiver, how each waiver would enable
269 the school to achieve the purpose and guiding principles of this
270 section, and how the school would not be able to achieve the
271 purpose and guiding principles of this section without each
272 waiver; ~~and~~

273 5. Confirm that the school board remains responsible for
274 the operation, control, and supervision of the school in
275 accordance with all applicable laws, rules, and district
276 procedures not waived pursuant to this section or waived
277 pursuant to other applicable law; ~~-~~

278 6. Clearly articulate how the charter school distinctly and
279 uniquely defines and provides schoolwide innovation and what the
280 school's policies are for enrollment in the innovation school of
281 choice; and

282 7. Specify performance metrics, including, but not limited
283 to, trends and targets for students' performance improvement
284 associated with the innovation.

285 (d) The State Board of Education shall approve or deny the
286 application within 90 days or, with the agreement of the school
287 district, at a later date.

288 (e) The performance contract must address the terms under
289 which the State Board of Education may cancel the contract and,
290 at a minimum, the methods by which:

291 1. Upon execution of the performance contract, the school
292 district will plan the program during the first year, begin at
293 least partial implementation of the program during the second

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294 year, and fully implement the program by the third year. A
 295 district may implement the program sooner than specified in this
 296 subparagraph if authorized in the performance contract.

297 2. The school will integrate innovation, which may include,
 298 but is not limited to, industry-leading technology, into
 299 instruction, assessment, and professional development. ~~The~~
 300 ~~school may also restructure the school day or school year in a~~
 301 ~~way that allows it to best accomplish its goals.~~

302 3. The school and district will monitor performance
 303 progress based on skills that help students succeed in college
 304 and careers, including problem solving, research,
 305 interpretation, and communication.

306 4. The school will incorporate industry certifications and
 307 similar recognitions into performance expectations.

308 5. The school and district will comply with this section
 309 and the performance contract.

310 (f) Three or more contiguous school districts may apply to
 311 enter into a joint performance contract as a Region of Choice
 312 ~~Technology~~, subject to terms and conditions contained in this
 313 section for a single school district.

314 (g) The State Board of Education shall monitor innovation
 315 schools of ~~choice technology~~ to ensure that the respective
 316 school district is in compliance with this section and the
 317 performance contract. The State Board of Education must review
 318 the performance metrics of each individual innovation school of
 319 choice every 3 years and determine each school to be in
 320 compliance in order for the calculation for compliance with
 321 maximum class size pursuant to s. 1003.03 for the school to be
 322 at the average school level as authorized under subparagraph

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323 (5) (a) 3.

324 (h) The State Board of Education shall adopt rules pursuant
 325 to ss. 120.536(1) and 120.54 to implement this section,
 326 including, but not limited to, an application, evaluation
 327 instrument, and renewal evaluation instrument.

328 (i) This section does not supersede the provisions of s.
 329 768.28.

330 (7) REPORTS.—The school district of an innovation school of
 331 choice technology shall submit to the State Board of Education,
 332 the President of the Senate, and the Speaker of the House of
 333 Representatives an annual report by December 1 of each year
 334 which delineates the performance of the innovation school of
 335 choice technology as it relates to the academic performance of
 336 students. The annual report shall be submitted in a format
 337 prescribed by the Department of Education and must include, but
 338 need not be limited to, the following:

339 (a) Evidence of compliance with this section.

340 (b) Efforts to close the achievement gap.

341 (c) Longitudinal performance of students, by grade level
 342 and subgroup, in mathematics, reading, writing, science, and any
 343 other subject that is included as a part of the statewide
 344 assessment program in s. 1008.22.

345 (d) Longitudinal performance for students who take an
 346 Advanced Placement Examination, organized by age, gender, and
 347 race, and for students who participate in the National School
 348 Lunch Program.

349 (e) Number and percentage of students who take an Advanced
 350 Placement Examination.

351 (f) Identification and analysis of innovation, which may

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352 include, but is not limited to, industry-leading technology,
353 used to comply with this section, including, but not limited to,
354 recommendations and lessons learned from such use.

355 Section 4. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1634

INTRODUCER: Senator Legg

SUBJECT: School Choice

DATE: January 19, 2016

REVISED: _____

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

I. Summary:

SB 1634 defines the statutory conditions under which a charter school or district innovation school of choice may be approved to calculate class size penalties at the school level average. Specifically, the bill:

- Establishes a definition for a school of choice to include concepts of innovation that is distinct and unique, along with open enrollment choice.
- Expands authority for school districts to pursue school board approved innovation schools of choice through the State Board of Education beyond just technology-oriented schools.
- Equally applies the new definition of schools of choice to both charter schools and district innovation schools of choice to be eligible for class size penalties calculated at the school level average.

The bill takes effect upon becoming a law.

II. Present Situation:

The Florida Constitution prohibits the maximum number of students assigned to each teacher from exceeding a certain number.¹ The Constitution requires the Legislature to make “adequate provision” to ensure there are a sufficient number of classrooms to meet this requirement.² As part of setting the policy to implement such requirements, the Legislature, among other methods, has provided varying means of calculating a penalty for schools that do not comply with the constitution, as implemented via law.³ Two of these mechanisms is for the penalty for a school to be calculated at the class level or the school level.⁴

¹ Art. I, s. 1, Fla. Const.

² *Id.*

³ Section 1003.03, F.S.

⁴ *Id.*; ss. 1002.31(5); 1002.33(1); 1002.451(5), F.S.

Class Size

Class Size Reduction Constitutional Amendment

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution.⁵ Thus, the Florida Constitution provides in part:

To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:

- (1) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;
- (2) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
- (3) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local school districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per classroom until the maximum number of students per classroom does not exceed the requirements of this subsection.

Courses Subject to the Class Size Maximums

Extracurricular courses are expressly excluded from the class size mandate.⁶ However, the constitution does not define “extracurricular courses.”

Through implementation, the Legislature has provided that the constitutional requirements apply to “core-curricula courses.”⁷ Core curricula courses are defined:⁸

- In prekindergarten through grade 3, courses for language arts/reading, mathematics, social studies, and science.
- In grades 4-8, courses in subjects that are measured by state assessment at any grade level and courses required for middle school promotion.
- In grades 9-12, courses in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation that are not measured by state assessment.
- As exceptional student education courses.

⁵ The Florida Reduce Class Size, Amendment 9 (2002) was an initiated constitutional amendment on the November 5, 2002 election ballot, where it was approved. *See*, Art. IX., S. 1, Fla. Const.

⁶ *Id.*

⁷ Section 1002.03(1)(a), F.S.;

⁸ Section 1003.01(14), F.S.

- As English for Speakers of Other Language courses.

Thus, core-curricular courses are primarily associated with courses found within the English/Language Arts; Mathematics, Science, and Social Studies subject areas.⁹

The definition of core-curricula courses also excludes extracurricular courses¹⁰ and various other courses¹¹. Thus, the courses to which the class size requirements do not apply are:

- Extracurricular courses are all courses that are not defined as core-curricula courses, which may include, but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit.¹²
- For a school district's part-time and full-time kindergarten through grade 12 virtual instruction, courses delivered in the traditional school setting by personnel providing direct instruction through virtual instruction or through blended learning courses¹³ consisting of both traditional classroom and online instruction techniques.
- For charter schools, blended learning courses consisting of both traditional classroom and online instructional techniques.¹⁴
- Courses provided by the Florida Virtual School.
- Virtual instruction programs offered by approved providers.
- Courses provided by the Florida Approved Courses and Tests (FACT) Initiative.

To avoid confusion, the Department of Education (DOE) is required to identify from the Course Code Directory the core-curricular courses for the purpose of satisfying the maximum class size requirements.¹⁵

Class Size Implementation Flexibility

The Legislature has identified various methods by which district school boards may implement the maximum class size requirements. For example, options district school boards must consider, but are not limited to:¹⁶

- Adopt policies to encourage qualified students to take dual enrollment courses, as well as courses from the Florida Virtual School and other virtual instruction options.
- Repeal district school board policies that require students to earn more than 24 credits to graduate from high school, and implement early graduation options.
- Use methods to maximize use of instructional staff.
- Use innovative methods to reduce the cost of school construction.

⁹ Florida Department of Education, *2015-2016 Course Code Directory*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.stml> (last visited January 18, 2016).

¹⁰ Sections 1003.01(14) and (15), F.S.

¹¹ See, the flush left provision of s. 10023.01(15), F.S., which excludes from the definition of “core-curricula courses” courses offered under ss. 1002.321(4)(e), 1002.37(7)(a)2.b., 1002.37, 1002.45, and 1002.499.

¹² Section 1003.01(15), F.S.

¹³ Currently, neither statute nor rule defines “blended learning course”. Compare, s. 1002.451(1)(b), which defined a “blended learning program” and “blended learning models.”

¹⁴ Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Section 1002.33(7)(a)2.b., F.S.

¹⁵ Section 1003.03(6), F.S. Florida Department of Education, *2015-2016 Course Code Directory*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.stml> (last visited January 18, 2016).

¹⁶ Section 1003.03(3), F.S.

- Use joint-facilities through partnerships with Florida College System Institutions, state universities and private colleges and universities.
- Adopt alternative methods of scheduling, such as block scheduling.
- Redraw school attendance zones to maximize use of facilities while minimizing additional use of transportation.
- Operate schools beyond the normal operating hours to provide classes in the evening or operate more than one session of school during the day.
- Use year-round schools and other nontraditional calendars that do not adversely impact annual assessment of student achievement.
- Review and consider amending any collective bargaining contracts that hinder the implementation of class size reduction.
- Any other approach not prohibited by law.

The Legislature also authorized school districts to use teaching strategies that include the assignment of more than one teacher to a classroom of students.¹⁷ For example the Legislature:

- Authorized various purposes for teaching strategies that assign more than one teacher to a classroom.
- Authorized, defined, and provided parameters for team teaching, co-teaching, and inclusion teaching.

Finally, the Legislature retroactively prohibited a school district from being penalized, financially or otherwise, as a result of using any legal strategy which relates to using these implementation options or team-teaching strategies to implement class size reduction.¹⁸

Class Size Measurement and Reductions

Under the initial implementing statute in 2003, class size for public schools (which included charter schools and public schools of choice), was to be measured at the:¹⁹

- District level for each of the three grade groupings from 2003-2006;
- School level for each of the three grade groupings from 2006-2008; and
- Individual classroom level for each of the three grade groupings from 2008-2009 and thereafter.

The initial implementing schedule above was subsequently modified as follows:

- In 2008, and again in 2009, the timeframe for measuring class size at the school level was extended by the Legislature, ultimately applying measurement of class size at the individual classroom level in 2010-2011.²⁰
- In 2010, the class size calculation penalty for charter schools was specifically statutorily set at the school level average.²¹

¹⁷ Section 1003.03(5), F.S.

¹⁸ *Id.*

¹⁹ Section 2, ch. 2003-391, L.O.F.

²⁰ Section 5, ch. 2008-142, L.O.F.; Section 13, ch. 2009-59, L.O.F.

²¹ HB 5101 (2010).

- In 2013, the class size calculation penalty at the school level average was also specifically statutorily set for school or program that is a public school of choice pursuant to s. 1002.31, F.S., and district innovation schools of technology.²²

Thus, under current law, the class size compliance penalty is calculated at the:

- Classroom level for traditional public schools;²³ and
- School level average for charter schools.²⁴
- School level average for a school or program that is a public school of choice pursuant to s. 1002.31.²⁵
- School level average for district innovation schools of technology.²⁶

Temporary Flexibility From Maximum Class Size Requirements

The Legislature provided additional flexibility for students who enroll in a school after the October student membership survey.²⁷ These students may be assigned to an existing class that temporarily exceeds the maximum number of students if the district school board determines it to be impractical, educationally unsound, or disruptive to student learning to not assign the student to the class.²⁸

If the district makes this determination, it may assign over the class size maximum up to:

- Three additional students for prekindergarten through grade 3, and
- Five additional students for grades 4 through 12.²⁹

However, the district school board is required to develop a plan that provides the school will be in full compliance with the maximum size requirements by the subsequent October student membership survey.³⁰

Controlled Open Enrollment

Controlled open enrollment means a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential school choice as a significant factor.³¹

Each district school board is authorized to offer controlled open enrollment within the public schools, which is in addition to the existing choice programs, such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.³²

²² CS/CS/HB 7009 (2013).

²³ Section 1003.03(4), F.S.

²⁴ Section 1002.33(16)(b)3., F.S.

²⁵ Section 1002.31(5), F.S.

²⁶ Section 1002.451(5), F.S.

²⁷ Section 1003.03(2)(b), F.S.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 1002.31, F.S.

³² Section 1002.31(2), F.S.

A district's controlled open enrollment plan must:³³

- Adhere to federal desegregation requirements.
- Include an application process that allows parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.

Public School of Choice

Included within controlled open enrollment statutes are two provisions relating to the label “public schools of choice:”

- In 1999, the Legislature created a reporting requirement so that each district school board would annually report the number of students attending the various types of public schools of choice in the district, including schools such as virtual instruction programs, magnet schools, and public charter schools, according to rules adopted by the State Board of Education.³⁴
- In 2013, the Legislature provided that for a school or program that is a school of choice under s. 1002.31, F.S., the calculation for compliance with maximum class size pursuant to s. 1003.03, F.S., is the average number of students at the school level.³⁵

The term “public school of choice” is not defined statute and has not been defined in State Board of Education rule. Absent a definition in statute or rule, districts may self-designate any number of schools and programs as public schools of choice – which allows such schools to utilize class size compliance calculations at the school level.

The number of schools self-designated by schools districts as “public schools of choice” for the:

- 2013-2014 school year was 1,193 schools (39.09% of schools), and
- 2014-2015 school year was 1,862 schools (61.20% of schools).³⁶

District Innovation Schools of Technology

A district innovation school of technology³⁷ is similarly conceptual to charter schools, with a key distinction being that an innovation school of technology is operated by the district school board and a charter school is operated by a charter school governing board.³⁸ A district innovation school of technology develops the innovative use of industry-leading technology while requiring

³³ Section 1002.31(3), F.S.

³⁴ CS/HB 2147 (1999); Section 1002.31(4), F.S. (2015).

³⁵ CS/CS/HB 7009 (2013), Section 1002.31(5), F.S. (2015).

³⁶ Florida Department of Education, *2013-14 and 2014-15 District-Operated and District-Operated Schools of choice – Pre Appeals*, on file with committee staff.

³⁷ District Innovation Schools of Technology were first authorized in 2013. Section 9, ch. 2013-250, L.O.F.

³⁸ Compare ss. 1002.33 and 1002.451, F.S. Both types of schools similarly operate pursuant to a contract with a sponsor (the sponsor for charter schools is a school district or university; the sponsor for innovation schools is the State Board of Education), have guiding principles, and are exempt from various statutes. *Id.*

high student achievement and accountability in exchange for flexibility and exempt from specified statutes and rules.³⁹

A district innovation schools of technology is required to specifically focus on innovation and technology.⁴⁰ Additionally, an innovation school of technology is required to have a blended learning program on a schoolwide basis.⁴¹

Currently, no district school board has applied to the State Board of Education to operate a district innovation school of technology.⁴²

Charter Schools

Charter Schools are part of the state's program of public education.⁴³ A charter school is operated pursuant to a contract between the sponsor and charter school governing board.⁴⁴ The charter contract frees charter schools from many regulations created for traditional public schools while holding them accountable for academic and financial results.⁴⁵

One of the purposes that a charter school is to encourage the use of innovative learning methods.⁴⁶ Additionally, charter schools may, but are not required, to implement blended learning courses which combine traditional classroom instruction and virtual instruction.⁴⁷

During the 2014-2015 school year, there were 646 charter schools in Florida.⁴⁸

III. Effect of Proposed Changes:

SB 1634 defines the statutory conditions under which a charter school or district innovation school of choice may be approved to calculate class size penalties at the school level average. Specifically, the bill:

- Establishes a definition for a school of choice to include concepts of innovation that is distinct and unique, along with open enrollment choice.
- Expands authority for school districts to pursue school board approved innovation schools of choice through the State Board of Education beyond just technology-oriented schools.

³⁹ Section 1002.451(1), F.S.

⁴⁰ *Id.*

⁴¹ *Id.* A blended learning program is an education program in which a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. *Id.* The school may use a flipped classroom model, flex model, or rotation model. *Id.*

⁴² Email, Florida Department of Education, Office of K-12 School Choice (January 17, 2016). District innovation schools of technology were first authorized by the Legislature in 2013. CS/CS/HB 7009 (2013)

⁴³ Section 1002.33(1), F.S.

⁴⁴ Section 1002.33(7), F.S. A sponsor may be a district school board or a state university. Section 1002.33(5)(a), F.S.

⁴⁵ Florida Department of Education, *Frequently Asked Questions*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited January 17, 2016). A charter school shall organize as, or be operated by, a nonprofit organization. Section 1002.33(12)(i), F.S.

⁴⁶ Section 1002.3(2)(b)3., F.S.

⁴⁷ Section 1002.33(7)(a)2.b., F.S.

⁴⁸ Florida Department of Education, *Florida's Charter Schools* (2015), available at http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter_Oct_2015_11-20-15.pdf

- Equally applies the new definition of schools of choice to both charter schools and district innovation schools of choice to be eligible for class size penalties calculated at the school level average.

Controlled Open Enrollment

The bill removes authority for programs and schools that are schools of choice to utilize class size compliance calculations at the school level, to provide that the class size penalty calculation at the school level may only be utilized by individual district innovation schools of choice (per SBE approval), and district-approved charter schools (per the charter contract).

District Innovation Schools of Technology

The bill re-designates “district innovation schools of technology” as “district innovation schools of choice.” To effect this re-designation, the bill:

- Expands the purpose of innovation schools so the schools develop innovation, which may include but is not limited to technology;
- Authorizes, rather than requires, that a district innovation school of choice provide blended learning on a schoolwide basis;
- Removes the tiered limitations on the number of innovation schools of choice that may be authorized in small, medium, and large districts;
- Enable a district’s application to the State Board of Education to propose multiple innovation schools of choice, although approval remains on a case-by-case basis;
- Strengthens the application requirements to require clearly defined, distinct and unique schoolwide, innovation and enrollment practices;
- Specify performance metrics, including, but not limited to, trends and targets for student’s performance improvement associated with the innovation;
- Removes autonomy for an innovation school of technology to restructure its school day or school year to accomplish its goals; and
- Requires a district innovation school of technology to demonstrate compliance with the performance metrics every three years in order to retain the class size penalty calculation at the school level average.

Charter Schools

The bill requires charter schools that wish to continue to have the class size penalty calculation at the school level average to modify their contracts to:

- Clearly articulate how the charter school distinctly and uniquely defines and provides schoolwide innovation and the school’s enrollment practices;
- Specify performance metrics, including, but not limited to, trends and targets for the students’ performance improvement associated with the innovation; and
- Demonstrate compliance with the performance metrics every three years in order to retain the school level class size penalty calculation.

The bill takes effect upon becoming a law.

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:

Not determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Brandes

22-00843-16

20161714__

A bill to be entitled

An act relating to the competency-based innovation pilot program; establishing a competency-based innovation pilot program within the Department of Education; defining the term "competency-based education"; authorizing certain schools to apply to the department for approval of a competency-based innovation pilot program; specifying information to be included in the application; authorizing certain waivers; requiring the department to compile certain information and provide access to statewide, standardized assessments; requiring the department to submit an annual report to the Governor and the Legislature by a specified date; specifying the contents of the annual report; providing for expiration of the pilot program; providing an effective date.

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

Section 1. Competency-based innovation pilot program.—
Beginning with the 2016-2017 school year, a competency-based innovation pilot program is established within the Department of Education.

(1) For the purposes of this section, the term "competency-based education" means a system in which a student may advance to higher levels of learning after demonstrating a mastery of concepts and skills instead of after a specified timeframe.

(2) Public schools in Lake and Pinellas Counties and the P.K. Yonge Developmental Research School may submit an application to the department for approval of a competency-based innovation pilot program. The application shall be submitted on

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a form provided and by a date specified by the department and must include, but need not be limited to, the following:

(a) A vision for the pilot program, including a timeline for the program and the timeframe for districtwide implementation of competency-based education.

(b) Annual goals and performance outcomes that participating schools must meet, including, but not limited to:

1. Student performance, as defined in s. 1008.34, Florida Statutes.

2. Promotion and retention rates.

3. Graduation rates.

4. Indicators of college and career readiness.

(c) A communication plan for stakeholders, including businesses and community members.

(d) A scope of, and a timeline for, professional development.

(e) A plan for student progression based on mastery of concepts and skills, including proposed methods to determine the degree to which a student has attained mastery of concepts and skills.

(f) A plan for using technology and digital and blended learning to enhance student achievement and to facilitate competency-based education.

(g) A plan for how resources will be allocated for the pilot program at both the district and school levels.

(h) The recruitment and selection of participating schools.

(i) Rules to be waived, as authorized in subsection (3), as necessary to implement the program.

(3) In addition to the waivers provided in s. 1001.10(3),

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62 Florida Statutes, the State Board of Education may authorize the
63 Commissioner of Education to grant waivers relating to the
64 awarding of credit and pupil progression.

65 (4) The department shall:

66 (a) Compile student and staff schedules before and after
67 implementation of the pilot program.

68 (b) Provide access to statewide, standardized assessments
69 pursuant to s. 1008.22(3), Florida Statutes.

70 (c) By June 1 of each year, provide a report summarizing
71 the activities and accomplishments of the pilot programs and any
72 recommendations for statutory revisions for statewide
73 implementation to the Governor, the President of the Senate, and
74 the Speaker of the House of Representatives.

75 (5) This section expires June 30, 2021.

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

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 1714

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

SUBJECT: Competency-based Innovation Pilot Program

DATE: January 22, 2016 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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

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

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

The bill takes effect July 1, 2016.

II. Present Situation:

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

Commissioner's Powers and Duties

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

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

Student Progression

Regarding student progression, the Legislature intends that:⁵

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

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

Each student must participate in the statewide, standardized assessment program.⁸ A student who does not score Level 3 or above on the statewide, standardized ELA assessment, statewide, standardized mathematics assessment, or the Algebra I end-of-course (EOC) assessment must be evaluated to determine the nature of student's difficulty, the areas of academic need, and strategies for providing supports to improve the student's performance.⁹ The law specifies that

¹ Section 1001.10(1), F.S.

² Section 1001.10(3), F.S.

³ Section 1001.10(3), F.S.

⁴ *Id.*

⁵ Section 1008.25(1), F.S.

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

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

⁸ Section 1008.25(4)(a), F.S.

⁹ *Id.*

students must pass the grade 3 ELA assessment to be promoted to grade 4.¹⁰ Students retained in grade 3 must be provided intensive reading interventions to ameliorate the students' specific reading deficiency, as identified by a valid and reliable diagnostic assessment.¹¹ The law also authorizes midyear promotion of students who are retained in grade 3 to grade 4 after the students demonstrate ability to read and perform at or above grade level in ELA.¹²

Award of Credit

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

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

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

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

¹¹ Section 1008.25(7)(a), F.S.

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

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

¹⁴ Section 1003.4295(3), F.S.

¹⁵ Section 1003.436(1)(a), F.S.

¹⁶ *Id.*

¹⁷ Section 1003.436(2), F.S.

¹⁸ *Id.*

III. Effect of Proposed Changes:

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

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

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

Definition

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

Application Requirements

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

- Vision and timeline, including the timeframe for districtwide implementation of competency-based education.

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

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

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

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

Authorized Waivers

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

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

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

²² Section 1003.4295(3), F.S.

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

Funding

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

Department of Education Requirements

The bill requires the department to:

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

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²³ Section 1011.62, F.S.

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

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

IX. Additional Information:

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

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

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

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

B. Amendments:

None.



744242

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2016	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 65 - 75
and insert:

(4) Students participating in the pilot program at participating schools shall be reported and generate funding consistent with the requirements of s. 1011.62, Florida Statutes.

(5) The department shall:

(a) Compile student and staff schedules before and after



744242

11 implementation of the pilot program.

12 (b) Provide access to statewide, standardized assessments
13 pursuant to s. 1008.22(3), Florida Statutes.

14 (c) By June 1 of each year, provide a report summarizing
15 the activities and accomplishments of the pilot programs and any
16 recommendations for statutory revisions for statewide
17 implementation to the Governor, the President of the Senate, and
18 the Speaker of the House of Representatives.

19 (6) This section expires June 30, 2021.

20

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

22 And the title is amended as follows:

23 Delete line 10

24 and insert:

25 waivers; providing reporting and funding requirements
26 for students participating in the pilot program at
27 participating schools; requiring the department to
28 compile certain



665814

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2016	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 29 - 30

and insert:

(2) Public schools in Lake and Pinellas Counties, P.K. Yonge Developmental Research School, and school districts or charter schools designated by the Commissioner of Education may submit an

THE FLORIDA SENATE
APPEARANCE RECORD

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1/20/16
Meeting Date

SB 432
Bill Number (if applicable)

Topic STEM Teacher Pilot Program

Amendment Barcode (if applicable)

Name Melissa Fause

Job Title Policy Analyst

Address 200 W. College Ave., Ste 109
Street

Phone 850-408-1213

Tallahassee FL 32301
City State Zip

Email mfause@dfphq.org

Speaking: For Against Information

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

Representing Americans for Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/20/16

Meeting Date

500

Bill Number (if applicable)

Topic Children's Cabinet

Amendment Barcode (if applicable)

Name Victoria Zepp

Job Title CFO designate to the Cabinet

Address 121 N. Monroe St. 5007

Phone 888.241.6309

City JFH State Zip 32301

Email Victoria@clarity-1.com

Speaking: [] For [] Against [] Information

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

Representing

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

Lobbyist registered with Legislature: [x] Yes [] No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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11/20/16
Meeting Date

806
Bill Number (if applicable)

Topic Instruction for Homebound & Hospitalized Students Amendment Barcode (if applicable)

Name Amanda Stewart

Job Title Lobbyist

Address 21748 State Road 54, Suite 102

Phone (813) 527-0172

Lutz FL 33549
City State Zip

Email amanda@corcoranfirm.com

Speaking: For Against Information

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

Representing All Childrens Hospital Johns Hopkins Medicine

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)

1/20/16

Meeting Date

SB 894

Bill Number (if applicable)

496796

Amendment Barcode (if applicable)

Topic SB 894- Amendment Barcode 496796

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines St.

Street

Tallahassee

City

FL

State

32399

Zip

Phone 850-245-9633

Email Tanya.Cooper@fldoe.org

Speaking: For Against Information

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

Representing Florida Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/16

Meeting Date

SB 894

Bill Number (if applicable)

713616

Amendment Barcode (if applicable)

Topic SB 894- Amendment Barcode 713616

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines St.

Street

Tallahassee

City

FL

State

32399

Zip

Phone 850-245-9633

Email Tanya.Cooper@fldoe.org

Speaking: For Against Information

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

Representing Florida Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/20/2016

Meeting Date

SB 894

Bill Number (if applicable)

Topic SB 894 - Relating to Education Personnel

Amendment Barcode (if applicable)

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines St.

Phone 850-245-0507

Street

Tallahassee

Fl

32399

Email Tanya.Cooper@fldoe.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/20/16

Meeting Date

SB 894

Bill Number (if applicable)

Topic Education Personnel - SB 894

Amendment Barcode (if applicable)

Name Debbie Northam

Job Title Legislative Director

Address 215 S Monroe

Phone _____

Street

TLH

Email debbie@excelmed.org

City

State

Zip

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-20-2016

Meeting Date

894

Bill Number (if applicable)

Topic Education Personnel

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title VP

Address 8526 96th Ave

Phone 772 584-1454

Street

Vero Beach FL

City

State

32967

Zip

Email M.Frost@PCSBM.org

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/16
Meeting Date

SB 886
Bill Number (if applicable)

Topic Public School Choice

Amendment Barcode (if applicable)

Name Nina Cherry

Job Title Parent

Address _____

Phone _____

Street

Tampa

FL

City

State

Zip

Email nina.cherry@gmail.com

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)

1/20/16

Meeting Date

SB886

Bill Number (if applicable)

Topic Public School Choice

Amendment Barcode (if applicable)

Name Latanya Peterson

Job Title Educator

Address

Street

Fleming Island

City

FL

State

Zip

Phone lpeterson2020@hotmail.com

Email

Speaking: [X] 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 [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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

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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)

1-20-2016

Meeting Date

886

Bill Number (if applicable)

Topic SB 886 - Parent & Student Rights

Amendment Barcode (if applicable)

Name Mr. Shawn Frost

Job Title Founding VP

Address 8526 96th Ave

Phone 772 584-1454

Street

Vero Beach FL

City

State

32967

Zip

Email info@FCSBM.org

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/20/14
Meeting Date

SB 886
Bill Number (if applicable)

Topic Parent + Students Rights - SB 886

Amendment Barcode (if applicable)

Name Alexandra Dominguez

Job Title Advocacy Associate

Address 215 S Monroe St. #420

Phone _____

TLH
City

FL
State

32301
Zip

Email alexandra@excellent.org

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

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1/20/16

Meeting Date

SB 886

Bill Number (if applicable)

Topic Parent & Student Rights

Amendment Barcode (if applicable)

Name Melissa Fause

Job Title Policy Analyst

Address 200 W. College Ave, Ste 109

Phone 850-408-1218

Tallahassee FL 32301

City

State

Zip

Email mfause@afphq.org

Speaking: For Against Information

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

Representing Americans for Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

01.20.14

Meeting Date

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

SB 886

Bill Number (if applicable)

Topic SB 886: Parent & Student Rights

Amendment Barcode (if applicable)

Name Sheela Vanthoose

Job Title Director Gov Affairs & Public Policy

Address 800 Corporate Drive, Suite 124

Phone 954-202-3500

Street

Fort Lauderdale

FL

33334

City

State

Zip

Email Svanhose@charter Schools USA.com

Speaking: For Against Information

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

Representing Charter Schools USA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-20-2016
Meeting Date

978
Bill Number (if applicable)

Topic Public School Teachers

Amendment Barcode (if applicable)

Name Shawn Probst

Job Title VP

Address 8526 96th Ave
Street

Phone _____

Vero Beach FL 32969
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

978

Meeting Date _____

Bill Number (if applicable) _____

Topic Best and Brightest

Amendment Barcode (if applicable) _____

Name Luke Flynt

Job Title Secretary-Treasurer FEA

Address 213 S. Adams Street

Phone 722 713 2808

Street

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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1/20/16
Meeting Date

SB0978
Bill Number (if applicable)

Topic Relating to Public School Teachers

Amendment Barcode (if applicable)

Name Erik Anderson

Job Title Principal

Address 1500 SW 66th Ave
Street

Phone 754-323-7750

Plantation FL 33317
City State Zip

Email erik.anderson@broward
schools.com

Speaking: For Against Information

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

Representing Broward Principals and Assistants Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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Jan 20 2016
Meeting Date

SB 978
Bill Number (if applicable)

Topic Best + Brightest

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title _____

Address 1911 Wakalaw Ct
Street

Phone 850-728-7514

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

01/20/2016

Meeting Date

SB 1060

Bill Number (if applicable)

Topic SB 1060 - Relating to Career and Adult Education

Amendment Barcode (if applicable)

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines St.

Phone 850-245-0507

Street

Tallahassee

FL

32399

Email Tanya.Cooper@fldoe.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/20/2016

Meeting Date

SB 1064

Bill Number (if applicable)

Topic SB 1064 - Relating to Special Facility Construction Account

Amendment Barcode (if applicable)

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines St.

Phone 850-245-0507

Street

Tallahassee

FL

32399

Email Tanya.Cooper@fldoe.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Jan 20 2016

Meeting Date

SB 1634

Bill Number (if applicable)

Topic school choice / class size

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title Parent

Address 1911 Wahalaaw Ct
Street

Phone 850-728-7514

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/20/16

Meeting Date

1714

Bill Number (if applicable)

Topic Competency-based Education

Amendment Barcode (if applicable)

Name Kathy Halbig

Job Title Coordinator, Personalized Learning, Lake Co. Schools

Address 510 S. Palm Ave. Howey-in-the-Hills, FL Phone 352.253.4150

Street

Howey-in-the-Hills FL 32747

City

State

Zip

Email halbigk@lake.k12.fl.us

Speaking: For Against Information

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

Representing Lake Co. Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/16
Meeting Date

SB 1714
Bill Number (if applicable)

Topic Competency BASED EDUCATION Pilot Amendment Barcode (if applicable)

Name Steve Swartzel

Job Title CONSULTANT - PINELLAS SCHOOL BOARD

Address 3058 SPRING OAK AVE Phone 727-418-9012

Street

PALM HARBOR FL 34684

City

State

Zip

Email SWARTZELSB@GMAIL.COM

Com

Speaking: For Against Information

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

Representing PINELLAS SCHOOL BOARD

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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SB 1714
Bill Number (if applicable)

Meeting Date _____

Topic Competency based Innovation Pilots

Amendment Barcode (if applicable) _____

Name Debbie Mortham

Job Title Legislative Director

Address 215 S Monroe #420
Street

Phone _____

TLH FL
City State Zip

Email debbie@excelined.org

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

1/20/16

Meeting Date

SB 1714

Bill Number (if applicable)

Topic Competency - Based Education

Amendment Barcode (if applicable)

Name Brittney Hunt

Job Title Policy Director

Address 136 S. Bronough St.

Phone (850) 521 - 1200

Street

Tallahassee

FL

32301

City

State

Zip

Email bhunt@flchamber.com

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.

S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:
Judge:

Caption: Senate Committee on Education Pre-K - 12

Started: 1/20/2016 1:33:28 PM

Ends: 1/20/2016 3:25:24 PM Length: 01:51:57

1:33:27 PM Meeting Called to order - Roll Call
1:33:33 PM Quorum is present
1:33:54 PM Chair
1:34:08 PM Sen. Montford for introduction of School Administrators
1:34:54 PM Chair
1:34:59 PM Sen. Sobel for introduction of Principals from Broward County
1:35:26 PM Chair
1:35:52 PM Tab 1 - SB 290 by Sen. Smith
1:36:37 PM Rep. Edwin Narian to explain bill
1:38:03 PM Sen. Sobel
1:38:07 PM Rep. Edwin in response
1:38:11 PM Sen. Sobel
1:39:14 PM Rep. Edwin
1:39:18 PM Sen. Sobel
1:39:31 PM Rep. Edwin
1:39:43 PM Chair
1:39:56 PM Sen. Brandes
1:40:00 PM Rep. Edwin
1:40:19 PM Chair
1:40:31 PM Sen. Brandes in debate
1:41:01 PM Chair
1:41:03 PM Sen. Smith to close on bill
1:41:19 PM Chair
1:41:21 PM Roll Call on SB 290
1:41:30 PM SB 290 - favorable
1:41:51 PM Chair
1:41:54 PM
1:42:08 PM Tab 10 - SB 1064 - Will McRae, Legislative Aide, to present bill for Sen. Flores
1:42:59 PM Amendment 459652 - Sen. Montford
1:44:19 PM Amendment withdrawn by Sen. Montford
1:44:34 PM Tanya Cooper, Director, Gov. Relations, DOE, waives in support of bill
1:44:36 PM Close on bill - waive to close
1:44:47 PM Roll Call SB 1064
1:44:54 PM SB 1064 - favorable
1:45:10 PM Chair
1:45:19 PM Tab 2 - SB 432 - Sen. Hutson
1:45:59 PM Chair
1:46:01 PM Amendment # 492534 by Garcia
1:46:30 PM Amendment Adopted
1:46:35 PM Amendment #485644 - Sen. Montford
1:47:07 PM Chair
1:47:09 PM Amendment #485644 withdrawn
1:47:14 PM Sen. Brandes
1:47:20 PM Sen. Hutson
1:47:32 PM Chair
1:47:36 PM Sen. Brandes
1:48:16 PM Chair
1:48:20 PM Sen. Sobel
1:48:29 PM Sen. Hutson
1:48:44 PM Chair
1:48:46 PM Sen. Brandes in debate
1:49:28 PM Chair

1:49:48 PM Melissa Fause, Policy Analyst, Americans for Prosperity, waives in support
1:49:54 PM Sen. Clemens in debate
1:50:24 PM Chair
1:50:36 PM Sen. Hutson to close
1:51:04 PM Chair
1:51:07 PM Roll Call on SB 432
1:51:15 PM SB 432 - favorable as CS
1:51:36 PM Tab 3 - SB 500 by Sen. Montford
1:52:10 PM Chair
1:52:15 PM Victoria Zepp, CFO, designate to the Cabinet, waives in support
1:52:26 PM Chair
1:52:29 PM Sen. Montford waives to close
1:52:35 PM Roll Call on SB 500
1:52:41 PM SB 500 - favorable
1:53:00 PM Tab 5 - SB 884 - by Sen. Benacquisto
1:54:00 PM Chair
1:54:02 PM Sen. Montford in debate
1:54:42 PM Chair
1:54:43 PM Sen. Benacquisto to close
1:55:04 PM Roll Call on SB 884
1:55:10 PM SB 884 - favorable
1:55:32 PM Chair
1:55:36 PM
1:55:37 PM Tab 7 - SB 894 by Sen. Detert
1:56:39 PM Chair
1:57:40 PM Amendment # 496796 by Sen. Detert
1:58:04 PM Chair
1:58:08 PM Tanya Cooper, Dir. Gov. Rel, DOE, waives in support of amendment
1:58:18 PM Amendment adopted
1:58:23 PM Amendment #713616 by Sen. Detert
1:58:39 PM Chair
1:58:46 PM Tanya Cooper, Dir. Gov. Relations, DOE waives in support of amendment
1:58:52 PM Amendment Adopted
1:59:02 PM Late filed amendment #643634 by Detert - motion to adopt
1:59:13 PM Chair
1:59:16 PM Vote on Late filed amendment - favorable
1:59:18 PM Back on bill as amended
1:59:31 PM Tanya Cooper, Dir., Gov. Rel. DOE, waives in support of bill
1:59:32 PM Debbie Mortham, Leg. Director, Foundation for Florida's Future, waives in support of bill
1:59:40 PM Shawn Frost, VP, Florida Coalition of School Board Members, waive in support of bill
1:59:50 PM Sen. Detert to close
1:59:59 PM Roll Call for S 894
2:00:11 PM CS/SB 894 - favorable
2:00:45 PM Tab 12 - SB 1714 by Sen. Brandes
2:01:13 PM Sen. Clemens
2:01:19 PM Sen. Brandes
2:01:25 PM Chair
2:01:33 PM Sen. Montford
2:01:59 PM Sen. Brandes
2:02:04 PM Chair
2:02:06 PM Sen. Gaetz
2:02:30 PM Chair
2:02:32 PM Late filed Amendment #744242 by Sen. Brandes - without objection show it introduced
2:02:53 PM Chair
2:02:55 PM Amendment adopted
2:03:08 PM Late filed - hand written amendment by Sen. Brandes
2:03:33 PM Chair
2:03:36 PM Sen. Bullard
2:04:02 PM Sen. Brandes
2:04:21 PM Sen. Bullard
2:04:58 PM Sen. Brandes
2:05:25 PM Chair

2:05:28 PM Amendment adopted
2:05:36 PM Chair
2:05:37 PM Back on bill as amended
2:05:47 PM Kathy Halbig, Lake County Schools, speaking for the bill
2:06:26 PM Steve Swartzel, Consultant, Pinellas School Board, waives in support
2:07:01 PM Debby Mortham, Leg. Director, Foundation for Florida's Future, waives in support
2:07:10 PM Brittany Hunt, Fla. Chamber of Commerce, waives in support
2:07:20 PM Sen. Brandes waives to close
2:07:39 PM CS/SB 1714 - favorable
2:07:46 PM Chair
2:07:48 PM Tab 6 - SB 886 by Sen. Benacquisto
2:09:04 PM Sen. Montford
2:09:51 PM Sen. Benacquisto
2:11:55 PM Sen. Montford
2:12:36 PM Sen. Benacquisto
2:13:43 PM Sen. Bullard
2:14:01 PM Sen. Benacquisto
2:15:33 PM Sen. Sobel
2:15:51 PM Sen. Benacquisto
2:16:26 PM Sen. Sobel
2:16:29 PM Sen. Benacquisto
2:17:56 PM Chair
2:18:09 PM Sen. Benacquisto
2:18:14 PM Sen. Clemens
2:18:46 PM Sen. Benacquisto
2:19:10 PM Chair
2:19:16 PM Sen. Clemens
2:19:20 PM Sen. Benacquisto
2:20:09 PM Chair
2:20:21 PM Nina Cherry, parent, Tampa, FL, speaking for the bill
2:21:30 PM Chair
2:22:40 PM Latanya Peterson, Educator, Fleming Island, FL, speaking for the bill
2:23:29 PM Chair
2:24:14 PM Shawn Frost, VP, Fla. Coalition of School Board Members, speaking for the bill
2:25:02 PM Sen. Montford
2:25:22 PM Shawn
2:25:31 PM Chair
2:25:51 PM Sen. Bullard
2:26:31 PM Shawn
2:27:13 PM Chair
2:28:09 PM Alexandria Dominquez, Advocacy Associate, Foundation for the Future, waives in support
2:28:10 PM Melissa Fause, Policy Analyst, Americans for Prosperity, waives in support
2:28:11 PM
2:28:13 PM Sheela Vanltoss, Charter Schools, USA, waives in support
2:28:28 PM Debate on the bill
2:28:34 PM Sen. Bullard
2:30:24 PM Sen. Gaetz
2:32:32 PM Chair
2:33:11 PM Sen. Sobel
2:34:06 PM Chair
2:34:07 PM Sen. Montford
2:35:49 PM Sen. Benacquisto to close
2:37:55 PM Chair
2:37:58 PM Roll Call on SB 886
2:38:08 PM SB 886 - favorable
2:38:29 PM Vice Chair Detert in chair
2:38:38 PM Chair to recognize students from her district
2:39:09 PM Chair
2:39:12 PM Tab 9 - SB 1060 by Sen. Legg
2:39:52 PM Chair
2:39:54 PM Tanya Cooper, Director, Gov. Relations, DOE, waives in support
2:40:13 PM Sen. Legg to close - waives to close

2:40:20 PM Roll Call on SB 1060
2:40:27 PM SB 1060 - favorable
2:40:46 PM Tab 4 - SB 806 by Sen. Legg
2:41:42 PM Sen. Sobel
2:42:19 PM Sen. Legg
2:43:48 PM Sen. Sobel
2:43:52 PM Chair
2:44:03 PM Amanda Stewart, Lobbyist, All Children's Hospital John's Hopkins Medical, waives in support
2:44:16 PM Sen. Legg waives to close
2:44:19 PM Roll Call on SB 806
2:44:26 PM SB 806 - favorable
2:44:48 PM Sen. Clemens - recognition of Principals and Administrators and former Superintendent Mr. Johnson,
from his district
2:45:22 PM Tab 11 - SB 1634 by Sen. Legg
2:46:45 PM Chair
2:46:47 PM Sen. Montford
2:47:04 PM Sen. Legg
2:48:02 PM Sen. Montford
2:49:11 PM Sen. Legg
2:49:53 PM Sen. Montford
2:50:02 PM Sen. Legg
2:50:12 PM Chair
2:50:13 PM Sen. Gaetz
2:50:35 PM Sen. Legg
2:52:48 PM Sen. Gaetz
2:53:39 PM Sen. Legg
2:53:55 PM Chair
2:53:59 PM Marie-Claire Leman, parent, Tallahassee, FL, speaking for information
2:55:47 PM Chair
2:55:53 PM Sen. Legg waives to close
2:56:02 PM Roll Call on SB 1634
2:56:10 PM SB 1634 - favorable
2:56:33 PM
2:56:46 PM Chair
2:56:47 PM Tab 8- SB 978 by Sen. Legg
2:57:35 PM Chair
2:57:47 PM Amendment #660250 by Sen. Bullard
2:58:03 PM Chair
2:58:08 PM Roll on Amendment #660250 - Failed
2:58:53 PM Amendment #882154 by Sen. Bullard
2:59:37 PM Chair
2:59:49 PM Sen. Clemens in debate
3:00:03 PM Chair
3:00:05 PM Sen. Bullard waives to close
3:00:16 PM Voice vote on amendment #882154 - failed
3:00:17 PM Sen. Clemens - objects to voice vote
3:00:38 PM Amendment fails by voice vote
3:01:04 PM Rep. Galvano addresses Chair - voice vote can be taken
3:01:08 PM Voice Vote - Roll Call on Amendment #882154
3:01:23 PM Amendment #882154 failed
3:01:50 PM Amendment # 948334 by Sen. Bullard
3:02:06 PM Chair
3:02:35 PM Sen. Sobel
3:03:25 PM Sen. Legg
3:03:34 PM Sen. Bullard
3:04:00 PM Sen. Legg
3:04:12 PM Chair
3:04:15 PM Sen. Gaetz
3:04:44 PM Sen. Bullard
3:06:09 PM Sen. Bullard waives closing
3:06:23 PM Roll Call on amendment #948334- failed
3:06:55 PM Late filed amendment - #838550 by Sen. Clemens, introduced without objection

3:07:34 PM Chair
3:07:40 PM Sen. Bullard in debate
3:08:17 PM Sen. Clemens waives to close on amendment
3:08:27 PM Roll Call on Amendment # 838550 - favorable
3:09:04 PM Back on bill as amended
3:09:12 PM Chair
3:09:14 PM Sen. Clemens
3:09:41 PM Sen. Legg
3:09:46 PM Chair
3:09:48 PM Sen. Gaetz
3:09:57 PM Sen. Gaetz - time certain 3:29 to end debate
3:10:32 PM Sen. Galvano
3:10:50 PM Sen. Galvano - moves to reconsider Amendment #838550
3:11:06 PM Chair - all those in favor of motion to reconsider - favorable
3:11:16 PM Roll call on Amendment #838550 - favorable
3:12:03 PM Back on bill as amended
3:12:13 PM Sen. Detert in debate
3:14:31 PM Sen. Bullard
3:16:53 PM Sen. Sobel
3:19:54 PM Chair
3:19:57 PM Sen. Brandes
3:20:45 PM Chair
3:20:47 PM Sen. Montford
3:21:18 PM Chair
3:21:32 PM Luke Flynt, Sec./Treasurer, FEA, against the bill
3:21:42 PM Erik Anderson, Principal, Broward Principals and Asstants Association, against the bill
3:21:51 PM Marie-Claire Leman, against the bill
3:21:59 PM Shawn Frost, VP, Fla. Coalition of School Board Members, waives in support of bill
3:22:08 PM Sen. Legg to close on bill
3:23:44 PM Chair
3:23:47 PM Roll Call on CS/SB 978
3:23:59 PM CS/SB 978 - favorable
3:24:27 PM Sen. Garcia on SB 886, 1714, 806, 1060, 290, 432, 1064, 500 and 884 voting in favor
3:25:03 PM Sen. Bullard voting affirmative on SB 290, 1064, 432, 500, 884 and in opposition to SB 894
3:25:06 PM Sen. Benacquisto moves to rise