

Tab 1	SPB 7058 by ED ; Child Care and Development Block Grant Program					
444114	A	S	L	FAV	ED, Sobel	Delete L.231 - 282: 02/02 04:26 PM
Tab 2	SB 268 by Ring ; (Similar to CS/H 0229) Bullying and Harassment Policies in Schools					
Tab 3	SB 808 by Brandes ; (Similar to H 1255) Charter Schools					
Tab 4	SB 824 by Stargel ; (Compare to CS/H 0835) Dual Enrollment Program					
Tab 5	SB 830 by Stargel ; (Compare to CS/CS/H 7029) School Choice					
339770	D	S		RCS	ED, Gaetz	Delete everything after 02/02 04:26 PM
333600	AA	S		WD	ED, Montford	Delete L.91: 02/02 04:26 PM
361462	AA	S		WD	ED, Montford	Delete L.304 - 346: 02/02 04:26 PM
325630	AA	S		WD	ED, Montford	btw L.643 - 644: 02/02 04:26 PM
897940	A	S			ED, Montford	Delete L.80: 02/01 02:19 PM
224866	A	S			ED, Montford	btw L.191 - 192: 02/01 02:20 PM
653580	A	S			ED, Montford	btw L.335 - 336: 02/01 02:20 PM
Tab 6	SB 916 by Altman (CO-INTRODUCERS) Soto ; (Compare to CS/H 0705) Educational Interpreters for Individuals Who are Deaf, Hard of Hearing, or Dual Sensory Impaired					
790692	D	S	L	RCS	ED, Garcia	Delete everything after 02/02 04:26 PM
Tab 7	SJR 976 by Stargel ; (Similar to CS/H 0759) Charter Schools					
Tab 8	SB 1062 by Stargel ; Educational Choice					
Tab 9	SB 1076 by Legg ; Education					
572688	D	S		RCS	ED, Legg	Delete everything after 02/02 04:26 PM
Tab 10	SB 1126 by Detert (CO-INTRODUCERS) Richter ; (Identical to H 0991) Auditory-oral Education Programs					
166980	D	S	L	RCS	ED, Detert	Delete everything after 02/02 04:26 PM
Tab 11	SB 1160 by Detert ; (Similar to CS/H 0701) Art in the Capitol Competition					
966784	D	S	L	RCS	ED, Detert	Delete everything after 02/02 04:26 PM
Tab 12	SB 1196 by Bean (CO-INTRODUCERS) Hutson ; (Similar to H 1305) Emergency Allergy Treatment in Schools					
731612	A	S	L	RCS	ED, Brandes	Delete L.58 - 96: 02/02 04:26 PM
Tab 13	CS/SB 1426 by CA, Stargel (CO-INTRODUCERS) Gaetz ; (Similar to CS/H 1155) Membership Associations					
Tab 14	SB 1462 by Latvala ; (Similar to CS/H 1147) Educational Instruction					
383940	D	S	L	RCS	ED, Clemens	Delete everything after 02/02 04:27 PM
Tab 15	SB 1678 by Sachs ; High School Graduation Requirements					
627814	D	S	L	RCS	ED, Montford	Delete everything after 02/02 04:27 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Tuesday, February 2, 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
Consideration of proposed bill:			
1	SPB 7058	Child Care and Development Block Grant Program; Providing an exception from a prohibition against the use of information in the Department of Children and Families central abuse hotline for employment screening of certain child care personnel; revising the definition of the term "screening" for purposes of child care licensing requirements; requiring the Department of Children and Families and local licensing agencies to electronically post certain information relating to child care and school readiness providers; revising the prioritization of participation in school readiness programs, etc.	Submitted as Committee Bill Yeas 10 Nays 0
2	SB 268 Ring (Similar CS/H 229)	Bullying and Harassment Policies in Schools; Requiring school districts to revise their bullying and harassment policy at specified intervals; requiring the policy to include mandatory reporting procedures and a list of authorized programs that provide bullying and harassment identification, prevention, and response instruction, etc. ED 02/02/2016 Favorable AED FP	Favorable Yeas 10 Nays 0
3	SB 808 Brandes (Similar H 1255)	Charter Schools; Authorizing a municipal governing authority to become a charter school sponsor in the municipality over which the municipal governing authority has jurisdiction; requiring a municipal governing authority to make timely and efficient payment and reimbursement to charter schools; deleting a provision that prohibits high-performing charter schools from establishing more than one charter school in any given year, etc. ED 02/02/2016 Favorable CA AED AP	Favorable Yeas 8 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Tuesday, February 2, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 824 Stargel (Compare CS/H 835)	Dual Enrollment Program; Exempting dual enrollment students from paying technology fees; requiring a home education secondary student to be responsible for his or her own instructional materials and transportation in order to participate in the dual enrollment program unless the articulation agreement provides otherwise; authorizing certain instructional materials to be made available free of charge to dual enrollment students in home education programs and private schools if provided for in the articulation agreement; requiring a postsecondary institution eligible to participate in the dual enrollment program to enter into an articulation agreement with certain eligible private schools, etc. ED 02/02/2016 Favorable AED AP	Favorable Yeas 10 Nays 0
5	SB 830 Stargel (Compare CS/CS/H 7029, S 424)	School Choice; Revising the required contents of a charter school application; providing for the automatic termination of a charter under certain conditions; specifying that certain limits on the number of charter schools established do not apply under certain circumstances; authorizing certain entities to apply for status as a High-Impact Charter Network; revising charter school eligibility requirements for funding allocations, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 9 Nays 1
6	SB 916 Altman (Compare CS/H 705)	Educational Interpreters for Individuals Who are Deaf, Hard of Hearing, or Dual Sensory Impaired; Defining the term "educational interpreters" for inclusion in the classification of instructional personnel; providing qualifications for persons functioning as educational interpreters which must be met by a specified date, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
7	SJR 976 Stargel (Similar CS/HJR 759)	Charter Schools; Proposing an amendment to the State Constitution to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within the state, etc. ED 02/02/2016 Temporarily Postponed AED RC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Tuesday, February 2, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1062 Stargel	Educational Choice; Deleting a requirement that a student has to spend the prior school year in attendance at certain schools in order to receive a John M. McKay Scholarship; revising eligibility criteria for a student to participate in virtual instruction, etc. ED 02/02/2016 Favorable AED AP	Favorable Yeas 9 Nays 1
9	SB 1076 Legg	Education; Prohibiting a district school board from limiting the number of public school students who may enroll in a collegiate high school program; revising the purpose of the Credit Acceleration Program, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
10	SB 1126 Detert (Identical H 991)	Auditory-oral Education Programs; Requiring a school district to annually add a specified number of points to the total score of all domains on a matrix of services for certain children; specifying that such children are eligible for auditory-oral education grants under certain circumstances, etc. ED 02/02/2016 Fav/CS AED FP	Fav/CS Yeas 10 Nays 0
11	SB 1160 Detert (Similar CS/H 701)	Art in the Capitol Competition; Creating the Art in the Capitol Competition for students in specified grades; specifying procedures for student participation, notification, and the selection and display of winning submissions; authorizing rulemaking, etc. ED 02/02/2016 Fav/CS AGG FP	Fav/CS Yeas 10 Nays 0
12	SB 1196 Bean (Similar H 1305)	Emergency Allergy Treatment in Schools; Authorizing a public school and a private school, respectively, to enter into certain arrangements with wholesale distributors or manufacturers for epinephrine auto-injectors, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Tuesday, February 2, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	CS/SB 1426 Community Affairs / Stargel (Similar CS/H 1155)	Membership Associations; Requiring membership associations to file an annual report with the Legislature; prohibiting a membership association from using public funds for certain litigation; requiring the Auditor General to conduct certain audits annually, etc. CA 01/26/2016 Fav/CS ED 02/02/2016 Favorable AP	Favorable Yeas 5 Nays 4
14	SB 1462 Latvala (Similar CS/H 1147)	Educational Instruction; Requiring the Commissioner of Education to develop an elective course for certain students which must be included in the Course Code Directory, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
15	SB 1678 Sachs (Compare CS/S 1670)	High School Graduation Requirements; Providing that a student who completes a certain apprenticeship may be awarded specified credits toward a standard high school diploma, etc. ED 02/02/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
State Board of Education			
16	Grady, Thomas R. (Naples)	12/31/2018	Recommend Confirm Yeas 9 Nays 1

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

FOR CONSIDERATION By the Committee on Education Pre-K - 12

581-02203A-16

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1 A bill to be entitled
 2 An act relating to the Child Care and Development
 3 Block Grant Program; amending s. 39.201, F.S.;
 4 providing an exception from a prohibition against the
 5 use of information in the Department of Children and
 6 Families central abuse hotline for employment
 7 screening of certain child care personnel; amending s.
 8 39.202, F.S.; expanding the list of entities that have
 9 access to child abuse records for purposes of
 10 approving providers of school readiness services;
 11 amending s. 402.302, F.S.; revising the definition of
 12 the term "screening" for purposes of child care
 13 licensing requirements; amending s. 402.3057, F.S.;
 14 clarifying individuals who are exempt from certain
 15 refingerprinting or rescreening requirements; amending
 16 s. 402.306, F.S.; requiring the Department of Children
 17 and Families and local licensing agencies to
 18 electronically post certain information relating to
 19 child care and school readiness providers; amending s.
 20 402.311, F.S.; requiring school readiness program
 21 providers to provide the Department of Children and
 22 Families or local licensing agencies with access to
 23 facilities, personnel, and records for inspection
 24 purposes; amending s. 402.319, F.S.; requiring certain
 25 child care providers to submit an affidavit of
 26 compliance with certain mandatory reporting
 27 requirements; amending s. 409.1757, F.S.; clarifying
 28 individuals who are exempt from certain
 29 refingerprinting or rescreening requirements; amending
 30 s. 435.07, F.S.; providing criteria for a person's
 31 disqualification from employment with a school
 32 readiness program provider; amending s. 1002.82, F.S.;

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33 revising the duties of the Office of Early Learning of
 34 the Department of Education; requiring the office to
 35 coordinate with the Department of Children and
 36 Families and local licensing agencies for inspections
 37 of school readiness program providers; amending s.
 38 1002.84, F.S.; revising provisions relating to
 39 determination of child eligibility for school
 40 readiness programs; revising requirements for
 41 determining parent copayments for the programs;
 42 amending s. 1002.87, F.S.; revising the prioritization
 43 of participation in school readiness programs;
 44 revising school readiness program eligibility
 45 requirements for parents; amending s. 1002.88, F.S.;
 46 revising requirements for school readiness program
 47 providers; amending s. 1002.89, F.S.; providing for
 48 additional uses of funds for school readiness
 49 programs; providing an effective date.
 50
 51 Be It Enacted by the Legislature of the State of Florida:
 52
 53 Section 1. Subsection (6) of section 39.201, Florida
 54 Statutes, is amended to read:
 55 39.201 Mandatory reports of child abuse, abandonment, or
 56 neglect; mandatory reports of death; central abuse hotline.—
 57 (6) Information in the central abuse hotline may not be
 58 used for employment screening, except as provided in s.
 59 39.202(2) (a) and (h) or s. 402.302(15). Information in the
 60 central abuse hotline and the department's automated abuse
 61 information system may be used by the department, its authorized

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62 agents or contract providers, the Department of Health, or
 63 county agencies as part of the licensure or registration process
 64 pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

65 Section 2. Paragraph (a) of subsection (2) of section
 66 39.202, Florida Statutes, is amended to read:

67 39.202 Confidentiality of reports and records in cases of
 68 child abuse or neglect.—

69 (2) Except as provided in subsection (4), access to such
 70 records, excluding the name of the reporter which shall be
 71 released only as provided in subsection (5), shall be granted
 72 only to the following persons, officials, and agencies:

73 (a) Employees, authorized agents, or contract providers of
 74 the department, the Department of Health, the Agency for Persons
 75 with Disabilities, the Office of Early Learning, or county
 76 agencies responsible for carrying out:

- 77 1. Child or adult protective investigations;
- 78 2. Ongoing child or adult protective services;
- 79 3. Early intervention and prevention services;
- 80 4. Healthy Start services;

81 5. Licensure or approval of adoptive homes, foster homes,
 82 child care facilities, facilities licensed under chapter 393, ~~or~~
 83 family day care homes, ~~or informal child care providers who~~
 84 receive school readiness funding under part VI of chapter 1002,
 85 or other homes used to provide for the care and welfare of
 86 children; or

87 6. Services for victims of domestic violence when provided
 88 by certified domestic violence centers working at the
 89 department's request as case consultants or with shared clients.
 90

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91 Also, employees or agents of the Department of Juvenile Justice
 92 responsible for the provision of services to children, pursuant
 93 to chapters 984 and 985.

94 Section 3. Subsection (15) of section 402.302, Florida
 95 Statutes, is amended to read:

96 402.302 Definitions.—As used in this chapter, the term:

97 (15) "Screening" means the act of assessing the background
 98 of child care personnel, in accordance with state and federal
 99 law, and volunteers and includes, but is not limited to:—

100 (a) Employment history checks, including documented
 101 attempts to contact each employer that employed the applicant
 102 within the preceding 5 years and documentation of the findings.

103 (b) A search of the criminal history records, sexual
 104 predator and sexual offender registry, and child abuse and
 105 neglect registry of any state in which the applicant resided
 106 during the preceding 5 years.

107
 108 An applicant must submit a full set of fingerprints to the
 109 department or to a vendor, an entity, or an agency authorized by
 110 s. 943.053(13). The department, vendor, entity, or agency shall
 111 forward the fingerprints to local criminal records checks
 112 through local law enforcement agencies, fingerprinting for all
 113 purposes and checks in this subsection, statewide criminal
 114 records checks through the Department of Law Enforcement for
 115 state processing, and the Department of Law Enforcement shall
 116 forward the fingerprints to, and federal criminal records checks
 117 through the Federal Bureau of Investigation for national
 118 processing.

119 Section 4. Section 402.3057, Florida Statutes, is amended

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120 to read:

121 402.3057 Individuals ~~Persons~~ not required to be
 122 refingerprinted or rescreened.~~Individuals Any provision of law~~
 123 ~~to the contrary notwithstanding, human resource personnel~~ who
 124 have been fingerprinted or screened pursuant to chapters 393,
 125 394, 397, 402, and 409, ~~and teachers and noninstructional~~
 126 ~~personnel who have been fingerprinted pursuant to chapter 1012,~~
 127 who have not been unemployed for more than 90 days thereafter,
 128 and who under the penalty of perjury attest to the completion of
 129 such fingerprinting or screening and to compliance with the
 130 provisions of this section and the standards for good moral
 131 character as contained in such provisions as ss. 110.1127(2)(c),
 132 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6),
 133 are shall not be required to be refingerprinted or rescreened in
 134 order to comply with any ~~caretaker~~ screening or fingerprinting
 135 requirements of this chapter.

136 Section 5. Subsection (3) of section 402.306, Florida
 137 Statutes, is amended to read:

138 402.306 Designation of licensing agency; dissemination by
 139 the department and local licensing agency of information on
 140 child care.—

141 (3) The department and local licensing agencies, or the
 142 designees thereof, shall be responsible for coordination and
 143 dissemination of information on child care to the community and
 144 shall make available through electronic means upon request all
 145 licensing standards and procedures, health and safety standards
 146 for school readiness providers, monitoring and inspection
 147 reports, and in addition to the names and addresses of licensed
 148 child care facilities, school readiness program providers, and,

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149 where applicable pursuant to s. 402.313, licensed or registered
 150 family day care homes. This information must also include the
 151 number of deaths, serious injuries, and instances of
 152 substantiated child abuse which have occurred in child care
 153 settings each year; research and best practices in child
 154 development; and resources regarding social-emotional
 155 development, parent and family engagement, healthy eating, and
 156 physical activity.

157 Section 6. Section 402.311, Florida Statutes, is amended to
 158 read:

159 402.311 Inspection.—

160 (1) A licensed child care facility shall accord to the
 161 department or the local licensing agency, whichever is
 162 applicable, the privilege of inspection, including access to
 163 facilities and personnel and to those records required in s.
 164 402.305, at reasonable times during regular business hours, to
 165 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.
 166 The right of entry and inspection shall also extend to any
 167 premises which the department or local licensing agency has
 168 reason to believe are being operated or maintained as a child
 169 care facility without a license, but no such entry or inspection
 170 of any premises shall be made without the permission of the
 171 person in charge thereof unless a warrant is first obtained from
 172 the circuit court authorizing such entry or inspection ~~same~~. Any
 173 application for a license or renewal made pursuant to this act
 174 or the advertisement to the public for the provision of child
 175 care as defined in s. 402.302 shall constitute permission for
 176 any entry or inspection of the premises for which the license is
 177 sought in order to facilitate verification of the information

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 178 submitted on or in connection with the application. In the event
 179 a licensed facility refuses permission for entry or inspection
 180 to the department or local licensing agency, a warrant shall be
 181 obtained from the circuit court authorizing entry or inspection
 182 ~~before same~~ prior to such entry or inspection. The department or
 183 local licensing agency may institute disciplinary proceedings
 184 pursuant to s. 402.310~~7~~ for such refusal.

185 (2) A school readiness program provider shall accord to the
 186 department or the local licensing agency, whichever is
 187 applicable, the privilege of inspection, including access to
 188 facilities, personnel, and records, to verify compliance with s.
 189 1002.88. Entry, inspection, and issuance of an inspection report
 190 by the department or the local licensing agency to verify
 191 compliance with s. 1002.88 is an exercise of a discretionary
 192 power to enforce compliance with the laws duly enacted by a
 193 governmental body.

194 (3) The department's issuance, transmittal, or publication
 195 of an inspection report resulting from an inspection under this
 196 section does not constitute agency action subject to chapter
 197 120.

198 Section 7. Subsection (3) is added to section 402.319,
 199 Florida Statutes, to read:
 200 402.319 Penalties.—

201 (3) Each child care facility, family day care home, and
 202 large family day care home shall annually submit an affidavit of
 203 compliance with s. 39.201.

204 Section 8. Section 409.1757, Florida Statutes, is amended
 205 to read:

206 409.1757 Individuals ~~Persons~~ not required to be

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 207 refingerprinted or rescreened.—Individuals ~~Any law to the~~
 208 ~~contrary notwithstanding, human resource personnel~~ who have been
 209 fingerprinted or screened pursuant to chapters 393, 394, 397,
 210 402, and this chapter, teachers who have been fingerprinted
 211 pursuant to chapter 1012, and law enforcement officers who meet
 212 the requirements of s. 943.13, who have not been unemployed for
 213 more than 90 days thereafter, and who under the penalty of
 214 perjury attest to the completion of such fingerprinting or
 215 screening and to compliance with this section and the standards
 216 for good moral character as contained in such provisions as ss.
 217 110.1127(2)(c), 393.0655(1), 394.457(6), 397.451, 402.305(2),
 218 409.175(6), and 943.13(7), are not required to be
 219 refingerprinted or rescreened in order to comply with any
 220 ~~caretaker~~ screening or fingerprinting requirements of this
 221 chapter.

222 Section 9. Paragraph (c) is added to subsection (4) of
 223 section 435.07, Florida Statutes, to read:

224 435.07 Exemptions from disqualification.—Unless otherwise
 225 provided by law, the provisions of this section apply to
 226 exemptions from disqualification for disqualifying offenses
 227 revealed pursuant to background screenings required under this
 228 chapter, regardless of whether those disqualifying offenses are
 229 listed in this chapter or other laws.

230 (4)

231 (c) A person is ineligible for employment with a provider
 232 that receives school readiness funding under part VI of chapter
 233 1002 if the person has been identified as a sex offender or has
 234 been convicted of:

235 1. A felony offense prohibited under any of the following

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236 statutes:
 237 a. Chapter 741, relating to domestic violence.
 238 b. Section 782.04, relating to murder.
 239 c. Section 782.07, relating to manslaughter, aggravated
 240 manslaughter of an elderly person or a disabled adult,
 241 aggravated manslaughter of a child, or aggravated manslaughter
 242 of an officer, a firefighter, an emergency medical technician,
 243 or a paramedic.
 244 d. Section 784.021, relating to aggravated assault.
 245 e. Section 784.045, relating to aggravated battery.
 246 f. Section 787.01, relating to kidnapping.
 247 g. Section 787.025, relating to luring or enticing a child.
 248 h. Section 787.04(2), relating to leading, taking,
 249 enticing, or removing a minor beyond the state limits, or
 250 concealing the location of a minor, with criminal intent,
 251 pending custody proceedings.
 252 i. Section 787.04(3), relating to leading, taking,
 253 enticing, or removing a minor beyond the state limits, or
 254 concealing the location of a minor, with criminal intent,
 255 pending dependency proceedings or proceedings concerning alleged
 256 abuse or neglect of a minor.
 257 j. Section 794.011, relating to sexual battery.
 258 k. Former s. 794.041, relating to sexual activity with or
 259 solicitation of a child by a person in familial or custodial
 260 authority.
 261 l. Section 794.05, relating to unlawful sexual activity
 262 with certain minors.
 263 m. Section 794.08, relating to female genital mutilation.
 264 n. Section 806.01, relating to arson.

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265 o. Section 826.04, relating to incest.
 266 p. Section 827.03, relating to child abuse, aggravated
 267 child abuse, or neglect of a child.
 268 q. Section 827.04, relating to contributing to the
 269 delinquency or dependency of a child.
 270 r. Section 827.071, relating to sexual performance by a
 271 child.
 272 s. Section 985.701, relating to sexual misconduct in
 273 juvenile justice programs.
 274 2. A misdemeanor offense prohibited under any of the
 275 following statutes:
 276 a. Section 784.03, relating to battery, if the victim of
 277 the offense was a minor.
 278 b. Section 787.025, relating to luring or enticing a child.
 279 3. A criminal act committed in another state or under
 280 federal law which, if committed in this state, would constitute
 281 an offense prohibited under any statute listed in subparagraph
 282 1. or subparagraph 2.
 283 Section 10. Paragraph (i) of subsection (2) of section
 284 1002.82, Florida Statutes, is amended, and paragraphs (s)
 285 through (x) are added to that subsection, to read:
 286 1002.82 Office of Early Learning; powers and duties.—
 287 (2) The office shall:
 288 (i) Enter into a memorandum of understanding with local
 289 licensing agencies and ~~Develop~~, in coordination with the Child
 290 Care Services Program Office of the Department of Children and
 291 Families for inspections of school readiness program providers
 292 to monitor and verify compliance with s. 1002.88 and the health
 293 and safety checklist adopted by the office. The provider

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294 contract of a school readiness program provider that refuses
 295 permission for entry or inspection shall be terminated. The, and
 296 ~~adopt a health and safety checklist may to be completed by~~
 297 ~~license-exempt providers that does not exceed the requirements~~
 298 of s. 402.305 and the Child Care and Development Fund pursuant
 299 to 45 C.F.R. part 98.

300 (s) Develop and implement strategies to increase the supply
 301 and improve the quality of child care services for infants and
 302 toddlers, children with disabilities, children who receive care
 303 during nontraditional hours, children in underserved areas, and
 304 children in areas that have significant concentrations of
 305 poverty and unemployment.

306 (t) Establish preservice and inservice training
 307 requirements that address, at a minimum, school readiness child
 308 development standards, health and safety requirements, and
 309 social-emotional behavior intervention models, which may include
 310 positive behavior intervention and support models.

311 (u) Establish standards for emergency preparedness plans
 312 for school readiness program providers.

313 (v) Establish group sizes.

314 (w) Establish staff-to-children ratios that do not exceed
 315 the requirements of s. 402.302(8) or (11) or s. 402.305(4), as
 316 applicable, for school readiness program providers.

317 (x) Establish eligibility criteria, including limitations
 318 based on income and family assets, in accordance with s. 1002.87
 319 and federal law.

320 Section 11. Subsections (7) and (8) of section 1002.84,
 321 Florida Statutes, are amended to read:
 322 1002.84 Early learning coalitions; school readiness powers

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323 and duties.—Each early learning coalition shall:

324 (7) Determine child eligibility pursuant to s. 1002.87 and
 325 provider eligibility pursuant to s. 1002.88. ~~At a minimum,~~ Child
 326 eligibility must be redetermined annually. ~~Redetermination must~~
 327 ~~also be conducted twice per year for an additional 50 percent of~~
 328 ~~a coalition's enrollment through a statistically valid random~~
 329 ~~sampling.~~ A coalition must document the reason ~~why~~ a child is no
 330 longer eligible for the school readiness program according to
 331 the standard codes prescribed by the office.

332 (8) Establish a parent sliding fee scale that provides for
 333 requires a parent copayment that is not a barrier to families
 334 receiving to participate in the school readiness program
 335 services. Providers are required to collect the parent's
 336 copayment. A coalition may, on a case-by-case basis, waive the
 337 copayment for an at-risk child or temporarily waive the
 338 copayment for a child whose family's income is at or below the
 339 federal poverty level and whose family experiences a natural
 340 disaster or an event that limits the parent's ability to pay,
 341 such as incarceration, placement in residential treatment, or
 342 becoming homeless, or an emergency situation such as a household
 343 fire or burglary, or while the parent is participating in
 344 parenting classes. A parent may not transfer school readiness
 345 program services to another school readiness program provider
 346 until the parent has submitted documentation from the current
 347 school readiness program provider to the early learning
 348 coalition stating that the parent has satisfactorily fulfilled
 349 the copayment obligation.

350 Section 12. Subsections (1), (4), (5), and (6) of section
 351 1002.87, Florida Statutes, are amended to read:

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352 1002.87 School readiness program; eligibility and
353 enrollment.—

354 ~~(1) Effective August 1, 2013, or upon reevaluation of~~
355 ~~eligibility for children currently served, whichever is later,~~

356 Each early learning coalition shall give priority for
357 participation in the school readiness program as follows:

358 (a) Priority shall be given first to a child younger than
359 13 years of age from a family that includes a parent who is
360 receiving temporary cash assistance under chapter 414 and
361 subject to the federal work requirements.

362 (b) Priority shall be given next to an at-risk child
363 younger than 9 years of age.

364 (c) Priority shall be given next to a child from birth to
365 the beginning of the school year for which the child is eligible
366 for admission to kindergarten in a public school under s.
367 1003.21(1)(a)2. who is from a working family that is
368 economically disadvantaged, and may include such child's
369 eligible siblings, beginning with the school year in which the
370 sibling is eligible for admission to kindergarten in a public
371 school under s. 1003.21(1)(a)2. until the beginning of the
372 school year in which the sibling is eligible to begin 6th grade,
373 provided that the first priority for funding an eligible sibling
374 is local revenues available to the coalition for funding direct
375 services. ~~However, a child eligible under this paragraph ceases~~
376 ~~to be eligible if his or her family income exceeds 200 percent~~
377 ~~of the federal poverty level.~~

378 (d) Priority shall be given next to a child of a parent who
379 transitions from the work program into employment as described
380 in s. 445.032 from birth to the beginning of the school year for

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381 which the child is eligible for admission to kindergarten in a
382 public school under s. 1003.21(1)(a)2.

383 (e) Priority shall be given next to an at-risk child who is
384 at least 9 years of age but younger than 13 years of age. An at-
385 risk child whose sibling is enrolled in the school readiness
386 program within an eligibility priority category listed in
387 paragraphs (a)-(c) shall be given priority over other children
388 who are eligible under this paragraph.

389 (f) Priority shall be given next to a child who is younger
390 than 13 years of age from a working family that is economically
391 disadvantaged. A child who is eligible under this paragraph
392 whose sibling is enrolled in the school readiness program under
393 paragraph (c) shall be given priority over other children who
394 are eligible under this paragraph. ~~However, a child eligible~~
395 ~~under this paragraph ceases to be eligible if his or her family~~
396 ~~income exceeds 200 percent of the federal poverty level.~~

397 (g) Priority shall be given next to a child of a parent who
398 transitions from the work program into employment as described
399 in s. 445.032 who is younger than 13 years of age.

400 (h) Priority shall be given next to a child who has special
401 needs, has been determined eligible as a student with a
402 disability, has a current individual education plan with a
403 Florida school district, and is not younger than 3 years of age.
404 A special needs child eligible under this paragraph remains
405 eligible until the child is eligible for admission to
406 kindergarten in a public school under s. 1003.21(1)(a)2.

407 (i) Notwithstanding paragraphs (a)-(d), priority shall be
408 given last to a child who otherwise meets one of the eligibility
409 criteria in paragraphs (a)-(d) but who is also enrolled

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410 concurrently in the federal Head Start Program and the Voluntary
411 Prekindergarten Education Program.

412 (4) The parent of a child enrolled in the school readiness
413 program must notify the coalition or its designee within 10 days
414 after any change in employment status, income, or family size or
415 failure to maintain attendance at a job training or educational
416 program in accordance with program requirements. ~~Upon~~
417 ~~notification by the parent, the child's eligibility must be~~
418 ~~reevaluated.~~

419 (5) A child whose eligibility priority category requires
420 the child to be from a working family ceases to be eligible for
421 the school readiness program if a parent with whom the child
422 resides does not reestablish employment or resume attendance at
423 a job training or educational program within 90 ~~60~~ days after
424 becoming unemployed or ceasing to attend a job training or
425 educational program.

426 (6) Eligibility for each child must be reevaluated
427 annually. Upon reevaluation, a child may not continue to receive
428 school readiness program services if he or she has ceased to be
429 eligible under this section. A child who is ineligible due to a
430 parent's job loss or cessation of job training or education
431 shall continue to receive school readiness program services for
432 at least 3 months to enable the parent to obtain employment.

433 Section 13. Paragraphs (c), (d), and (e) of subsection (1)
434 of section 1002.88, Florida Statutes, are amended to read:

435 1002.88 School readiness program provider standards;
436 eligibility to deliver the school readiness program.-

437 (1) To be eligible to deliver the school readiness program,
438 a school readiness program provider must:

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439 (c) Provide basic health and safety of its premises and
440 facilities and compliance with requirements for age-appropriate
441 immunizations of children enrolled in the school readiness
442 program.

443 1. For a provider that is licensed ~~child care facility, a~~
444 large family child care home, or a licensed family day care
445 home, compliance with s. 402.305, s. 402.3131, or s. 402.313 and
446 this subsection, as verified pursuant to s. 402.311, satisfies
447 this requirement.

448 2. For a provider that is a registered family day care home
449 or is not subject to licensure or registration by the Department
450 of Children and Families, compliance with this subsection, as
451 verified pursuant to s. 402.311, satisfies this requirement.
452 Upon such verification, the provider ~~For a public or nonpublic~~
453 school, compliance with s. 402.3025 or s. 1003.22 satisfies this
454 requirement. A faith-based child care provider, an informal
455 child care provider, or a nonpublic school, exempt from
456 licensure under s. 402.316 or s. 402.3025, shall annually post
457 complete the health and safety checklist adopted by the officer,
458 post the checklist prominently on its premises in plain sight
459 for visitors and parents, and shall annually submit the
460 checklist ~~it annually~~ to its local early learning coalition.

461 (d) Provide an appropriate group size and staff-to-children
462 ratio, pursuant to s. 402.305(4) or s. 402.302(8) or (11), as
463 applicable, and as verified pursuant to s. 402.311.

464 (e) Employ child care personnel, as defined in s.
465 402.302(3), who have satisfied the screening requirements of
466 chapter 402 and fulfilled the training requirements of the
467 office ~~Provide a healthy and safe environment pursuant to s.~~

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468 ~~402.305(5), (6), and (7), as applicable, and as verified~~
 469 ~~pursuant to s. 402.311.~~

470 Section 14. Paragraph (b) of subsection (6) and subsection
 471 (7) of section 1002.89, Florida Statutes, are amended to read:

472 1002.89 School readiness program; funding.—

473 (6) Costs shall be kept to the minimum necessary for the
 474 efficient and effective administration of the school readiness
 475 program with the highest priority of expenditure being direct
 476 services for eligible children. However, no more than 5 percent
 477 of the funds described in subsection (5) may be used for
 478 administrative costs and no more than 22 percent of the funds
 479 described in subsection (5) may be used in any fiscal year for
 480 any combination of administrative costs, quality activities, and
 481 nondirect services as follows:

482 (b) Activities to improve the quality of child care as
 483 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to
 484 the following:

485 1. Developing, establishing, expanding, operating, and
 486 coordinating resource and referral programs specifically related
 487 to the provision of comprehensive consumer education to parents
 488 and the public to promote informed child care choices specified
 489 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
 490 ~~readiness program and parental choice.~~

491 2. Awarding grants and providing financial support to
 492 school readiness program providers and their staff to assist
 493 them in meeting applicable state requirements for child care
 494 performance standards, implementing developmentally appropriate
 495 curricula and related classroom resources that support
 496 curricula, providing literacy supports, and providing continued

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497 professional development and training. Any grants awarded
 498 pursuant to this subparagraph shall comply with ~~the requirements~~
 499 ~~of~~ ss. 215.971 and 287.058.

500 3. Providing training, and technical assistance, and
 501 financial support to ~~for~~ school readiness program providers and
 502 their ~~staff~~, and parents on standards, child screenings, child
 503 assessments, child development research and best practices,
 504 developmentally appropriate curricula, character development,
 505 teacher-child interactions, age-appropriate discipline
 506 practices, health and safety, nutrition, first aid,
 507 cardiopulmonary resuscitation, the recognition of communicable
 508 diseases, and child abuse detection, and prevention, and
 509 reporting.

510 4. Providing, from among the funds provided for the
 511 activities described in subparagraphs 1.-3., adequate funding
 512 for infants and toddlers as necessary to meet federal
 513 requirements related to expenditures for quality activities for
 514 infant and toddler care.

515 5. Improving the monitoring of compliance with, and
 516 enforcement of, applicable state and local requirements as
 517 described in and limited by 45 C.F.R. s. 98.40.

518 6. Responding to Warm-Line requests by providers and
 519 parents ~~related to school readiness program children~~, including
 520 providing developmental and health screenings to school
 521 readiness program children.

522 (7) Funds appropriated for the school readiness program may
 523 not be expended for the purchase or improvement of land; for the
 524 purchase, construction, or permanent improvement of any building
 525 or facility; or for the purchase of buses. However, funds may be

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526 expended for minor remodeling and upgrading of child care
527 facilities which is necessary for the administration of the
528 program and to ensure that providers meet state and local child
529 care standards, including applicable health and safety
530 requirements.

531 Section 15. 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 7058

INTRODUCER: Education Pre-K – 12 Committee

SUBJECT: Child Care and Development Block Grant Program

DATE: February 3, 2016

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Scott</u>	<u>Klebacha</u>	_____	ED Submitted as Committee Bill

I. Summary:

SB 7058 revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant.

Specifically, the bill:

- Increases health and safety standards.
- Expands requirements for employment history checks and child care personnel background screenings.
- Expands availability of child care information, including inspection and monitoring reports.
- Expands School Readiness provider standards to include preservice and inservice training requirements and appropriate group size and staff-to-child ratios.
- Aligns child eligibility criteria to the federal requirements.

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

II. Present Situation:

Child Care and Development Block Grant (CCDBG)

The Office of Child Care (OCC) of the United States Department of Health and Human Services supports low-income working families by providing access to affordable, high-quality early care and afterschool programs.¹ The OCC administers the Child Care and Development Fund (CCDF) and works with state, territory and tribal governments to provide support for children and their families to promote family economic self-sufficiency and to help children succeed in school and life through affordable, high-quality early care and afterschool programs.² The CCDF provides funding for state efforts to provide child care services for low-income family members who

¹ Office of Child Care, *What We Do*, <http://www.acf.hhs.gov/programs/occ/about/what-we-do> (last visited January 27, 2016).

² *Id.*

work, train for work, attend school, or whose children receive or need to receive protective services.³ Block grant funding can be used for public or private, religious or non-religious, and center or home-based care.⁴ Child care programs that accept funding must comply with state health and safety requirements.⁵

School Readiness Program

Florida's Office of Early Learning (OEL)⁶ is the designated lead agency for purposes of administering the CCDF Block Grant Trust Fund and provides state-level administration for the School Readiness program.⁷ The School Readiness program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.⁸ The School Readiness program receives funding from a mixture of state and federal sources, including the federal CCDF, the federal Temporary Assistance for Needy Families (TANF) block grant, general revenue and other state funds.⁹ The School Readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.

The program utilizes a variety of providers to deliver program services, such as licensed and unlicensed child care providers and public and nonpublic schools.¹⁰ The Florida Department of Children and Families' (DCF) Office of Child Care Regulation, as the agency responsible for the state's child care provider licensing program, regulates some, but not all, of the child care providers that provide early learning programs.¹¹ The program is administered at the county or regional level by early learning coalitions (ELC).¹²

In order to be eligible to deliver the School Readiness program, a provider must be:¹³

- A licensed child care facility;
- A licensed or registered family day care home (FDCH);
- A licensed large family child care home (LFCCH);
- A public school or non-public school;

³ U.S. Department of Education, Office of Non-Public Education, <http://www2.ed.gov/about/offices/list/oii/nonpublic/childcare.html> (last visited January 27, 2016).

⁴ *Id.*

⁵ *Id.*

⁶ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness program and the Voluntary Prekindergarten Education Program. Section 1, 2013-252, L.O.F., *codified as* s. 1001.213, F.S.

⁷ Section 1002.82(1), F.S.

⁸ Part VI, ch. 1002, F.S.; 42 U.S.C. ss. 618 & 9858-9858q.

⁹ Specific Appropriation 82, s. 2, ch. 2015-232, L.O.F.

¹⁰ Section 1002.88(1)(a), F.S.

¹¹ *See* ss. 402.301-319, F.S., and part VI, ch. 1002, F.S.

¹² Sections 1002.83-1002.85, F.S. There are currently 30 ELCs, but 31 is the maximum permitted by law. Section 1002.83(1), F.S. *See* Florida's Office of Early Learning, *Early Learning Coalition Directory* (Jan. 11, 2016), available at <http://www.floridaearlylearning.com/sites/www/Uploads/files/Coalition/Coalition%20Directory/CoalitionDirectory%201.11.16.pdf>.

¹³ Section 1002.88(1)(a), F.S.

- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An informal child care provider authorized in the state's CCDF plan.¹⁴

Reauthorization of the CCDBG Act

On November 19, 2014, the CCDBG Act of 2014 was signed into law reauthorizing the CCDF for the first time since 1996.¹⁵ The new law prescribes health and safety requirements for School Readiness program providers and requires transparent information to parents and the general public about available child care choices.¹⁶

While Florida's School Readiness program currently meets many of the new federal requirements, there are specific federal requirements that necessitate changes to Florida law including:¹⁷

- Screening for child care staff to include searches of the National Sex Offender Registry, as well as searches of state criminal records, the sex offender registry and child abuse and neglect registry of any state in which the child care personnel resided during the preceding 5 years.¹⁸
- Posting of monitoring and inspection reports through electronic means.¹⁹
- Providing parents and the general public, information, via a website, regarding:
 - The availability of child care services to promote informed child care choices;
 - The process for licensing child care providers;
 - The conducting of background screening;
 - The monitoring and inspection of child care providers; and
 - The offenses that would prevent individuals and entities from serving as child care providers in the state.²⁰
- Inspecting license-exempt providers receiving CCDBG funds for compliance with health, safety, and fire standards.²¹
- Requiring disaster preparedness plan to include procedures for staff and volunteer emergency preparedness training and practice drills.²²
- Certifying in the state plan, compliance with the child abuse reporting requirements of the Child Abuse Prevention and Treatment Act.²³

¹⁴ See Florida Office of Early Learning, *Florida's Child Care and Development Fund State Plan FFY 2014-15*, available at http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015_CCDF_Plan_%20Optimized.pdf. The CCDF State Plan for 2016-2018 is due March 1, 2016 to the Administration for Children and Families and will become effective, once approved, on June 1, 2016. Florida Office of Early Learning, CCDF Plan, http://www.floridaearlylearning.com/oel_resources/ccdf_plan.aspx (last visited January 27, 2016).

¹⁵ Office of Child Care, *CCDF Reauthorization*, <http://www.acf.hhs.gov/programs/occ/ccdf-reauthorization> (last visited January 27, 2016).

¹⁶ *Id.*

¹⁷ Pub. L. No. 113-186, 128 Stat. 1971, Child Care and Development Block Grant Act Reauthorization (2014), available at <https://www.gpo.gov/fdsys/pkg/PLAW-113publ186/pdf/PLAW-113publ186.pdf>.

¹⁸ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658H(b)

¹⁹ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(C)

²⁰ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(C)

²¹ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(K).

²² Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(U).

²³ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(L).

Furthermore, pursuant to the CCDBG Act of 2014, child care personnel are ineligible for employment by a School Readiness provider if an individual:²⁴

- Refuses to consent to a criminal background check;
- Knowingly makes a materially false statement in connection with such criminal background check;
- Is registered, or is required to be registered, on a state sex offender registry or the National Sex Offender Registry;
- Has been convicted of a felony consisting of:
 - Murder;
 - Child abuse or neglect;
 - A crime against children, including child pornography;
 - Spousal abuse;
 - A crime involving rape or sexual assault;
 - Kidnapping;
 - Arson;
 - Physical assault or battery; or
 - A drug-related offense committed during the preceding 5 years; or
- Has been convicted of a violent misdemeanor committed as an adult against a child, including:
 - Child abuse;
 - Child endangerment;
 - Sexual assault; or
 - A misdemeanor involving child pornography.

Child Care Personnel

The Department of Children and Families (DCF) is responsible for the licensure and regulation of child care facilities, family day care homes, and large family child care homes.²⁵ However, there are child care providers that are not licensed by the DCF, including those that are required only to register with the DCF and those that are exempt from licensure by virtue of being an integral part of a church or parochial school.²⁶

All child care personnel employed in a setting regulated by the DCF, whether licensed, registered, or religious-exempt, are required to undergo background screening using the level 2 standards set forth in chapter 435, F.S.²⁷ If an applicant for employment is disqualified from working with children due to the results of the level 2 background screening, the Secretary of the DCF may grant an exemption from that disqualification.²⁸

Level 2 Background Screening

A level 2 background screening includes, but is not limited to, fingerprinting for statewide criminal history records checks through the Florida Department of Law Enforcement (FDLE)

²⁴ 42 U.S.C. 9858f(c)(1).

²⁵ Sections 402.301-402.319, F.S.

²⁶ Section 402.316, F.S.

²⁷ Section 402.305 (2)(a), F.S. The level 2 background screening standards are set forth in s. 435.04, F.S.

²⁸ Section 435.07, F.S.

and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.²⁹ A vendor may perform all or part of the electronic fingerprinting of an applicant and submit those fingerprints to the FDLE, which in turn runs statewide records checks and submits the electronic file to the FBI for national records checks.³⁰

Once the background screening is completed, and FDLE has received the information from the FBI, the criminal history information is transmitted to the DCF. The DCF then determines if the screening contains any disqualifying information for employment. The DCF must ensure that no applicant has been arrested for, is awaiting final disposition of, has been found guilty of, or entered a plea of *nolo contendere* or guilty to any prohibited offense including, but not limited to, such crimes as sexual misconduct, murder, assault, kidnapping, arson, exploitation, lewd and lascivious behavior, drugs, and domestic violence.³¹ If the DCF finds that an individual has a history containing any of these offenses, they must disqualify that individual from employment in child care settings regulated by the DCF.³²

Exemptions from Disqualification

The Secretary of the DCF is authorized to grant an exemption from disqualification to applicants for employment, including child care applicants, based on the following:³³

- Felonies for which at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;
- Misdemeanors prohibited under chapter 425, F.S., or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;
- Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or
- Findings of delinquency.³⁴

The Secretary of the DCF may not grant an exemption to an individual who is found guilty of, regardless of adjudication, or who has entered a plea of *nolo contendere* or guilty to, specified felony or misdemeanor offenses solely by reason of any pardon, executive clemency, or

²⁹ Section 435.04(1)(a), F.S.

³⁰ *Id.* at (1).

³¹ *Id.* at (2).

³² Section 435.07, F.S.

³³ *Id.* at (1).

³⁴ *Id.* at (1)(a)4. For offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, the exemption may not be granted until at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying offense. *Id.*

restoration of civil rights.³⁵ Also, an exemption may not be granted to anyone who is considered a sexual predator,³⁶ career offender,³⁷ or sexual offender (unless not required to register).³⁸

III. Effect of Proposed Changes:

SB 7058 revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant (CCDBG).

Specifically, the bill:

- Increases health and safety standards.
- Expands requirements for employment history checks and child care personnel background screenings.
- Expands availability of child care information, including inspection and monitoring reports.
- Expands School Readiness provider standards to include preservice and inservice training requirements and appropriate group size and staff-to-child ratios.
- Aligns child eligibility criteria to the federal requirements.

Health & Safety Standards

Current law requires a child care provider to provide basic health and safety of its premises and facilities and compliance with requirements for age-appropriate immunizations of children. A licensed provider may satisfy this requirement through compliance with current licensing standards for child care facilities, large family child care homes, or family day care homes. Faith-based child care providers, informal child care providers, and nonpublic schools exempt from licensure satisfy this requirement by posting a health and safety checklist adopted by the Office of Early Learning (OEL).

Pursuant to the CCDBG Reauthorization, all School Readiness program providers must meet a minimum level of health and safety requirements and receive at least one annual inspection. The bill requires registered or license-exempt School Readiness providers to comply with the health and safety checklist and training requirements adopted by OEL, as well as the child care personnel background screening requirements.

Screening of Child Care Personnel

The bill redefines the definition of “screening” to include employment history checks consisting of documented attempts to contact each employer that employed the child care applicant within the preceding 5 years and documented findings from such contact. The bill requires that a screening include a search of the criminal history records, sexual predator and sexual offender registry, and child abuse and neglect registry of any state in which the applicant resided during the preceding 5 years. In effect, the bill revises the definition of screening to align to the new

³⁵ Sections 435.03 and 435.04(2), F.S.

³⁶ Section 775.21, F.S.

³⁷ Section 775.261, F.S.

³⁸ Sections 943.0435 and 943.04354, F.S.

federal requirements, and requires that any School Readiness provider screen individuals seeking employment in a manner consistent with the requirements.

The bill authorizes the use of information in the Department of Children and Families' (DCF) Central Abuse Hotline for purposes of conducting background screenings of child care personnel. Generally, the use of information in the Central Abuse Hotline is prohibited from being used for employment screenings, except in specified instances (*e.g.*, child or adult protective investigations or licensure or approval of child care facilities). Furthermore, the bill authorizes employees, authorized agents, and contract providers of the OEL to have access to DCF child abuse and neglect reports and records to ensure compliance with the federal requirements.

Disqualification from Employment

The bill prohibits the removal of or exemption from disqualification from employment for any current or prospective School Readiness provider personnel if an individual is registered, or is required to be registered, as a sex offender³⁹ or has been convicted of felony or misdemeanor offenses as specified in federal law.⁴⁰ The bill also disqualifies a person from employment with a School Readiness provider regardless of any prior exemption from disqualification. The change in law is consistent with the federal prohibitions relating to child care personnel of School Readiness providers pursuant to the CCDBG Act of 2014.⁴¹

Additionally, the bill requires persons who are employed by a School Readiness provider on July 1, 2016, and who have been granted an exemption from disqualification to be rescreened no later than August 1, 2016. The bill ensures that current School Readiness provider personnel are rescreened, regardless of a previous exemption from disqualification, in compliance with the federal prohibitions.

Affidavit of Compliance with Mandatory Child Abuse Reporting

The bill requires each child care facility, family day care home, and large family day care home to annually submit an affidavit of compliance with the mandatory reporting requirements in Florida law.⁴² The change in law is consistent with the new federal requirement that child care personnel of School Readiness providers be familiar and comply with the mandatory child abuse, abandonment, or neglect reporting requirements.

DCF Inspection & Monitoring of School Readiness Providers

The bill requires School Readiness providers to permit access to the DCF to inspect facilities, personnel, and records for the purpose of verifying compliance with the standards established and adopted by OEL. Under the bill, inspection and monitoring of School Readiness providers by the DCF or local licensing agencies must be governed by a memorandum of understanding between OEL and the DCF or local licensing agencies for verifying compliance solely with the standards contained in the statewide provider contract and the health and safety checklist.

³⁹ 42 U.S.C. 9858f(c)(1)(C).

⁴⁰ *Supra* note 24, at 4.

⁴¹ 42 U.S.C. 9858f(c)(1).

⁴² *See* s. 39.201, F.S.

Furthermore, the bill requires that a School Readiness provider's contract be terminated if the provider refuses permission for entry or inspection.

Child Care Information

The bill requires the DCF and local licensing agencies to make electronically available to the public all licensing standards and procedures, health and safety standards for School Readiness providers, monitoring and inspection reports, and the names and addresses of licensed child care facilities, School Readiness providers, and licensed or registered family day care homes.

Additionally, the bill requires the DCF to make publicly available the following information:

- Number of deaths, serious injuries, and instances of substantiated child abuse which have occurred in child care settings each year;
- Research and best practices in child development; and
- Resources regarding social-emotional development, parent and family engagement, healthy eating, and physical activity.

Requiring that such information be made publicly available is consistent with the federal requirements in the CCDBG Reauthorization.

OEL's Duty to Align Standards to the Federal Requirements

Consistent with federal law, the bill requires OEL to:

- Develop and implement strategies to increase the supply and improve the quality of child care services for infants and toddlers, children with disabilities, children who receive care during nontraditional hours, children in underserved areas, and children in areas that have significant concentrations of poverty and unemployment.
- Establish preservice and inservice training requirements addressing, at a minimum:
 - School Readiness child development standards.
 - Health and safety requirements.
 - Social-emotional behavior intervention models.
- Establish standards for emergency preparedness plans.
- Establish group size and staff-to-child ratios.
- Establish eligibility criteria, including income-based limitations and family assets.

Child Eligibility

The bill revises provisions relating to child eligibility to align to the federal requirement that once a child is deemed eligible for School Readiness program services, he or she remains eligible for a minimum of 12 months. Under current law, a child's eligibility may be redetermined at any time based on a change in family income or upon notification of a parent's change in employment status. Consequently, the bill repeals a requirement that each early learning coalition (ELC) redetermine eligibility twice per year for an additional 50 percent of the ELC's enrollment through a statistically valid random sampling.

Pursuant to the CCDBG Reauthorization, the bill provides that if a child's eligibility priority category requires the child to be from a working family, he or she will become ineligible to receive School Readiness program services if the parent does not reestablish employment or

resume attendance at a job training or educational program within 90 days after becoming unemployed or ceasing to attend the job training or educational program. Current law affords a parent 60 days to reestablish employment or resume attendance at a job training or educational program. The change will provide additional time for parents to reestablish employment or resume attendance at a job training or educational program, so that their children may continue to receive School Readiness program services.

Also, the bill authorizes an ELC to temporarily waive the parent's copayment for a child whose family's income is at or below the federal poverty level and whose family experiences a natural disaster or an event that limits the parent's ability to pay. Authorizing waiver of the copayment is consistent with federal law, which contemplates that a copayment not be a barrier to families receiving School Readiness program services.

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:

None.

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, 402.302, 402.3057, 402.306, 402.311, 402.319, 409.1757, 435.07, 1002.82, 1002.84, 1002.87, 1002.88, and 1002.89.

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.



444114

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/02/2016	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 231 - 282

and insert:

(c) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any current or prospective personnel of a provider receiving school readiness funding under part VI of chapter 1002, if such person is registered as a sex offender as described in 42 U.S.C. s. 9858f(c) (1) (C) or has been convicted of crimes referenced in 42



444114

11 U.S.C. s. 9858f. Such persons are disqualified from employment
12 with a school readiness provider regardless of any prior
13 exemptions from disqualification. Any person employed by a
14 school readiness provider on July 1, 2016, who has been granted
15 an exemption from disqualification must be rescreened no later
16 than August 1, 2016.

17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete lines 30 - 32

21 and insert:

22 s. 435.07, F.S.; prohibiting removal or exemption from
23 disqualification from employment for any school
24 readiness provider personnel if registered as a sex
25 offender or convicted of specified crimes; amending s.
26 1002.82, F.S.;

By Senator Ring

29-00417-16

2016268__

A bill to be entitled

An act relating to bullying and harassment policies in schools; amending s. 1006.147, F.S.; requiring school districts to revise their bullying and harassment policy at specified intervals; requiring schools to implement the bullying and harassment policy in a certain manner and integrate it with the school's bullying prevention and intervention program; requiring the policy to include mandatory reporting procedures and a list of authorized programs that provide bullying and harassment identification, prevention, and response instruction; providing an effective date.

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

Section 1. Subsection (4) of section 1006.147, Florida Statutes, is amended to read:

1006.147 Bullying and harassment prohibited.—

(4) Each school district shall adopt and revise at least every 3 years a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution. Each school district's policy shall be in substantial conformity with the Department of Education's model policy. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers,

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administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and revising the policy. The school district policy must require a school to implement the policy ~~be implemented~~ in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's bullying prevention and intervention program, a school's discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.

(b) A definition of bullying and a definition of harassment that include the definitions listed in this section.

(c) A description of the type of behavior expected from each student and employee of a public K-12 educational institution.

(d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.

(e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.

(f) A procedure for the mandatory reporting of an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.

(g) A procedure for the prompt investigation of a report of

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59 bullying or harassment and the persons responsible for the
60 investigation. The investigation of a reported act of bullying
61 or harassment is deemed to be a school-related activity and
62 begins with a report of such an act. Incidents that require a
63 reasonable investigation when reported to appropriate school
64 authorities shall include alleged incidents of bullying or
65 harassment allegedly committed against a child while the child
66 is en route to school aboard a school bus or at a school bus
67 stop.

68 (h) A process to investigate whether a reported act of
69 bullying or harassment is within the scope of the district
70 school system and, if not, a process for referral of such an act
71 to the appropriate jurisdiction. Computers without web-filtering
72 software or computers with web-filtering software that is
73 disabled shall be used when complaints of cyberbullying are
74 investigated.

75 (i) A procedure for providing immediate notification to the
76 parents of a victim of bullying or harassment and the parents of
77 the perpetrator of an act of bullying or harassment, as well as
78 notification to all local agencies where criminal charges may be
79 pursued against the perpetrator.

80 (j) A procedure to refer victims and perpetrators of
81 bullying or harassment for counseling.

82 (k) A procedure for including incidents of bullying or
83 harassment in the school's report of data concerning school
84 safety and discipline required under s. 1006.09(6). The report
85 must include each incident of bullying or harassment and the
86 resulting consequences, including discipline and referrals. The
87 report must include in a separate section each reported incident

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88 of bullying or harassment that does not meet the criteria of a
89 prohibited act under this section with recommendations regarding
90 such incidents. The Department of Education shall aggregate
91 information contained in the reports.

92 (l) A list of programs authorized by the school district
93 ~~which provide procedure for providing~~ instruction to students,
94 parents, teachers, school administrators, counseling staff, and
95 school volunteers on identifying, preventing, and responding to
96 bullying or harassment, including instruction on recognizing
97 behaviors that lead to bullying and harassment and taking
98 appropriate preventive action based on those observations.

99 (m) A procedure for regularly reporting to a victim's
100 parents the actions taken to protect the victim.

101 (n) A procedure for publicizing the policy, which must
102 include its publication in the code of student conduct required
103 under s. 1006.07(2) and in all employee handbooks.

104 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 268

INTRODUCER: Senator Ring

SUBJECT: Bullying and Harassment Policies in Schools

DATE: February 1, 2016

REVISED: _____

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

I. Summary:

SB 268 requires periodic revision of a school district's anti-bullying and harassment policy, modifies the information that must be contained in the policy, and requires schools to implement the policy.

Specifically, the bill adds the requirements that each:

- School district revise its anti-bullying and harassment policy at least every 3 years.
- School implement the school district's anti-bullying and harassment policy.
- School district's anti-bullying and harassment policy:
 - Make the reporting of bullying or harassment mandatory; and
 - Include a list of bullying prevention and intervention programs authorized by the school district to provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

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

II. Present Situation:

Bullying and Harassment

In 2008,¹ the Florida Legislature enacted s. 1006.147, F.S., which prohibits the bullying and harassment of any student or employee of a public K-12 educational institution:²

- During a public K-12 education program or activity.
- During a school-related or school-sponsored program or activity.

¹ Chapter 2008-123, L.O.F., also known as the "Jeffrey Johnston Stand Up for All Students" Act.

² Section 1006.147(2), F.S.

- On a public K-12 school bus.
- Through the use of:
 - Data or computer software accessed through a computer, computer system, or computer network within the scope of a public K-12 educational institution;³ or
 - Data or computer software accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim’s ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school.⁴

The terms “bullying” and “harassment” include the following behaviors or conditions:

- **Bullying** means systemically and chronically inflicting physical hurt or psychological distress on one or more students, including cyberbullying,⁵ and may involve:⁶
 - Teasing;
 - Social exclusion;
 - Threat;
 - Intimidation;
 - Stalking;
 - Physical violence;
 - Theft;
 - Sexual, religious, or racial harassment;
 - Public humiliation; or
 - Destruction of property.
- **Harassment** means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:⁷
 - Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
 - Has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
 - Has the effect of substantially disrupting the orderly operation of a school.

The law further specifies that bullying and harassment include:⁸

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment in bad faith;

³ “Within the scope of a public K-12 educational institution” means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. Section 1006.147(3)(d), F.S.

⁴ The law does not require a school to staff or monitor any non-school related activity, function, or program in its efforts to prevent bullying and harassment. Section 1006.147(2)(d), F.S.

⁵ “Cyberbullying” is a form of bullying through the use of technology or other means of electronic communication, including, but not limited to, creating webpages or blogs and distributing or posting materials that perpetuate the conduct. Section 1006.147(3)(b), F.S.

⁶ Section 1006.147(3)(a), F.S.

⁷ *Id.* at (3)(b).

⁸ *Id.* at (3)(f).

- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by:
 - Incitement or coercion;
 - Accessing or providing access to a school district's computer, computer system, or computer network; or
 - Engaging in conduct substantially similar in effect to bullying or harassment.

Policy and Reporting Requirements

Each school district is required to adopt a policy prohibiting the bullying and harassment of a student or employee of a public K-12 educational institution.⁹ The school district must involve students, parents, teachers, administrators, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy.¹⁰ The policy must, at a minimum:¹¹

- Prohibit and define bullying and harassment.
- Describe the type of behavior expected from each student and employee of a public K-12 educational institution.
- Identify the consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.
- Establish procedures for:
 - Reporting and investigating acts of bullying and harassment;
 - Immediately notifying a victim's parents, the parents of the perpetrator, and all local agencies where criminal charges may be pursued;
 - Referring victims and perpetrators to counseling;
 - Including incidents of bullying or harassment in each school's safety and discipline report submitted to the Department of Education;¹² and
 - Providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that leads to bullying and harassment and taking appropriate preventative action based on those observations;
 - Regularly reporting to a victim's parents the actions taken to protect the victim; and
 - Publicizing the policy, including publication in the code of student conduct and all employee handbooks.

The policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.¹³

⁹ *Id.* at (4). The policy must be in substantial compliance with the Department of Education's model policy. *Id.* See Florida Department of Education, Bullying Prevention, *Model Policy Against Bullying and Harassment* (Revised July 2013), <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/bullying-prevention.stml> (last visited January 29, 2016).

¹⁰ Section 1006.147(4), F.S.

¹¹ *Id.*

¹² Section 1006.09(6), F.S. The School Environmental Safety Incident Reporting (SESIR) System is used by the Office for Safe Schools within the Florida Department of Education to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. Such data is contained in the *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited January 29, 2016).

¹³ Section 1006.147(4), F.S.

Distribution of safe schools funds to a school district is contingent upon the school district's compliance with implementing the reporting procedures required as part of its bullying and harassment policy.¹⁴

By January 1 of each year, the Commissioner of Education must submit a report on the statewide implementation of bullying and harassment policies, including data regarding incidents of bullying and harassment and resulting consequences, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹⁵

III. Effect of Proposed Changes:

SB 268 requires periodic revision of a school district's anti-bullying and harassment policy, modifies the information that must be contained in the policy, and requires schools to implement the policy.

Specifically, the bill adds the requirements that each:

- School district revise its anti-bullying and harassment policy at least every 3 years.
- School implement the school district's anti-bullying and harassment policy.
- School district's anti-bullying and harassment policy:
 - Make the reporting of bullying or harassment mandatory; and
 - Include a list of bullying prevention and intervention programs authorized by the school district to provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

The bill may require a school to create a bullying prevention and intervention program by:

- Removing the requirement that a school district's anti-bullying and harassment policy contain a procedure for providing instruction on identifying, preventing, and adding a requirement that the school district's policy contain a list of programs authorized by the school district to provide such instruction.
- Adding a requirement that the school district's anti-bullying and harassment policy be implemented in a manner that is ongoing throughout the school year and integrated with the school's bullying prevention and intervention program.

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.

¹⁴ Section 1006.09(7), F.S.

¹⁵ *Id.* at (8).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to the Florida Department of Education, if school districts hire private providers to offer bullying and harassment instruction, rather than provide the instruction directly, those private providers may experience an increase in revenue.¹⁶

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1006.147 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.

¹⁶ Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 268), at 4 (on file with the staff of the Senate Committee on Education Pre-K – 12).

By Senator Brandes

22-00854B-16

2016808__

1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; authorizing a municipal governing
 4 authority to become a charter school sponsor in the
 5 municipality over which the municipal governing
 6 authority has jurisdiction; providing that certain
 7 long-term charters are subject to the approval of the
 8 municipal governing authority; requiring a municipal
 9 governing authority to make timely and efficient
 10 payment and reimbursement to charter schools;
 11 authorizing a municipal governing authority to
 12 distribute funds to a charter school for a specified
 13 period of time under certain circumstances; amending
 14 s. 1002.331, F.S.; deleting a provision that prohibits
 15 high-performing charter schools from establishing more
 16 than one charter school in any given year; providing
 17 an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Paragraph (a) of subsection (5), paragraph (a)
 22 of subsection (7), subsection (14), paragraph (c) of subsection
 23 (15), paragraph (e) of subsection (17), and subsection (25) of
 24 section 1002.33, Florida Statutes, are amended to read:

25 1002.33 Charter schools.—

26 (5) SPONSOR; DUTIES.—

27 (a) *Sponsoring entities.*—

28 1. A district school board or a municipal governing
 29 authority may sponsor a charter school in the county or the

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30 municipality over which the district school board or the
 31 municipal governing authority has jurisdiction.

32 2. A state university may grant a charter to a lab school
 33 created under s. 1002.32 and shall be considered to be the
 34 school's sponsor. Such school shall be considered a charter lab
 35 school.

36 (7) CHARTER.—The major issues involving the operation of a
 37 charter school shall be considered in advance and written into
 38 the charter. The charter shall be signed by the governing board
 39 of the charter school and the sponsor, following a public
 40 hearing to ensure community input.

41 (a) The charter shall address and criteria for approval of
 42 the charter shall be based on:

43 1. The school's mission, the students to be served, and the
 44 ages and grades to be included.

45 2. The focus of the curriculum, the instructional methods
 46 to be used, any distinctive instructional techniques to be
 47 employed, and identification and acquisition of appropriate
 48 technologies needed to improve educational and administrative
 49 performance which include a means for promoting safe, ethical,
 50 and appropriate uses of technology which comply with legal and
 51 professional standards.

52 a. The charter shall ensure that reading is a primary focus
 53 of the curriculum and that resources are provided to identify
 54 and provide specialized instruction for students who are reading
 55 below grade level. The curriculum and instructional strategies
 56 for reading must be consistent with the Next Generation Sunshine
 57 State Standards and grounded in scientifically based reading
 58 research.

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59 b. In order to provide students with access to diverse
60 instructional delivery models, to facilitate the integration of
61 technology within traditional classroom instruction, and to
62 provide students with the skills they need to compete in the
63 21st century economy, the Legislature encourages instructional
64 methods for blended learning courses consisting of both
65 traditional classroom and online instructional techniques.
66 Charter schools may implement blended learning courses which
67 combine traditional classroom instruction and virtual
68 instruction. Students in a blended learning course must be full-
69 time students of the charter school and receive the online
70 instruction in a classroom setting at the charter school.
71 Instructional personnel certified pursuant to s. 1012.55 who
72 provide virtual instruction for blended learning courses may be
73 employees of the charter school or may be under contract to
74 provide instructional services to charter school students. At a
75 minimum, such instructional personnel must hold an active state
76 or school district adjunct certification under s. 1012.57 for
77 the subject area of the blended learning course. The funding and
78 performance accountability requirements for blended learning
79 courses are the same as those for traditional courses.

80 3. The current incoming baseline standard of student
81 academic achievement, the outcomes to be achieved, and the
82 method of measurement that will be used. The criteria listed in
83 this subparagraph shall include a detailed description of:

84 a. How the baseline student academic achievement levels and
85 prior rates of academic progress will be established.

86 b. How these baseline rates will be compared to rates of
87 academic progress achieved by these same students while

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88 attending the charter school.

89 c. To the extent possible, how these rates of progress will
90 be evaluated and compared with rates of progress of other
91 closely comparable student populations.

92
93 The district school board is required to provide academic
94 student performance data to charter schools for each of their
95 students coming from the district school system, as well as
96 rates of academic progress of comparable student populations in
97 the district school system.

98 4. The methods used to identify the educational strengths
99 and needs of students and how well educational goals and
100 performance standards are met by students attending the charter
101 school. The methods shall provide a means for the charter school
102 to ensure accountability to its constituents by analyzing
103 student performance data and by evaluating the effectiveness and
104 efficiency of its major educational programs. Students in
105 charter schools shall, at a minimum, participate in the
106 statewide assessment program created under s. 1008.22.

107 5. In secondary charter schools, a method for determining
108 that a student has satisfied the requirements for graduation in
109 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

110 6. A method for resolving conflicts between the governing
111 board of the charter school and the sponsor.

112 7. The admissions procedures and dismissal procedures,
113 including the school's code of student conduct.

114 8. The ways by which the school will achieve a
115 racial/ethnic balance reflective of the community it serves or
116 within the racial/ethnic range of other public schools in the

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117 same school district.

118 9. The financial and administrative management of the
 119 school, including a reasonable demonstration of the professional
 120 experience or competence of those individuals or organizations
 121 applying to operate the charter school or those hired or
 122 retained to perform such professional services and the
 123 description of clearly delineated responsibilities and the
 124 policies and practices needed to effectively manage the charter
 125 school. A description of internal audit procedures and
 126 establishment of controls to ensure that financial resources are
 127 properly managed must be included. Both public sector and
 128 private sector professional experience shall be equally valid in
 129 such a consideration.

130 10. The asset and liability projections required in the
 131 application which are incorporated into the charter and shall be
 132 compared with information provided in the annual report of the
 133 charter school.

134 11. A description of procedures that identify various risks
 135 and provide for a comprehensive approach to reduce the impact of
 136 losses; plans to ensure the safety and security of students and
 137 staff; plans to identify, minimize, and protect others from
 138 violent or disruptive student behavior; and the manner in which
 139 the school will be insured, including whether or not the school
 140 will be required to have liability insurance, and, if so, the
 141 terms and conditions thereof and the amounts of coverage.

142 12. The term of the charter which shall provide for
 143 cancellation of the charter if insufficient progress has been
 144 made in attaining the student achievement objectives of the
 145 charter and if it is not likely that such objectives can be

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146 achieved before expiration of the charter. The initial term of a
 147 charter shall be for 4 or 5 years. In order to facilitate access
 148 to long-term financial resources for charter school
 149 construction, charter schools that are operated by a
 150 municipality or other public entity as provided by law are
 151 eligible for up to a 15-year charter, subject to approval by the
 152 district school board or the municipal governing authority. A
 153 charter lab school is eligible for a charter for a term of up to
 154 15 years. In addition, to facilitate access to long-term
 155 financial resources for charter school construction, charter
 156 schools that are operated by a private, not-for-profit, s.
 157 501(c)(3) status corporation are eligible for up to a 15-year
 158 charter, subject to approval by the district school board or the
 159 municipal governing authority. Such long-term charters remain
 160 subject to annual review and may be terminated during the term
 161 of the charter, but only according to the provisions set forth
 162 in subsection (8).

163 13. The facilities to be used and their location. The
 164 sponsor may not require a charter school to have a certificate
 165 of occupancy or a temporary certificate of occupancy for such a
 166 facility earlier than 15 calendar days before the first day of
 167 school.

168 14. The qualifications to be required of the teachers and
 169 the potential strategies used to recruit, hire, train, and
 170 retain qualified staff to achieve best value.

171 15. The governance structure of the school, including the
 172 status of the charter school as a public or private employer as
 173 required in paragraph (12)(i).

174 16. A timetable for implementing the charter which

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175 addresses the implementation of each element thereof and the
176 date by which the charter shall be awarded in order to meet this
177 timetable.

178 17. In the case of an existing public school that is being
179 converted to charter status, alternative arrangements for
180 current students who choose not to attend the charter school and
181 for current teachers who choose not to teach in the charter
182 school after conversion in accordance with the existing
183 collective bargaining agreement or district school board rule in
184 the absence of a collective bargaining agreement. However,
185 alternative arrangements shall not be required for current
186 teachers who choose not to teach in a charter lab school, except
187 as authorized by the employment policies of the state university
188 which grants the charter to the lab school.

189 18. Full disclosure of the identity of all relatives
190 employed by the charter school who are related to the charter
191 school owner, president, chairperson of the governing board of
192 directors, superintendent, governing board member, principal,
193 assistant principal, or any other person employed by the charter
194 school who has equivalent decisionmaking authority. For the
195 purpose of this subparagraph, the term "relative" means father,
196 mother, son, daughter, brother, sister, uncle, aunt, first
197 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
198 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
199 stepfather, stepmother, stepson, stepdaughter, stepbrother,
200 stepsister, half brother, or half sister.

201 19. Implementation of the activities authorized under s.
202 1002.331 by the charter school when it satisfies the eligibility
203 requirements for a high-performing charter school. A high-

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204 performing charter school shall notify its sponsor in writing by
205 March 1 if it intends to increase enrollment or expand grade
206 levels the following school year. The written notice shall
207 specify the amount of the enrollment increase and the grade
208 levels that will be added, as applicable.

209 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION
210 OF THE STATE AND SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO
211 BE PLEDGED.—Any arrangement entered into to borrow or otherwise
212 secure funds for a charter school authorized in this section
213 from a source other than the state or a school district shall
214 indemnify the state and the school district from any and all
215 liability, including, but not limited to, financial
216 responsibility for the payment of the principal or interest. Any
217 loans, bonds, or other financial agreements are not obligations
218 of the state or the school district but are obligations of the
219 charter school authority and are payable solely from the sources
220 of funds pledged by such agreement. The credit or taxing power
221 of the state or the school district shall not be pledged and no
222 debts shall be payable out of any moneys except those of the
223 legal entity in possession of a valid charter approved by a
224 district school board or a municipal governing authority
225 pursuant to this section.

226 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
227 A-MUNICIPALITY.—

228 (c) A charter school-in-a-municipality designation may be
229 granted to a municipality that possesses a charter; enrolls
230 students based upon a random lottery that involves all of the
231 children of the residents of that municipality who are seeking
232 enrollment, as provided for in subsection (10); and enrolls

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233 students according to the racial/ethnic balance provisions
 234 described in subparagraph (7) (a)8. When a municipality has
 235 submitted charter applications for the establishment of a
 236 charter school feeder pattern, consisting of elementary, middle,
 237 and senior high schools, and each individual charter application
 238 is approved by the district school board or the municipal
 239 governing authority, such schools shall then be designated as
 240 one charter school for all purposes listed pursuant to this
 241 section. Any portion of the land and facility used for a public
 242 charter school shall be exempt from ad valorem taxes, as
 243 provided for in s. 1013.54, for the duration of its use as a
 244 public school.

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

250 (e) District school boards and municipal governing
 251 authorities shall make timely and efficient payment and
 252 reimbursement to charter schools, including processing paperwork
 253 required to access special state and federal funding for which
 254 they may be eligible. The district school board or the municipal
 255 governing authority may distribute funds to a charter school for
 256 up to 3 months based on the projected full-time equivalent
 257 student membership of the charter school. Thereafter, the
 258 results of full-time equivalent student membership surveys shall
 259 be used in adjusting the amount of funds distributed monthly to
 260 the charter school for the remainder of the fiscal year. The
 261 payment shall be issued no later than 10 working days after the

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262 district school board or the municipal governing authority
 263 receives a distribution of state or federal funds. If a warrant
 264 for payment is not issued within 10 working days after receipt
 265 of funding by the district school board or the municipal
 266 governing authority, the school district or the municipality
 267 shall pay to the charter school, in addition to the amount of
 268 the scheduled disbursement, interest at a rate of 1 percent per
 269 month calculated on a daily basis on the unpaid balance from the
 270 expiration of the 10 working days until such time as the warrant
 271 is issued.

272 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 273 SCHOOL SYSTEMS.—A charter school system's governing board shall
 274 be designated a local educational agency for the purpose of
 275 receiving federal funds, the same as though the charter school
 276 system were a school district, if the governing board of the
 277 charter school system has adopted and filed a resolution with
 278 its sponsoring district school board or municipal governing
 279 authority and the Department of Education in which the governing
 280 board of the charter school system accepts the full
 281 responsibility for all local education agency requirements and
 282 the charter school system meets all of the following:

283 (a) Includes both conversion charter schools and
 284 nonconversion charter schools;

285 (b) Has all schools located in the same county;

286 (c) Has a total enrollment exceeding the total enrollment
 287 of at least one school district in the state;

288 (d) Has the same governing board; and

289 (e) Does not contract with a for-profit service provider
 290 for management of school operations.

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Such designation does not apply to other provisions unless specifically provided in law.

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

1002.331 High-performing charter schools.—

(3)~~(a)~~ A high-performing charter school may submit an application pursuant to s. 1002.33(6) in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program. An application submitted by a high-performing charter school must state that the application is being submitted pursuant to this subsection ~~paragraph~~ and must include the verification letter provided by the Commissioner of Education pursuant to subsection (5). If the sponsor fails to act on the application within 60 days after receipt, the application is deemed approved and the procedure in s. 1002.33(6)(h) applies. If the sponsor denies the application, the high-performing charter school may appeal pursuant to s. 1002.33(6).

~~(b) A high-performing charter school may not establish more than one charter school within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status.~~

Section 3. 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 808

INTRODUCER: Senator Brandes

SUBJECT: Charter Schools

DATE: February 1, 2016

REVISED: _____

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

I. Summary:

SB 808 authorizes municipal governing authorities to sponsor charter schools in the municipality over which the municipal governing authority has jurisdiction.

The bill also deletes the prohibitions on (consequently authorizes) a high performing charter school from:

- Establishing more than one charter school that will substantially replicate its educational program per year.
- Subsequently applying for additional charter schools that substantially replicate its education program unless each such charter school achieves high performing charter school status.

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

II. Present Situation:

Charter Schools

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.¹ Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.² One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational

¹ Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

² Section 1002.33(2)(b)3, and (16), F.S.

opportunities within the state’s public school system.”³ The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”⁴

Charter School Sponsors

Only district school boards or universities are authorized to sponsor charter schools.⁵ A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.⁶ A state university may grant a charter to a lab school, and shall be considered the school’s sponsor.⁷

Florida law tasks sponsors with authorizing new charter schools and providing continuing oversight of each charter school in the school district.⁸ The law establishes several processes designed to enable the sponsor to perform these roles, including:

- Authority to review and approve or deny charter school applications.⁹
- Authority to enforce the terms and conditions of the charter agreement.¹⁰
- Annual reporting of student achievement and financial information by each charter school to the sponsor.¹¹
- Sponsor monitoring of annual financial audits¹² and monthly financial statements submitted by charter schools in the school district.¹³
- Interventions for remedying unsatisfactory academic performance and financial instability.¹⁴
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.¹⁵

Application Process

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.¹⁶

The law establishes an application process for establishing a new charter school.¹⁷ An applicant must submit a charter school application to the sponsor.¹⁸ The sponsor must review and approve or deny the application.¹⁹ The law requires sponsors and applicants to use a standard charter

³ Section 1002.33(2)(a)1, F.S.

⁴ Section 1002.33(6)(h), F.S.

⁵ Section 1002.33(5)(a), F.S.

⁶ *Id.*

⁷ *Id.* Such school shall be considered a charter lab school. *Id.*

⁸ Section 1002.33(6), F.S.

⁹ Section 1002.33(6), F.S.

¹⁰ Section 1002.33(6)(h) and (7), F.S.

¹¹ Section 1002.33(9)(k), F.S.

¹² Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.

¹³ Section 1002.33(9)(g), F.S.

¹⁴ Section 1002.33(9)(n), F.S.

¹⁵ Section 1002.33(8), F.S.

¹⁶ Section 1002.33(3)(a), F.S.

¹⁷ Section 1002.33(6)(a), F.S.

¹⁸ *Id.*

¹⁹ *Id.*

school application and application evaluation instrument.²⁰ The standard application is designed to enable the sponsor to evaluate the applicant's educational plan, organizational plan, financial viability, and business plan.²¹

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school.²² The standard application requires the applicant to:²³

- List each proposed member of the charter school's governing board and his or her background and qualifications.
- Indicate whether the governing board will contract with a management company, summarize the company's history operating charter schools, and list other charter schools managed by the company along with student achievement and financial performance data of such schools.

Charter Agreement

Should the sponsor approve a charter school application, the sponsor and the governing board of the charter school will enter into a charter agreement.²⁴ The agreement must address major issues involving the operation of the charter school, including but not limited to the schools mission, the curriculum, instructional methods to be used, how educational goals and performance standards are met, requirements for graduation, the financial and administrative management of the school, asset and liability projections, the facilities to be used, teacher qualifications, and full disclosure of all relatives employed by the charter school.²⁵

The initial term of a charter is for 4 or 5 years.²⁶ However, in order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity are eligible for up to a 15-year charter, subject to approval by the sponsor.²⁷ These long-term charters remain subject to annual review, and may be terminated as specified in statute.²⁸

Charter School In A Municipality

A charter school in a municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery; and enrolls students according to racial/ethnic balances.²⁹

²⁰ *Id.*

²¹ *Id.*

²² Section 1002.33(6)(a), (7), (8), (9), F.S.

²³ *Id.*

²⁴ Section 1002.33(7), F.S.

²⁵ *Id.*

²⁶ Section 1002.33(7)(a)12., F.S.

²⁷ *Id.* Additional circumstances exist that may enable a 15 year term. *Id.*

²⁸ *Id.* Contract nonrenewal or termination provisions are in s. 1002.33(8), F.S.

²⁹ Section 1002.33(15), F.S.

When a municipality has submitted charter applications for the establishment of a charter school feeder pattern,³⁰ consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the sponsor, the schools are then designated as one school.³¹

There are 15 self-reported charter schools-in-a-municipality in Florida.³²

High-Performing Charter Schools

A charter school is a high-performing charter school if it:³³

- Received at least two school grades of “A” and no school grade below “B,” during each of the previous three school years.
- Received an unqualified opinion on each annual financial audit in the most recent three fiscal years for which such audits are available.
- Did not receive a financial audit that revealed one or more of the financial emergency conditions in the most recent three fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition.

A high-performing charter school is authorized to:³⁴

- Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established its contract.
- Submit a quarterly, rather than a monthly, financial statement to the sponsor.
- Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools’ governing board regardless of the renewal cycle.
- Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school.

A high performing charter school may not establish more than one charter school within the state in any year.³⁵ A subsequent application to establish a charter school may not be submitted unless each charter school established in this manner achieves high-performing charter school status.³⁶

³⁰ The term feeder pattern is not specifically defined in charter school statutes or rules. However, in the school grading purposes, a feeder pattern exists if at least 60 % of the students in school “A” are scheduled to be assigned to school “B.” See, s. 1008.34(3)(a)2., F.S.

³¹ Section 1002.33(15), F.S.

³² E-mail, Florida Department of Education, Office of K-12 School Choice (February 1, 2016).

³³ Section 1002.331(1), F.S.

³⁴ Section 1002.331(2), F.S.

³⁵ Section 1002.331(3), F.S.

³⁶ *Id.*

As of October 31, 2015, there are 167 high-performing charter schools in Florida.³⁷

III. Effect of Proposed Changes:

SB 808 authorizes municipal governing authorities to sponsor charter schools in the municipality over which the municipal governing authority has jurisdiction.

The bill also deletes the prohibitions on (consequently authorizes) a high performing charter school from:

- Establishing more than one charter school that will substantially replicate its educational program per year.
- Subsequently applying for additional charter schools that substantially replicate its education program unless each such charter school achieves high performing charter school status.

Municipal Governing Authority As A Charter School Sponsor

The bill authorizes municipal governing authorities to sponsor, without school board approval, charter schools in the municipality over which the municipal governing authority has jurisdiction.

In effect, the bill allows municipality to sponsor a charter school, in addition to current law, which allows municipalities to contract with a sponsor to operate charter schools (such as a charter school-in-the municipality).

High Performing Charter Schools

The bill removes prohibitions, thus authorizes a high performing charter school to:

- Establish more than one charter school that will substantially replicate its educational program per year.
- Subsequently apply for additional charter schools that substantially replicate its education program before each such charter school achieves high performing charter school status.

In effect, a high performing charter school will not be limited in the number of applications it may file to substantially replicate its education program.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁷ Florida Department of Education, *Florida's Charter Schools Fact Sheet*, available at http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter_Oct_2015_11-20-15.pdf.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

In 2006, the Legislature enacted s. 1002.335, F.S., which established the “Florida Schools of Excellence Commission” as an independent, state-level entity with the power to authorize charter schools throughout the State of Florida. Under the statute, district school boards could exercise exclusive authority to authorize charter schools only if the State Board of Education granted them such power within their district. The court found that the statute created a parallel system of free public education escaping the operation and control of local elected school boards. The statute was found facially unconstitutional on the grounds that it posed a total and fatal conflict with article IX, section 4 of the Florida Constitution. See, *Duval County School Board v. State Board of Education*, 998 So.2d 641 (Fla. 1st DCA, 2008).

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: 1002.33, 1002.331.

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 Stargel

15-00901A-16

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1 A bill to be entitled
 2 An act relating to the dual enrollment program;
 3 amending s. 1007.271, F.S.; exempting dual enrollment
 4 students from paying technology fees; requiring a home
 5 education secondary student to be responsible for his
 6 or her own instructional materials and transportation
 7 in order to participate in the dual enrollment program
 8 unless the articulation agreement provides otherwise;
 9 requiring a postsecondary institution eligible to
 10 participate in the dual enrollment program to enter
 11 into a home education articulation agreement;
 12 requiring the postsecondary institution to annually
 13 complete and submit the agreement to the Department of
 14 Education by a specified date; conforming provisions of
 15 instructional materials to be made available free of
 16 charge to dual enrollment students in home education
 17 programs and private schools if provided for in the
 18 articulation agreement; requiring the department to
 19 review dual enrollment articulation agreements
 20 submitted for certain students, including home
 21 education students and private school students, to
 22 participate in a dual enrollment program; requiring
 23 the Commissioner of Education to notify the district
 24 school board superintendent and the president of the
 25 postsecondary institution if the dual enrollment
 26 articulation agreement does not comply with statutory
 27 requirements; requiring a district school board and a
 28 Florida College System institution to annually
 29

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30 complete and submit to the department by a specified
 31 date a dual enrollment articulation agreement with a
 32 state university or an eligible independent college or
 33 university, as applicable; providing requirements for
 34 a private school student to participate in a dual
 35 enrollment program; requiring a postsecondary
 36 institution eligible to participate in the dual
 37 enrollment program to enter into an articulation
 38 agreement with certain eligible private schools;
 39 requiring the postsecondary institution to annually
 40 complete and submit the articulation agreement to the
 41 department by a specified date; providing requirements
 42 for the articulation agreement; providing for funding
 43 for each dual enrollment course taken by certain
 44 students; amending ss. 1002.20 and 1011.62, F.S.;
 45 conforming provisions to changes made by the act;
 46 providing an effective date.
 47

48 Be It Enacted by the Legislature of the State of Florida:
 49

50 Section 1. Subsections (2), (10), (11), (13), (16), (17),
 51 (22), (23), and (24) of section 1007.271, Florida Statutes, are
 52 amended, and subsection (25) is added to that section, to read:
 53 1007.271 Dual enrollment programs.—

54 (2) For the purpose of this section, an eligible secondary
 55 student is a student who is enrolled in any of grades 6 through
 56 12 in a Florida public school or in a Florida private school
 57 that is in compliance with s. 1002.42(2) and provides a
 58 secondary curriculum pursuant to s. 1003.4282. A student

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59 ~~Students~~ who is ~~are~~ eligible for dual enrollment pursuant to
 60 this section may enroll in dual enrollment courses conducted
 61 during school hours, after school hours, and during the summer
 62 term. However, if the student is projected to graduate from high
 63 school before the scheduled completion date of a postsecondary
 64 course, the student may not register for that course through
 65 dual enrollment. The student may apply to the postsecondary
 66 institution and pay the required registration, tuition, and fees
 67 if the student meets the postsecondary institution's admissions
 68 requirements under s. 1007.263. Instructional time for dual
 69 enrollment may vary from 900 hours; however, the full-time
 70 equivalent student membership value is ~~shall be~~ subject to ~~the~~
 71 ~~provisions in~~ s. 1011.61(4). A student enrolled as a dual
 72 enrollment student is exempt from the payment of registration,
 73 tuition, technology, and laboratory fees. Applied academics for
 74 adult education instruction, developmental education, and other
 75 forms of precollegiate instruction, as well as physical
 76 education courses that focus on the physical execution of a
 77 skill, rather than the intellectual attributes of the activity,
 78 are ineligible for inclusion in the dual enrollment program.
 79 Recreation and leisure studies courses shall be evaluated
 80 individually in the same manner as physical education courses
 81 for potential inclusion in the program.

82 (10) Early admission is a form of dual enrollment through
 83 which an eligible secondary student enrolls ~~students enroll~~ in a
 84 postsecondary institution on a full-time basis in courses that
 85 are creditable toward the high school diploma and the associate
 86 or baccalaureate degree. A student must enroll in a minimum of
 87 12 college credit hours per semester or the equivalent to

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88 participate in the early admission program; however, a student
 89 may not be required to enroll in more than 15 college credit
 90 hours per semester or the equivalent. A ~~student~~ students
 91 enrolled pursuant to this subsection is ~~are~~ exempt from the
 92 payment of registration, tuition, technology, and laboratory
 93 fees.

94 (11) Career early admission is a form of career dual
 95 enrollment through which an eligible secondary student enrolls
 96 ~~students enroll~~ full time in a career center or a Florida
 97 College System institution in postsecondary programs leading to
 98 industry certifications, as listed in the CAPE Postsecondary
 99 Industry Certification Funding List pursuant to s. 1008.44,
 100 which are creditable toward the high school diploma and the
 101 certificate or associate degree. Participation in the career
 102 early admission program is limited to students who have
 103 completed a minimum of 4 semesters of full-time secondary
 104 enrollment, including studies undertaken in ~~the ninth~~ grade 9. A
 105 student ~~students~~ enrolled pursuant to this section is ~~are~~ exempt
 106 from the payment of registration, tuition, technology, and
 107 laboratory fees.

108 (13) (a) The dual enrollment program for a home education
 109 student ~~students~~ consists of the enrollment of an eligible home
 110 education secondary student in a postsecondary course creditable
 111 toward an associate degree, a career certificate, or a
 112 baccalaureate degree. To participate in the dual enrollment
 113 program, an eligible home education secondary student must:

- 114 1. Provide proof of enrollment in a home education program
 115 pursuant to s. 1002.41.
- 116 2. Be responsible for his or her own instructional

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117 materials and transportation unless provided for in the
118 articulation agreement ~~otherwise~~.

119 3. Sign a home education articulation agreement pursuant to
120 paragraph (b).

121 (b) Each postsecondary institution eligible to participate
122 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
123 ~~shall~~ enter into a home education articulation agreement with
124 each home education student seeking enrollment in a dual
125 enrollment course and the student's parent. By August 1 of each
126 year, the eligible postsecondary institution shall complete and
127 submit the home education articulation agreement to the
128 Department of Education. The home education articulation
129 agreement must shall include, at a minimum:

130 1. A delineation of courses and programs available to a
131 dually enrolled home education student who participates in a
132 dual enrollment program students. The postsecondary institution
133 may add, revise, or delete courses and programs ~~may be added,~~
134 ~~revised, or deleted~~ at any time ~~by the postsecondary~~
135 ~~institution~~.

136 2. The initial and continued eligibility requirements for
137 home education student participation, not to exceed those
138 required of other dual enrollment ~~dually enrolled~~ students.

139 3. A provision expressing whether the postsecondary
140 institution or the student is responsible ~~The student's~~
141 ~~responsibilities~~ for providing ~~his or her own~~ instructional
142 materials and transportation.

143 4. A copy of the statement on transfer guarantees developed
144 by the Department of Education under subsection (15).

145 (16) A student ~~Students~~ who meets ~~meet~~ the eligibility

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146 requirements of this section and who chooses ~~chose~~ to
147 participate in dual enrollment programs is ~~are~~ exempt from the
148 payment of registration, tuition, technology, and laboratory
149 fees.

150 (17) Instructional materials assigned for use in ~~within~~
151 dual enrollment courses shall be made available to dual
152 enrollment students from Florida public high schools free of
153 charge. This subsection does not prohibit a postsecondary
154 ~~Florida College System~~ institution from providing instructional
155 materials at no cost to a home education student or student from
156 a private school, if provided for in the articulation agreement.
157 Instructional materials purchased by a district school board or
158 Florida College System institution board of trustees on behalf
159 of dual enrollment students are ~~shall be~~ the property of the
160 board against which the purchase is charged.

161 (22) The Department of Education shall develop an
162 electronic submission system for dual enrollment articulation
163 agreements and shall review, for compliance, each dual
164 enrollment articulation agreement submitted pursuant to
165 subsections (13), subsection (21), and (24). The Commissioner of
166 Education shall notify the district school superintendent and
167 the president of the postsecondary institution that is eligible
168 to participate in the dual enrollment program pursuant to s.
169 1011.62(1)(i) Florida College System institution president if
170 the dual enrollment articulation agreement does not comply with
171 statutory requirements and shall submit any dual enrollment
172 articulation agreement with unresolved issues of noncompliance
173 to the State Board of Education.

174 (23) A district school board ~~boards~~ and a Florida College

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175 System ~~institution institutions~~ may enter into an additional
 176 dual enrollment articulation ~~agreement agreements~~ with a state
 177 university ~~universities~~ for the purposes of this section. A
 178 school ~~district districts~~ may also enter into a dual enrollment
 179 articulation ~~agreement agreements~~ with an eligible independent
 180 college or university ~~colleges and universities~~ pursuant to s.
 181 1011.62(1)(i). By August 1 of each year, the district school
 182 board and the Florida College System institution shall complete
 183 and submit the dual enrollment articulation agreement with the
 184 state university or an eligible independent college or
 185 university, as applicable, to the Department of Education.

186 (24)(a) The dual enrollment program for a private school
 187 student consists of the enrollment of an eligible private school
 188 student in a postsecondary course creditable toward an associate
 189 degree, a career certificate, or a baccalaureate degree. In
 190 addition, the private school in which the student is enrolled
 191 must award credit toward high school completion for the
 192 postsecondary course under the dual enrollment program. To
 193 participate in the dual enrollment program, an eligible private
 194 school student must:

195 1. Provide proof of enrollment in a private school pursuant
 196 to subsection (2).

197 2. Be responsible for his or her own instructional
 198 materials and transportation unless provided for in the
 199 articulation agreement.

200 3. Sign a private school articulation agreement pursuant to
 201 paragraph (b).

202 (b) Each postsecondary institution eligible to participate
 203 in the dual enrollment program pursuant to s. 1011.62(1)(i) must

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204 enter into a private school articulation agreement with each
 205 eligible private school in its geographic service area seeking
 206 to offer dual enrollment courses to its students. By August 1 of
 207 each year, the eligible postsecondary institution shall complete
 208 and submit the private school articulation agreement to the
 209 Department of Education. The articulation agreement must
 210 include, at a minimum:

211 1. A delineation of courses and programs available to the
 212 private school. The postsecondary institution may add, revise,
 213 or delete courses and programs at any time.

214 2. The initial and continued eligibility requirements for
 215 private school student participation, not to exceed those
 216 required of other dual enrollment students.

217 3. A provision expressing whether the private school, the
 218 postsecondary institution, or the student is responsible for
 219 providing instructional materials and transportation.

220 4. A provision clarifying that the private school will
 221 award appropriate credit toward high school completion for the
 222 postsecondary course under the dual enrollment program.

223 5. A provision expressing that costs associated with
 224 tuition and fees, including technology, registration, and
 225 laboratory fees, will not be passed along to the student.

226 6. A provision stating whether the private school will
 227 compensate the postsecondary institution for the standard
 228 tuition rate per credit hour for each dual enrollment course
 229 taken by its students or the postsecondary institution will seek
 230 compensation pursuant to subsection (25).

231 7. A copy of the statement on transfer guarantees developed
 232 by the Department of Education under subsection (15)

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233 ~~Postsecondary institutions may enter into dual enrollment~~
 234 ~~articulation agreements with private secondary schools pursuant~~
 235 ~~to subsection (2).~~

236 (25) Subject to annual appropriation in the General
 237 Appropriations Act, a public postsecondary institution shall
 238 receive an amount of funding equivalent to the standard tuition
 239 rate per credit hour for each dual enrollment course taken by a
 240 private school student pursuant to subsection (24) during the
 241 prior academic year, except for any students for whom the
 242 postsecondary institution is otherwise compensated at the
 243 standard tuition rate per credit hour.

244 Section 2. Paragraph (d) of subsection (19) of section
 245 1002.20, Florida Statutes, is amended to read:

246 1002.20 K-12 student and parent rights.—Parents of public
 247 school students must receive accurate and timely information
 248 regarding their child's academic progress and must be informed
 249 of ways they can help their child to succeed in school. K-12
 250 students and their parents are afforded numerous statutory
 251 rights including, but not limited to, the following:

252 (19) INSTRUCTIONAL MATERIALS.—

253 (d) *Dual enrollment students.*—Instructional materials
 254 purchased by a district school board or Florida College System
 255 institution board of trustees on behalf of ~~public school~~ dual
 256 enrollment students shall be made available free of charge to
 257 the dual enrollment students ~~free of charge~~, in accordance with
 258 s. 1007.271(17).

259 Section 3. Paragraph (i) of subsection (1) of section
 260 1011.62, Florida Statutes, is amended to read:

261 1011.62 Funds for operation of schools.—If the annual

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262 allocation from the Florida Education Finance Program to each
 263 district for operation of schools is not determined in the
 264 annual appropriations act or the substantive bill implementing
 265 the annual appropriations act, it shall be determined as
 266 follows:

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

271 (i) *Calculation of full-time equivalent membership with*
 272 *respect to dual enrollment instruction.*—Students enrolled in
 273 dual enrollment instruction pursuant to s. 1007.271 may be
 274 included in calculations of full-time equivalent student
 275 memberships for basic programs for grades 9 through 12 by a
 276 district school board. Instructional time for dual enrollment
 277 may vary from 900 hours; however, the full-time equivalent
 278 student membership value shall be subject to the provisions in
 279 s. 1011.61(4). Dual enrollment full-time equivalent student
 280 membership shall be calculated in an amount equal to the hours
 281 of instruction that would be necessary to earn the full-time
 282 equivalent student membership for an equivalent course if it
 283 were taught in the school district. Students in dual enrollment
 284 courses may also be calculated as the proportional shares of
 285 full-time equivalent enrollments they generate for a Florida
 286 College System institution or university conducting the dual
 287 enrollment instruction. Early admission students shall be
 288 considered dual enrollments for funding purposes. Students may
 289 be enrolled in dual enrollment instruction provided by an
 290 eligible independent college or university and may be included

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291 in calculations of full-time equivalent student memberships for
292 basic programs for grades 9 through 12 by a district school
293 board. However, those provisions of law which exempt dual
294 ~~enrollment students enrolled~~ and early admission students from
295 payment of instructional materials and tuition and fees,
296 including registration, technology, and laboratory fees, ~~do~~
297 ~~shall~~ not apply to students who select the option of enrolling
298 in an eligible independent institution. An independent college
299 or university that ~~which~~ is located and chartered in Florida, is
300 not for profit, is accredited by the Commission on Colleges of
301 the Southern Association of Colleges and Schools or the
302 Accrediting Council for Independent Colleges and Schools, and
303 confers degrees as defined in s. 1005.02 ~~is~~ shall be eligible
304 for inclusion in the dual enrollment or early admission program.
305 Students enrolled in dual enrollment instruction ~~are~~ shall be
306 exempt from the payment of tuition and fees, including
307 registration, technology, and laboratory fees. ~~A~~ No student
308 enrolled in college credit mathematics or English dual
309 enrollment instruction ~~may not~~ shall be funded as a dual
310 enrollment unless the student has successfully completed the
311 relevant section of the entry-level examination required
312 pursuant to s. 1008.30.

313 Section 4. 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 824

INTRODUCER: Senator Stargel

SUBJECT: Dual Enrollment Program

DATE: February 1, 2016 REVISED: _____

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

I. Summary:

SB 824 modifies public and private dual enrollment articulation agreement requirements, expands fee exemptions for dually-enrolled students, and specifies funding for certain public postsecondary institutions. Specifically, the bill:

- Establishes August 1 as the annual deadline by which the dual enrollment articulation agreements with home education program students, private schools, and state universities or eligible private colleges and universities must be submitted to the Department of Education.
- Clarifies that the provision of instructional materials and transportation for home education program students and private schools must be addressed in the articulation agreement with the partnering postsecondary institution.
- Establishes provisions that must be included in the articulation agreements with private schools.
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.
- Specifies funding, subject to annual appropriation in the GAA, for public postsecondary institutions for dual enrollment courses taken by private school students, except for the private school students for whom such postsecondary institutions are otherwise compensated.

The bill takes effect July 1, 2016.

II. Present Situation:

Each year, more than 50,000 students participate in Florida’s dual enrollment program and participation is continuing to grow.¹ Dual enrollment is an acceleration mechanism that allows a student, who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private

¹ Florida Department of Education, *Dual Enrollment FAQs* (Revised July 26, 2015), available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 1.

school² or who is a home education³ student, to enroll in a postsecondary course that is creditable toward high school completion and a career certificate, an associate degree, or a baccalaureate degree.⁴ A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma must not be classified as a dual enrollment student.⁵ Eligible students are authorized to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.⁶ If, however, a student is projected to graduate from high school before the scheduled completion date for a postsecondary course, the student must not register for that course through dual enrollment.⁷

Student Eligibility Requirements

To enroll in a postsecondary course through dual enrollment, a student must demonstrate readiness to perform college-level work.⁸ To demonstrate readiness for college-credit dual enrollment courses, students must attain a 3.0 unweighted high school grade point average (GPA) and the minimum required score on a common placement test⁹ adopted by the State Board of Education.¹⁰ To enroll in a career dual enrollment course, students must attain a 2.0 unweighted high school GPA.¹¹ Florida College System (FCS) institution boards of trustees may establish additional initial student eligibility requirements which must be specified in dual enrollment articulation agreements.¹² However, such requirements must not “arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.”¹³

² A private school is “a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41.” Section 1002.01(2), F.S. The Florida Department of Education (DOE) maintains a database of private schools that meet the specified requirements in law. Section 1002.42(2), F.S.

³ A home education program means “the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1).” Section 1002.01(1), F.S. A parent must notify the district school superintendent of the county in which the parent resides of his or her intent to establish and maintain a home education program. The notice must be in writing, signed by the parent, and must include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice must be filed in the district school superintendent’s office within 30 days of the establishment of the home education program. Section 1002.41(1)(a), F.S.

⁴ Section 1007.271(1)-(2), F.S.

⁵ Section 1007.271(1), F.S.

⁶ Section 1007.271(2), F.S.

⁷ *Id.*

⁸ Section 1007.271(3), F.S.

⁹ A student may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate reading, writing, and mathematics proficiency, by meeting specified minimum test scores, to perform college-level work. Rule 6A-10.0315, F.A.C.

¹⁰ Section 1007.271(3), F.S.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Dual Enrollment Articulation Agreements

Dual enrollment articulation agreements (articulation agreement) are locally-developed agreements between a school district, a home education parent, or a private school and an eligible postsecondary institution¹⁴ regarding participation in dual enrollment courses.¹⁵ The articulation agreement between each school district and public postsecondary institution are mandatory and must be submitted to the Florida Department of Education (DOE or department) annually by August 1.¹⁶ However, articulation agreements between postsecondary institutions and private secondary schools are optional and not submitted to the department.¹⁷ In addition, articulation agreements between a home education parent and the partnering postsecondary institution are not required to be submitted to the department.¹⁸ Consequently, DOE does not annually collect information on articulation agreements for private schools and home education program students.

Currently, all state universities and FCS institutions participate in dual enrollment.¹⁹

Tuition, Fees, and Other Costs

A student who enrolls in a postsecondary course through dual enrollment is exempt from the payment of registration, tuition, and laboratory fees.²⁰

Instructional materials assigned for dual enrollment courses must be provided to dual enrollment students from Florida public high schools free of charge.²¹ This requirement does not prohibit a FCS institution from providing instructional materials at no cost to a home education program or a private school student.²² Instructional materials purchased by a district school board or a FCS institution board of trustees on behalf of dual enrollment students must be the property of the board that purchased the instructional materials.²³

III. Effect of Proposed Changes:

SB 824 modifies public and private dual enrollment articulation agreement requirements, expands fee exemptions for dually-enrolled students, and specifies funding for certain public postsecondary institutions.

¹⁴ An eligible postsecondary institution is a state university, a Florida College System (FCS) institution, or “an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02” Sections 1007.271 and 1011.62(1)(i), F.S.

¹⁵ Section 1007.271, F.S.; Florida Department of Education, *Dual Enrollment FAQs* (Revised July 26, 2015), available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 3.

¹⁶ Section 1007.271(21), F.S.

¹⁷ Section 1007.271(24), F.S.

¹⁸ Section 1007.271(13), F.S.

¹⁹ Email, Board of Governors (Jan. 28, 2016); Email, Florida Department of Education (Jan. 28, 2016), on file with the Committee on Education Pre-K – 12 staff; see also Florida Department of Education, *2014-15 Dual Enrollment Agreements*, <http://www.fldoe.org/policy/articulation/1415dual-enrollment-agreements.stml> (last visited Jan. 28, 2016).

²⁰ Section 1007.271(2), F.S.

²¹ Section 1007.271(17), F.S.

²² *Id.*

²³ *Id.*

Dual Enrollment Articulation Agreements

Consistent with the annual deadline for submitting dual enrollment articulation agreements between postsecondary institutions and school districts to the Department of Education (DOE or department), the bill also requires the following dual enrollment articulation agreements to be submitted annually to the department by August 1:

- An agreement between an eligible postsecondary institution²⁴ and home education program student seeking enrollment in a dual enrollment course, and his or her parent.
- An agreement between an eligible postsecondary institution and a private school, in the postsecondary institution's geographic service area, seeking to offer dual enrollment courses to students in the private school.
- An agreement between a district school board or Florida College System (FCS) institution and a state university or an eligible private college or university.

This provision will allow the department to compile information on locally-developed dual enrollment articulation agreements with eligible postsecondary institutions. Additionally, the bill modifies articulation agreements with home education program students and establishes provisions that must be included in the articulation agreements with private schools.

Home Education Program Students

The bill:

- Modifies an existing provision to clarify that each postsecondary institution that is eligible to receive funding for participation in dual enrollment,²⁵ must enter into a home education articulation agreement with each home education program student seeking enrollment in a dual enrollment course, and his or her parent.
- Adds a requirement that the home education articulation agreements include a provision expressing whether the postsecondary institution or the student is responsible for providing instructional materials and transportation.

Private Schools

Current law authorizes, but does not require, postsecondary institutions to enter into dual enrollment articulation agreements with private secondary schools. Consequently, consistent with dual enrollment articulation agreements for public school students and home education program students, the bill:

- Requires each eligible postsecondary institution to enter into an articulation agreement with each private school, in the postsecondary institution's geographic service area, seeking to offer dual enrollment courses to its students.
- Establishes provisions that must be included in the articulation agreements with private schools, which includes provisions similar to the information that must be included in the home education articulation agreements (e.g., delineation of available courses and programs,

²⁴ An eligible postsecondary institution is a state university, a Florida College System (FCS) institution, or "an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02" Sections 1007.271 and 1011.62(1)(i), F.S.

²⁵ *Id.*

and initial and continued student eligibility requirements which must not exceed the requirements for other dual enrollment students) and additional provisions that:

- Clarify that the private school will award appropriate credit toward high school completion for the postsecondary course taken through dual enrollment.
- Express that costs associated with taking dual enrollment courses will not be passed along to the private school students who enroll in such courses.
- State whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for the dual enrollment courses taken by students enrolled in the private school, or the postsecondary institution will seek compensation from appropriations in the General Appropriations Act (GAA), as specified.

Electronic Submission System for Dual Enrollment Articulation Agreements

The bill requires the electronic submission system for submitting dual enrollment articulation agreements between public postsecondary institutions and school districts to also be used for the submission of articulation agreements with home education program and private school students. This provision may streamline the process for submitting the articulation agreements with home education program and private school students which will assist with compiling relevant information.

Compliance Review

The bill requires the department to review, for compliance, articulation agreements with home education program students and private schools, in effect, aligning this provision with the department's oversight responsibility for articulation agreements between public postsecondary institutions and school districts.

Tuition, Fees, and Other Costs

The bill requires that, in addition to registration, tuition, and laboratory fees, all dual enrollment students will also be exempt from technology fees. In 2015-2016, the average technology fee was \$5.23 per credit hour at state universities²⁶ and \$3.96 per credit hour at Florida College System institutions.²⁷

Additionally, the bill specifies funding, subject to annual appropriation in the GAA, for public postsecondary institutions for each dual enrollment course taken by a private school student during the prior academic year, except for the private school students for whom such postsecondary institutions are otherwise compensated.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁶ Email, Board of Governors for the State University System of Florida (Jan. 28, 2016).

²⁷ Email, Florida Department of Education, Division of Florida Colleges (Jan. 28, 2016).

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, 1007.271, and 1011.62.

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 Stargel

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1 A bill to be entitled
 2 An act relating to school choice; amending s. 1002.33,
 3 F.S.; revising the required contents of a charter
 4 school application; providing for the automatic
 5 termination of a charter under certain conditions;
 6 requiring a sponsor to notify certain parties when a
 7 charter is automatically terminated; prohibiting a
 8 charter school from denying the application or
 9 continued enrollment of certain students; revising
 10 enrollment preferences; specifying that the reading
 11 curriculum and instructional strategies in a charter
 12 school's charter satisfy the research-based reading
 13 plan requirement and that charter schools are eligible
 14 for the research-based reading allocation; revising
 15 requirements for payments to charter schools;
 16 prohibiting a school board from delaying payment for
 17 specified reasons; amending s. 1002.331, F.S.;
 18 specifying that certain limits on the number of
 19 charter schools established do not apply under certain
 20 circumstances; deleting provisions relating to charter
 21 schools that receive certain school grades; creating
 22 s. 1002.333, F.S.; defining terms; authorizing certain
 23 entities to apply for status as a High-Impact Charter
 24 Network; requiring the State Board of Education to
 25 adopt rules to prescribe a specified review process;
 26 prohibiting certain school grades from being used to
 27 determine critical need areas; providing funding for
 28 charter schools under certain circumstances; waiving
 29 certain fees; providing that the High-Impact Charter

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30 Network status is valid for only a specified time;
 31 providing for rulemaking; amending s. 1002.45, F.S.;
 32 revising approved provider's contract termination
 33 requirements for a virtual instruction program;
 34 amending s. 1013.62, F.S.; revising charter school
 35 eligibility requirements for funding allocations;
 36 providing an effective date.

37
 38 Be It Enacted by the Legislature of the State of Florida:

39
 40 Section 1. Paragraphs (a) and (b) of subsection (6),
 41 paragraph (n) of subsection (9), paragraphs (b) and (d) of
 42 subsection (10), and paragraphs (b) and (e) of subsection (17)
 43 of section 1002.33, Florida Statutes, are amended to read:
 44 1002.33 Charter schools.—
 45 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 46 applications are subject to the following requirements:
 47 (a) A person or entity wishing to open a charter school
 48 shall prepare and submit an application on a model application
 49 form prepared by the Department of Education which:
 50 1. Demonstrates how the school will use the guiding
 51 principles and meet the statutorily defined purpose of a charter
 52 school.
 53 2. Provides a detailed curriculum plan that illustrates how
 54 students will be provided services to attain the Sunshine State
 55 Standards.
 56 3. Contains goals and objectives for improving student
 57 learning and measuring that improvement. These goals and
 58 objectives must indicate how much academic improvement students

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59 are expected to show each year, how success will be evaluated,
60 and the specific results to be attained through instruction.

61 4. Describes the reading curriculum and differentiated
62 strategies that will be used for students reading at grade level
63 or higher and a separate curriculum and strategies for students
64 who are reading below grade level. A sponsor shall deny a
65 charter if the school does not propose a reading curriculum that
66 is consistent with effective teaching strategies that are
67 grounded in scientifically based reading research.

68 5. Contains an annual financial plan for each year
69 requested by the charter for operation of the school for up to 5
70 years. This plan must contain anticipated fund balances based on
71 revenue projections, a spending plan based on projected revenues
72 and expenses, and a description of controls that will safeguard
73 finances and projected enrollment trends.

74 6. Contains additional information a sponsor may require,
75 which shall be attached as an addendum to the charter school
76 application described in this paragraph.

77 7. Contains a list and school grades of all charter schools
78 currently or previously operated by the applicant, applicant
79 group, or proposed management company.

80 ~~8.7-~~ For the establishment of a virtual charter school,
81 documents that the applicant has contracted with a provider of
82 virtual instruction services pursuant to s. 1002.45(1)(d).

83 (b) A sponsor shall receive and review all applications for
84 a charter school using an evaluation instrument developed by the
85 Department of Education and shall consider the performance of
86 all charter schools currently or previously operated by the
87 applicant, applicant group, or proposed management company. A

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88 sponsor shall receive and consider charter school applications
89 received on or before August 1 of each calendar year for charter
90 schools to be opened at the beginning of the school district's
91 next school year, or to be opened at a time agreed to by the
92 applicant and the sponsor. A sponsor may not refuse to receive a
93 charter school application submitted before August 1 and may
94 receive an application submitted later than August 1 if it
95 chooses. In order to facilitate greater collaboration in the
96 application process, an applicant may submit a draft charter
97 school application on or before May 1 with an application fee of
98 \$500. If a draft application is timely submitted, the sponsor
99 shall review and provide feedback as to material deficiencies in
100 the application by July 1. The applicant shall then have until
101 August 1 to resubmit a revised and final application. The
102 sponsor may approve the draft application. A sponsor may not
103 charge an applicant for a charter any fee for the processing or
104 consideration of an application, and a sponsor may not base its
105 consideration or approval of a final application upon the
106 promise of future payment of any kind. Before approving or
107 denying any final application, the sponsor shall allow the
108 applicant, upon receipt of written notification, at least 7
109 calendar days to make technical or nonsubstantive corrections
110 and clarifications, including, but not limited to, corrections
111 of grammatical, typographical, and like errors or missing
112 signatures, if such errors are identified by the sponsor as
113 cause to deny the final application.

114 1. In order to facilitate an accurate budget projection
115 process, a sponsor shall be held harmless for FTE students who
116 are not included in the FTE projection due to approval of

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117 charter school applications after the FTE projection deadline.
 118 In a further effort to facilitate an accurate budget projection,
 119 within 15 calendar days after receipt of a charter school
 120 application, a sponsor shall report to the Department of
 121 Education the name of the applicant entity, the proposed charter
 122 school location, and its projected FTE.

123 2. In order to ensure fiscal responsibility, an application
 124 for a charter school shall include a full accounting of expected
 125 assets, a projection of expected sources and amounts of income,
 126 including income derived from projected student enrollments and
 127 from community support, and an expense projection that includes
 128 full accounting of the costs of operation, including start-up
 129 costs.

130 3.a. A sponsor shall by a majority vote approve or deny an
 131 application no later than 60 calendar days after the application
 132 is received, unless the sponsor and the applicant mutually agree
 133 in writing to temporarily postpone the vote to a specific date,
 134 at which time the sponsor shall by a majority vote approve or
 135 deny the application. If the sponsor fails to act on the
 136 application, an applicant may appeal to the State Board of
 137 Education as provided in paragraph (c). If an application is
 138 denied, the sponsor shall, within 10 calendar days after such
 139 denial, articulate in writing the specific reasons, based upon
 140 good cause, supporting its denial of the charter application and
 141 shall provide the letter of denial and supporting documentation
 142 to the applicant and to the Department of Education.

143 b. An application submitted by a high-performing charter
 144 school identified pursuant to s. 1002.331 may be denied by the
 145 sponsor only if the sponsor demonstrates by clear and convincing

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146 evidence that:

147 (I) The application does not materially comply with the
 148 requirements in paragraph (a);

149 (II) The charter school proposed in the application does
 150 not materially comply with the requirements in paragraphs
 151 (9) (a)-(f);

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

155 (IV) The applicant has made a material misrepresentation or
 156 false statement or concealed an essential or material fact
 157 during the application process; or

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

161 Material noncompliance is a failure to follow requirements or a
 162 violation of prohibitions applicable to charter school
 163 applications, which failure is quantitatively or qualitatively
 164 significant either individually or when aggregated with other
 165 noncompliance. An applicant is considered to be replicating a
 166 high-performing charter school if the proposed school is
 167 substantially similar to at least one of the applicant's high-
 168 performing charter schools and the organization or individuals
 169 involved in the establishment and operation of the proposed
 170 school are significantly involved in the operation of replicated
 171 schools.
 172 schools.

173 c. If the sponsor denies an application submitted by a
 174 high-performing charter school, the sponsor must, within 10

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175 calendar days after such denial, state in writing the specific
 176 reasons, based upon the criteria in sub-subparagraph b.,
 177 supporting its denial of the application and must provide the
 178 letter of denial and supporting documentation to the applicant
 179 and to the Department of Education. The applicant may appeal the
 180 sponsor's denial of the application directly to the State Board
 181 of Education pursuant to sub-subparagraph (c)3.b.

182 4. For budget projection purposes, the sponsor shall report
 183 to the Department of Education the approval or denial of a
 184 charter application within 10 calendar days after such approval
 185 or denial. In the event of approval, the report to the
 186 Department of Education shall include the final projected FTE
 187 for the approved charter school.

188 5. Upon approval of a charter application, the initial
 189 startup shall commence with the beginning of the public school
 190 calendar for the district in which the charter is granted unless
 191 the sponsor allows a waiver of this subparagraph for good cause.

192 (9) CHARTER SCHOOL REQUIREMENTS.—

193 (n)1. The director and a representative of the governing
 194 board of a charter school that has earned a grade of "D" or "F"
 195 pursuant to s. 1008.34 shall appear before the sponsor to
 196 present information concerning each contract component having
 197 noted deficiencies. The director and a representative of the
 198 governing board shall submit to the sponsor for approval a
 199 school improvement plan to raise student performance. Upon
 200 approval by the sponsor, the charter school shall begin
 201 implementation of the school improvement plan. The department
 202 shall offer technical assistance and training to the charter
 203 school and its governing board and establish guidelines for

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204 developing, submitting, and approving such plans.

205 2.a. If a charter school earns three consecutive grades of
 206 "D," two consecutive grades of "D" followed by a grade of "F,"
 207 or two nonconsecutive grades of "F" within a 3-year period, the
 208 charter school governing board shall choose one of the following
 209 corrective actions:

210 (I) Contract for educational services to be provided
 211 directly to students, instructional personnel, and school
 212 administrators, as prescribed in state board rule;

213 (II) Contract with an outside entity that has a
 214 demonstrated record of effectiveness to operate the school;

215 (III) Reorganize the school under a new director or
 216 principal who is authorized to hire new staff; or

217 (IV) Voluntarily close the charter school.

218 b. The charter school must implement the corrective action
 219 in the school year following receipt of a third consecutive
 220 grade of "D," a grade of "F" following two consecutive grades of
 221 "D," or a second nonconsecutive grade of "F" within a 3-year
 222 period.

223 c. The sponsor may annually waive a corrective action if it
 224 determines that the charter school is likely to improve a letter
 225 grade if additional time is provided to implement the
 226 intervention and support strategies prescribed by the school
 227 improvement plan. Notwithstanding this sub-subparagraph, a
 228 charter school that earns a second consecutive grade of "F" is
 229 subject to subparagraph 4.

230 d. A charter school is no longer required to implement a
 231 corrective action if it improves by at least one letter grade.
 232 However, the charter school must continue to implement

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233 strategies identified in the school improvement plan. The
 234 sponsor must annually review implementation of the school
 235 improvement plan to monitor the school's continued improvement
 236 pursuant to subparagraph 5.

237 e. A charter school implementing a corrective action that
 238 does not improve by at least one letter grade after 2 full
 239 school years of implementing the corrective action must select a
 240 different corrective action. Implementation of the new
 241 corrective action must begin in the school year following the
 242 implementation period of the existing corrective action, unless
 243 the sponsor determines that the charter school is likely to
 244 improve a letter grade if additional time is provided to
 245 implement the existing corrective action. Notwithstanding this
 246 sub-subparagraph, a charter school that earns a second
 247 consecutive grade of "F" while implementing a corrective action
 248 is subject to subparagraph 4.

249 3. A charter school with a grade of "D" or "F" that
 250 improves by at least one letter grade must continue to implement
 251 the strategies identified in the school improvement plan. The
 252 sponsor must annually review implementation of the school
 253 improvement plan to monitor the school's continued improvement
 254 pursuant to subparagraph 5.

255 4.a. A charter school's charter is automatically terminated
 256 if the school earns ~~The sponsor shall terminate a charter if the~~
 257 ~~charter school earns~~ two consecutive grades of "F" after all
 258 school grade appeals are final, unless:

259 ~~(I)a-~~ The charter school is established to turn around the
 260 performance of a district public school pursuant to s.
 261 1008.33(4)(b)3. Such charter schools shall be governed by s.

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262 1008.33;

263 ~~(II)b-~~ The charter school serves a student population the
 264 majority of which resides in a school zone served by a district
 265 public school that earned a grade of "F" in the year before the
 266 charter school opened and the charter school earns at least a
 267 grade of "D" in its third year of operation. The exception
 268 provided under this sub-sub-subparagraph does not apply to a
 269 charter school in its fourth year of operation and thereafter;
 270 or

271 ~~(III)e-~~ The state board grants the charter school a waiver
 272 of termination. The charter school must request the waiver
 273 within 15 days after the department's official release of school
 274 grades. The state board may waive termination if the charter
 275 school demonstrates that the Learning Gains of its students on
 276 statewide assessments are comparable to or better than the
 277 Learning Gains of similarly situated students enrolled in nearby
 278 district public schools. The waiver is valid for 1 year and may
 279 only be granted once. Charter schools that have been in
 280 operation for more than 5 years are not eligible for a waiver
 281 under this sub-sub-subparagraph.

282 b. The sponsor shall notify in writing the charter school's
 283 governing board, the charter school principal, and the
 284 department when a charter is terminated under this subparagraph.
 285 The school district's letter of termination shall be governed by
 286 the requirements of paragraph (8)(c). If a charter is terminated
 287 under this subparagraph, the charter school is governed by the
 288 requirements of paragraph (o) and paragraphs (8)(e)-(g).

289 5. The director and a representative of the governing board
 290 of a graded charter school that has implemented a school

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291 improvement plan under this paragraph shall appear before the
 292 sponsor at least once a year to present information regarding
 293 the progress of intervention and support strategies implemented
 294 by the school pursuant to the school improvement plan and
 295 corrective actions, if applicable. The sponsor shall communicate
 296 at the meeting, and in writing to the director, the services
 297 provided to the school to help the school address its
 298 deficiencies.

299 6. Notwithstanding any provision of this paragraph except
 300 ~~sub-subparagraph 4.a. sub-subparagraphs 4.a.-c.~~, the sponsor may
 301 terminate the charter at any time pursuant to subsection (8).

302 (10) ELIGIBLE STUDENTS.—

303 (b) The charter school shall enroll an eligible student who
 304 submits a timely application, unless the number of applications
 305 exceeds the capacity of a program, class, grade level, or
 306 building. In such case, all applicants shall have an equal
 307 chance of being admitted through a random selection process. A
 308 charter school may not deny the application or continued
 309 enrollment of a student based on the student's current or prior
 310 academic performance, including grade retention.

311 (d) A charter school may give enrollment preference to the
 312 following student populations:

- 313 1. Students who are siblings of a student enrolled in the
- 314 charter school.
- 315 2. Students who are the children of a member of the
- 316 governing board of the charter school.
- 317 3. Students who are the children of an employee of the
- 318 charter school.
- 319 4. Students who are the children of:

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320 a. An employee of the business partner of a charter school-
 321 in-the-workplace established under paragraph (15)(b) or a
 322 resident of the municipality in which such charter school is
 323 located; or

324 b. A resident of a municipality that operates a charter
 325 school-in-a-municipality pursuant to paragraph (15)(c).

326 5. Students who have successfully completed a voluntary
 327 prekindergarten education program under ss. 1002.51-1002.79
 328 provided by the charter school or the charter school's governing
 329 board during the previous year.

330 6. Students who are the children of an active duty member
 331 of any branch of the United States Armed Forces.

332 7. Students who are currently enrolled or were enrolled
 333 during the prior school year in a public school that earned a
 334 grade of "F" or that earned three consecutive grades of "D" or
 335 who are zoned for such school.

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

341 (b) The basis for the agreement for funding students
 342 enrolled in a charter school shall be the sum of the school
 343 district's operating funds from the Florida Education Finance
 344 Program as provided in s. 1011.62 and the General Appropriations
 345 Act, including gross state and local funds, discretionary
 346 lottery funds, and funds from the school district's current
 347 operating discretionary millage levy; divided by total funded
 348 weighted full-time equivalent students in the school district;

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349 multiplied by the weighted full-time equivalent students for the
 350 charter school. Charter schools whose students or programs meet
 351 the eligibility criteria in law are entitled to their
 352 proportionate share of categorical program funds included in the
 353 total funds available in the Florida Education Finance Program
 354 by the Legislature, including transportation, research-based
 355 reading allocation, and the Florida digital classrooms
 356 allocation. Total funding for each charter school shall be
 357 recalculated during the year to reflect the revised calculations
 358 under the Florida Education Finance Program by the state and the
 359 actual weighted full-time equivalent students reported by the
 360 charter school during the full-time equivalent student survey
 361 periods designated by the Commissioner of Education.

362 (e) District school boards shall make timely and efficient
 363 payment and reimbursement to charter schools, including
 364 processing paperwork required to access special state and
 365 federal funding for which they may be eligible. Payments of the
 366 funds in paragraph (b) shall be made monthly or bimonthly,
 367 beginning with the start of the district school board's fiscal
 368 year. Each payment must be one-twelfth or one-twenty-fourth, as
 369 applicable, of the total state and local funds described in
 370 paragraph (b). The district school board may distribute such
 371 funds to a charter school for up to 3 months based on the
 372 projected full-time equivalent student membership of the charter
 373 school. Thereafter, the results of full-time equivalent student
 374 membership surveys shall be used in adjusting the amount of
 375 funds distributed monthly to the charter school for the
 376 remainder of the fiscal year. The payments ~~payment~~ shall be
 377 issued no later than 10 working days after the district school

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378 board receives a distribution of state or federal funds or the
 379 date the payment is due as specified in this subsection. If a
 380 warrant for payment is not issued within 10 working days after
 381 receipt of funding by the district school board, the school
 382 district shall pay to the charter school, in addition to the
 383 amount of the scheduled disbursement, interest at a rate of 1
 384 percent per month calculated on a daily basis on the unpaid
 385 balance from the expiration of the 10 working days until such
 386 time as the warrant is issued. The district school board may not
 387 delay payment of any portion of the funds set forth in paragraph
 388 (b) to a charter school if receipt of local funds is delayed.

389 Section 2. Paragraph (b) of subsection (3) and subsection
 390 (4) of section 1002.331, Florida Statutes, are amended to read:
 391 1002.331 High-performing charter schools.—

392 (3)

393 (b) A high-performing charter school may not establish more
 394 than one charter school within the state under paragraph (a) in
 395 any year. A subsequent application to establish a charter school
 396 under paragraph (a) may not be submitted unless each charter
 397 school established in this manner achieves high-performing
 398 charter school status. The limits specified in this paragraph do
 399 not apply to a charter school established by a high-performing
 400 charter school in the attendance zone of a school identified as
 401 in need of intervention and support pursuant to s. 1008.33(3)(b)
 402 or to meet capacity needs or needs for innovative choice options
 403 identified by the district school board.

404 ~~(4) A high-performing charter school may not increase~~
 405 ~~enrollment or expand grade levels following any school year in~~
 406 ~~which it receives a school grade of "C" or below. If the charter~~

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407 ~~school receives a school grade of "C" or below in any 2 years~~
 408 ~~during the term of the charter awarded under subsection (2), the~~
 409 ~~term of the charter may be modified by the sponsor and the~~
 410 ~~charter school loses its high-performing charter school status~~
 411 ~~until it regains that status under subsection (1).~~

412 Section 3. Section 1002.333, Florida Statutes, is created
 413 to read:

414 1002.333 High-Impact Charter Network.—

415 (1) For the purposes of this section, the term:

416 (a) "Critical need area" means an area that is served by
 417 one or more traditional public schools that meet at least one of
 418 the following criteria:

419 1. Received a school grade of "D" or "F" pursuant to s.
 420 1008.34 in 4 of the preceding 5 years; or

421 2. Had fewer than 25 percent of students passing statewide,
 422 standardized assessments in English Language Arts under s.
 423 1008.22(3) in the most recent year for which assessment scores
 424 are available.

425 (b) "Entity" means a nonprofit organization with tax-exempt
 426 status under s. 501(c) (3) of the Internal Revenue Code which is
 427 authorized by law to operate a public charter school.

428 (2) An entity that successfully operates a system of
 429 charter schools that serve primarily educationally disadvantaged
 430 students, as provided in the federal Elementary and Secondary
 431 Education Act, 20 U.S.C. s. 1115(b) (2), may apply to the State
 432 Board of Education for status as a High-Impact Charter Network.

433 (a) The state board shall adopt rules prescribing a process
 434 to review the entity's application. The process must include a
 435 review of the following:

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436 1. Statewide assessments of all charter schools currently
 437 and previously operated by the entity, including schoolwide and
 438 subgroup performance, for the 3 most recent years as compared to
 439 all students in other schools at the same grade level, and as
 440 compared with other schools serving similar student
 441 demographics. The review may also include performance on
 442 nationally norm-referenced assessments, student attendance and
 443 retention rates, graduation rates, college attendance rates,
 444 college persistence rates, and other outcome measures as
 445 determined by the state board.

446 2. School-level financial performance.

447 (b) An entity that is designated as a High-Impact Charter
 448 Network may submit a charter school application pursuant to s.
 449 1002.33 to establish and operate charter schools in critical
 450 need areas. For purposes of determining critical need areas,
 451 school grades issued for the 2014-2015 school year may not be
 452 considered.

453 (c) Notwithstanding s. 1013.62(1) (a), a charter school
 454 operated by a High-Impact Charter Network in a critical need
 455 area is eligible to receive charter school capital outlay
 456 funding. The administrative fee required under s.
 457 1002.33(20) (a)2. shall be waived for a charter school
 458 established by a High-Impact Charter Network in a critical need
 459 area as long as the network maintains its status as a High-
 460 Impact Charter Network.

461 (3) The High-Impact Charter Network status is valid for up
 462 to 4 years. If an entity seeks status renewal, the state board
 463 shall review, pursuant to subsection (2), the academic and
 464 financial performance of the charter schools established in

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465 critical need areas and operated by the entity.

466 (4) The State Board of Education shall adopt rules to
467 administer this section.

468 Section 4. Paragraphs (c) and (d) of subsection (8) of
469 section 1002.45, Florida Statutes, are amended to read:

470 1002.45 Virtual instruction programs.—

471 (8) ASSESSMENT AND ACCOUNTABILITY.—

472 (c) An approved provider that receives a school grade of
473 "D" or "F" under s. 1008.34 or a school improvement rating of
474 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
475 school improvement plan with the department for consultation to
476 determine the causes for low performance and to develop a plan
477 for correction and improvement.

478 (d) An approved provider's contract is automatically must
479 be terminated if the provider earns two consecutive school
480 grades of receives a school grade of "D" or "F" under s.
481 1008.34, receives two consecutive or a school improvement
482 ratings rating of "Unsatisfactory" "Declining" under s.
483 1008.341, for 2 years during any consecutive 4-year period or
484 has violated any qualification requirement pursuant to
485 subsection (2). A provider that has a contract terminated under
486 this paragraph may not be an approved provider for a period of
487 at least 1 year after the date upon which the contract was
488 terminated and until the department determines that the provider
489 is in compliance with subsection (2) and has corrected each
490 cause of the provider's low performance.

491 Section 5. Paragraph (a) of subsection (1) of section
492 1013.62, Florida Statutes, is amended to read:

493 1013.62 Charter schools capital outlay funding.—

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494 (1) In each year in which funds are appropriated for
495 charter school capital outlay purposes, the Commissioner of
496 Education shall allocate the funds among eligible charter
497 schools.

498 (a) To be eligible for a funding allocation, a charter
499 school must:

500 1.a. Have been in operation for 3 or more years;

501 b. Be governed by a governing board established in the
502 state for 3 or more years which operates both charter schools
503 and conversion charter schools within the state;

504 c. Be an expanded feeder chain of a charter school within
505 the same school district that is currently receiving charter
506 school capital outlay funds;

507 d. Have been accredited by the Commission on Schools of the
508 Southern Association of Colleges and Schools; or

509 e. Serve students in facilities that are provided by a
510 business partner for a charter school-in-the-workplace pursuant
511 to s. 1002.33(15) (b).

512 2. Have an annual audit that does not reveal one or more of
513 the financial emergency conditions specified in s. 218.503(1)
514 for the most recent fiscal year for which such audit is
515 available stability for future operation as a charter school.

516 3. Have satisfactory student achievement based on state
517 accountability standards applicable to the charter school.

518 4. Have received final approval from its sponsor pursuant
519 to s. 1002.33 for operation during that fiscal year.

520 5. Serve students in facilities that are not provided by
521 the charter school's sponsor.

522 Section 6. 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 830

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

SUBJECT: School Choice

DATE: February 4, 2016

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE – Substantial Changes

I. Summary:

CS/SB 830 expands choice and virtual instruction accountability and flexibility, revises full-time equivalent funding provisions, and removes certain adjustments and segmented funding.

More specifically, the bill:

- Revises charter school application, oversight, reading, student eligibility, operations, cooperatives, professional development, equitable treatment, and funding requirements.
- Enables High-Performing charter schools expansion, codifies appeals timelines, strengthens contract negotiation processes, and streamlines initial and continued designation requirements.
- Creates a High-Impact Charter Network designation, enables operation in critical needs areas, requires review of student demographic, academic and financial performance data, and provides a preference with competitive grants.
- Revises virtual instruction student eligibility, online instruction locations, and termination of virtual instruction provider contracts.
- Removes funding adjustments for end-of-course assessments, and revises minimum term school and funding requirements.
- Adds Advanced Placement examinations to the Credit Acceleration Program and authorizes home education students to use the program.

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

II. Present Situation:

The present situation for the relevant portions of CS/SB 830 is discussed in the Effect of Proposed Changes Section of this analysis.

III. Effect of Proposed Changes:

CS/SB 830 expands choice and virtual instruction accountability and flexibility, creates a High-Impact Charter School Network, revises specified full-time equivalent funding, and removes end-of-course funding adjustments from law.

Charter Schools

Overview

Present Situation

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.¹ Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.² One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”³ The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”⁴

Effect of Proposed Changes

The bill modifies charter school requirements related to the application processes, sponsor oversight, reading requirements, student eligibility, administrative operations, cooperative organizations, professional development, equitable treatment, administrative fees, capital outlay funding, distribution of funds, and unrestricted assets.

Application Process

Present Situation

The law establishes an application process for establishing a new charter school.⁵ An applicant must submit a charter school application to the sponsor.⁶ The sponsor must review and approve or deny the application.⁷ The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument.⁸ The standard application is designed to enable the sponsor to evaluate the applicant’s educational plan, organizational plan, financial viability, and business plan.⁹

¹ Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

² Section 1002.33(2)(b)3, and (16), F.S.

³ Section 1002.33(2)(a)1, F.S.

⁴ Section 1002.33(6)(h), F.S.

⁵ Section 1002.33(6)(a), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application by May 1 with an application fee of \$500.¹⁰ Otherwise, a sponsor is prohibited from charging an applicant any fee for the processing or consideration of an application.¹¹

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school.¹² The standard application requires the applicant to:¹³

- List each proposed member of the charter school's governing board and his or her background and qualifications.
- Indicate to what extent the governing board will contract with a management company, summarize the company's history operating charter schools, and list other charter schools managed by the company along with student achievement and financial performance data of such schools.

Charter schools may become virtual charter schools by amending its charter, or submitting a new application.

Effect of Proposed Changes

The bill requires the charter school application to disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by the applicant, each governing board member, and each proposed education services provider that has closed and reasons for closure; and the academic and financial history of such charter schools. The sponsor must consider this information in deciding whether to approve or deny the application; thus increasing the transparency of such information.

Except as provided for a draft application, a sponsor may not charge an applicant any fee for the processing or consideration of an application; thus clarifying fees a sponsor may or may not charge.

An existing charter school that is seeking to become a virtual charter school must amend its application to become a virtual charter school. In effect, the bill clarifies that the law does not require every charter school to become a virtual charter school.

Sponsor Oversight

Present Situation

Florida law tasks sponsors (typically school boards) with authorizing new charter schools and providing continuing oversight of each charter school in the school district.¹⁴ The law establishes several processes designed to enable the sponsor to perform these roles, including:

¹⁰ Section 1002.33(6)(b), F.S. The deadline for applications is August 1, although sponsors may receive applications later if it so chooses. *Id.*

¹¹ *Id.*

¹² Section 1002.33(6)(a), (7), (8), (9), F.S.

¹³ *Id.*

¹⁴ Section 1002.33(6), F.S.

- Authority to review and approve or deny charter school applications.¹⁵
- Authority to enforce the terms and conditions of the charter agreement.¹⁶
- Annual reporting of student achievement and financial information, such as a monthly financial statement, by each charter school to the sponsor.¹⁷
- Sponsor monitoring of annual financial audits¹⁸ and monthly financial statements submitted by charter schools in the school district.¹⁹
- Interventions for remedying unsatisfactory academic performance and financial instability.²⁰
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.²¹

The sponsor is required to terminate a charter if the charter schools earns two consecutive grades of “F” unless:

- The school was established to turn around the performance of district public school.
- The charter school serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of “F” in the year before the charter school opened, and the charter school earns at least a grade of “D” in its third year of operation.
- The State Board of Education (SBE) grants the charter school a 1- year, one-time waiver of termination, if the charter school that has been in operation for less than 5 years demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools.

Effect of Proposed Changes

The bill provides that, upon approval of the charter contract, the charter school must begin to provide the required monthly statements to the sponsor. The sponsor is required to review each statement for deteriorating financial conditions or financial emergencies. In effect, the information may assist districts monitoring of financially struggling charter schools, even ones that have not yet started operating, to quickly identify decrease potential losses of public funds.

A charter school’s charter is automatically terminated if the school earns two consecutive grades of “F” after all school grades are final.²² The sponsor is required to notify in writing the charter school’s governing board, the charter school principal, and the department when the charter is automatically terminated. The sponsor’s letter of termination is a final order subject to appeal pursuant to s. 120.68, F.S.²³ In effect, school districts will be required to immediately close “FF”

¹⁵ Section 1002.33(6), F.S.

¹⁶ Section 1002.33(6)(h) and (7), F.S.

¹⁷ Section 1002.33(9)(k), F.S.

¹⁸ Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.

¹⁹ Section 1002.33(9)(g), F.S.

²⁰ Section 1002.33(9)(n), F.S.

²¹ Section 1002.33(8), F.S.

²² The bill retains the current exceptions in law.

²³ Section 120.68, F.S., specifies the provisions in the Administrative Procedures Act for appellate review of final agency action.

charter schools, bypassing the possibility for the charter school to remain open throughout the duration of the traditional charter contract termination process.

Charter school will continue to be governed by existing dissolution procedures and prohibitions on expenditures when the charter is automatically terminated pursuant to this provision.

Reading

Present Situation

One of the guiding principles of charter schools is to provide parents with sufficient information on whether their child is reading at grade level.²⁴ Additionally, one of the purposes charter schools must fulfill is to increase opportunities for all students, with special emphasis on reading.²⁵

A charter school application must describe the reading curriculum and differentiated strategies used for students reading at grade level or higher, and a separate curriculum for students who are reading below grade level.²⁶ A sponsor must deny an application that does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.²⁷

The charter agreement must ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level.²⁸ The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards.²⁹

Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program (FEFP).³⁰ Current law specifically includes transportation and the Florida digital classroom allocation as examples of these categorical program funds.³¹

Effect of Proposed Changes

The bill revises the application and charter requirements to require the reading curriculum to be evidence-based and include explicit, systematic, and multisensory reading instruction strategies. The sponsor is prohibited from requiring the charter school to implement the school district's reading plan. In effect, the reading curriculum shifts from a scientifically-based approach to an evidence-based approach, with specified strategies.

A charter school must notify the parent of a student who exhibits a substantial deficiency in reading, as determined by the charter school, of the deficiency, the intensive interventions and

²⁴ Section 1002.33(2)(a)3., F.S.

²⁵ Section 1002.33(2)(b)2., F.S.

²⁶ Section 1002.33(6)(a)4., F.S.

²⁷ *Id.*

²⁸ Section 1002.33(7)(a)2.a., F.S.

²⁹ *Id.*

³⁰ Section 1002.33(17)(b), F.S.

³¹ *Id.*

supports used, and the student's grade progression in accordance with existing law. Thus, parents should be more informed, and thus more involved, regarding their children's reading proficiency.

The research-based reading allocation is added to the list of categorical program funds specified in law as examples of categorical program funds that school districts must proportionately share with eligible charter schools. In effect, the bill clarifies that school districts must proportionally share the research-based reading allocation with eligible charter schools.

Student Eligibility

Present Situation

A charter school must be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located.³² The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.³³ In such case, all applicants shall have an equal chance of being admitted through a random selection process.³⁴

A charter school may give enrollment preference to populations of students who:³⁵

- Are siblings of a student enrolled in the charter school.
- Are the children of a:
 - Member of the governing board of the charter school.
 - Employee of the charter school.
 - Employee of the business partner of a charter school-in-the-workplace or a resident of the municipality in which such charter school is located.
 - Resident of a municipality that operates a charter school-in-a-municipality.
- Have successfully completed a voluntary prekindergarten education program provided by the charter school or the charter school's governing board in the previous year.
- Are the children of an active member of any branch of the United States Armed Forces.

Effect of Proposed Changes

The bill provides that a charter school that has not reached capacity, as determined by the charter school's governing board, may be open for enrollment to any student in Florida. However, the bill does not define "capacity," reconcile the charter school's determination of capacity with the charter school's permitted occupancy or the enrollment limits per the charter agreement, or indicate to what extent this provision authorizes virtual schools to define their own capacity. In effect, a charter school has some degree of discretion to accept any Florida student that resides outside the school district in which the charter school is located.

Charter schools may not base admission or dismissal on a student's academic performance. In effect, the provision explicitly prohibits a charter school from considering academic performance when determining student enrollment.

³² Section 1002.33(10)(a), F.S.

³³ Section 1002.33(10)(b), F.S.

³⁴ *Id.* A charter school may also limit the enrollment process only to target specified populations. Section 1002.33(10)(e), F.S.

³⁵ Section 1002.33(10)(d), F.S.

Enrollment preferences for charter schools are expanded to include the following new categories:

- Students who attended or are assigned to certain failing schools.³⁶ In effect, charter schools may give enrollment preferences to students that qualify for the Opportunity Scholarship Program.
- Students who are the children of a resident of a municipality that allows a charter school to use a school facility or a portion of the land owned by the municipality for the operation of the charter school. In effect, charter schools may give enrollment preferences to students who live in a city that allows the school to operate on city property.

Administrative Operations

Present Situation

The application process specifies that the charter school must be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and sponsor.³⁷

Upon approval of a charter application, the initial startup commences with the beginning of the district's public school calendar, unless waived by the sponsor for good cause.³⁸

Certain information, such as contact information for the governing board's representative, must be posted on the charter schools website, if the school maintains a website.³⁹

A charter school governing board is required to hold at least two public meetings per year in the district where the charter school is located.⁴⁰ The appointed representative and charter school principal or director, or designee, must be physically present at each meeting.⁴¹

Current law contains provisions for a sponsor to non-renew or terminate a charter.⁴² These provisions include procedures for the dissolution and reversion of public funds.⁴³ However, these provisions do not specifically address the applicability of these procedures if a charter school voluntarily closes.

Effect of Proposed Changes

The bill authorizes a sponsor to defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of the enrolled students at least 30 calendar days before

³⁶ By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at public school that has earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 and the student's attendance occurred during a school year in which such designation was in effect; the student has been in attendance elsewhere in the public school system and has been assigned to such school for the next year; or the student has been notified that he or she has been assigned to such school for the next year. Section 1002.38(2)(a), F.S.

³⁷ Section 1002.33(6)(b), F.S.

³⁸ Section 1002.33(6)(b)5., F.S.

³⁹ Section 1002.33(7)(d), F.S.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Section 1002.33(8), F.S.

⁴³ Sections 1002.33(8)(e)-(g) and (9)(o), F.S.

the first day of school. In effect, the charter school no longer needs the sponsor's permission to delay opening if additional time is needed for facility planning.

The bill removes the good cause exception that would allow initial charter schools to start on a date different from the district's public school calendar is removed. In effect, the initial charter school startup date will be based on the school start date on the district's calendar.

Charter schools must maintain a website; thus providing greater transparency to the public by all charter schools posting specified information on their websites.

Charter school governing board members may attend board meetings - in person or by means of communications media technology in accordance with rules adopted by the Administration Commission.⁴⁴ In effect, clarification is provided so that members may participate in board meetings pursuant to existing state rules.

The charter school governing board may voluntarily close and terminate the charter. The decision must be made at a public meeting, with written notification provided to parents and the sponsor both before and after the meeting, and to the Department of Education (DOE) after the meeting. If the board decides to close, the post-meeting must identify the reasons for closure, and must contain agreement from the governing board to follow existing procedures for dissolution and reversion of public funds. In effect, a charter school that voluntarily closes must provide advance notice to the public, the reasons for closure, and is subject to the same accountability provisions for closure as if the school had been terminated by the sponsor.

Cooperative Organizations

Present Situation

Charter schools are authorized to enter into cooperative agreements to form charter school cooperative organizations that may provide the following services:⁴⁵

- Charter school planning and development.
- Direct instructional services.
- Contracts with charter school governing to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

Effect of Proposed Changes

The bill expands categories of service areas to provide that cooperatives may provide services to further educational, operational, and administrative initiatives in which the participating charter schools share common interests. In effect, the bill expands the types of services that cooperatives may provide.

⁴⁴ See, Chapter 28-109, F.A.C. "Communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available. Rule 28-109.002(3), F.A.C.

⁴⁵ Section 1002.33(13), F.S.

Professional Development

Present Situation

Each school district must, and a state supported public school or private school may, develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law.⁴⁶ The program must be based on classroom application of the Florida Educator Accomplished Practices and instruction performance, and for public schools must be aligned with the district's evaluation system approved under s. 1012.34, F.S.

Effect of Proposed Changes

The bill specifically adds charter schools to those schools authorized to develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence. The respective programs must be aligned with the applicable district or school's evaluation system established under s. 1012.34, F.S.

Equitable Treatment

Present Situation

Local governing authorities are prohibited from adopting or imposing any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code (SREF).⁴⁷

Local governing authorities are required to treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools.⁴⁸

Effect of Proposed Changes

The bill adds site planning to the requirements for equitable treatment, and provides that if an official or employee of the local governing authority refuses to comply with these equitable treatment requirements, the aggrieved school or entity has an immediate right to bring action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs. In effect, a charter school may seek immediate injunctive relief to prevent local governments from imposing regulatory burdens that are not imposed upon public schools.

⁴⁶ Section 1012.56(8)(b)1., F.S.

⁴⁷ Section 1002.33(18)(a), F.S. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use is the local municipality, or if in an unincorporated area, the county governing authority. *Id.*

⁴⁸ *Id.*

Administrative Fees

Present Situation

A sponsor is required to provide certain administrative and education services to charter schools.⁴⁹ These services include contract management; full-time equivalent (FTE) and data reporting; exceptional student education; federal lunch program; test administration; processing of teacher certificate data; and information services.⁵⁰

Generally, a total administrative fee for the provision of these services is calculated based upon up to 5% of the available funds for all students.⁵¹ A sponsor may only withhold up the 5% administrative fee for enrollment up to 250 students.⁵² However, a sponsor may withhold the 5% administrative fee for enrollment up to 500 students within a system of charter schools that meet specified criteria.⁵³

Effect of Proposed Changes

The bill reduces the administrative fee for charter schools that operate in a critical need area⁵⁴ to no more than 3% for enrollment up to 250 students. In effect, these charter schools would pay less for the same administrative services provided by the district.

Capital Outlay Funding

Present Situation

To be eligible for a capital funding allocation, and charter school must:⁵⁵

- Meet one of the following criteria:
 - Have been in operation for 3 or more years;
 - Be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state;
 - Be an expanded feeder pattern chain of a charter school within the same school district that is currently receiving capital outlay funds;
 - Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools (SACS); or
 - Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.
- Have financial stability for future operation as a charter school.
- Have satisfactory student achievement based on state accountability standards applicable to the charter school.

⁴⁹ Section 1002.33(20), F.S.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id. Compare*, high performing charter schools may have withheld a total administrative fee up to 2% for enrollment up to 250 students; and a high performing charter school system that meets specified criteria may have withheld a total administrative fee up to 2% for enrollment up to 500 students per system. *Id.*

⁵⁴ The bill defines critical need area via the newly created s. 1002.331 to mean an area that is served by one or more nonalternative, traditional public schools that received a school grade of “D” or “F” pursuant to s. 1008.34 in 4 of the most recent 5 years.

⁵⁵ Section 1013.62(1), F.S.

- Serve students in facilities that are not provided by the charter school's sponsor.

Effect of Proposed Changes

The bill revises the financial stability criteria to require the charter school to have an annual audit that does not reveal one or more of the financial emergency conditions specified in law⁵⁶ for the most recent fiscal year for which such an audit is available. In effect, the bill provides a clearer, uniform, definition for evaluating the financial stability of a charter school when determining eligibility to receive capital outlay funds.

Distribution of Funds

Present Situation

District school boards are required to make timely and efficient payment and reimbursement to charter schools.⁵⁷ The payment is to be issued no later than 10 working days after the district school board receives a distribution of funds.⁵⁸

The district school board may distribute funds to charter schools for up to 3 months based on the projected full-time equivalent student membership of the charter school.⁵⁹ Thereafter, the results of the full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year.⁶⁰

Effect of Proposed Changes

The bill establishes specific payment cycles and amounts of funds to charter schools on a monthly or bimonthly basis, based on the district's fiscal year, with adjustments as specified. A district school board is prohibited from delaying payment to a charter school if receipt of local funds is delayed. In effect, charter schools will receive funding on specific dates, which may not be delayed by the school district.

District school board distribution of funds to charter schools as follows:

- For the first 2 years of a charter school's operation, if at least 75% of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the district school board must distribute funds for July, August, September, and October, based upon the projected full time equivalent student membership of the charter school, as submitted in the approved application.
- If less than 75% of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor must base payments on the actual number of student enrollment entered into the sponsor's student information system.

Additionally, any unrestricted surplus or unrestricted net assets identified in the charter school's annual audit are authorized to be used for K-12 educational purposes for charter schools within the district that are operated by the not-for-profit or municipal entity operating the charter school

⁵⁶ Section 218.503(1), F.S.

⁵⁷ Section 1002.33(17)(e), F.S.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

with the surplus. In effect, an entity that operates multiple charter schools in a district may shift certain surplus unrestricted funds among the charter schools for K-12 educational purposes.

Surplus operating funds must continue be used in accordance with s. 1011.62, F.S., and that surplus capital outlay funds must be used in accordance with s. 1013.2(2), F.S.⁶¹

High-Performing Charter Schools

Overview

Present Situation

A charter school is a high-performing charter school if it:⁶²

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

In exchange for accomplishing specified academic achievement and financial performance standards, high-performing charter schools are granted specified flexibilities with student enrollment, grade level expansion, periodic financial reporting, consolidation, and contract term provisions.⁶³

Effect of Proposed Changes

The bill modifies replication and expansion, appeal process, contract term and negotiations, and loss of high-performing status provisions.

Replication and Expansion

Present Situation

A high-performing charter school may submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program.⁶⁴ A high-performing charter school may not establish more than one charter school pursuant to this provision in any year.⁶⁵ Subsequent applications may not be submitted unless each charter school established in the manner achieves high-performing status.⁶⁶

A high-performing charter school is authorized, in part, to:⁶⁷

- Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.

⁶¹ These statutes relate to funds for operation of schools and charter school capital outlay funding, respectively.

⁶² Section 1002.331(1), F.S.

⁶³ Section 1002.331(2), F.S.

⁶⁴ Section 1002.331(3)(a), F.S.

⁶⁵ Section 1002.331(b), F.S.

⁶⁶ *Id.*

⁶⁷ Section 1002.331(2), F.S.

- Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established its contract.

However, a high-performing charter school may not increase enrollment or expand grade levels following any school year in which it receives a school grade of “C” or below.⁶⁸

Effect of Proposed Changes

The bill provides that the limits for establishing no more than one replicating charter school per year do not apply to a charter school established:

- By a high-performing charter school in the attendance zone of a school identified as in need of intervention and support.
- To meet capacity needs.
- To meet needs for innovative choice options identified by the district school board.

The bill removes language preventing a high-performing charter school from expanding enrollment or grade levels following the school year in which the school receives a grade of “C” or below. In effect, high-performing charter schools may to continue to expand enrollment or grade levels, regardless of school grade.

Appeal Process

Present Situation

If the sponsor denies an application for a high-performing charter school, the applicant may appeal the denial directly to the SBE.⁶⁹ Timeframes concerning the appeal process are not specified in statute, but do exist in rule.⁷⁰

For high-performing charter schools, a sponsor may withhold a total administrative fee of up to 2% for enrollment up to and including 250 students per school.⁷¹

Effect of Proposed Changes

The bill codifies existing timeframes in rule for high-performing charter school appeals, and requires the applicant to provide a copy of the appeal to the sponsor. In effect, the appeal timeframes for high-performing charter school appeals and regular charter school appeals will be consistent with each other and specified in statute.⁷²

The bill provides that a charter school whose application is submitted under the replication provisions of s. 1002.331, F.S., and is denied by the district school board, is exempt from having to pay an administrative fee. In effect, if the SBE overturns the sponsor’s denial of a high-

⁶⁸ Section 1002.331(4), F.S.

⁶⁹ Section 1002.33(6)(b)3.c., F.S.

⁷⁰ Rule 6A-6.0781(3), F.A.C. In general, the applicant has 30 days from denial to file an appeal, the sponsor has 30 days to respond to the appeal, and the SBE has 90 days after the appeal is filed to approve or deny the appeal. *Id.*

⁷¹ Section 1002.33(20)(a)3., F.S.

⁷² See Rule 6A-6.0781(1)(a), F.A.C., which requires the applicant to send a copy of the appeal to the district school board via the superintendent.

performing replication application, the charter school will not have to pay the sponsor any administrative fees; thus, sponsors are given additional incentives to refrain from unjustifiably denying these applications.

Contract Term and Negotiations

Present Situation

A high-performing charter school is authorized to receive modification of its charter to a term of 15 years or a 15-year charter renewal.⁷³

Effect of Proposed Changes

The bill provides that the ability of a high-performing charter school to receive a modification of its charter term, means an additional 15 years to the term. In effect, the existing term is extended 15 years.

Timeframes are provided for charter contract renegotiations when a charter school receives its high-performing designation, and for disputes to be appealed to an administrative law judge. Specifically, the:

- Sponsor must provide the charter school with renewal documents within 30 days of designation.
- Charter school and sponsor have 20 days to negotiate and provide notice of the charter contract for final approval by the sponsor.
- Sponsor must provide the proposed charter contract to the charter school at least 7 days before the meeting at which the charter is scheduled for final approval by the sponsor.

In effect, the length of contract negotiations should be minimized, thus enabling a high-performing charter school to enjoy the benefits of its designation in a timely manner.

Loss of High-Performing Status

Present Situation

If the charter school receives a school grade of “C” or below in any 2 years during the term of the charter, the term of the charter may be modified by the sponsor and the charter school loses its high-performing status.⁷⁴ Additionally, a high-performing charter school maintains its high-performing status until the Commissioner of Education (Commissioner) determines that the school no longer meets the eligibility criteria.⁷⁵ These two provisions have been interpreted by the judicial branch to mean that the Commissioner’s determination applies only to initial eligibility requirements, while grade of “C” or below in any 2 years provision applies to the ability to retain high-performing status.⁷⁶

⁷³ Section 1002.331(2)(e), F.S.

⁷⁴ *Id.*

⁷⁵ *Id.* The Commissioner is required to annually determine whether a high-performing charter school continues to meet the eligibility criteria. Section 1002.331(5), F.S. This provision was added to statute, effective July 1, 2013, via ch. 2013-250, L.O.F.

⁷⁶ *Department of Education v. Educational Charter Foundation of Florida, Inc., d/b/a Imagine Schools at South Lake*, 177 So.3d 1036 (1st DCA, 2015).

The Commissioner must send a letter providing notification of its loss of status as a high-performing charter school.

Effect of Proposed Changes

The bill removes language that causes a high-performing charter school to lose its high-performing status if the school receives a school grade of “C” or below in any 2 years. In effect, the standard to gain, and retain, high-performing status will be the same (i.e., the Commissioner’s annual review to determine continued compliance).

The bill clarifies that the Commissioner must notify both the sponsor and charter school upon loss of high-performing status.

High-Impact Charter Network

Present Situation

There currently is no high-impact charter network authorized under Florida law.

Effect of Proposed Changes

The bill creates High-Impact Charter Networks.

A 501(c)(3) nonprofit organization that is authorized by law to operate a public charter school, that successfully operates a system of charter schools that serve primarily educationally disadvantaged students may apply to the SBE for status as a High-Impact Charter Network.

The application process must include the SBE’s review of student demographic, academic, and financial performance data. The process:

- Must include a review of all schools currently or previously operated by the entity, including schoolwide and subgroup performance on all statewide, standardized assessments for the most recent 3 years as compared to all other students at the same grade level, as compared with other schools serving similar demographics of students, and school-level financial performance.
- May include performance on nationally norm-referenced assessments, student attendance and retention rates, graduation rates, college attendance rates, college persistence rates, and other outcome measures as determined by the SBE.

An entity that is designated as a High-Impact Charter Network may apply to district school boards to establish and operate charter schools in critical need areas. Critical need means an area that is served by one or more nonalternative, traditional public schools that received a school grade of “D” or “F” in 4 of the preceding 5 years.⁷⁷

If approved by the SBE, the High-Impact Charter Network status is valid for up to 4 years. If the entity seeks renewal, the SBE must review the academic and financial performance of the charter schools established in critical need areas and operated by the entity.

⁷⁷ The bill provides that for purposes of determining critical need areas, school grades issued for the 2014-2015 school year may not be considered.

A charter school operated by a High-Impact Charter Network in a critical need area:

- Is eligible to receive capital outlay funding.
- Will have its administrative fee paid to the sponsor waived so long as the network maintains its status as a High-Impact Charter Network.

The DOE must give priority to charter schools operated by a High-Impact Charter Network in Public Charter School Grant Program competitions, but only for new charter schools that will operate in a critical need area.

The SBE must to adopt rules prescribing a process to review the application, and to administer this section.

Virtual Instruction

Overview

Present Situation

Florida offers more virtual options for their students than any other state.⁷⁸ Florida students at all grade levels have both full-time (virtual school) and part-time (virtual course) options.⁷⁹ The options include virtual schools and courses offered by the Florida Virtual School (FLVS), and by all 67 school districts.⁸⁰ Schools may offer their own virtual schools or enter into agreements with other school districts, a DOE approved private provider or virtual charter schools to provide virtual options for their students.⁸¹

Effect of Proposed Changes

The bill modifies student eligibility, online instruction in a classroom setting, virtual instruction provider, and FLVS funding provisions.

Student Eligibility

Present Situation

A student is eligible to participate in virtual instruction if the student:⁸²

- Spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for purposes of FEFP surveys;
- Is a dependent child of a member of the United States Armed Forces who transferred within the last 12 months to this state from another state or from a foreign country pursuant to a permanent change of station order;
- Was enrolled during the prior school year in a virtual instruction program or a full-time FLVS program;

⁷⁸ Florida Department of Education, *Information on Virtual School Choice Options for Florida Students* (2015) available at <http://www.fldoe.org/core/fileparse.php/7509/urlt/school-choice-memo-virtual-school.pdf>.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Section 1002.455(2), F.S.

- Has a sibling who is currently enrolled in a virtual instruction program and the sibling was enrolled in that program at the end of the prior school year;
- Is eligible to enter kindergarten or first grade; or
- Is eligible to enter grades 2-5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or the FLVS.

These virtual instruction options for which this eligibility applies include:⁸³

- School district operated part-time or full-time K-12 virtual instruction programs under s. 1002.45(1), F.S., for students enrolled in the school district.
- Full-time virtual charter school instruction authorized under s. 1002.33, F.S.
- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498, F.S.
- Part-time instruction in kindergarten through grade 5.⁸⁴

Effect of Proposed Changes

The bill repeals student eligibility requirements for K-12 virtual instruction.⁸⁵ In effect students in grades K-12 do not have any eligibility requirements, including prior school year attendance in a public school, for the virtual instruction options identified above.⁸⁶

Online Instruction in a Classroom Setting

Present Situation

In charter schools and school districts, students in a blended learning course must be full-time students⁸⁷ and receive the online instruction in a classroom setting at the charter school.⁸⁸

Effect of Proposed Changes

The bill removes the requirement for online instruction in a classroom setting for charter school and school district students in a blended learning course and for school district virtual courses. In effect, full-time charter school and school district students in blended learning courses may receive online instruction outside of the classroom.

Virtual Instruction Providers

Present Situation

A virtual instruction program is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.⁸⁹ The FFLVS, school district FLVS franchises, and Florida College

⁸³ Section 1002.455(3), F.S.

⁸⁴ Section 1002.37(8)(a), F.S.

⁸⁵ Section 1002.455, F.S.

⁸⁶ Unless otherwise specified in the programs' respective authorizing statute.

⁸⁷ The term "full-time student" is defined in s. 1011.61(1)(a)1., F.S.

⁸⁸ Section 1002.33(7)(a)2.b., F.S.

⁸⁹ Section 1002.45(1)(a)2., F.S.

System institutions are approved providers.⁹⁰ The DOE may approve other virtual instruction providers, if certain criteria are met.⁹¹

Virtual instruction providers must align curriculum and course content to Florida's standards, offer instruction designed for the student to gain proficiency, provide each student with all necessary instructional materials, not require tuition or other registration fees, and provide certain students with all equipment necessary to participate in the virtual instruction program.⁹² Each contract with an approved provider must contain, at a minimum, a detailed curriculum plan, methods for determining each student has met state graduation requirements, methods for resolving conflicts, contract termination provisions, and responsibility for existing debts.⁹³ Each approved provider must participate in the statewide assessment program and receive a school grade or school improvement rating, as applicable.⁹⁴

A DOE-approved virtual instruction provider's contract must be terminated if the provider earns a school grade of "D" or "F" or a school improvement rating of "Declining" in any two years of a consecutive four year period.⁹⁵ In such cases, the provider must be removed from the approved provider list for at least one year. The provider may be placed back on the list after DOE determines that the provider meets the eligibility requirements and has corrected the academic performance deficiencies.⁹⁶

Effect of Proposed Changes

The bill renames the school improvement rating "declining" to "unsatisfactory" to conform to current school improvement rating terminology of commendable, maintaining, and unsatisfactory.

The provisions requiring termination of an approved provider's contract are modified to require automatic termination if the provider earns two consecutive school grades of "F" or school improvement ratings of "unsatisfactory." In effect, termination provisions are changed from 2 D, F, or unsatisfactory ratings in any 4 year period (e.g, school grades of D, A, B, D over four years) to two consecutive F or unsatisfactory ratings (e.g., school grades of F, F in consecutive years).

⁹⁰ Section 1002.45(1)(a), F.S.

⁹¹ Section 1002.45(2), F.S.

⁹² Section 1002.45(3), F.S.

⁹³ *Id.*

⁹⁴ Section 1002.45(8)(a), F.S.

⁹⁵ Section 1002.45(8)(d), F.S. The school improvement rating system is based on the following ratings: Commendable (meaning a significant percentage of students attending the school are making learning gains); Maintaining (meaning a sufficient percentage of the students attending the school are making learning gains); and Unsatisfactory (meaning an insufficient percentage of students attending the school are making learning gains). Section 1008.341(a), F.S.

⁹⁶ *Id.*

Florida Virtual School Funding

Present Situation

FLVS funding is generally based on students who successfully complete six full-credit courses that count to the minimum number of credits required for high school graduation.⁹⁷ A student who completes fewer than six full-credit courses is a fraction of a FTE.⁹⁸ Half-credit course completions are included in determining full-time equivalent (FTE) students for students in grades 9-12.⁹⁹

Effect of Proposed Changes

The bill deletes specified language pertaining to existing FTE funding mechanisms for FLVS, however, leaves in place the calculation of a FTE student as prescribed in s. 1011.61(1)(c)1.b.(V), F.S., and s. 1011.64(4), F.S.

End Of Course Funding Adjustments

Present Situation

The definition of a FTE student, in part, means students in grades K-12 in a full-time virtual instruction program, virtual charter school, or a part-time virtual instruction program, a FLVS FTE student, or for courses requiring passage of an end-of-course (EOC) assessment.¹⁰⁰

For these students, and beginning the 2016-2017 year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an EOC assessment to earn a standard high school diploma must be adjusted if the student does not pass the EOC assessment.¹⁰¹ However, no adjustment may be made for a student who enrolled in a segmented remedial course delivered online.¹⁰²

Effect of Proposed Changes

The bill deletes the provisions pertaining to the EOC adjustment scheduled to begin in the 2016-2017 school year.

Minimum Term Funding

Overview

Present Situation

Minimum school term requirements and associated funding for a FTE generally focus on the student receiving 900 instructional hours (e.g., for grades 4-12).¹⁰³ Typically, students who

⁹⁷ Section 1002.37(3)(a), F.S.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Sections 1011.61(1)(c)1.b.(III), (IV), (V), and (VI) and 1002.37(3)(a)3., F.S.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ Section 1011.1(1), F.S.

receive less than 900 instructional hours are funded proportional share of hours of instruction.¹⁰⁴ However, exceptions exist to allow double-session schools, schools operating on an experimental calendar, and schools under emergency situations to operate for more than 810 but less than 900 hours, yet receive full 1.0 FTE, rather than proportional, funding.

Effect of Proposed Changes

The bill modifies traditional public school, double-session school, experimental calendar school, and emergency condition provisions relating to minimum school term and associated funding requirements.

Traditional Public Schools

Present Situation

Each school district is required to annually operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis as specified in SBE rules.¹⁰⁵ The SBE has provided that the hourly equivalent to the 180-day school year is determined as prescribed below:¹⁰⁶

- Grades 4 through 12: Not less than 900 net instructional hours.
- Kindergarten through grade 3 or in an authorized prekindergarten exceptional program: Not less than 720 net instructional hours.

For FEFP purposes, a FTE in each district program is defined in terms of full-time students and part time students, as follows:¹⁰⁷

- A full-time student is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school comprising no less than the hourly equivalent prescribed by the SBE.¹⁰⁸
- A part-time student is a student on the active membership roll of a school program or combination of school program who is less than a full time student. Part time students are funded based on their proportional share of hours of instruction.¹⁰⁹

Effect of Proposed Changes

The bill clarifies that a “part time student,” generates FTE proportional to the amount of instructional hours provided by the school divided by the minimum term requirements. In effect, a student who attends a school that operates for less than the minimum term will continue to generate proportionally fewer FTE,¹¹⁰ and the school will continue to receive proportionally less funding.

¹⁰⁴ E-mail, Department of Education, January 23, 2016.

¹⁰⁵ Section 1011.60(2), F.S.

¹⁰⁶ Rule 6A-1.045111(1), F.A.C.

¹⁰⁷ Section 1011.61(1), F.S.

¹⁰⁸ See the previous paragraph. Exceptions exist for double-session schools or a school utilizing an experimental calendar approved by the DOE (discussed further herein) and for students who moved with their parents for the purpose of engaging in the farm labor or fish industries. *Id.*

¹⁰⁹ E-mail, Department of Education, January 23, 2016.

¹¹⁰ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

Double-Session Schools

Present Situation

Double-session schools are not defined in statute or rule.¹¹¹ Schools operating on a double-session calendar must operate for a term of 180 actual teaching days, or the hourly equivalent as prescribed below:¹¹²

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students in double-sessions schools that meet the hourly equivalent are considered full-time students¹¹³ Thus, a student in grade 9 at a double-session school who is provided 810 instructional hours generates 1.0 FTE ($810/810=1.0$).¹¹⁴

There are currently 13 double-session schools operating in Florida in the 2015-2016 fiscal year.¹¹⁵ Several charter schools are operating with double-session or multiple sessions for which 810 instructional hours are provided.¹¹⁶

Effect of Proposed Changes

The bill eliminates the ability for a student at a double-session school to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

In effect, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.¹¹⁷ Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ($810/900=0.9$),¹¹⁸ and the school would receive proportionally less funding.

Schools Operating on an Experimental Calendar

Present Situation

Schools utilizing an experimental calendar that is approved by the DOE must operate for a term of 180 actual teaching days or the hourly equivalent as prescribed below.¹¹⁹

¹¹¹ Differing interpretations of “double-session schools” may exist. *Compare*, a DOE statement that in Florida, double-session schools have historically existed in instances where districts held two sessions per day at one school location due to school construction delay or storm damage. *Id.*; *But see*, Statutory maximum class size implementation options direct district school boards to consider operating more than one session of school during the day in order to meet constitutional class size requirements. Section 1003.03(3)(i), F.S.

¹¹² Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C. The DOE is not required to approve double-session schools. Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹¹³ Section 1011.61(1)(a)2., F.S.

¹¹⁴ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C.

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students at a school utilizing an experimental school calendar approved by the DOE are considered full-time students if the instruction meets the minimum term requirements.¹²⁰ Thus, a student in grade 9 at such a school who is provided 810 instructional hours generates 1.0 FTE ($810/810=1.0$).¹²¹

Additionally, the DOE is required to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day.¹²²

Effect of Proposed Changes

The bill eliminates the ability for a student at a school utilizing an experimental school calendar to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

Statutory language requiring the DOE to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day is deleted.¹²³

In effect, a student who attends a school operating on an experimental calendar that operates for less than the minimum term will generate proportionally fewer FTE.¹²⁴ Thus, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.¹²⁵ Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ($810/900=0.9$),¹²⁶ and the school would receive proportionally less funding.

Statutory language requiring the DOE to approve experimental school calendars is deleted. In effect, the bill treats schools operating on an experimental calendar in the same manner as double-session schools are currently treated (i.e., no DOE approval is required).

¹²⁰ Section 1011.61(1)(a)2., F.S.

¹²¹ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹²² Section 1011.61(1), F.S. (Flush left provisions)

¹²³ Section 1011.61(1), F.S. (Flush left provisions)

¹²⁴ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹²⁵ *Id.*

¹²⁶ *Id.*

Emergency Conditions**Present Situation**

Upon written application, the SBE is authorized to alter the 180 day minimum term requirement during a national, state, or local emergency if the SBE determines that is not feasible to make up lost days or hours.¹²⁷

At the discretion of the Commissioner, and if the SBE determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, the apportionment may be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.¹²⁸

The DOE is required to determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which have been approved by the DOE to operate for less than the minimum school day.¹²⁹

Effect of Proposed Changes

The bill clarifies schools approved by the DOE to operate for less than the minimum school day means the minimum term as provided in s. 1011.60, F.S.¹³⁰

Credit Acceleration Program***Present Situation***

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or Biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.¹³¹

Effect of Proposed Changes

The bill add Advanced Placement (AP) examinations as an option and authorized home education students to utilize CAP.

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

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

None.

¹²⁷ Section 1011.60(2), F.S. The SBE is authorized to prescribe procedures for altering this requirement. *Id.*

¹²⁸ Section 1011.60(2), F.S. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency. *Id.*

¹²⁹ Section 1011.61(1), F.S. (Flush left provisions)

¹³⁰ Section 1011.61(1), F.S. (Flush left provisions) This section identifies minimum requirements of the FEFP. *Id.*

¹³¹ Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Not determined.

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: 1002.33, 1002.331, 1002.37, 1002.45, 1003.4295, 1003.498, 1011.61, 1011.62, 1012.56, 1013.62.

This bill creates section 1002.333 of the Florida Statutes.

This bill repeals section 1002.455 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

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

The committee substitute retains the substance of the original bill and made the following modifications:

- Charter Schools

- Requires additional information relating to current and historical charter school operations that must be provided as part of the application process, including reasons for closure and academic and financial history.
- Streamlines language prohibiting student admission or dismissal from being based on academic performance.
- Expands preferences for student enrollment to include students that qualify for the Opportunity Scholarship Program, and children of a resident of a municipality that allows a charter school to be on municipality property.
- Provides flexibility for specified adjustments of monthly payments to charter schools.
- High-Impact Charter School Network
 - Expands application information to include student demographic data.
 - Removes schools that had fewer than 25% of students passing the most recent English Language Arts assessment from the definition of a “critical need area.”

The committee substitute adds the following language to SB 830:

- Charter Schools
 - Prohibits a sponsor from charging application fees, except as specified in statute.
 - Authorizes a charter school to defer opening for up to 2 years to provide for adequate facility planning, and requires the initial charter school startup to commence with the public school calendar.
 - Requires a charter school application to propose evidence-based reading instruction strategies, and prohibits a sponsor from requiring the charter school to use the sponsor’s reading plan; requires parent notification of student’s progress.
 - Codifies rules to authorize charter school governing board members to attend meetings via communications media technology.
 - Creates provisions specifying actions to be taken when a charter school governing board voluntarily closes the charter school.
 - Authorizes a charter school that has not reached capacity, as determined by the charter school governing board, to be open for enrollment to any student in the state.
 - Requires existing summary financial reports to be provided to the sponsor beginning upon approval of the charter contract, and requires sponsor review; reduces the administrative fee for charter schools that operate in a critical need area; revises district payments to charter schools based on actual and projected enrollment; and authorizes an entity operating a charter school with specified assets to move to its other charter schools in the district for K-12 educational purposes.
 - Expands services charter school cooperatives may provide, authorizes charter schools to develop a system for instruction to demonstrate mastery of professional and education competence, and requires local governments to treat charter school site planning equitably.
- High Performing Charter Schools
 - Specifies timeframes for appeals, and exempts a school from administrative fees if the sponsor denies the application.

- Provides that the ability to modify the term of a charter means that an additional 15 years may be added to the term, and specifies timeline and process for renegotiating the charter agreement.
- Requires the DOE to give priority in competitive grants to new schools operated in a critical need area by a High Impact Charter School Network.
- Deletes from law virtual instruction student eligibility requirements; the requirement for online instruction in a classroom setting for charter schools in blended learning courses and in school district virtual courses; and specified funding adjustments for EOC assessments.
- Revises FLVS funding provisions, minimum term school requirements and associated funding requirements.
- Adds Advanced Placement (AP) examinations to the Credit Acceleration Program and authorizes home education students to use CAP.

B. Amendments:

None.



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LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraphs (a) and (b) of subsection (6), paragraphs (a) and (d) of subsection (7), paragraphs (g), (n), and (p) of subsection (9), paragraphs (a) and (d) of subsection (10), subsection (13), paragraphs (b) and (e) of subsection (17), paragraph (a) of subsection (18), and paragraph (a) of subsection (20) of section



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11 1002.33, Florida Statutes, are amended to read:

12 1002.33 Charter schools.—

13 (1) AUTHORIZATION.—Charter schools shall be part of the
14 state's program of public education. All charter schools in
15 Florida are public schools. A charter school may be formed by
16 creating a new school or converting an existing public school to
17 charter status. A charter school may operate a virtual charter
18 school pursuant to s. 1002.45(1)(d) to provide full-time online
19 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in
20 kindergarten through grade 12. An existing A charter school that
21 is seeking to become a virtual charter school must amend its
22 charter or submit a new application pursuant to subsection (6)
23 to become a virtual charter school. A virtual charter school is
24 subject to the requirements of this section; however, a virtual
25 charter school is exempt from subsections (18) and (19),
26 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
27 s. 1003.03. A public school may not use the term charter in its
28 name unless it has been approved under this section.

29 (2) GUIDING PRINCIPLES; PURPOSE.—

30 (a) Charter schools in Florida shall be guided by the
31 following principles:

32 1. Meet high standards of student achievement while
33 providing parents flexibility to choose among diverse
34 educational opportunities within the state's public school
35 system.

36 2. Promote enhanced academic success and financial
37 efficiency by aligning responsibility with accountability.

38 3. Provide parents with sufficient information on whether
39 their child is reading at grade level and whether the child



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40 gains at least a year's worth of learning for every year spent
41 in the charter school. For a student who exhibits a substantial
42 deficiency in reading, as determined by the charter school, the
43 school shall notify the parent of the deficiency, the intensive
44 interventions and supports used, and the student's progress in
45 accordance with s. 1008.25(5).

46 (6) APPLICATION PROCESS AND REVIEW.—Charter school
47 applications are subject to the following requirements:

48 (a) A person or entity seeking ~~wishing~~ to open a charter
49 school shall prepare and submit an application on a model
50 application form prepared by the Department of Education which:

51 1. Demonstrates how the school will use the guiding
52 principles and meet the statutorily defined purpose of a charter
53 school.

54 2. Provides a detailed curriculum plan that illustrates how
55 students will be provided services to attain the Sunshine State
56 Standards.

57 3. Contains goals and objectives for improving student
58 learning and measuring that improvement. These goals and
59 objectives must indicate how much academic improvement students
60 are expected to show each year, how success will be evaluated,
61 and the specific results to be attained through instruction.

62 4. Describes the reading curriculum and differentiated
63 strategies that will be used for students reading at grade level
64 or higher and a separate curriculum and strategies for students
65 who are reading below grade level. A sponsor shall deny an
66 application ~~a charter~~ if the school does not propose a reading
67 curriculum that is evidence-based and includes explicit,
68 systematic, and multisensory reading instructional strategies;



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69 however, a sponsor may not require the charter school to
70 implement the reading plan adopted by the school district
71 pursuant to s. 1011.62(9) ~~consistent with effective teaching~~
72 ~~strategies that are grounded in scientifically based reading~~
73 ~~research.~~

74 5. Contains an annual financial plan for each year
75 requested by the charter for operation of the school for up to 5
76 years. This plan must contain anticipated fund balances based on
77 revenue projections, a spending plan based on projected revenues
78 and expenses, and a description of controls that will safeguard
79 finances and projected enrollment trends.

80 6. Discloses the name of each applicant, governing board
81 member, and all proposed education services providers; the name
82 and sponsor of any charter school operated by each applicant,
83 each governing board member, and each proposed education
84 services provider that has closed and the reasons for the
85 closure; and the academic and financial history of such charter
86 schools, which the sponsor shall consider in deciding whether to
87 approve or deny the application.

88 ~~7.6.~~ Contains additional information a sponsor may require,
89 which shall be attached as an addendum to the charter school
90 application described in this paragraph.

91 ~~8.7.~~ For the establishment of a virtual charter school,
92 documents that the applicant has contracted with a provider of
93 virtual instruction services pursuant to s. 1002.45(1)(d).

94 (b) A sponsor shall receive and review all applications for
95 a charter school using the ~~an~~ evaluation instrument developed by
96 the Department of Education. A sponsor shall receive and
97 consider charter school applications received on or before



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98 August 1 of each calendar year for charter schools to be opened
99 at the beginning of the school district's next school year, or
100 to be opened at a time agreed to by the applicant and the
101 sponsor. A sponsor may not refuse to receive a charter school
102 application submitted before August 1 and may receive an
103 application submitted later than August 1 if it chooses. In
104 order to facilitate greater collaboration in the application
105 process, an applicant may submit a draft charter school
106 application on or before May 1 with an application fee of \$500.
107 If a draft application is timely submitted, the sponsor shall
108 review and provide feedback as to material deficiencies in the
109 application by July 1. The applicant shall then have until
110 August 1 to resubmit a revised and final application. The
111 sponsor may approve the draft application. Except as provided
112 for a draft application, a sponsor may not charge an applicant
113 for a charter any fee for the processing or consideration of an
114 application, and a sponsor may not base its consideration or
115 approval of a final application upon the promise of future
116 payment of any kind. Before approving or denying any final
117 application, the sponsor shall allow the applicant, upon receipt
118 of written notification, at least 7 calendar days to make
119 technical or nonsubstantive corrections and clarifications,
120 including, but not limited to, corrections of grammatical,
121 typographical, and like errors or missing signatures, if such
122 errors are identified by the sponsor as cause to deny the final
123 application.

124 1. In order to facilitate an accurate budget projection
125 process, a sponsor shall be held harmless for FTE students who
126 are not included in the FTE projection due to approval of



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127 charter school applications after the FTE projection deadline.
128 In a further effort to facilitate an accurate budget projection,
129 within 15 calendar days after receipt of a charter school
130 application, a sponsor shall report to the Department of
131 Education the name of the applicant entity, the proposed charter
132 school location, and its projected FTE.

133 2. In order to ensure fiscal responsibility, an application
134 for a charter school shall include a full accounting of expected
135 assets, a projection of expected sources and amounts of income,
136 including income derived from projected student enrollments and
137 from community support, and an expense projection that includes
138 full accounting of the costs of operation, including start-up
139 costs.

140 3.a. A sponsor shall by a majority vote approve or deny an
141 application no later than 60 calendar days after the application
142 is received, unless the sponsor and the applicant mutually agree
143 in writing to temporarily postpone the vote to a specific date,
144 at which time the sponsor shall by a majority vote approve or
145 deny the application. If the sponsor fails to act on the
146 application, an applicant may appeal to the State Board of
147 Education as provided in paragraph (c). If an application is
148 denied, the sponsor shall, within 10 calendar days after such
149 denial, articulate in writing the specific reasons, based upon
150 good cause, supporting its denial of the ~~charter~~ application and
151 shall provide the letter of denial and supporting documentation
152 to the applicant and to the Department of Education.

153 b. An application submitted by a high-performing charter
154 school identified pursuant to s. 1002.331 may be denied by the
155 sponsor only if the sponsor demonstrates by clear and convincing



156 evidence that:

157 (I) The application does not materially comply with the
158 requirements in paragraph (a);

159 (II) The charter school proposed in the application does
160 not materially comply with the requirements in paragraphs
161 (9) (a) - (f);

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

165 (IV) The applicant has made a material misrepresentation or
166 false statement or concealed an essential or material fact
167 during the application process; or

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

171
172 Material noncompliance is a failure to follow requirements or a
173 violation of prohibitions applicable to charter school
174 applications, which failure is quantitatively or qualitatively
175 significant either individually or when aggregated with other
176 noncompliance. An applicant is considered to be replicating a
177 high-performing charter school if the proposed school is
178 substantially similar to at least one of the applicant's high-
179 performing charter schools and the organization or individuals
180 involved in the establishment and operation of the proposed
181 school are significantly involved in the operation of replicated
182 schools.

183 c. If the sponsor denies an application submitted by a
184 high-performing charter school, the sponsor must, within 10



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185 calendar days after such denial, state in writing the specific
186 reasons, based upon the criteria in sub-subparagraph b.,
187 supporting its denial of the application and must provide the
188 letter of denial and supporting documentation to the applicant
189 and to the Department of Education. The applicant may appeal the
190 sponsor's denial of the application directly to the State Board
191 of Education and, if an appeal is filed, must provide a copy of
192 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
193 subparagraph (c)3.b.

194 4. For budget projection purposes, the sponsor shall report
195 to the Department of Education the approval or denial of an a
196 ~~charter~~ application within 10 calendar days after such approval
197 or denial. In the event of approval, the report to the
198 Department of Education shall include the final projected FTE
199 for the approved charter school.

200 5. Upon approval of an a ~~charter~~ application, the initial
201 startup shall commence with the beginning of the public school
202 calendar for the district in which the charter is granted. A
203 charter school may defer the opening of the school's operations
204 for up to 2 years to provide time for adequate facility
205 planning. The charter school must provide written notice of such
206 intent to the sponsor and the parents of enrolled students at
207 least 30 calendar days before the first day of school unless the
208 sponsor allows a waiver of this subparagraph for good cause.

209 (7) CHARTER.—The major issues involving the operation of a
210 charter school shall be considered in advance and written into
211 the charter. The charter shall be signed by the governing board
212 of the charter school and the sponsor, following a public
213 hearing to ensure community input.



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214 (a) The charter shall address and criteria for approval of
215 the charter shall be based on:

216 1. The school's mission, the students to be served, and the
217 ages and grades to be included.

218 2. The focus of the curriculum, the instructional methods
219 to be used, any distinctive instructional techniques to be
220 employed, and identification and acquisition of appropriate
221 technologies needed to improve educational and administrative
222 performance which include a means for promoting safe, ethical,
223 and appropriate uses of technology which comply with legal and
224 professional standards.

225 a. The charter shall ensure that reading is a primary focus
226 of the curriculum and that resources are provided to identify
227 and provide specialized instruction for students who are reading
228 below grade level. The curriculum and instructional strategies
229 for reading must be consistent with the Next Generation Sunshine
230 State Standards and evidence-based ~~grounded in scientifically~~
231 ~~based reading research~~.

232 b. In order to provide students with access to diverse
233 instructional delivery models, to facilitate the integration of
234 technology within traditional classroom instruction, and to
235 provide students with the skills they need to compete in the
236 21st century economy, the Legislature encourages instructional
237 methods for blended learning courses consisting of both
238 traditional classroom and online instructional techniques.
239 Charter schools may implement blended learning courses which
240 combine traditional classroom instruction and virtual
241 instruction. Students in a blended learning course must be full-
242 time students of the charter school pursuant to s.



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243 1011.61(1)(a)1. ~~and receive the online instruction in a~~
244 ~~classroom setting at the charter school.~~ Instructional personnel
245 certified pursuant to s. 1012.55 who provide virtual instruction
246 for blended learning courses may be employees of the charter
247 school or may be under contract to provide instructional
248 services to charter school students. At a minimum, such
249 instructional personnel must hold an active state or school
250 district adjunct certification under s. 1012.57 for the subject
251 area of the blended learning course. The funding and performance
252 accountability requirements for blended learning courses are the
253 same as those for traditional courses.

254 3. The current incoming baseline standard of student
255 academic achievement, the outcomes to be achieved, and the
256 method of measurement that will be used. The criteria listed in
257 this subparagraph shall include a detailed description of:

258 a. How the baseline student academic achievement levels and
259 prior rates of academic progress will be established.

260 b. How these baseline rates will be compared to rates of
261 academic progress achieved by these same students while
262 attending the charter school.

263 c. To the extent possible, how these rates of progress will
264 be evaluated and compared with rates of progress of other
265 closely comparable student populations.

266
267 The district school board is required to provide academic
268 student performance data to charter schools for each of their
269 students coming from the district school system, as well as
270 rates of academic progress of comparable student populations in
271 the district school system.



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272 4. The methods used to identify the educational strengths
273 and needs of students and how well educational goals and
274 performance standards are met by students attending the charter
275 school. The methods shall provide a means for the charter school
276 to ensure accountability to its constituents by analyzing
277 student performance data and by evaluating the effectiveness and
278 efficiency of its major educational programs. Students in
279 charter schools shall, at a minimum, participate in the
280 statewide assessment program created under s. 1008.22.

281 5. In secondary charter schools, a method for determining
282 that a student has satisfied the requirements for graduation in
283 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

284 6. A method for resolving conflicts between the governing
285 board of the charter school and the sponsor.

286 7. The admissions procedures and dismissal procedures,
287 including the school's code of student conduct. Admission or
288 dismissal must not be based on a student's academic performance.

289 8. The ways by which the school will achieve a
290 racial/ethnic balance reflective of the community it serves or
291 within the racial/ethnic range of other public schools in the
292 same school district.

293 9. The financial and administrative management of the
294 school, including a reasonable demonstration of the professional
295 experience or competence of those individuals or organizations
296 applying to operate the charter school or those hired or
297 retained to perform such professional services and the
298 description of clearly delineated responsibilities and the
299 policies and practices needed to effectively manage the charter
300 school. A description of internal audit procedures and



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301 establishment of controls to ensure that financial resources are
302 properly managed must be included. Both public sector and
303 private sector professional experience shall be equally valid in
304 such a consideration.

305 10. The asset and liability projections required in the
306 application which are incorporated into the charter and shall be
307 compared with information provided in the annual report of the
308 charter school.

309 11. A description of procedures that identify various risks
310 and provide for a comprehensive approach to reduce the impact of
311 losses; plans to ensure the safety and security of students and
312 staff; plans to identify, minimize, and protect others from
313 violent or disruptive student behavior; and the manner in which
314 the school will be insured, including whether or not the school
315 will be required to have liability insurance, and, if so, the
316 terms and conditions thereof and the amounts of coverage.

317 12. The term of the charter which shall provide for
318 cancellation of the charter if insufficient progress has been
319 made in attaining the student achievement objectives of the
320 charter and if it is not likely that such objectives can be
321 achieved before expiration of the charter. The initial term of a
322 charter shall be for 4 or 5 years. In order to facilitate access
323 to long-term financial resources for charter school
324 construction, charter schools that are operated by a
325 municipality or other public entity as provided by law are
326 eligible for up to a 15-year charter, subject to approval by the
327 district school board. A charter lab school is eligible for a
328 charter for a term of up to 15 years. In addition, to facilitate
329 access to long-term financial resources for charter school



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330 construction, charter schools that are operated by a private,
331 not-for-profit, s. 501(c)(3) status corporation are eligible for
332 up to a 15-year charter, subject to approval by the district
333 school board. Such long-term charters remain subject to annual
334 review and may be terminated during the term of the charter, but
335 only according to the provisions set forth in subsection (8).

336 13. The facilities to be used and their location. The
337 sponsor may not require a charter school to have a certificate
338 of occupancy or a temporary certificate of occupancy for such a
339 facility earlier than 15 calendar days before the first day of
340 school.

341 14. The qualifications to be required of the teachers and
342 the potential strategies used to recruit, hire, train, and
343 retain qualified staff to achieve best value.

344 15. The governance structure of the school, including the
345 status of the charter school as a public or private employer as
346 required in paragraph (12)(i).

347 16. A timetable for implementing the charter which
348 addresses the implementation of each element thereof and the
349 date by which the charter shall be awarded in order to meet this
350 timetable.

351 17. In the case of an existing public school that is being
352 converted to charter status, alternative arrangements for
353 current students who choose not to attend the charter school and
354 for current teachers who choose not to teach in the charter
355 school after conversion in accordance with the existing
356 collective bargaining agreement or district school board rule in
357 the absence of a collective bargaining agreement. However,
358 alternative arrangements shall not be required for current



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359 teachers who choose not to teach in a charter lab school, except
360 as authorized by the employment policies of the state university
361 which grants the charter to the lab school.

362 18. Full disclosure of the identity of all relatives
363 employed by the charter school who are related to the charter
364 school owner, president, chairperson of the governing board of
365 directors, superintendent, governing board member, principal,
366 assistant principal, or any other person employed by the charter
367 school who has equivalent decisionmaking authority. For the
368 purpose of this subparagraph, the term "relative" means father,
369 mother, son, daughter, brother, sister, uncle, aunt, first
370 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
371 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
372 stepfather, stepmother, stepson, stepdaughter, stepbrother,
373 stepsister, half brother, or half sister.

374 19. Implementation of the activities authorized under s.
375 1002.331 by the charter school when it satisfies the eligibility
376 requirements for a high-performing charter school. A high-
377 performing charter school shall notify its sponsor in writing by
378 March 1 if it intends to increase enrollment or expand grade
379 levels the following school year. The written notice shall
380 specify the amount of the enrollment increase and the grade
381 levels that will be added, as applicable.

382 (d)1. A charter may be terminated by a charter school's
383 governing board through voluntary closure. The decision to cease
384 operations must be determined at a public meeting. The governing
385 board shall notify the parents and sponsor of the public meeting
386 in writing before the public meeting. The governing board must
387 notify the sponsor, parents of enrolled students, and the



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388 department in writing within 24 hours after the public meeting
389 of its determination. The notice shall state the charter
390 school's intent to continue operations or the reason for the
391 closure and acknowledge that the governing board agrees to
392 follow the procedures for dissolution and reversion of public
393 funds pursuant to paragraphs (8) (e)-(g) and (9) (o) ~~Each charter~~
394 ~~school's governing board must appoint a representative to~~
395 ~~facilitate parental involvement, provide access to information,~~
396 ~~assist parents and others with questions and concerns, and~~
397 ~~resolve disputes. The representative must reside in the school~~
398 ~~district in which the charter school is located and may be a~~
399 ~~governing board member, charter school employee, or individual~~
400 ~~contracted to represent the governing board. If the governing~~
401 ~~board oversees multiple charter schools in the same school~~
402 ~~district, the governing board must appoint a separate individual~~
403 ~~representative for each charter school in the district. The~~
404 ~~representative's contact information must be provided annually~~
405 ~~in writing to parents and posted prominently on the charter~~
406 ~~school's website if a website is maintained by the school. The~~
407 ~~sponsor may not require that governing board members reside in~~
408 ~~the school district in which the charter school is located if~~
409 ~~the charter school complies with this paragraph.~~

410 ~~2. Each charter school's governing board must hold at least~~
411 ~~two public meetings per school year in the school district. The~~
412 ~~meetings must be noticed, open, and accessible to the public,~~
413 ~~and attendees must be provided an opportunity to receive~~
414 ~~information and provide input regarding the charter school's~~
415 ~~operations. The appointed representative and charter school~~
416 ~~principal or director, or his or her equivalent, must be~~



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417 ~~physically present at each meeting.~~

418 (9) CHARTER SCHOOL REQUIREMENTS.—

419 (g)1. In order to provide financial information that is
420 comparable to that reported for other public schools, charter
421 schools are to maintain all financial records that constitute
422 their accounting system:

423 a. In accordance with the accounts and codes prescribed in
424 the most recent issuance of the publication titled "Financial
425 and Program Cost Accounting and Reporting for Florida Schools";
426 or

427 b. At the discretion of the charter school's governing
428 board, a charter school may elect to follow generally accepted
429 accounting standards for not-for-profit organizations, but must
430 reformat this information for reporting according to this
431 paragraph.

432 2. Charter schools shall provide annual financial report
433 and program cost report information in the state-required
434 formats for inclusion in district reporting in compliance with
435 s. 1011.60(1). Charter schools that are operated by a
436 municipality or are a component unit of a parent nonprofit
437 organization may use the accounting system of the municipality
438 or the parent but must reformat this information for reporting
439 according to this paragraph.

440 3. A charter school shall, upon approval of the charter
441 contract, provide the sponsor with a concise, uniform, monthly
442 financial statement summary sheet that contains a balance sheet
443 and a statement of revenue, expenditures, and changes in fund
444 balance. The balance sheet and the statement of revenue,
445 expenditures, and changes in fund balance shall be in the



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446 governmental funds format prescribed by the Governmental
447 Accounting Standards Board. A high-performing charter school
448 pursuant to s. 1002.331 may provide a quarterly financial
449 statement in the same format and requirements as the uniform
450 monthly financial statement summary sheet. The sponsor shall
451 review each monthly or quarterly financial statement to identify
452 the existence of any conditions identified in s. 1002.345(1)(a).

453 4. A charter school shall maintain and provide financial
454 information as required in this paragraph. The financial
455 statement required in subparagraph 3. must be in a form
456 prescribed by the Department of Education.

457 (n)1. The director and a representative of the governing
458 board of a charter school that has earned a grade of "D" or "F"
459 pursuant to s. 1008.34 shall appear before the sponsor to
460 present information concerning each contract component having
461 noted deficiencies. The director and a representative of the
462 governing board shall submit to the sponsor for approval a
463 school improvement plan to raise student performance. Upon
464 approval by the sponsor, the charter school shall begin
465 implementation of the school improvement plan. The department
466 shall offer technical assistance and training to the charter
467 school and its governing board and establish guidelines for
468 developing, submitting, and approving such plans.

469 2.a. If a charter school earns three consecutive grades of
470 "D," two consecutive grades of "D" followed by a grade of "F,"
471 or two nonconsecutive grades of "F" within a 3-year period, the
472 charter school governing board shall choose one of the following
473 corrective actions:

474 (I) Contract for educational services to be provided



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475 directly to students, instructional personnel, and school
476 administrators, as prescribed in state board rule;

477 (II) Contract with an outside entity that has a
478 demonstrated record of effectiveness to operate the school;

479 (III) Reorganize the school under a new director or
480 principal who is authorized to hire new staff; or

481 (IV) Voluntarily close the charter school.

482 b. The charter school must implement the corrective action
483 in the school year following receipt of a third consecutive
484 grade of "D," a grade of "F" following two consecutive grades of
485 "D," or a second nonconsecutive grade of "F" within a 3-year
486 period.

487 c. The sponsor may annually waive a corrective action if it
488 determines that the charter school is likely to improve a letter
489 grade if additional time is provided to implement the
490 intervention and support strategies prescribed by the school
491 improvement plan. Notwithstanding this sub-subparagraph, a
492 charter school that earns a second consecutive grade of "F" is
493 subject to subparagraph 4.

494 d. A charter school is no longer required to implement a
495 corrective action if it improves by at least one letter grade.
496 However, the charter school must continue to implement
497 strategies identified in the school improvement plan. The
498 sponsor must annually review implementation of the school
499 improvement plan to monitor the school's continued improvement
500 pursuant to subparagraph 5.

501 e. A charter school implementing a corrective action that
502 does not improve by at least one letter grade after 2 full
503 school years of implementing the corrective action must select a



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504 different corrective action. Implementation of the new
505 corrective action must begin in the school year following the
506 implementation period of the existing corrective action, unless
507 the sponsor determines that the charter school is likely to
508 improve a letter grade if additional time is provided to
509 implement the existing corrective action. Notwithstanding this
510 sub-subparagraph, a charter school that earns a second
511 consecutive grade of "F" while implementing a corrective action
512 is subject to subparagraph 4.

513 3. A charter school with a grade of "D" or "F" that
514 improves by at least one letter grade must continue to implement
515 the strategies identified in the school improvement plan. The
516 sponsor must annually review implementation of the school
517 improvement plan to monitor the school's continued improvement
518 pursuant to subparagraph 5.

519 4. A charter school's charter contract is automatically
520 terminated if the school earns two consecutive grades of "F"
521 after all school grade appeals are final ~~The sponsor shall~~
522 ~~terminate a charter if the charter school earns two consecutive~~
523 ~~grades of "F" unless:~~

524 a. The charter school is established to turn around the
525 performance of a district public school pursuant to s.
526 1008.33(4)(b)3. Such charter schools shall be governed by s.
527 1008.33;

528 b. The charter school serves a student population the
529 majority of which resides in a school zone served by a district
530 public school that earned a grade of "F" in the year before the
531 charter school opened and the charter school earns at least a
532 grade of "D" in its third year of operation. The exception



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533 provided under this sub-subparagraph does not apply to a charter
534 school in its fourth year of operation and thereafter; or

535 c. The state board grants the charter school a waiver of
536 termination. The charter school must request the waiver within
537 15 days after the department's official release of school
538 grades. The state board may waive termination if the charter
539 school demonstrates that the Learning Gains of its students on
540 statewide assessments are comparable to or better than the
541 Learning Gains of similarly situated students enrolled in nearby
542 district public schools. The waiver is valid for 1 year and may
543 only be granted once. Charter schools that have been in
544 operation for more than 5 years are not eligible for a waiver
545 under this sub-subparagraph.

546
547 The sponsor shall notify the charter school's governing board,
548 the charter school principal, and the department in writing when
549 a charter contract is terminated under this subparagraph. The
550 letter of termination must meet the requirements of paragraph
551 (8) (c). A charter terminated under this subparagraph must follow
552 the procedures for dissolution and reversion of public funds
553 pursuant to paragraphs (8) (e)-(g) and (9) (o).

554 5. The director and a representative of the governing board
555 of a graded charter school that has implemented a school
556 improvement plan under this paragraph shall appear before the
557 sponsor at least once a year to present information regarding
558 the progress of intervention and support strategies implemented
559 by the school pursuant to the school improvement plan and
560 corrective actions, if applicable. The sponsor shall communicate
561 at the meeting, and in writing to the director, the services



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562 provided to the school to help the school address its
563 deficiencies.

564 6. Notwithstanding any provision of this paragraph except
565 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
566 at any time pursuant to subsection (8).

567 (p)1. Each charter school shall maintain a website that
568 enables the public to obtain information regarding the school;
569 the school's academic performance; the names of the governing
570 board members; the programs at the school; any management
571 companies, service providers, or education management
572 corporations associated with the school; the school's annual
573 budget and its annual independent fiscal audit; the school's
574 grade pursuant to s. 1008.34; and, on a quarterly basis, the
575 minutes of governing board meetings.

576 2. Each charter school's governing board must appoint a
577 representative to facilitate parental involvement, provide
578 access to information, assist parents and others with questions
579 and concerns, and resolve disputes. The representative must
580 reside in the school district in which the charter school is
581 located and may be a governing board member, a charter school
582 employee, or an individual contracted to represent the governing
583 board. If the governing board oversees multiple charter schools
584 in the same school district, the governing board must appoint a
585 separate representative for each charter school in the district.
586 The representative's contact information must be provided
587 annually in writing to parents and posted prominently on the
588 charter school's website. The sponsor may not require governing
589 board members to reside in the school district in which the
590 charter school is located if the charter school complies with



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591 this subparagraph.

592 3. Each charter school's governing board must hold at least
593 two public meetings per school year in the school district where
594 the charter school is located. The meetings must be noticed,
595 open, and accessible to the public, and attendees must be
596 provided an opportunity to receive information and provide input
597 regarding the charter school's operations. The appointed
598 representative and charter school principal or director, or his
599 or her designee, must be physically present at each meeting.
600 Members of the governing board may attend in person or by means
601 of communications media technology used in accordance with rules
602 adopted by the Administration Commission under s. 120.54(5).

603 (10) ELIGIBLE STUDENTS.—

604 (a) A charter school shall be open to any student covered
605 in an interdistrict agreement or residing in the school district
606 in which the charter school is located; however, in the case of
607 a charter lab school, the charter lab school shall be open to
608 any student eligible to attend the lab school as provided in s.
609 1002.32 or who resides in the school district in which the
610 charter lab school is located. Any eligible student shall be
611 allowed interdistrict transfer to attend a charter school when
612 based on good cause. Good cause shall include, but is not
613 limited to, geographic proximity to a charter school in a
614 neighboring school district. A charter school that has not
615 reached capacity, as determined by the charter school's
616 governing board, may be open for enrollment to any student in
617 the state.

618 (d) A charter school may give enrollment preference to the
619 following student populations:



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- 620 1. Students who are siblings of a student enrolled in the
621 charter school.
- 622 2. Students who are the children of a member of the
623 governing board of the charter school.
- 624 3. Students who are the children of an employee of the
625 charter school.
- 626 4. Students who are the children of:
- 627 a. An employee of the business partner of a charter school-
628 in-the-workplace established under paragraph (15) (b) or a
629 resident of the municipality in which such charter school is
630 located; or
- 631 b. A resident of a municipality that operates a charter
632 school-in-a-municipality pursuant to paragraph (15) (c) or allows
633 a charter school to use a school facility or portion of land
634 owned by the municipality for the operation of the charter
635 school.
- 636 5. Students who have successfully completed a voluntary
637 prekindergarten education program under ss. 1002.51-1002.79
638 provided by the charter school or the charter school's governing
639 board during the previous year.
- 640 6. Students who are the children of an active duty member
641 of any branch of the United States Armed Forces.
- 642 7. Students who attended or are assigned to failing schools
643 pursuant to s. 1002.38 (2).
- 644 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter
645 into cooperative agreements to form charter school cooperative
646 organizations that may provide ~~the following~~ services to further
647 educational, operational, and administrative initiatives in
648 which the participating charter schools share common interests.



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649 ~~charter school planning and development, direct instructional~~
650 ~~services, and contracts with charter school governing boards to~~
651 ~~provide personnel administrative services, payroll services,~~
652 ~~human resource management, evaluation and assessment services,~~
653 ~~teacher preparation, and professional development.~~

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

659 (b) The basis for the agreement for funding students
660 enrolled in a charter school shall be the sum of the school
661 district's operating funds from the Florida Education Finance
662 Program as provided in s. 1011.62 and the General Appropriations
663 Act, including gross state and local funds, discretionary
664 lottery funds, and funds from the school district's current
665 operating discretionary millage levy; divided by total funded
666 weighted full-time equivalent students in the school district;
667 multiplied by the weighted full-time equivalent students for the
668 charter school. Charter schools whose students or programs meet
669 the eligibility criteria in law are entitled to their
670 proportionate share of categorical program funds included in the
671 total funds available in the Florida Education Finance Program
672 by the Legislature, including transportation, the research-based
673 reading allocation, and the Florida digital classrooms
674 allocation. Total funding for each charter school shall be
675 recalculated during the year to reflect the revised calculations
676 under the Florida Education Finance Program by the state and the
677 actual weighted full-time equivalent students reported by the



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678 charter school during the full-time equivalent student survey
679 periods designated by the Commissioner of Education. Any
680 unrestricted surplus or unrestricted net assets identified in
681 the charter school's annual audit may be used for K-12
682 educational purposes for charter schools within the district
683 operated by the not-for-profit or municipal entity operating the
684 charter school with the surplus. Surplus operating funds shall
685 be used in accordance with s. 1011.62, and surplus capital
686 outlay funds shall be used in accordance with s. 1013.62(2).

687 (e) District school boards shall make timely and efficient
688 payment and reimbursement to charter schools, including
689 processing paperwork required to access special state and
690 federal funding for which they may be eligible. Payments of
691 funds under paragraph (b) shall be made monthly or twice a
692 month, beginning with the start of the district school board's
693 fiscal year. Each payment shall be one-twelfth, or one twenty-
694 fourth, as applicable, of the total state and local funds
695 described in paragraph (b) and adjusted as set forth therein.
696 For the first 2 years of a charter school's operation, if a
697 minimum of 75 percent of the projected enrollment is entered
698 into the sponsor's student information system by the first day
699 of the current month, the district school board shall ~~may~~
700 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months
701 of July through October based on the projected full-time
702 equivalent student membership of the charter school as submitted
703 in the approved application. If less than 75 percent of the
704 projected enrollment is entered into the sponsor's student
705 information system by the first day of the current month, the
706 sponsor shall base payments on the actual number of student



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707 enrollment entered into the sponsor's student information
708 system. Thereafter, the results of full-time equivalent student
709 membership surveys shall be used in adjusting the amount of
710 funds distributed monthly to the charter school for the
711 remainder of the fiscal year. The payments ~~payment~~ shall be
712 issued no later than 10 working days after the district school
713 board receives a distribution of state or federal funds or the
714 date the payment is due pursuant to this subsection. If a
715 warrant for payment is not issued within 10 working days after
716 receipt of funding by the district school board, the school
717 district shall pay to the charter school, in addition to the
718 amount of the scheduled disbursement, interest at a rate of 1
719 percent per month calculated on a daily basis on the unpaid
720 balance from the expiration of the 10 working days until such
721 time as the warrant is issued. The district school board may not
722 delay payment to a charter school of any portion of the funds
723 provided in paragraph (b) based on the timing of receipt of
724 local funds by the district school board.

725 (18) FACILITIES.—

726 (a) A startup charter school shall utilize facilities which
727 comply with the Florida Building Code pursuant to chapter 553
728 except for the State Requirements for Educational Facilities.
729 Conversion charter schools shall utilize facilities that comply
730 with the State Requirements for Educational Facilities provided
731 that the school district and the charter school have entered
732 into a mutual management plan for the reasonable maintenance of
733 such facilities. The mutual management plan shall contain a
734 provision by which the district school board agrees to maintain
735 charter school facilities in the same manner as its other public



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736 schools within the district. Charter schools, with the exception
737 of conversion charter schools, are not required to comply, but
738 may choose to comply, with the State Requirements for
739 Educational Facilities of the Florida Building Code adopted
740 pursuant to s. 1013.37. The local governing authority shall not
741 adopt or impose any local building requirements or site-
742 development restrictions, such as parking and site-size
743 criteria, that are addressed by and more stringent than those
744 found in the State Requirements for Educational Facilities of
745 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
746 governing authority must treat charter schools equitably in
747 comparison to similar requirements, restrictions, and site
748 planning processes imposed upon public schools that are not
749 charter schools. The agency having jurisdiction for inspection
750 of a facility and issuance of a certificate of occupancy or use
751 shall be the local municipality or, if in an unincorporated
752 area, the county governing authority. If an official or employee
753 of the local governing authority refuses to comply with this
754 paragraph, the aggrieved school or entity has an immediate right
755 to bring an action in circuit court to enforce its rights by
756 injunction. An aggrieved party that receives injunctive relief
757 may be awarded attorney fees and court costs.

758 (20) SERVICES.—

759 (a)1. A sponsor shall provide certain administrative and
760 educational services to charter schools. These services shall
761 include contract management services; full-time equivalent and
762 data reporting services; exceptional student education
763 administration services; services related to eligibility and
764 reporting duties required to ensure that school lunch services



765 under the federal lunch program, consistent with the needs of
766 the charter school, are provided by the school district at the
767 request of the charter school, that any funds due to the charter
768 school under the federal lunch program be paid to the charter
769 school as soon as the charter school begins serving food under
770 the federal lunch program, and that the charter school is paid
771 at the same time and in the same manner under the federal lunch
772 program as other public schools serviced by the sponsor or the
773 school district; test administration services, including payment
774 of the costs of state-required or district-required student
775 assessments; processing of teacher certificate data services;
776 and information services, including equal access to student
777 information systems that are used by public schools in the
778 district in which the charter school is located. Student
779 performance data for each student in a charter school,
780 including, but not limited to, FCAT scores, standardized test
781 scores, previous public school student report cards, and student
782 performance measures, shall be provided by the sponsor to a
783 charter school in the same manner provided to other public
784 schools in the district.

785 2. A total administrative fee for the provision of such
786 services shall be calculated based upon up to 5 percent of the
787 available funds defined in paragraph (17)(b) for all students,
788 except that when 75 percent or more of the students enrolled in
789 the charter school are exceptional students as defined in s.
790 1003.01(3), the 5 percent of those available funds shall be
791 calculated based on unweighted full-time equivalent students.
792 However, a sponsor may only withhold up to a 5-percent
793 administrative fee for enrollment for up to and including 250



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794 students. For charter schools with a population of 251 or more
795 students, the difference between the total administrative fee
796 calculation and the amount of the administrative fee withheld
797 may only be used for capital outlay purposes specified in s.
798 1013.62(2).

799 3. For high-performing charter schools, as defined in s.
800 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
801 administrative fee of up to 2 percent for enrollment up to and
802 including 250 students per school.

803 4. In addition, a sponsor may withhold only up to a 5-
804 percent administrative fee for enrollment for up to and
805 including 500 students within a system of charter schools which
806 meets all of the following:

807 a. Includes both conversion charter schools and
808 nonconversion charter schools;

809 b. Has all schools located in the same county;

810 c. Has a total enrollment exceeding the total enrollment of
811 at least one school district in the state;

812 d. Has the same governing board; and

813 e. Does not contract with a for-profit service provider for
814 management of school operations.

815 5. The difference between the total administrative fee
816 calculation and the amount of the administrative fee withheld
817 pursuant to subparagraph 4. may be used for instructional and
818 administrative purposes as well as for capital outlay purposes
819 specified in s. 1013.62(2).

820 6. For a high-performing charter school system that also
821 meets the requirements in subparagraph 4., a sponsor may
822 withhold a 2-percent administrative fee for enrollments up to



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823 and including 500 students per system.

824 7. Sponsors shall not charge charter schools any additional
825 fees or surcharges for administrative and educational services
826 in addition to the maximum 5-percent administrative fee withheld
827 pursuant to this paragraph.

828 8. The sponsor of a virtual charter school may withhold a
829 fee of up to 5 percent. The funds shall be used to cover the
830 cost of services provided under subparagraph 1. and
831 implementation of the school district's digital classrooms plan
832 pursuant to s. 1011.62.

833 9. For charter schools that operate in a critical need
834 area, as defined in s. 1002.333, a sponsor may withhold a total
835 administrative fee of up to 3 percent for enrollment up to and
836 including 250 students per school.

837 10. A charter school whose initial application is submitted
838 under s. 1002.331 and denied by the district school board is
839 exempt from the administrative fee requirements of this
840 paragraph.

841 Section 2. Paragraph (e) of subsection (2), paragraph (b)
842 of subsection (3), and subsections (4) and (5) of section
843 1002.331, Florida Statutes, are amended to read:

844 1002.331 High-performing charter schools.—

845 (2) A high-performing charter school is authorized to:

846 (e) Receive a modification of its charter to an additional
847 a term of 15 years or a 15-year charter renewal. The charter may
848 be modified or renewed for a shorter term at the option of the
849 high-performing charter school. The sponsor has 30 days after
850 the charter school receives its high-performing designation to
851 provide a charter renewal to the charter school. The charter



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852 school and sponsor have 20 days to negotiate and provide notice
853 of the charter contract for final approval by the sponsor. The
854 proposed charter contract must be provided to the charter school
855 at least 7 days before the date of the meeting at which the
856 charter is scheduled for final approval by the sponsor. A
857 dispute may be appealed to an administrative law judge appointed
858 by the Division of Administrative Hearings pursuant to s.
859 1002.33(6)(h). The charter must be consistent with s.
860 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
861 review by the sponsor, and may be terminated during its term
862 pursuant to s. 1002.33(8).

863
864 A high-performing charter school shall notify its sponsor in
865 writing by March 1 if it intends to increase enrollment or
866 expand grade levels the following school year. The written
867 notice shall specify the amount of the enrollment increase and
868 the grade levels that will be added, as applicable. If a charter
869 school notifies the sponsor of its intent to expand, the sponsor
870 shall modify the charter within 90 days to include the new
871 enrollment maximum and may not make any other changes. The
872 sponsor may deny a request to increase the enrollment of a high-
873 performing charter school if the commissioner has declassified
874 the charter school as high-performing. If a high-performing
875 charter school requests to consolidate multiple charters, the
876 sponsor has ~~shall have~~ 40 days after receipt of that request to
877 provide an initial draft charter to the charter school. The
878 sponsor and charter school has ~~shall have~~ 50 days thereafter to
879 negotiate and notice the charter contract for final approval by
880 the sponsor.



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881 (3)
882 (b) A high-performing charter school may not establish more
883 than one charter school within the state under paragraph (a) in
884 any year. A subsequent application to establish a charter school
885 under paragraph (a) may not be submitted unless each charter
886 school established in this manner achieves high-performing
887 charter school status. This paragraph does not apply to charter
888 schools established by a high-performing charter school in the
889 attendance zone of a public school that earns a grade of "F" or
890 three consecutive grades of "D" pursuant to s. 1008.34 or to
891 meet capacity needs or needs for innovative school choice
892 options identified by the district school board.

893 ~~(4) A high-performing charter school may not increase~~
894 ~~enrollment or expand grade levels following any school year in~~
895 ~~which it receives a school grade of "C" or below. If the charter~~
896 ~~school receives a school grade of "C" or below in any 2 years~~
897 ~~during the term of the charter awarded under subsection (2), the~~
898 ~~term of the charter may be modified by the sponsor and the~~
899 ~~charter school loses its high-performing charter school status~~
900 ~~until it regains that status under subsection (1).~~

901 (4)-(5) The Commissioner of Education, upon request by a
902 charter school, shall verify that the charter school meets the
903 criteria in subsection (1) and provide a letter to the charter
904 school and the sponsor stating that the charter school is a
905 high-performing charter school pursuant to this section. The
906 commissioner shall annually determine whether a high-performing
907 charter school under subsection (1) continues to meet the
908 criteria in that subsection. Such high-performing charter school
909 shall maintain its high-performing status unless the



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910 commissioner determines that the charter school no longer meets
911 the criteria in subsection (1), at which time the commissioner
912 shall send a letter to the charter school and its sponsor
913 providing notification that the charter school has been
914 declassified ~~of its declassification~~ as a high-performing
915 charter school.

916 Section 3. Section 1002.333, Florida Statutes, is created
917 to read:

918 1002.333 High Impact Charter Network.—

919 (1) As used in this section, the term:

920 (a) "Critical need area" means an area that is served by
921 one or more nonalternative, traditional public schools that
922 received a school grade of "D" or "F" pursuant to s. 1008.34 in
923 4 of the most recent 5 years.

924 (b) "Entity" means a nonprofit organization with tax exempt
925 status under s. 501(c)(3) of the Internal Revenue Code that is
926 authorized by law to operate a public charter school.

927 (2) An entity that successfully operates a system of
928 charter schools that primarily serves educationally
929 disadvantaged students, as defined in the Elementary and
930 Secondary Education Act, 20 U.S.C. s. 1115(b)(2), may apply to
931 the state board for status as a High Impact Charter Network. The
932 state board shall adopt rules prescribing a process for
933 determining whether the entity meets the requirements of this
934 subsection by reviewing student demographic, academic, and
935 financial performance data. The process shall include a review
936 of all schools currently or previously operated by the entity,
937 including schoolwide and subgroup performance on all statewide,
938 standardized assessments for the most recent 3 years as compared



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939 to all students at the same grade level, and as compared with
940 other schools serving similar demographics of students, and
941 school-level financial performance. The review may also include
942 performance on nationally norm-referenced assessments, student
943 attendance and retention rates, graduation rates, college
944 attendance rates, college persistence rates, and other outcome
945 measures as determined by the state board.

946 (3) An entity that is designated as a High Impact Charter
947 Network pursuant to this subsection may submit an application
948 pursuant to s. 1002.33 to establish and operate charter schools
949 in critical need areas. Notwithstanding s. 1013.62(1)(a), a
950 charter school operated by a High Impact Charter Network in a
951 critical need area is eligible to receive charter school capital
952 outlay.

953 (4) The administrative fee provided for in s.
954 1002.33(20)(a) shall be waived for a charter school established
955 by a High Impact Charter Network in a critical need area as long
956 as the network maintains its status as a High Impact Charter
957 Network.

958 (5) The department shall give priority to charter schools
959 operated by a High Impact Charter Network in the department's
960 Public Charter School Grant Program competitions. Priority shall
961 only be provided for new charter schools that will operate in a
962 critical need area.

963 (6) The initial High Impact Charter Network status is valid
964 for up to 4 years. If an entity seeks renewal of its status, the
965 state board shall review the academic and financial performance
966 of the charter schools established in areas of critical need
967 pursuant to subsection (2).



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968 (7) For purposes of determining areas of critical need,
969 school grades issued for the 2014-2015 school year may not be
970 considered.

971 (8) The State Board of Education shall adopt rules to
972 administer this section.

973 Section 4. Paragraph (a) of subsection (3) and paragraph
974 (a) of subsection (8) of section 1002.37, Florida Statutes, are
975 amended to read:

976 1002.37 The Florida Virtual School.—

977 (3) Funding for the Florida Virtual School shall be
978 provided as follows:

979 (a)1. The calculation of "full-time equivalent student"
980 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
981 to s. 1011.61(4) For a student in grades 9 through 12, a "full-
982 time equivalent student" is one student who has successfully
983 completed six full-credit courses that count toward the minimum
984 number of credits required for high school graduation. A student
985 who completes fewer than six full-credit courses is a fraction
986 of a full-time equivalent student. Half-credit course
987 completions shall be included in determining a full-time
988 equivalent student.

989 ~~2. For a student in kindergarten through grade 8, a "full-~~
990 ~~time equivalent student" is one student who has successfully~~
991 ~~completed six courses or the prescribed level of content that~~
992 ~~counts toward promotion to the next grade. A student who~~
993 ~~completes fewer than six courses or the prescribed level of~~
994 ~~content shall be a fraction of a full-time equivalent student.~~

995 ~~2.3.~~ For a student in a home education program, funding
996 shall be provided in accordance with this subsection upon course



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997 completion if the parent verifies, upon enrollment for each
998 course, that the student is registered with the school district
999 as a home education student pursuant to s. 1002.41(1)(a).

1000 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1001 ~~equivalent students and associated funding of students enrolled~~
1002 ~~in courses requiring passage of an end-of-course assessment~~
1003 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1004 ~~be adjusted if the student does not pass the end-of-course~~
1005 ~~assessment. However, no adjustment shall be made for home~~
1006 ~~education program students who choose not to take an end-of-~~
1007 ~~course assessment or for a student who enrolls in a segmented~~
1008 ~~remedial course delivered online.~~

1009
1010 ~~For purposes of this paragraph, the calculation of "full-time~~
1011 ~~equivalent student" shall be as prescribed in s.~~
1012 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1013 ~~1011.61(4).~~

1014 (8)(a) The Florida Virtual School may provide full-time and
1015 part-time instruction for students in kindergarten through grade
1016 12. ~~To receive part-time instruction in kindergarten through~~
1017 ~~grade 5, a student must meet at least one of the eligibility~~
1018 ~~criteria in s. 1002.455(2).~~

1019 Section 5. Subsection (5), paragraph (e) of subsection (7),
1020 and paragraphs (c) and (d) of subsection (8) of section 1002.45,
1021 Florida Statutes, are amended to read:

1022 1002.45 Virtual instruction programs.—

1023 (5) STUDENT ELIGIBILITY.—Students in kindergarten through
1024 grade 12 ~~A student~~ may enroll in a virtual instruction program
1025 provided by the school district or by a virtual charter school



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1026 operated in the district in which he or she resides ~~if the~~
1027 ~~student meets eligibility requirements for virtual instruction~~
1028 ~~pursuant to s. 1002.455.~~

1029 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
1030 FUNDING.—

1031 ~~(c) Beginning in the 2016-2017 fiscal year, the reported~~
1032 ~~full-time equivalent students and associated funding of students~~
1033 ~~enrolled in courses requiring passage of an end-of-course~~
1034 ~~assessment under s. 1003.4282 to earn a standard high school~~
1035 ~~diploma shall be adjusted if the student does not pass the end-~~
1036 ~~of-course assessment. However, no adjustment shall be made for a~~
1037 ~~student who enrolls in a segmented remedial course delivered~~
1038 ~~online.~~

1039 (8) ASSESSMENT AND ACCOUNTABILITY.—

1040 (c) An approved provider that receives a school grade of
1041 "D" or "F" under s. 1008.34 or a school improvement rating of
1042 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
1043 school improvement plan with the department for consultation to
1044 determine the causes for low performance and to develop a plan
1045 for correction and improvement.

1046 (d) An approved provider's contract is automatically ~~must~~
1047 ~~be~~ terminated if the provider earns two consecutive school
1048 grades of ~~receives a school grade of "D" or "F"~~ under s. 1008.34
1049 after all school grade appeals are final, receives two
1050 consecutive ~~or a school improvement ratings rating~~ of
1051 "unsatisfactory" ~~"Declining"~~ under s. 1008.341, ~~for 2 years~~
1052 ~~during any consecutive 4-year period~~ or has violated any
1053 qualification requirement pursuant to subsection (2). A provider
1054 that has a contract terminated under this paragraph may not be



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1055 an approved provider for a period of at least 1 year after the
1056 date upon which the contract was terminated and until the
1057 department determines that the provider is in compliance with
1058 subsection (2) and has corrected each cause of the provider's
1059 low performance.

1060 Section 6. Section 1002.455, Florida Statutes, is repealed.

1061 Section 7. Subsection (3) of section 1003.4295, Florida
1062 Statutes, is amended to read:

1063 1003.4295 Acceleration options.—

1064 (3) The Credit Acceleration Program (CAP) is created for
1065 the purpose of allowing a student to earn high school credit in
1066 courses required for high school graduation through passage of
1067 an end-of-course assessment ~~Algebra I, Algebra II, geometry,~~
1068 ~~United States history, or biology if the student passes the~~
1069 ~~statewide, standardized assessment~~ administered under s. 1008.22
1070 or an Advanced Placement Examination. Notwithstanding s.

1071 1003.436, a school district shall award course credit to a
1072 student who is not enrolled in the course, or who has not
1073 completed the course, if the student attains a passing score on
1074 the corresponding end-of-course assessment or Advanced Placement
1075 Examination ~~statewide, standardized assessment~~. The school
1076 district shall permit a public school or home education student
1077 who is not enrolled in the course, or who has not completed the
1078 course, to take the assessment or examination during the regular
1079 administration of the assessment or examination.

1080 Section 8. Subsections (1) and (2) of section 1003.498,
1081 Florida Statutes, are amended to read:

1082 1003.498 School district virtual course offerings.—

1083 (1) School districts may deliver courses in the traditional



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1084 school setting by personnel certified pursuant to s. 1012.55 who
1085 provide direct instruction through virtual instruction or
1086 through blended learning courses consisting of both traditional
1087 classroom and online instructional techniques. Students in a
1088 blended learning course must be full-time students of the school
1089 pursuant to s. 1011.61(1)(a)1. ~~and receive the online~~
1090 ~~instruction in a classroom setting at the school.~~ The funding,
1091 performance, and accountability requirements for blended
1092 learning courses are the same as those for traditional courses.
1093 To facilitate the delivery and coding of blended learning
1094 courses, the department shall provide identifiers for existing
1095 courses to designate that they are being used for blended
1096 learning courses for the purpose of ensuring the efficient
1097 reporting of such courses. A district may report full-time
1098 equivalent student membership for credit earned by a student who
1099 is enrolled in a virtual education course provided by the
1100 district which is completed after the end of the regular school
1101 year if the FTE is reported no later than the deadline for
1102 amending the final student membership report for that year.

1103 (2) School districts may offer virtual courses for students
1104 enrolled in the school district. These courses must be
1105 identified in the course code directory. ~~Students who meet the~~
1106 ~~eligibility requirements of s. 1002.455 may participate in these~~
1107 ~~virtual course offerings.~~

1108 (a) Any eligible student who is enrolled in a school
1109 district may register and enroll in an online course offered by
1110 his or her school district.

1111 (b)1. Any eligible student who is enrolled in a school
1112 district may register and enroll in an online course offered by



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1113 any other school district in the state. The school district in
1114 which the student completes the course shall report the
1115 student's completion of that course for funding pursuant to s.
1116 1011.61(1)(c)1.b.(VI), and the home school district shall not
1117 report the student for funding for that course.

1118 2. The full-time equivalent student membership calculated
1119 under this subsection is subject to the requirements in s.
1120 1011.61(4). The Department of Education shall establish
1121 procedures to enable interdistrict coordination for the delivery
1122 and funding of this online option.

1123 Section 9. Subsection (1) of section 1011.61, Florida
1124 Statutes, is amended to read:

1125 1011.61 Definitions.—Notwithstanding the provisions of s.
1126 1000.21, the following terms are defined as follows for the
1127 purposes of the Florida Education Finance Program:

1128 (1) A "full-time equivalent student" in each program of the
1129 district is defined in terms of full-time students and part-time
1130 students as follows:

1131 (a) A "full-time student" is one student on the membership
1132 roll of one school program or a combination of school programs
1133 listed in s. 1011.62(1)(c) for the school year or the equivalent
1134 for:

1135 1. Instruction in a standard school, comprising not less
1136 than 900 net hours for a student in or at the grade level of 4
1137 through 12, or not less than 720 net hours for a student in or
1138 at the grade level of kindergarten through grade 3 or in an
1139 authorized prekindergarten exceptional program; or

1140 ~~2. Instruction in a double-session school or a school~~
1141 ~~utilizing an experimental school calendar approved by the~~



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1142 ~~Department of Education, comprising not less than the equivalent~~
1143 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
1144 ~~hours in kindergarten through grade 3; or~~

1145 ~~2.3.~~ Instruction comprising the appropriate number of net
1146 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
1147 students who, within the past year, have moved with their
1148 parents for the purpose of engaging in the farm labor or fish
1149 industries, if a plan furnishing such an extended school day or
1150 week, or a combination thereof, has been approved by the
1151 commissioner. Such plan may be approved to accommodate the needs
1152 of migrant students only or may serve all students in schools
1153 having a high percentage of migrant students. The plan described
1154 in this subparagraph is optional for any school district and is
1155 not mandated by the state.

1156 (b) A "part-time student" is a student on the active
1157 membership roll of a school program or combination of school
1158 programs listed in s. 1011.62(1)(c) who is less than a full-time
1159 student. A student who receives instruction in a school that
1160 operates for less than the minimum term shall generate full-time
1161 equivalent student membership proportional to the amount of
1162 instructional hours provided by the school divided by the
1163 minimum term requirement as provided in s. 1011.60(2).

1164 (c)1. A "full-time equivalent student" is:

1165 a. A full-time student in any one of the programs listed in
1166 s. 1011.62(1)(c); or

1167 b. A combination of full-time or part-time students in any
1168 one of the programs listed in s. 1011.62(1)(c) which is the
1169 equivalent of one full-time student based on the following
1170 calculations:



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1171 (I) A full-time student in a combination of programs listed
1172 in s. 1011.62(1)(c) shall be a fraction of a full-time
1173 equivalent membership in each special program equal to the
1174 number of net hours per school year for which he or she is a
1175 member, divided by the appropriate number of hours set forth in
1176 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
1177 that fraction or sum of fractions and the maximum value as set
1178 forth in subsection (4) for each full-time student is presumed
1179 to be the balance of the student's time not spent in a special
1180 program and shall be recorded as time in the appropriate basic
1181 program.

1182 (II) A prekindergarten student with a disability shall meet
1183 the requirements specified for kindergarten students.

1184 (III) A full-time equivalent student for students in
1185 kindergarten through grade 12 in a full-time virtual instruction
1186 program under s. 1002.45 or a virtual charter school under s.
1187 1002.33 shall consist of six full-credit completions or the
1188 prescribed level of content that counts toward promotion to the
1189 next grade in programs listed in s. 1011.62(1)(c). Credit
1190 completions may be a combination of full-credit courses or half-
1191 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
1192 ~~reported full-time equivalent students and associated funding of~~
1193 ~~students enrolled in courses requiring passage of an end-of-~~
1194 ~~course assessment under s. 1003.4282 to earn a standard high~~
1195 ~~school diploma shall be adjusted if the student does not pass~~
1196 ~~the end-of-course assessment. However, no adjustment shall be~~
1197 ~~made for a student who enrolls in a segmented remedial course~~
1198 ~~delivered online.~~

1199 (IV) A full-time equivalent student for students in



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1200 kindergarten through grade 12 in a part-time virtual instruction
1201 program under s. 1002.45 shall consist of six full-credit
1202 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1203 Credit completions may be a combination of full-credit courses
1204 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
1205 ~~the reported full-time equivalent students and associated~~
1206 ~~funding of students enrolled in courses requiring passage of an~~
1207 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
1208 ~~high school diploma shall be adjusted if the student does not~~
1209 ~~pass the end-of-course assessment. However, no adjustment shall~~
1210 ~~be made for a student who enrolls in a segmented remedial course~~
1211 ~~delivered online.~~

1212 (V) A Florida Virtual School full-time equivalent student
1213 shall consist of six full-credit completions or the prescribed
1214 level of content that counts toward promotion to the next grade
1215 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1216 participating in kindergarten through grade 12 part-time virtual
1217 instruction and the programs listed in s. 1011.62(1)(c) for
1218 students participating in kindergarten through grade 12 full-
1219 time virtual instruction. Credit completions may be a
1220 combination of full-credit courses or half-credit courses.
1221 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1222 ~~equivalent students and associated funding of students enrolled~~
1223 ~~in courses requiring passage of an end-of-course assessment~~
1224 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1225 ~~be adjusted if the student does not pass the end-of-course~~
1226 ~~assessment. However, no adjustment shall be made for a student~~
1227 ~~who enrolls in a segmented remedial course delivered online.~~

1228 (VI) Each successfully completed full-credit course earned



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1229 through an online course delivered by a district other than the
1230 one in which the student resides shall be calculated as 1/6 FTE.

1231 (VII) A full-time equivalent student for courses requiring
1232 passage of a statewide, standardized end-of-course assessment
1233 under s. 1003.4282 to earn a standard high school diploma shall
1234 be defined and reported based on the number of instructional
1235 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
1236 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
1237 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
1238 ~~The reported FTE shall be adjusted if the student does not pass~~
1239 ~~the end-of-course assessment. However, no adjustment shall be~~
1240 ~~made for a student who enrolls in a segmented remedial course~~
1241 ~~delivered online.~~

1242 (VIII) For students enrolled in a school district as a
1243 full-time student, the district may report 1/6 FTE for each
1244 student who passes a statewide, standardized end-of-course
1245 assessment without being enrolled in the corresponding course.

1246 2. A student in membership in a program scheduled for more
1247 or less than 180 school days or the equivalent on an hourly
1248 basis as specified by rules of the State Board of Education is a
1249 fraction of a full-time equivalent membership equal to the
1250 number of instructional hours in membership divided by the
1251 appropriate number of hours set forth in subparagraph (a)1.;

1252 however, for the purposes of this subparagraph, membership in
1253 programs scheduled for more than 180 days is limited to students
1254 enrolled in:

- 1255 a. Juvenile justice education programs.
- 1256 b. The Florida Virtual School.
- 1257 c. Virtual instruction programs and virtual charter schools



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1258 for the purpose of course completion and credit recovery
1259 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1260 only to a student who is reported during the second or third
1261 membership surveys and who does not complete a virtual education
1262 course by the end of the regular school year. The course must be
1263 completed no later than the deadline for amending the final
1264 student enrollment survey for that year. Credit recovery applies
1265 only to a student who has unsuccessfully completed a traditional
1266 or virtual education course during the regular school year and
1267 must re-take the course in order to be eligible to graduate with
1268 the student's class.

1269
1270 The full-time equivalent student enrollment calculated under
1271 this subsection is subject to the requirements in subsection
1272 (4).

1273
1274 The department shall determine and implement an equitable method
1275 of equivalent funding for ~~experimental schools and for~~ schools
1276 operating under emergency conditions, which schools have been
1277 approved by the department to operate for less than the minimum
1278 term as provided in s. 1011.60(2) school day.

1279 Section 10. Subsection (11) of section 1011.62, Florida
1280 Statutes, is amended to read:

1281 1011.62 Funds for operation of schools.—If the annual
1282 allocation from the Florida Education Finance Program to each
1283 district for operation of schools is not determined in the
1284 annual appropriations act or the substantive bill implementing
1285 the annual appropriations act, it shall be determined as
1286 follows:



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1287 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
1288 annually provide in the Florida Education Finance Program a
1289 virtual education contribution. The amount of the virtual
1290 education contribution shall be the difference between the
1291 amount per FTE established in the General Appropriations Act for
1292 virtual education and the amount per FTE for each district and
1293 the Florida Virtual School, which may be calculated by taking
1294 the sum of the base FEFP allocation, the discretionary local
1295 effort, the state-funded discretionary contribution, the
1296 discretionary millage compression supplement, the research-based
1297 reading instruction allocation, and the instructional materials
1298 allocation, and then dividing by the total unweighted FTE. This
1299 difference shall be multiplied by the virtual education
1300 unweighted FTE for programs and options identified in ss.
1301 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the
1302 Florida Virtual School and its franchises to equal the virtual
1303 education contribution and shall be included as a separate
1304 allocation in the funding formula.

1305 Section 11. Paragraph (b) of subsection (8) of section
1306 1012.56, Florida Statutes, is amended to read:

1307 1012.56 Educator certification requirements.—

1308 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
1309 COMPETENCY PROGRAM.—

1310 (b)1. Each school district must and a private school or
1311 state-supported ~~state-supported~~ public school, including a
1312 charter school, ~~or a private school~~ may develop and maintain a
1313 system by which members of the instructional staff may
1314 demonstrate mastery of professional preparation and education
1315 competence as required by law. Each program must be based on



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1316 classroom application of the Florida Educator Accomplished
1317 Practices and instructional performance and, for public schools,
1318 must be aligned with the district's or state-supported public
1319 school's evaluation system established ~~approved~~ under s.
1320 1012.34, as applicable.

1321 2. The Commissioner of Education shall determine the
1322 continued approval of programs implemented under this paragraph,
1323 based upon the department's review of performance data. The
1324 department shall review the performance data as a part of the
1325 periodic review of each school district's professional
1326 development system required under s. 1012.98.

1327 Section 12. Paragraph (a) of subsection (1) of section
1328 1013.62, Florida Statutes, is amended to read:

1329 1013.62 Charter schools capital outlay funding.—

1330 (1) In each year in which funds are appropriated for
1331 charter school capital outlay purposes, the Commissioner of
1332 Education shall allocate the funds among eligible charter
1333 schools.

1334 (a) To be eligible for a funding allocation, a charter
1335 school must:

1336 1.a. Have been in operation for 3 or more years;

1337 b. Be governed by a governing board established in the
1338 state for 3 or more years which operates both charter schools
1339 and conversion charter schools within the state;

1340 c. Be an expanded feeder chain of a charter school within
1341 the same school district that is currently receiving charter
1342 school capital outlay funds;

1343 d. Have been accredited by the Commission on Schools of the
1344 Southern Association of Colleges and Schools; or



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1345 e. Serve students in facilities that are provided by a
1346 business partner for a charter school-in-the-workplace pursuant
1347 to s. 1002.33(15)(b).

1348 2. Have an annual audit that does not reveal any of the
1349 financial emergency conditions provided in s. 218.503(1) for the
1350 most recent fiscal year for which such audit results are
1351 available ~~stability for future operation as a charter school.~~

1352 3. Have satisfactory student achievement based on state
1353 accountability standards applicable to the charter school.

1354 4. Have received final approval from its sponsor pursuant
1355 to s. 1002.33 for operation during that fiscal year.

1356 5. Serve students in facilities that are not provided by
1357 the charter school's sponsor.

1358 Section 13. This act shall take effect July 1, 2016.

1359
1360 ===== T I T L E A M E N D M E N T =====

1361 And the title is amended as follows:

1362 Delete everything before the enacting clause
1363 and insert:

1364 A bill to be entitled
1365 An act relating to school choice; amending s. 1002.33,
1366 F.S.; making technical changes relating to
1367 requirements for the creation of a virtual charter
1368 school; conforming cross-references; specifying that a
1369 sponsor may not require a charter school to adopt the
1370 sponsor's reading plan and that charter schools are
1371 eligible for the research-based reading allocation if
1372 certain criteria are met; revising required contents
1373 of charter school applications; conforming provisions



1374 regarding the appeal process for denial of a high-
1375 performing charter school application; requiring an
1376 applicant to provide the sponsor with a copy of an
1377 appeal to an application denial; authorizing a charter
1378 school to defer the opening of its operations for up
1379 to a specified time; requiring the charter school to
1380 provide written notice to certain entities by a
1381 specified date; revising provisions relating to long-
1382 term charters and charter terminations; specifying
1383 notice requirements for voluntary closure of a charter
1384 school; deleting a requirement that students in a
1385 blended learning course receive certain instruction in
1386 a classroom setting; providing that a student may not
1387 be dismissed from a charter school based on his or her
1388 academic performance; requiring a charter school
1389 applicant to provide monthly financial statements
1390 before opening; requiring a sponsor to review each
1391 financial statement of a charter school to identify
1392 the existence of certain conditions; providing for the
1393 automatic termination of a charter contract if certain
1394 conditions are met; requiring a sponsor to notify
1395 certain parties when a charter contract is terminated
1396 for specific reasons; authorizing governing board
1397 members to hold a certain number of public meetings
1398 and participate in such meetings in person or through
1399 communications media technology; revising charter
1400 school student eligibility requirements; revising
1401 requirements for payments to charter schools; allowing
1402 for the use of certain surpluses and assets by



1403 specific entities for certain educational purposes;
1404 providing for an injunction under certain
1405 circumstances; establishing the administrative fee
1406 that a sponsor may withhold for charter schools
1407 operating in a critical need area; providing an
1408 exemption from certain administrative fees; amending
1409 s. 1002.331, F.S.; providing an exemption from the
1410 replication limitations for a high-performing charter
1411 school; conforming a cross-reference; deleting
1412 obsolete provisions; providing deadlines for a high-
1413 performing charter contract renewal; providing for an
1414 appeal to an administrative law judge under certain
1415 circumstances; creating s. 1002.333, F.S.; providing
1416 definitions; establishing a High Impact Charter
1417 Network status for charter school operators serving
1418 educationally disadvantaged students; defining
1419 eligibility criteria; authorizing charter operators
1420 holding the High Impact Charter Network status to
1421 submit applications for charter schools in certain
1422 areas; exempting certain charter schools from
1423 specified fees; requiring the department to give
1424 priority to certain charter schools applying for
1425 specified grants; prohibiting the use of certain
1426 school grades when determining areas of critical need;
1427 providing for rulemaking; amending s. 1002.37, F.S.;
1428 revising the calculation of "full-time equivalent
1429 student"; conforming a cross-reference; amending s.
1430 1002.45, F.S.; conforming a cross-reference; deleting
1431 a provision related to educational funding for



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1432 students enrolled in certain virtual education
1433 courses; revising conditions for termination of a
1434 virtual instruction provider's contract; repealing s.
1435 1002.455, F.S., relating to student eligibility for K-
1436 12 virtual instruction; amending s. 1003.4295, F.S.;
1437 revising the purpose of the Credit Acceleration
1438 Program; requiring students to earn passing scores on
1439 specified assessments and examinations to earn course
1440 credit; amending s. 1003.498, F.S.; deleting a
1441 requirement that students in a blended learning course
1442 must receive certain instruction in a classroom
1443 setting; conforming a cross-reference; amending s.
1444 1011.61, F.S.; revising the definition of "full-time
1445 equivalent student"; amending s. 1011.62, F.S.;
1446 conforming a cross-reference; amending s. 1012.56,
1447 F.S.; authorizing a charter school to develop and
1448 operate a professional development certification and
1449 education competency program; amending s. 1013.62,
1450 F.S.; revising eligibility requirements for charter
1451 school capital outlay funding; revising charter school
1452 funding allocations; providing an effective date.



333600

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2016	.	
	.	
	.	
	.	

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

Senate Amendment to Amendment (339770)

Delete line 91

and insert:

8. Documents that the charter school governing board is independent of any management company and may, at its sole discretion, terminate a contract with the management company at any time.

9.7. For the establishment of a virtual charter school,



361462

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2016	.	
	.	
	.	
	.	

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

1 **Senate Amendment to Amendment (339770) (with title**
2 **amendment)**

3
4 Delete lines 304 - 346
5 and insert:

6 such a consideration. The charter must document that the charter
7 school governing board is independent of any management company
8 and may, at its sole discretion, terminate the contract with the
9 management company at any time.

10 10. The asset and liability projections required in the



361462

11 application which are incorporated into the charter and shall be
12 compared with information provided in the annual report of the
13 charter school.

14 11. A description of procedures that identify various risks
15 and provide for a comprehensive approach to reduce the impact of
16 losses; plans to ensure the safety and security of students and
17 staff; plans to identify, minimize, and protect others from
18 violent or disruptive student behavior; and the manner in which
19 the school will be insured, including whether or not the school
20 will be required to have liability insurance, and, if so, the
21 terms and conditions thereof and the amounts of coverage.

22 12. The term of the charter which shall provide for
23 cancellation of the charter if insufficient progress has been
24 made in attaining the student achievement objectives of the
25 charter and if it is not likely that such objectives can be
26 achieved before expiration of the charter. The initial term of a
27 charter shall be for 4 or 5 years. In order to facilitate access
28 to long-term financial resources for charter school
29 construction, charter schools that are operated by a
30 municipality or other public entity as provided by law are
31 eligible for up to a 15-year charter, subject to approval by the
32 district school board. A charter lab school is eligible for a
33 charter for a term of up to 15 years. In addition, to facilitate
34 access to long-term financial resources for charter school
35 construction, charter schools that are operated by a private,
36 not-for-profit, s. 501(c)(3) status corporation are eligible for
37 up to a 15-year charter, subject to approval by the district
38 school board. Such long-term charters remain subject to annual
39 review and may be terminated during the term of the charter, but



361462

40 only according to the provisions set forth in subsection (8).

41 13. The facilities to be used and their location. The
42 sponsor may not require a charter school to have a certificate
43 of occupancy or a temporary certificate of occupancy for such a
44 facility earlier than 15 calendar days before the first day of
45 school.

46 14. The qualifications to be required of the teachers and
47 the potential strategies used to recruit, hire, train, and
48 retain qualified staff to achieve best value.

49 15. The governance structure of the school, including the
50 status of the charter school as a public or private employer as
51 required in paragraph (12)(i). At least one member of the
52 charter school governing board must be the parent of a student
53 enrolled in that school.

54

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

56 And the title is amended as follows:

57 Delete line 1381

58 and insert:

59 specified date; revising the information that a
60 charter must address; revising the membership of the
61 charter school governing board; revising provisions
62 relating to long-



325630

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Montford) recommended the following:

1 **Senate Amendment to Amendment (339770) (with directory and**
2 **title amendments)**

3
4 Between lines 643 and 644
5 insert:

6 (j)1. For purposes of continuity of educational choice, the
7 placement of a student in a charter school shall remain in force
8 until the student voluntarily withdraws from the charter school
9 or successfully completes the highest grade offered in the
10 charter school. A charter school student who voluntarily enrolls



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11 in a different charter school, a district-operated public
12 school, a private school, a virtual education program, a home
13 education program, or other education program approved by law is
14 considered to have voluntarily withdrawn from the charter school
15 for the purpose of determining the end of the student's
16 enrollment. However, if a student enters a Department of
17 Juvenile Justice detention center for less than 21 days, the
18 student is not considered to have withdrawn from the charter
19 school.

20 2. Before a student is voluntarily withdrawn from a charter
21 school, the parent and charter school personnel must sign a
22 document stating that the student is being voluntarily withdrawn
23 and that charter school personnel have not prohibited,
24 discouraged, or attempted to discourage the student from
25 continued enrollment in the charter school.

26
27 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

28 And the directory clause is amended as follows:

29 Delete line 11

30 and insert:

31 1002.33, Florida Statutes, are amended, and paragraph (j) is
32 added to subsection (10) of that section, to read:

33

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

35 And the title is amended as follows:

36 Delete line 1400

37 and insert:

38 school student eligibility requirements; specifying
39 that a student's placement in a charter school remains



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40 in force until the student voluntarily withdraws from
41 the charter school; requiring the student's parent and
42 the charter school personnel to sign a specified
43 statement before the student voluntarily withdraws
44 from the charter school; revising



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete line 80

and insert:

8. Documents that the governing board of the charter school is independent of any management company and may, at its sole discretion, terminate a contract with the management company at any time.

9.7. For the establishment of a virtual charter school,



224866

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with directory and title amendments)

Between lines 191 and 192

insert:

(7) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of



224866

11 the charter shall be based on:

12 1. The school's mission, the students to be served, and the
13 ages and grades to be included.

14 2. The focus of the curriculum, the instructional methods
15 to be used, any distinctive instructional techniques to be
16 employed, and identification and acquisition of appropriate
17 technologies needed to improve educational and administrative
18 performance which include a means for promoting safe, ethical,
19 and appropriate uses of technology which comply with legal and
20 professional standards.

21 a. The charter shall ensure that reading is a primary focus
22 of the curriculum and that resources are provided to identify
23 and provide specialized instruction for students who are reading
24 below grade level. The curriculum and instructional strategies
25 for reading must be consistent with the Next Generation Sunshine
26 State Standards and grounded in scientifically based reading
27 research.

28 b. In order to provide students with access to diverse
29 instructional delivery models, to facilitate the integration of
30 technology within traditional classroom instruction, and to
31 provide students with the skills they need to compete in the
32 21st century economy, the Legislature encourages instructional
33 methods for blended learning courses consisting of both
34 traditional classroom and online instructional techniques.
35 Charter schools may implement blended learning courses which
36 combine traditional classroom instruction and virtual
37 instruction. Students in a blended learning course must be full-
38 time students of the charter school and receive the online
39 instruction in a classroom setting at the charter school.



40 Instructional personnel certified pursuant to s. 1012.55 who
41 provide virtual instruction for blended learning courses may be
42 employees of the charter school or may be under contract to
43 provide instructional services to charter school students. At a
44 minimum, such instructional personnel must hold an active state
45 or school district adjunct certification under s. 1012.57 for
46 the subject area of the blended learning course. The funding and
47 performance accountability requirements for blended learning
48 courses are the same as those for traditional courses.

49 3. The current incoming baseline standard of student
50 academic achievement, the outcomes to be achieved, and the
51 method of measurement that will be used. The criteria listed in
52 this subparagraph shall include a detailed description of:

53 a. How the baseline student academic achievement levels and
54 prior rates of academic progress will be established.

55 b. How these baseline rates will be compared to rates of
56 academic progress achieved by these same students while
57 attending the charter school.

58 c. To the extent possible, how these rates of progress will
59 be evaluated and compared with rates of progress of other
60 closely comparable student populations.

61
62 The district school board is required to provide academic
63 student performance data to charter schools for each of their
64 students coming from the district school system, as well as
65 rates of academic progress of comparable student populations in
66 the district school system.

67 4. The methods used to identify the educational strengths
68 and needs of students and how well educational goals and



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69 performance standards are met by students attending the charter
70 school. The methods shall provide a means for the charter school
71 to ensure accountability to its constituents by analyzing
72 student performance data and by evaluating the effectiveness and
73 efficiency of its major educational programs. Students in
74 charter schools shall, at a minimum, participate in the
75 statewide assessment program created under s. 1008.22.

76 5. In secondary charter schools, a method for determining
77 that a student has satisfied the requirements for graduation in
78 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

79 6. A method for resolving conflicts between the governing
80 board of the charter school and the sponsor.

81 7. The admissions procedures and dismissal procedures,
82 including the school's code of student conduct.

83 8. The ways by which the school will achieve a
84 racial/ethnic balance reflective of the community it serves or
85 within the racial/ethnic range of other public schools in the
86 same school district.

87 9. The financial and administrative management of the
88 school, including a reasonable demonstration of the professional
89 experience or competence of those individuals or organizations
90 applying to operate the charter school or those hired or
91 retained to perform such professional services and the
92 description of clearly delineated responsibilities and the
93 policies and practices needed to effectively manage the charter
94 school. A description of internal audit procedures and
95 establishment of controls to ensure that financial resources are
96 properly managed must be included. Both public sector and
97 private sector professional experience shall be equally valid in



224866

98 such a consideration. The charter must document that the charter
99 school governing board is independent of any management company
100 and may, at its sole discretion, terminate the contract with the
101 management company at any time.

102 10. The asset and liability projections required in the
103 application which are incorporated into the charter and shall be
104 compared with information provided in the annual report of the
105 charter school.

106 11. A description of procedures that identify various risks
107 and provide for a comprehensive approach to reduce the impact of
108 losses; plans to ensure the safety and security of students and
109 staff; plans to identify, minimize, and protect others from
110 violent or disruptive student behavior; and the manner in which
111 the school will be insured, including whether or not the school
112 will be required to have liability insurance, and, if so, the
113 terms and conditions thereof and the amounts of coverage.

114 12. The term of the charter which shall provide for
115 cancellation of the charter if insufficient progress has been
116 made in attaining the student achievement objectives of the
117 charter and if it is not likely that such objectives can be
118 achieved before expiration of the charter. The initial term of a
119 charter shall be for 4 or 5 years. In order to facilitate access
120 to long-term financial resources for charter school
121 construction, charter schools that are operated by a
122 municipality or other public entity as provided by law are
123 eligible for up to a 15-year charter, subject to approval by the
124 district school board. A charter lab school is eligible for a
125 charter for a term of up to 15 years. In addition, to facilitate
126 access to long-term financial resources for charter school



224866

127 construction, charter schools that are operated by a private,
128 not-for-profit, s. 501(c)(3) status corporation are eligible for
129 up to a 15-year charter, subject to approval by the district
130 school board. Such long-term charters remain subject to annual
131 review and may be terminated during the term of the charter, but
132 only according to the provisions set forth in subsection (8).

133 13. The facilities to be used and their location. The
134 sponsor may not require a charter school to have a certificate
135 of occupancy or a temporary certificate of occupancy for such a
136 facility earlier than 15 calendar days before the first day of
137 school.

138 14. The qualifications to be required of the teachers and
139 the potential strategies used to recruit, hire, train, and
140 retain qualified staff to achieve best value.

141 15. The governance structure of the school, including the
142 status of the charter school as a public or private employer as
143 required in paragraph (12)(i). At least one member of the
144 charter school governing board must be the parent of a student
145 enrolled in that school.

146 16. A timetable for implementing the charter which
147 addresses the implementation of each element thereof and the
148 date by which the charter shall be awarded in order to meet this
149 timetable.

150 17. In the case of an existing public school that is being
151 converted to charter status, alternative arrangements for
152 current students who choose not to attend the charter school and
153 for current teachers who choose not to teach in the charter
154 school after conversion in accordance with the existing
155 collective bargaining agreement or district school board rule in



224866

156 the absence of a collective bargaining agreement. However,
157 alternative arrangements shall not be required for current
158 teachers who choose not to teach in a charter lab school, except
159 as authorized by the employment policies of the state university
160 which grants the charter to the lab school.

161 18. Full disclosure of the identity of all relatives
162 employed by the charter school who are related to the charter
163 school owner, president, chairperson of the governing board of
164 directors, superintendent, governing board member, principal,
165 assistant principal, or any other person employed by the charter
166 school who has equivalent decisionmaking authority. For the
167 purpose of this subparagraph, the term "relative" means father,
168 mother, son, daughter, brother, sister, uncle, aunt, first
169 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
170 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
171 stepfather, stepmother, stepson, stepdaughter, stepbrother,
172 stepsister, half brother, or half sister.

173 19. Implementation of the activities authorized under s.
174 1002.331 by the charter school when it satisfies the eligibility
175 requirements for a high-performing charter school. A high-
176 performing charter school shall notify its sponsor in writing by
177 March 1 if it intends to increase enrollment or expand grade
178 levels the following school year. The written notice shall
179 specify the amount of the enrollment increase and the grade
180 levels that will be added, as applicable.

181
182 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

183 And the directory clause is amended as follows:

184 Between lines 40 and 41



224866

185 insert:
186 paragraph (a) of subsection (7),
187
188 ===== T I T L E A M E N D M E N T =====
189 And the title is amended as follows:
190 Delete line 4
191 and insert:
192 school application; revising the information that a
193 charter must address; revising the membership of the
194 charter school governing board; providing for the
195 automatic



653580

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with directory and title amendments)

Between lines 335 and 336

insert:

(j)1. For purposes of continuity of educational choice, the placement of a student in a charter school shall remain in force until the student voluntarily withdraws from the charter school or successfully completes the highest grade offered in the charter school. A charter school student who voluntarily enrolls in a different charter school, a district-operated public



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11 school, a private school, a virtual education program, a home
12 education program, or other education program approved by law is
13 considered to have voluntarily withdrawn from the charter school
14 for the purpose of determining the end of the student's
15 enrollment. However, if a student enters a Department of
16 Juvenile Justice detention center for less than 21 days, the
17 student is not considered to have withdrawn from the charter
18 school.

19 2. Before a student is voluntarily withdrawn from a charter
20 school, the parent and charter school personnel must sign a
21 document stating that the student is being voluntarily withdrawn
22 and that charter school personnel have not prohibited,
23 discouraged, or attempted to discourage the student from
24 continued enrollment in the charter school.

25
26
27 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

28 And the directory clause is amended as follows:

29 Delete line 43

30 and insert:

31 of section 1002.33, Florida Statutes, are amended and paragraph
32 (j) is added to subsection (10) of that section, to read:

33

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

35 And the title is amended as follows:

36 Delete line 10

37 and insert:

38 enrollment preferences; specifying that a student's
39 placement in a charter school remains in force until



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40 the student voluntarily withdraws from the charter
41 school; requiring the student's parent and the charter
42 school personnel to sign a specified statement before
43 the student voluntarily withdrawals from the charter
44 school; specifying that the reading

By Senator Altman

16-00625B-16

2016916__

A bill to be entitled

An act relating to educational interpreters for individuals who are deaf, hard of hearing, or dual sensory impaired; amending s. 1012.01, F.S.; defining the term "educational interpreters" for inclusion in the classification of instructional personnel; creating s. 1012.47, F.S.; requiring the State Board of Education to adopt rules; providing qualifications for persons functioning as educational interpreters which must be met by a specified date; providing duties of the Department of Education; providing an effective date.

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

Section 1. Paragraph (f) is added to subsection (2) of section 1012.01, Florida Statutes, to read:

1012.01 Definitions.—As used in this chapter, the following terms have the following meanings:

(2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel" means any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are the following K-12 personnel:

(f) Educational interpreters.—Educational interpreters are individuals who are school personnel or contracted personnel whose function is to facilitate communication between students

Page 1 of 3

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

16-00625B-16

2016916__

who are deaf, hard of hearing, or dual sensory impaired and all other participants in the academic classroom, other education-related activities, and extracurricular activities, as designated in a student's individual education plan or 504 accommodation plan.

Section 2. Section 1012.47, Florida Statutes, is created to read:

1012.47 Qualifications for persons functioning as educational interpreters.—

(1) The State Board of Education shall adopt rules to prescribe qualifications for educational interpreters, as defined in s. 1012.01(2)(f), pursuant to the minimum qualifications required under this section.

(2) By July 1, 2021, and thereafter, an individual who functions as an educational interpreter shall have:

(a) Passed the Educational Interpreter Performance Assessment written test and received a minimum score of 4.0 on the Educational Interpreter Performance Assessment performance test.

(b) As an alternative to paragraph (a), received the Ed:K-12 certification from the Registry of Interpreters for the Deaf, Inc.

(c) If providing Cued language transliteration, passed the Educational Interpreter Performance Assessment written test and received a minimum score of 4.0 on the Educational Interpreter Performance Assessment-Cued Speech.

(3) The department shall provide technical assistance to school districts to implement the minimum qualifications required under this section and shall develop requirements for

Page 2 of 3

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

16-00625B-16

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59 continuing education and skill development for educational
60 interpreters.

61 Section 3. 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 916

INTRODUCER: Education Pre-K – 12 Committee and Senators Altman and Soto

SUBJECT: Qualifications for Educational Interpreters

DATE: February 3, 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 916 establishes qualifications for educational interpreters who facilitate communication between students who are deaf or hard of hearing and their peers.

Specifically, the bill requires:

- State Board of Education to adopt by rule standards for educational interpreters which must include both written and performance assessments;
- School districts, beginning July 1, 2017, to notify parents if their child has been assigned an interpreter who does not meet the standards established in state board rule; and
- School districts to report to the Department of Education the total number of individuals providing interpreter services and the number of individuals who meet the standards.

The bill takes effect on July 1, 2016.

II. Present Situation:

Definition of Interpreter

As defined in statute, an “interpreter” is a provider of accessible and effective communication between and among individuals who are deaf or hard of hearing and between and among such individuals and other persons.¹

¹ Section 413.271, F.S.

According to the Department of Education,² school districts define educational interpreters through position descriptions and position requirements and classify educational interpreter personnel under instructional personnel³ as other instructional staff⁴ or educational paraprofessional.⁵

Qualifications of Interpreters

Credentials earned through the Florida Registry of Interpreters for the Deaf, the National Registry of Interpreters for the Deaf, and the Educational Interpreter Performance Assessment indicate an individual has achieved a certain skill level which allows them to effectively facilitate communication between a person who is deaf or hard-of-hearing and a person who is hearing.⁶

According to a Department of Education recent survey, there are approximately 310 interpreters employed by Florida school districts and the Florida School for the Deaf and the Blind.⁷ Neither Florida law nor State Board of Education rule establish criteria for the qualification of educational interpreters.⁸

Some school districts use the Quality Assurance Screening and the Educational Interpreter Evaluation by the Florida Registry of Interpreters for the Deaf.⁹ However, this was discontinued in November 2013.¹⁰ Other school districts use the Ed: K-12 Certification offered by the National Registry of Interpreters for the Deaf.¹¹

² Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*.

³ Section 1012.01(2), F.S. Instructional personnel means any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose function provides direct support in the learning process of students.

⁴ Section 1012.01(2)(d), F.S. Other instructional staff are staff members who are part of the instructional staff, but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators, and similar positions.

⁵ Section 1012.01(2)(e), F.S. Education paraprofessionals are individuals who are under the direct supervision of an instructional staff member and aid the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education paraprofessionals, playground paraprofessionals, and other school-level paraprofessionals.

⁶ Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* Both the Quality Assurance Screening and the Educational Interpreter evaluation are no longer offered by Florida Registry of Interpreters. See University of North Florida, *Interpreter Testing- Certifications and Evaluations*, https://www.unf.edu/interpreterproject/evaluations_and_certifications.aspx (last visited January 30, 2016).

¹⁰ *Id.* Out of the 37 school districts that responded, 21 indicate that the Quality Assurance Screening and the Educational Interpreter Evaluation is part of their criteria for educational interpreters.

¹¹ *Id.* Out of the 37 school districts that responded, 18 indicate that the Ed: K-12 Certification is part of their criteria for educational interpreters. See Registry of Interpreters for the Deaf, Inc., *Ed: K-12 Certification*, <http://rid.org/rid-certification-overview/ed-k-12-certification/> (last visited January 30, 2016).

Additionally, some school districts use the Educational Interpreter Performance Assessment (EIPA) developed by the Boys Town National Research Hospital.¹² As of 2013, 37 states use the EIPA to determine educational interpreter competencies.¹³

Depending on the school district policy for interpreter qualifications, some educational interpreters are not credentialed.¹⁴ Continuing education requirements for educational interpreters is determined by each school district policy.¹⁵ Consequently, the criteria for selecting educational interpreters, as well as any requirements for continuing education, vary by each local school district.¹⁶

Students who are Deaf, Hard of Hearing, or Dual Sensory Impaired

Deaf or hard of hearing means aided or unaided hearing loss that affects the processing of linguistic information and adversely affects performance in the educational environment.¹⁷ The State Board of Education has established in rule criteria to designate the degree of loss which may range from mild to profound.¹⁸ Hard of hearing, hearing impaired, or having a permanent hearing impairment also includes being dual sensory impaired.¹⁹

Dual sensory impaired means having both a permanent hearing impairment and a permanent visual impairment and includes deaf/blindness.²⁰

III. Effect of Proposed Changes:

CS/SB 916 establishes qualifications for educational interpreters who facilitate communication between students who are deaf or hard of hearing and their peers.

The bill requires the State Board of Education to adopt by rule standards for educational interpreters. The standards must include interpreter assessments that are comprised of both written and performance assessments that are offered by a national organization of professional sign language interpreters and transliterators. This will likely require school districts to update position descriptions and position requirements with the required standards for educational interpreters.²¹ It is unknown what the adopted standards for educational interpreters will be or how many of the current interpreters or school districts will be impacted.

¹² Classroom Interpreting, *Educational Interpreter Performance Assessment*, <http://www.classroominterpreting.org/EIPA/> (last visited January 29, 2016).

¹³ Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Section 1002.391(1)(b), F.S.

¹⁸ Rule 6A-6.03013, F.A.C.

¹⁹ Section 427.703(6), F.S.

²⁰ Section 427.703(4), F.S.

²¹ Some educational interpreters are not credentialed, depending on the school district policy for interpreter qualifications. At least 9 school districts out of the 37 who self-reported, will need to update position descriptions and requirements. Florida Department of Education, *2016 Agency Legislative Bill Analysis for SB 916*.

The bill requires the school districts, beginning July 1, 2017, to notify parents if their child has been assigned an interpreter who does not meet the standards established in state board rule. The school districts must report to the Department of Education (DOE) the total number of interpreters employed by the district and, of those, how many meet the standards. In effect, allows the DOE to identify the number of interpreters who meet the established standards.

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:

The bill creates section 1012.441 of the Florida Statutes.

IX. Additional Information:

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

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

The committee substitute modifies the bill as follows:

- Changed “relating to clause” from “Educational Interpreters for Individuals who are Deaf, Hard of Hearing, or Dual Sensory Impaired” to “Qualifications for Educational Interpreters;”
- Removed the classification of educational interpreters as instructional personnel;
- Removed the requirement for the Department of Education (DOE) to provide school districts with technical assistance, continuing education, or skill development for educational interpreters;
- Created a new section of law identifying the qualifications for educational interpreters and require:
 - Each school district to notify parents if his or her child is assigned an interpreter that does not meet the standards established in state board rule; and
 - School districts to report to the DOE the number of individuals providing interpreter services and the number who meet the educational interpreter standards.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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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. Section 1012.441, Florida Statutes, is created
to read:

1012.441 Qualifications for educational interpreters.-

(1) The State Board of Education shall adopt by rule
standards for educational interpreters. An educational
interpreter is an individual who facilitates direct instruction



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11 by professionals and directs communication between students who
12 are deaf or hard of hearing and their peers as designated in
13 each student's individual education plan or 504 accommodation
14 plan. The standards must include interpreter assessments,
15 including both written and performance assessments, offered by a
16 national organization of professional sign language interpreters
17 and transliterators.

18 (2) Beginning July 1, 2017, each school district shall:

19 (a) Notify a parent in writing if an individual assigned to
20 provide interpreter services for his or her student, in
21 accordance with the student's individual education plan or 504
22 accommodation plan, does not meet the educational interpreter
23 standards established in state board rule.

24 (b) Report to the Department of Education, for publication
25 on its website, the total number of individuals providing
26 interpreter services in the district and the total number of
27 such individuals who meet the educational interpreter standards
28 established in state board rule.

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

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete everything before the enacting clause
34 and insert:

35 A bill to be entitled
36 An act relating to qualifications for educational
37 interpreters; creating s. 1012.441, F.S.; requiring
38 the State Board of Education to adopt standards for
39 educational interpreters; requiring school districts



790692

40 to notify parents if an individual assigned to provide
41 interpreter services for their student does not meet
42 such standards; requiring school districts to report
43 to the Department of Education, for publication on its
44 website, certain information regarding individuals
45 providing interpreter services; providing an effective
46 date.

By Senator Stargel

15-00873-16

2016976__

Senate Joint Resolution

A joint resolution proposing the creation of a new section in Article IX of the State Constitution to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within the state.

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

That the following creation of a new section in Article IX of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

Charter schools.—The state board of education shall direct the Department of Education to establish a statewide system for the approval of charter schools within the state as provided by law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IX

CHARTER SCHOOLS.—Proposing an amendment to the State Constitution to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within the state.

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: SJR 976

INTRODUCER: Senator Stargel

SUBJECT: Charter Schools

DATE: February 1, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Pre-meeting
2.			AED	
3.			RC	

I. Summary:

SJR 976 substantially amends Article IX, of the Florida Constitution, to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within Florida, as provided by law.

The joint resolution, if passed by 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2016. The joint resolution, by its express terms, would apply upon approval of the voters – at least 60% of those voting on the measure.

II. Present Situation:

The Florida Constitution provides that the school board shall operate, control and supervise all free public schools within the school district.¹ As part of the state’s program of public education, the Legislature created public schools called charter schools.²

The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”³ The charter must be signed by the governing board of the charter school and the sponsor.⁴

District school boards and universities are authorized to sponsor charter schools.⁵ A district school board may sponsor a charter school in the county over which the district school board has

¹ Art. IX, s. 1, Fla. Const.

² Section 1002.33(1), F.S.

³ Section 1002.33(6)(h), F.S.

⁴ Section 1002.33(7), F.S.

⁵ Section 1002.33(5)(a), F.S.

jurisdiction.⁶ A state university may grant a charter to a lab school, and shall be considered the school's sponsor.⁷

Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.⁸ One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”⁹

III. Effect of Proposed Changes:

SJR 976 substantially amends Article IX, of the Florida Constitution, to require the State Board of Education to direct the Department of Education to establish a statewide system for the approval of charter schools within Florida, as provided by 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:

Not determined.

C. Government Sector Impact:

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending on the length of the amendment.

⁶ *Id.*

⁷ *Id.* Such school shall be considered a charter lab school. *Id.*

⁸ Section 1002.33(2)(b)3, and (16), F.S.

⁹ Section 1002.33(2)(a)1, F.S.

VI. Technical Deficiencies:

The resolution does not specify the entity that would sponsor, and thus ultimately enter into a contract with, charter schools approved pursuant to the statewide system.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends Article IX of the Florida Constitution.

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 Stargel

15-01435B-16

20161062__

1 A bill to be entitled
 2 An act relating to educational choice; amending s.
 3 1002.39, F.S.; deleting a requirement that a student
 4 has to spend the prior school year in attendance at
 5 certain schools in order to receive a John M. McKay
 6 Scholarship; conforming provisions to changes made by
 7 the act; amending s. 1002.455, F.S.; revising
 8 eligibility criteria for a student to participate in
 9 virtual instruction; authorizing a student to
 10 participate in the program if eligible to enter
 11 kindergarten through grade 12; providing an effective
 12 date.

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

16 Section 1. Subsections (1) and (2) and paragraphs (a), (c),
 17 and (d) of subsection (10) of section 1002.39, Florida Statutes,
 18 are amended to read:

19 1002.39 The John M. McKay Scholarships for Students with
 20 Disabilities Program.—There is established a program that is
 21 separate and distinct from the Opportunity Scholarship Program
 22 and is named the John M. McKay Scholarships for Students with
 23 Disabilities Program.

24 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 25 DISABILITIES PROGRAM.—The John M. McKay Scholarships for
 26 Students with Disabilities Program is established to provide the
 27 option to attend a public school other than the one to which
 28 assigned, or to provide a scholarship to a private school of
 29 choice, for students with disabilities ~~for whom:~~

30 ~~(a) An individual educational plan has been written in~~
 31 ~~accordance with rules of the State Board of Education; or~~

32 ~~(b) A 504 accommodation plan has been issued under s. 504~~

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33 ~~of the Rehabilitation Act of 1973.~~

34
 35 Students with disabilities include K-12 students who are
 36 documented as having an intellectual disability; a speech
 37 impairment; a language impairment; a hearing impairment,
 38 including deafness; a visual impairment, including blindness; a
 39 dual sensory impairment; an orthopedic impairment; an other
 40 health impairment; an emotional or behavioral disability; a
 41 specific learning disability, including, but not limited to,
 42 dyslexia, dyscalculia, or developmental aphasia; a traumatic
 43 brain injury; a developmental delay; or autism spectrum
 44 disorder.

45 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
 46 student with a disability may request and receive from the state
 47 a John M. McKay Scholarship for the child to enroll in and
 48 attend a private school in accordance with this section if:

49 (a) An individual educational plan has been written by a
 50 school district for the child in accordance with the rules of
 51 the State Board of Education or a 504 accommodation plan has
 52 been issued for the child under s. 504 of the Rehabilitation Act
 53 of 1973; and ~~The student has:~~

54 ~~1. received specialized instructional services under the~~
 55 ~~Voluntary Prekindergarten Education Program pursuant to s.~~
 56 ~~1002.66 during the previous school year and the student has a~~
 57 ~~current individual educational plan developed by the local~~
 58 ~~school board in accordance with rules of the State Board of~~
 59 ~~Education for the John M. McKay Scholarships for Students with~~
 60 ~~Disabilities Program or a 504 accommodation plan has been issued~~
 61 ~~under s. 504 of the Rehabilitation Act of 1973; or~~

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62 ~~2. Spent the prior school year in attendance at a Florida~~
 63 ~~public school or the Florida School for the Deaf and the Blind.~~
 64 ~~For purposes of this subparagraph, prior school year in~~
 65 ~~attendance means that the student was enrolled and reported by:~~

66 ~~a. A school district for funding during the preceding~~
 67 ~~October and February Florida Education Finance Program surveys~~
 68 ~~in kindergarten through grade 12, which includes time spent in a~~
 69 ~~Department of Juvenile Justice commitment program if funded~~
 70 ~~under the Florida Education Finance Program;~~

71 ~~b. The Florida School for the Deaf and the Blind during the~~
 72 ~~preceding October and February student membership surveys in~~
 73 ~~kindergarten through grade 12; or~~

74 ~~c. A school district for funding during the preceding~~
 75 ~~October and February Florida Education Finance Program surveys,~~
 76 ~~was at least 4 years of age when so enrolled and reported, and~~
 77 ~~was eligible for services under s. 1003.21(1)(c). However, a~~
 78 ~~dependent child of a member of the United States Armed Forces~~
 79 ~~who transfers to a school in this state from out of state or~~
 80 ~~from a foreign country due to a parent's permanent change of~~
 81 ~~station orders is exempt from this paragraph but must meet all~~
 82 ~~other eligibility requirements to participate in the program.~~

83 (b) For a child that enrolls in a private school that is
 84 eligible for the program under subsection (8), the parent has
 85 obtained acceptance for admission of the child to the school
 86 ~~student to a private school that is eligible for the program~~
 87 ~~under subsection (8)~~ and has requested from the department a
 88 scholarship at least 60 days before the date of the first
 89 scholarship payment. The request must be communicated directly
 90 to the department in a manner that creates a written or

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91 electronic record of the request and the date of receipt of the
 92 request. The department must notify the district of the parent's
 93 intent upon receipt of the parent's request.

94 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

95 (a)1. The maximum scholarship granted for an eligible
 96 student with disabilities shall be equivalent to the base
 97 student allocation in the Florida Education Finance Program
 98 multiplied by the appropriate cost factor for the educational
 99 program that would have been provided for the student in the
 100 district school to which he or she was assigned, multiplied by
 101 the district cost differential.

102 2. In addition, a share of the guaranteed allocation for
 103 exceptional students shall be determined and added to the amount
 104 in subparagraph 1. The calculation shall be based on the
 105 methodology and the data used to calculate the guaranteed
 106 allocation for exceptional students for each district in chapter
 107 2000-166, Laws of Florida. Except as provided in subparagraph 3.
 108 ~~subparagraphs 3. and 4.,~~ the calculation shall be based on the
 109 student's grade, matrix level of services, and the difference
 110 between the 2000-2001 basic program and the appropriate level of
 111 services cost factor, multiplied by the 2000-2001 base student
 112 allocation and the 2000-2001 district cost differential for the
 113 sending district. The calculated amount shall include the per-
 114 student share of supplemental academic instruction funds,
 115 instructional materials funds, technology funds, and other
 116 categorical funds as provided in the General Appropriations Act.

117 ~~3. The scholarship amount for a student who is eligible~~
 118 ~~under sub-subparagraph (2)(a)2.b. shall be calculated as~~
 119 ~~provided in subparagraphs 1. and 2. However, the calculation~~

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120 ~~shall be based on the school district in which the parent~~
 121 ~~resides at the time of the scholarship request.~~

122 ~~3.4-~~ Until the school district completes the matrix
 123 required by paragraph (5) (b), the calculation shall be based on
 124 the matrix that assigns the student to support Level I of
 125 service as it existed before ~~prior to~~ the 2000-2001 school year.
 126 When the school district completes the matrix, the amount of the
 127 payment shall be adjusted as needed.

128 ~~4.5-~~ The scholarship amount for a student eligible under s.
 129 504 of the Rehabilitation Act of 1973 shall be based on the
 130 program cost factor the student currently generates through the
 131 Florida Education Finance Program.

132 ~~(c)4-~~ The school district shall report all students who are
 133 attending a private school under this program. The students with
 134 disabilities attending private schools on John M. McKay
 135 Scholarships shall be reported separately from other students
 136 reported for purposes of the Florida Education Finance Program.

137 ~~2. For program participants who are eligible under sub-~~
 138 ~~subparagraph (2) (a)2.b., the school district that is used as the~~
 139 ~~basis for the calculation of the scholarship amount as provided~~
 140 ~~in subparagraph (a)3. shall:~~

141 ~~a. Report to the department all such students who are~~
 142 ~~attending a private school under this program.~~

143 ~~b. Be held harmless for such students from the weighted~~
 144 ~~enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b.~~
 145 ~~during the first school year in which the students are reported.~~

146 (d) Following notification on July 1, September 1, December
 147 1, or February 1 of the number of program participants, the
 148 department shall transfer, from General Revenue funds only, the

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149 amount calculated under paragraph (b) from the school district's
 150 total funding entitlement under the Florida Education Finance
 151 Program and from authorized categorical accounts to a separate
 152 account for the scholarship program for quarterly disbursement
 153 to the parents of participating students. ~~Funds may not be~~
 154 ~~transferred from any funding provided to the Florida School for~~
 155 ~~the Deaf and the Blind for program participants who are eligible~~
 156 ~~under sub-subparagraph (2) (a)2.b.~~ For a student exiting a
 157 Department of Juvenile Justice commitment program who chooses to
 158 participate in the scholarship program, the amount of the John
 159 M. McKay Scholarship calculated pursuant to paragraph (b) shall
 160 be transferred from the school district in which the student
 161 last attended a public school before commitment to the
 162 Department of Juvenile Justice. When a student enters the
 163 scholarship program, the department must receive all
 164 documentation required for the student's participation,
 165 including the private school's and the student's fee schedules,
 166 at least 30 days before the first quarterly scholarship payment
 167 is made for the student.

168 Section 2. Subsection (2) of section 1002.455, Florida
 169 Statutes, is amended to read:

170 1002.455 Student eligibility for K-12 virtual instruction.-

171 (2) A student is eligible to participate in virtual
 172 instruction if:

173 ~~(a) The student spent the prior school year in attendance~~
 174 ~~at a public school in the state and was enrolled and reported by~~
 175 ~~the school district for funding during October and February for~~
 176 ~~purposes of the Florida Education Finance Program surveys;~~

177 (a)(b) The student is a dependent child of a member of the

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178 United States Armed Forces who was transferred within the last
179 12 months to this state from another state or from a foreign
180 country pursuant to a permanent change of station order;

181 (b)~~(e)~~ The student was enrolled during the prior school
182 year in a virtual instruction program under s. 1002.45 or a
183 full-time Florida Virtual School program under s. 1002.37(8) (a);

184 (c)~~(d)~~ The student has a sibling who is currently enrolled
185 in a virtual instruction program and the sibling was enrolled in
186 that program at the end of the prior school year; or

187 (d)~~(e)~~ The student is eligible to enter kindergarten
188 through grade 12. ~~or first grade; or~~

189 ~~(f) The student is eligible to enter grades 2 through 5 and~~
190 ~~is enrolled full time in a school district virtual instruction~~
191 ~~program, virtual charter school, or the Florida Virtual School.~~

192 Section 3. 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 1062

INTRODUCER: Senator Stargel

SUBJECT: Educational Choice

DATE: February 1, 2016

REVISED: _____

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

I. Summary:

SB 1062 removes from law the prior school year attendance requirements for eligibility to participate in the John M. McKay Scholarships for Students with Disabilities Program (McKay) and K-12 virtual instruction.

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

II. Present Situation:

McKay Scholarship For Students With Disabilities Program

The John M. McKay Scholarship Program For Students With Disabilities Program (McKay) provides the option to attend an eligible public or private school for students with disabilities that have an individual education plan (IEP) or an accommodation plan that has been issued under s. 504 of the Rehabilitation Act of 1973 (504 accommodation plan).¹

Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; and other health impairments; an emotional or behavioral disability; a specific learning disability, including but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.²

¹ Section 1002.39(1), F.S.

² Section 1002.39(1), F.S.

Student Eligibility

The parent of a student with a disability may request and receive a McKay scholarship for the child to enroll in and attend a private school if the student has:³

- Received specialized instructional services under the Voluntary Prekindergarten Education Program⁴ during the previous school year and has a current IEP or 504 accommodation plan; or
- Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of scholarship eligibility, the term “prior school year in attendance” means the student was enrolled and reported by:⁵
 - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the FEFP;
 - The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or
 - A school district for funding during the preceding October and February FEFP surveys and the student was at least 4 years old when enrolled and reported and eligible for services under the school attendance requirements for prekindergarten aged children with disabilities.

The legislature has authorized one exception to these prior school year attendance requirements. A dependent child of a member of the United States Armed Forces who transfers to a Florida school from out of state or from a foreign country due to a parent’s permanent change of station orders is exempt from the prior school year attendance requirements, but must meet all other eligibility requirements to participate in the McKay Scholarship Program.⁶

The parent must have also obtained acceptance for the student’s admission to a private school that is eligible for the program, and the student’s parent has requested a McKay scholarship from the Department of Education (DOE) at least 60 days before the date of the first scholarship payment.

K-12 Virtual Instruction

Florida offers more virtual options for their students than any other state.⁷ Florida students at all grade levels have both full-time (virtual school) and part-time (virtual course) options.⁸ The

³ Section 1002.39(2), F.S.

⁴ In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the Voluntary Prekindergarten Education (VPK) Program. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK Program and has a current IEP developed by the district school board. Section 1002.66, F.S.; see also s. 1002.53, F.S.

⁵ Section 1002.39(2)(a)2., F.S. Although not required to attend a public school, children with disabilities who have attained the age of 3 years are eligible for admission to public special education programs and related services. Section 1003.21(1)(e), F.S.

⁶ Section 1002.39(2)(a), F.S. (flush left provision at the end of the paragraph).

⁷ Florida Department of Education, *Information on Virtual School Choice Options for Florida Students* (2015) available at <http://www.fldoe.org/core/fileparse.php/7509/urlt/school-choice-memo-virtual-school.pdf>.

⁸ *Id.*

options include virtual schools and courses offered by the Florida Virtual School (FLVS), and by all 67 school districts.⁹ Schools may offer their own virtual schools or enter into agreements with other school districts, a DOE approved private provider or virtual charter schools to provide virtual options for their students.¹⁰

Student Eligibility

A student is eligible to participate in virtual instruction if the student:¹¹

- Spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for purposes of the Florida Education Finance Program surveys;
- Is a dependent child of a member of the United States Armed Forces who transferred within the last 12 months to this state from another state or from a foreign country pursuant to a permanent change of station order;
- Was enrolled during the prior school year in a virtual instruction program or a full-time Florida Virtual School program;
- Has a sibling who is currently enrolled in a virtual instruction program and the sibling was enrolled in that program at the end of the prior school year;
- Is eligible to enter kindergarten or first grade; or
- Is eligible to enter grades 2-5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or the Florida Virtual School.

These student eligibility requirements specifically apply to virtual instruction provided through charter schools,¹² the Florida Virtual School,¹³ virtual instruction programs provided by the school district or by a virtual charter school,¹⁴ and school district virtual courses.¹⁵

III. Effect of Proposed Changes:

SB 1062 removes from law the prior school year attendance requirements for eligibility to participate in the John M. McKay Scholarships for Students with Disabilities Program (McKay) and K-12 virtual instruction.

McKay Student Eligibility – Prior School Year Attendance

The bill removes from law the prior school year attendance requirements for a student to be eligible for the McKay Scholarship Program. In effect, to be eligible for McKay, a student would need to have a specified disability, an IEP or 504 accommodations plan, and be accepted into a private school that participates in the McKay program.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 1002.455(2), F.S.

¹² Section 1002.33(1), F.S.

¹³ Section 1002.37(8)(a), F.S.

¹⁴ Section 1002.45(5), F.S. The virtual charter school must be operated in the district in which the student resides. *Id.*

¹⁵ Section 1003.498(2), F.S.

K-12 Virtual Instruction – Prior School Year Attendance

Similarly, the bill removes from law the prior school year attendance requirements to be eligible for virtual instruction. In effect, to be eligible for virtual instruction, a student would need to be eligible to enter kindergarten through grade 12.

Elimination of the prior year enrollment requirement will likely result in increased participation in the McKay scholarship program and virtual instruction opportunities.

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:

Not determined.

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: 1002.39, 1002.455.

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 Legg

17-01002A-16

20161076__

1 A bill to be entitled
 2 An act relating to education; amending s. 1007.273,
 3 F.S.; prohibiting a district school board from
 4 limiting the number of public school students who may
 5 enroll in a collegiate high school program; amending
 6 s. 1003.4295, F.S.; revising the purpose of the Credit
 7 Acceleration Program; requiring students to earn
 8 passing scores on specified assessments or
 9 examinations to earn course credit; providing an
 10 effective date.

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

14 Section 1. Subsection (2) of section 1007.273, Florida
 15 Statutes, is amended to read:

16 1007.273 Collegiate high school program.—

17 (2) At a minimum, collegiate high school programs must
 18 include an option for public school students in grade 11 or
 19 grade 12 participating in the program, for at least 1 full
 20 school year, to earn CAPE industry certifications pursuant to s.
 21 1008.44 and to successfully complete 30 credit hours through the
 22 dual enrollment program under s. 1007.271 toward the first year
 23 of college for an associate degree or baccalaureate degree while
 24 enrolled in the program. A district school board may not limit
 25 the number of public school students who may enroll in the
 26 collegiate high school program.

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

29 1003.4295 Acceleration options.—

30 (3) The Credit Acceleration Program (CAP) is created for
 31 the purpose of allowing a student to earn high school credit in
 32 Algebra I, Algebra II, geometry, United States history, ~~or~~

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33 biology, or a course required under s. 1003.4285 if the student
 34 passes the corresponding statewide, standardized assessment
 35 administered under s. 1008.22 or Advanced Placement Examination.
 36 Notwithstanding s. 1003.436, a school district shall award
 37 course credit to a student who is not enrolled in the course, or
 38 who has not completed the course, if the student attains a
 39 passing score on the corresponding statewide, standardized
 40 assessment or Advanced Placement Examination. The school
 41 district shall permit a student who is not enrolled in the
 42 course, or who has not completed the course, to take the
 43 assessment or examination during the regular administration of
 44 the assessment or examination.

45 Section 3. 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 1076

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

SUBJECT: Education

DATE: February 4, 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 1076 expands student access to advanced-level instruction and examinations that students may take to generate high school credit through a performance-based approach. Specifically, the bill:

- Provides for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs.
- Specifies the purpose of the structured programs.
- Requires the structured program contracts to delineate courses that fulfill general education core curriculum or common prerequisites.
- Establishes bonus funding for school districts based on students successfully completing 30 or 60 college credit hours and attaining one or more industry certifications.
- Prohibits school districts from receiving certain benefits and flexibilities, authorized under law, if the district school boards for such school districts do not meet specified conditions.
- Establishes notification requirements for district school boards, and reporting requirements for district school superintendents and the Commissioner of Education.
- Expands the Credit Acceleration Program mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma.

The bill takes effect July 1, 2016.

II. Present Situation:

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

Collegiate High School Program

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

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

Collegiate High School Program Contracts

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

Student Performance Contract

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

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

² Section 1007.273(3), F.S.

³ Section 1007.273(2)-(3), F.S.

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

⁵ Section 1007.273(3), F.S.

⁶ *Id.*

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

⁸ Section 1007.273(4), F.S.

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

Funding

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

Credit Acceleration Program

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

Standard High School Diploma Designations

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

Scholar Designation

A student must satisfy the following requirements:¹⁶

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

⁹ Section 1007.273(4), F.S.

¹⁰ Section 1007.273(6), F.S.

¹¹ *Id.*

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

¹³ Section 1003.4285(1)(a), F.S.

¹⁴ Section 1003.4285(b), F.S.

¹⁵ Section 1003.4282, F.S.

¹⁶ Section 1003.4285(1)(a), F.S.

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

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

Merit Designation

A student must attain one or more industry certifications.¹⁷

III. Effect of Proposed Changes:

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

Structured High School Acceleration Programs

The bill provides for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs.

Purpose

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

¹⁷ Section 1003.4285(1)(b), F.S.

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

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

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

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

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

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

Structured High School Acceleration Program Contract

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

Current law allows students to earn both high school and college credits concurrently through dual enrollment.²⁴ Additionally, students may participate in other acceleration mechanisms to generate college credits.²⁵ The Articulation Coordinating Committee (ACC)²⁶ has established passing scores and course and credit equivalents for the AP, IB, AICE, CLEP tests that are currently specified in law as well as for additional tests that are not specified in law.²⁷ The credit-by-exam equivalencies have been adopted in rule by the State Board of Education (SBE or state board).²⁸ If a student attains a passing score on the AP, AICE, IB, or CLEP exam, state universities and Florida College System (FCS) institutions must award the minimum credit for the course or courses specified on the credit-by-exam equivalencies list, even if such institutions do not offer the course or courses.²⁹

College credits earned before graduation from high school may result in tuition and fee savings for the students.

Bonus Funding and Compliance Requirements for School Districts

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

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

²³ Section 1007.23(1)(a), F.S.

²⁴ Section 1007.271(1), F.S.

²⁵ Section 1007.27, F.S.

²⁶ The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education in consultation with the Chancellor of the State University System, to make recommendations related to statewide articulation policies regarding access, quality, and data reporting. The ACC serves as an advisory body to the Higher Education Coordinating Council, the state board, and BOG. Section 1007.01(3), F.S.

²⁷ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

²⁸ Rule 6A-10.024, F.A.C.

²⁹ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>, at 1.

In addition, the bill establishes conditions which school districts must meet to become eligible for certain benefits and flexibilities. Specifically, to qualify for the academically high-performing school district designation or have the maximum class size for any school in the district be calculated at the school level, the bill specifies that a district school board must:

- Execute a structured program contract with its local FCS institution to establish one or more structured programs.
- Enroll at least 2 percent of its public school students in grades 11 and 12 in the district's structured program.

The bill also specifies that district school boards must not limit student enrollment in the structured programs.

The bonus funding incentives coupled with the specified conditions for receiving benefits and flexibilities may motivate school district and student participation in the structured programs, which may encourage program expansion. Participation in such programs will likely help students gain access to advanced-level instruction and opportunities to earn industry-approved industry certifications, and generate college credit.

Notification and Reporting Requirements

The bill establishes notification requirements for each district school board to inform students enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured programs, specifying the method for earning college credits and the estimated cost savings to students and their families associated with earning the college credits before graduating from high school. This requirement will likely create awareness about structured programs including, but not limited to, collegiate high school programs, which may increase student participation in such programs.

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

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

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

Credit Acceleration Program

The bill also expands the Credit Acceleration Program (CAP) mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma. Specifically, the bill allows students to earn high school credit in Algebra I, Algebra

II, geometry, United States history, or a course required to earn a scholar or merit designation if such students attain a passing score on the corresponding statewide, standardized assessment or Advanced Placement (AP) examination, without enrolling in or completing the course associated with that assessment or examination. Currently, under the CAP, the competency-based mechanism for earning high school credit is limited to students passing specified statewide, standardized assessments.³⁰

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.

³⁰ Section 1003.4295(3), F.S.

VIII. Statutes Affected:

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

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

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

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

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

- Provide for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs and modifies existing provisions for collegiate high school programs to also apply to the structured programs.
- Specify the purpose of the structured programs.
- Require the structured program contracts to delineate courses that fulfill general education core curriculum or common prerequisites.
- Establish bonus funding for school districts based on students successfully completing 30 or 60 credit hours and attaining one or more industry certifications.
- Prohibit school districts from receiving certain benefits and flexibilities, authorized under law, if the district school boards for such school districts do not meet specified conditions.
- Establish notification requirements for district school boards, and reporting requirements for district school superintendents and the Commissioner of Education.

B. Amendments:

None.



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LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

~~(1)~~ Each Florida College System institution shall work with
each district school board in its designated service area to



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11 establish one or more structured high school acceleration
12 programs including, but not limited to, collegiate high school
13 programs.

14 (1) PURPOSE. ~~(2)~~ At a minimum, structured ~~collegiate~~ high
15 school acceleration programs must include an option for public
16 school students in grade 11 or grade 12 participating in the
17 program, for at least 1 full school year, to earn CAPE industry
18 certifications pursuant to s. 1008.44 and to successfully
19 complete 30 credit hours toward general education core
20 curriculum or common prerequisite course requirements pursuant
21 to s. 1007.25 through the dual enrollment program under s.
22 1007.271, a mechanism pursuant to s. 1007.27, or a CAPE industry
23 certification pursuant to s. 1008.44 toward the first year of
24 college for an associate degree or baccalaureate degree while
25 enrolled in the program. A district school board may not limit
26 the number of public school students who may enroll in such
27 programs.

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



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40 contract must:

41 (a) Identify the grade levels to be included in the
42 ~~collegiate high school~~ program which must, at a minimum, include
43 ~~grade 12~~.

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

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

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

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

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

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

65 (3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

66 (a)~~(4)~~ Each student participating in a structured
67 ~~collegiate high school~~ acceleration program must enter into a
68 student performance contract which must be signed by the



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69 student, the parent, and a representative of the school district
70 and the applicable Florida College System institution, state
71 university, or other institution participating pursuant to
72 subsection (4)-(5). The performance contract must, at a minimum,
73 include the schedule of courses, by semester, and industry
74 certifications to be taken by the student, student attendance
75 requirements, and course grade requirements.

76 (b) By September 1 of each school year, each district
77 school board must notify each student enrolled in grades 9, 10,
78 11, and 12 in a public school within the school district about
79 the structured high school acceleration program including, but
80 not limited to:

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

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

94 (4) AUTHORIZED PROGRAM CONTRACTS.—(5)—In addition to
95 executing a contract with the local Florida College System
96 institution under this section, a district school board may
97 execute a contract to establish a structured ~~collegiate~~ high



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98 school acceleration program with a state university or an
99 institution that is eligible to participate in the William L.
100 Boyd, IV, Florida Resident Access Grant Program, that is a
101 nonprofit independent college or university located and
102 chartered in this state, and that is accredited by the
103 Commission on Colleges of the Southern Association of Colleges
104 and Schools to grant baccalaureate degrees. Such university or
105 institution must meet the requirements specified under
106 subsections (2)-(3) and (3)-(4). A charter school may execute a
107 contract directly with the local Florida College System
108 institution or another institution as authorized under this
109 section to establish a structured high school acceleration
110 program at a mutually agreed upon location.

111 (5) FUNDING.-

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

118 (b) A student who enrolls in the structured high school
119 acceleration program and successfully completes 30 credit hours
120 toward general education core curriculum or common prerequisite
121 course requirements pursuant to s. 1007.25, and attains one or
122 more industry certifications generates a 0.5 full-time
123 equivalent (FTE) bonus. A student who enrolls in the structured
124 high school acceleration program and successfully completes 60
125 credit hours toward an associate in arts or an associate in
126 science degree, and attains one or more industry certifications



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127 before graduating from high school, generates an additional 0.5
128 FTE bonus. Each district school board that is a contractual
129 partner with a Florida College System institution shall report
130 to the commissioner the total FTE bonus for each structured high
131 school acceleration program for the students from that district
132 school board. The total FTE bonus shall be added to each school
133 district's total weighted FTE for funding in the subsequent
134 fiscal year.

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

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

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

150 (7) REPORTING REQUIREMENTS.—

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

154 1. Number of students in public schools within the school
155 district who enrolled in the structured high school acceleration



156 program, and the partnering postsecondary institutions pursuant
157 to subsections (2) and (4).

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

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

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

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

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

175 1003.4295 Acceleration options.—

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



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185 passing score on the corresponding statewide, standardized
186 assessment or Advanced Placement Examination. The school
187 district shall permit a student who is not enrolled in the
188 course, or who has not completed the course, to take the
189 assessment or examination during the regular administration of
190 the assessment or examination.

191 Section 3. Paragraph (a) of subsection (1) of section
192 1003.621, Florida Statutes, is amended to read:

193 1003.621 Academically high-performing school districts.—It
194 is the intent of the Legislature to recognize and reward school
195 districts that demonstrate the ability to consistently maintain
196 or improve their high-performing status. The purpose of this
197 section is to provide high-performing school districts with
198 flexibility in meeting the specific requirements in statute and
199 rules of the State Board of Education.

200 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

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

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

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

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

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

212 4. Has executed a contract with its local Florida College
213 System institution to establish one or more structured high



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214 school acceleration programs at a mutually agreed upon location
215 or locations pursuant to s. 1007.273.

216
217 However, a district in which a district-operated school earns a
218 grade of "F" under s. 1008.34 during the 3-year period may not
219 continue to be designated as an academically high-performing
220 school district during the remainder of that 3-year period. The
221 district must meet the criteria in paragraph (a) in order to be
222 redesignated as an academically high-performing school district.

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

224
225 ===== T I T L E A M E N D M E N T =====

226 And the title is amended as follows:

227 Delete everything before the enacting clause
228 and insert:

229 A bill to be entitled

230 An act relating to education; amending s. 1007.273,
231 F.S.; providing additional options for students
232 participating in a structured high school acceleration
233 program; prohibiting a district school board from
234 limiting the number of public school students who may
235 enroll in a structured high school acceleration
236 program; revising requirements relating to contracts
237 establishing structured high school acceleration
238 programs; requiring each district school board to
239 notify students in certain grades about the program;
240 revising provisions relating to program funding;
241 providing compliance and reporting requirements;
242 amending s. 1003.4295, F.S.; revising the purpose of



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243 the Credit Acceleration Program; requiring students to
244 earn passing scores on specified assessments or
245 examinations to earn course credit; amending s.
246 1003.621, F.S.; requiring an academically high-
247 performing school district to execute a contract to
248 establish a structured high school acceleration
249 program; providing an effective date.

By Senator Detert

28-01227-16

20161126__

1 A bill to be entitled
2 An act relating to auditory-oral education programs;
3 amending s. 1002.391, F.S.; requiring a school
4 district to annually add a specified number of points
5 to the total score of all domains on a matrix of
6 services for certain children; specifying that such
7 children are eligible for auditory-oral education
8 grants under certain circumstances; providing an
9 effective date.

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

12
13 Section 1. Subsection (4) is added to section 1002.391,
14 Florida Statutes, to read:

15 1002.391 Auditory-oral education programs.—

16 (4) Notwithstanding s. 1011.62, a child who is deaf or hard
17 of hearing and who is enrolled in an auditory-oral education
18 program in this state shall:

19 (a) Have seven special consideration points added annually
20 by the child's school district to the total score of all domains
21 on his or her matrix of services until the child is no longer
22 enrolled in the program or turns 7 years of age, whichever
23 occurs first.

24 (b) Be eligible for auditory-oral education grants until
25 the child is 7 years of age if the child is enrolled in a
26 program that serves multiple counties, including rural and
27 underserved areas. The school that offers the program must offer
28 solely auditory-oral education programs and must have a
29 supervisor and faculty who are certified as listening and spoken
30 language specialists.

31 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 1126

INTRODUCER: Education Pre-K – 12 Committee and Senators Detert and Richter

SUBJECT: Auditory-oral Education Programs

DATE: February 3, 2016

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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

The bill takes effect on July 1, 2016.

II. Present Situation:

Auditory-Oral Education Program

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

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

¹ Section 1002.391(1)(a), F.S.

² Section 1002.391(1)(b), F.S.

³ Rule 6A-6.03013, F.A.C.

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

Matrix of Services

The Matrix of Services is the document used to determine the cost factor for selected exceptional education students based on the decisions made by the Individual Education Plan team.⁶ The matrix is designed with five levels in each of the five domain⁷ areas.⁸ A level IV indicates that for the majority of learning activities, the student receives specialized approaches, assistance equipment, or receives more extensive modifications to the learning environment.⁹ A level V indicates that the student receives continuous and intense assistance, multiple services or substantial modifications for the majority of learning activities.¹⁰

Special consideration points are additional points for selected populations of students.¹¹ The applicable special consideration points are added together with the scores from each domain of the matrix to determine the level of support services.¹² The nature and intensity of the services indicated on the matrix are consistent with the services described in each exceptional student's Individual Education Plan (IEP).¹³

Funding for Exceptional Student Education

The funding model for exceptional student education programs uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation.¹⁴ For exceptional education students, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education

⁴ Section 1002.391(1)(c), F.S.

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

⁶ Section 1011.62(1)(c), F.S. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional education students with the highest levels of need.

⁷ The matrix of services includes five domains that are intended to cover the special services and supports provided in an educational setting. The domain areas are: curriculum and learning environment, social or emotional behavior, independent functioning, health care, and communication. Florida Department of Education, *Matrix of Services Handbook* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

⁸ Florida Department of Education, *Matrix of Services Handbook* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

⁹ *Id.* A level I indicates that the student requires no services or assistance beyond those that are normally available to all students. A level II indicates the student is receiving assistance on a periodic basis or receives minor supports, assistance, or services. A level III indicates the student is receiving accommodations to the learning environment that are more complex or is receiving services on a more frequent schedule.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Section 1011.62(1)(e), F.S.

¹⁴ *Id.*

program and at least once every three years in order to generate weighted funding.¹⁵ The matrix of services is used to determine the cost factor for selected exceptional education students based on the decisions made by the IEP team.¹⁶

III. Effect of Proposed Changes:

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

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

The revised matrix calculation will generate additional Florida Education Finance Program funds to support students who are deaf and enrolled in an auditory-oral education 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

¹⁵ *Id.*

¹⁶ Florida Department of Education, *Matrix of Services Handbook* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.391 of the Florida Statutes.

IX. Additional Information:

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

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

The committee substitute modifies the bill as follows:

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

- B. **Amendments:**

None.



166980

LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1002.391 Auditory-oral education programs.-

(4) Beginning with the 2017-2018 school year, a school
district shall add four special consideration points to the
calculation of a matrix of services for a student who is deaf



166980

11 and enrolled in an auditory-oral education program.

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

13

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

15 And the title is amended as follows:

16 Delete everything before the enacting clause

17 and insert:

18

 A bill to be entitled

19

 An act relating to auditory-oral education programs;

20

 amending s. 1002.391, F.S.; requiring a school

21

 district to add a specified number of points to the

22

 calculation of a matrix of services for a student who

23

 is deaf and enrolled in an auditory-oral education

24

 program; providing an effective date.

By Senator Detert

28-01378A-16

20161160__

A bill to be entitled

An act relating to the Art in the Capitol Competition; creating the Art in the Capitol Competition for students in specified grades; specifying procedures for student participation, notification, and the selection and display of winning submissions; authorizing rulemaking; providing an effective date.

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

Section 1. (1) There is created the Art in the Capitol Competition, a statewide visual arts competition for students in grades 6 through 8, to be administered by the Department of Management Services and the Department of Education.

(2) The Department of Education shall notify each school district and the Department of Management Services shall notify each state representative and state senator of the Art in the Capitol Competition, including the applicable deadlines, submission rules, and selection process.

(3) (a) A submission may not violate copyright laws and must:

1. Be two dimensional.

2. Be no larger than 28 inches wide by 28 inches long by 4 inches thick.

3. Weigh less than 15 pounds.

4. Be original in concept, design, and execution.

(b) Each submission must include:

1. The student's name, grade, and school of enrollment.

2. The name of the city in which the school is located.

3. The numbers of the state representative district and the state senatorial district in which the school is located.

(4) (a) By January 1, 2017, and annually thereafter, a

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

28-01378A-16

20161160__

student may submit his or her artwork to the selection committee at his or her middle school. Each selection committee shall consist of five individuals selected by the principal of the school and include local artists, parents, and teachers.

(b) By January 15, 2017, and annually thereafter, each selection committee must select the winning submission for the school and submit copies of the artwork to the office of the state representative and state senator of the respective districts in which the school is located.

(c) By February 1, 2017, and annually thereafter, each state representative and state senator must select the winning submission for his or her district and notify the Department of Management Services, the Department of Education, and the appropriate selection committee of his or her decision. Upon such notification, the appropriate selection committee shall mail the winning submission to the Department of Management Services.

(5) The Department of Management Services shall collect the winning submissions and arrange to have them displayed in the Capitol Building during the regular legislative session. Upon adjournment of the legislative session, each student may arrange with the Department of Management Services for the return of his or her artwork.

(6) The Department of Management Services may adopt rules to administer this section.

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

Page 2 of 2

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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 1160

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

SUBJECT: Art in the Capitol Competition

DATE: February 4, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Fav/CS
2.	_____	_____	AGG	_____
3.	_____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1160 creates the Art in the Capitol Competition, a statewide visual arts competition for all public, private, and home education students in grades 6 through 8.

Specifically, the bill requires:

- Each school district to annually hold an Art in the Capitol Competition with a selection committee consisting of art teachers, whose students have not submitted work;
- Winning submissions to be provided to the legislator of the legislative district in which the student resides; and
- Legislator to submit the artwork to the Department of Management Services to be displayed in the Capitol Building during the regular legislative session.

The bill takes effect on July 1, 2016

II. Present Situation:

Artwork in the Capitol

The Capitol has both permanent and temporary art displays. On the lower floors of the Capitol and Legislative Office Buildings are photographs from Florida's history.¹ The rotating display

¹ Visit Florida Capitol, *Artwork in the Capitol*, <http://www.visitfloridacapitol.com/capitol/art.php> (last visited January 29, 2016).

areas within the Capitol Grounds include the 22nd Floor Capitol Gallery, Cabinet Meeting Room, and the Gallery at the Historic Capitol.²

The Capitol Complex Exhibition Program showcases Florida artists through a series of visual art exhibitions throughout the Capitol Complex.³ Exhibitions are selected by Division of Cultural Affairs staff members based on quality, diversity of medium, and regional representation, with preference given to Florida themes.⁴

Congressional Art Competition

Each spring, the Congressional Institute⁵ sponsors a nationwide high school visual art competition to recognize and encourage artistic talent in the nation and in each congressional district.⁶ Students submit their entries to their representative's office, and panels of district artists select the winning entries.⁷ Winners are recognized both in their district and at an annual awards ceremony in Washington, DC.⁸ The winning artwork is displayed for one year at the U. S. Capitol.⁹

All entries for the Congressional Art Competition meet the following criteria:¹⁰

- Be two dimensional;
- Be no larger than 28 inches wide by 28 inches tall by 4 inches thick when framed;
- Not weigh more than 15 pounds, including the frame; and
- Be original in concept, design, and execution and may not violate any U.S. copyright laws.

III. Effect of Proposed Changes:

CS/SB 1160 creates the Art in the Capitol Competition, a statewide visual arts competition for all public, private, and home education students in grades 6 through 8 to recognize and encourage artistic talent in Florida.

Specifically, the bill requires each school district to annually hold an Art in the Capitol Competition with the submissions to be judged by a selection committee consisting of art teachers whose students have not submitted artwork. In effect, the art competition offers an opportunity for students to not only be challenged locally, but to also be acknowledged for their talent and creativity at the state level.

² *Id.*

³ Division of Cultural Affairs, *Exhibitions*, <http://dos.myflorida.com/cultural/programs/exhibitions/> (last visited January 29, 2016).

⁴ *Id.*

⁵ The Congressional Institute was established in 1987 for the intellectual and social benefit of Members of Congress and to provide education information about Congress to the general public. Congressional Institute, *About Us*, <http://conginst.org/about/> (last visited January 29, 2016).

⁶ United States House of Representatives, *Congressional Art Competition*, http://www.house.gov/content/educate/art_competition/ (last visited January 29, 2016).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

In addition, the artwork submission requirements for the Florida statewide visual arts competition are similar to the nationwide high school Congressional Art Competition, including:

- Be two dimensional;
- Be no larger than 28 inches wide by 28 inches long by 4 inches thick;
- Weigh less than 15 pounds; and
- Be original in concept, design, and execution and may not violate copyright laws.

The bill requires the winning artwork to be submitted to the office of the legislator of the district in which the student resides no later than 60 days prior to the start of the regular legislative session. The bill allows for an unspecified number of winning submissions to be provided to each legislator.

The artwork will be displayed in the Capitol Building during the regular legislative session to showcase the talent of creative Florida students in grades 6 through 8.

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

The committee substitute modifies the bill as follows:

- Requires each school district to annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8;
- Revises the selection committee to consist of art teachers whose students have not submitted artwork for consideration;
- Requires the artwork to go to the legislator of the legislative district in which the student resides;
- Revises applicable deadlines; and
- Removes the authorization for the Department of Management Services to adopt rules to administer the Art in the Capitol Competition.

- B. **Amendments:**

None.



966784

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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The Committee on Education Pre-K - 12 (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. (1) There is created the Art in the Capitol Competition, a statewide visual arts competition for students in grades 6 through 8, to be administered by the Department of Management Services and the Department of Education.

(2) Each school district shall annually hold an Art in the Capitol Competition for all public, private, and home education



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11 students in grades 6 through 8. Submissions shall be judged by a
12 selection committee consisting of art teachers whose students
13 have not submitted artwork for consideration.

14 (3) (a) A submission may not violate copyright laws and
15 must:

16 1. Be two dimensional.

17 2. Be no larger than 28 inches wide by 28 inches long by 4
18 inches thick.

19 3. Weigh less than 15 pounds.

20 4. Be original in concept, design, and execution.

21 (b) Each submission must include the student's name, grade,
22 and school of enrollment and the city in which the school is
23 located.

24 (4) Each winning submission shall be provided to the
25 legislator of the legislative district in which the student
26 resides no later than sixty days prior to the start of each
27 regular legislative session. The legislator shall provide the
28 winning submission to the Department of Management Services.

29 (5) The Department of Management Services shall collect the
30 winning submissions and arrange to have them displayed in the
31 Capitol Building during the regular legislative session. Upon
32 adjournment of the legislative session, the legislator shall
33 return the winning submission to the student.

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

35
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete everything before the enacting clause
39 and insert:



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40 A bill to be entitled
41 An act relating to the Art in the Capitol Competition;
42 creating the Art in the Capitol Competition for
43 students in specified grades; specifying procedures
44 for student participation, notification, and the
45 selection and display of winning submissions;
46 providing an effective date.

By Senators Bean and Hutson

6-01482-16

20161196__

A bill to be entitled

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

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

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

381.88 Emergency allergy treatment.—

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

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

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

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

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(3) HEALTH ISSUES.—

(i) *Epinephrine use and supply.*—

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

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

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62 physician for the administration by school personnel who are
63 trained to recognize an anaphylactic reaction and to administer
64 an epinephrine auto-injection. The supply of epinephrine auto-
65 injectors may be provided to and used by a student authorized to
66 self-administer epinephrine by auto-injector under subparagraph
67 1. or trained school personnel.

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

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

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

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

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

87 1002.42 Private schools.—

88 (17) EPINEPHRINE SUPPLY.—

89 (a) A private school may purchase a supply of epinephrine
90 auto-injectors from a wholesale distributor as defined in s.

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

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

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

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

119 3. Regardless of whether authorization has been given by

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120 the student's parents or guardians or by the student's
121 physician, physician's assistant, or advanced registered nurse
122 practitioner.

123 Section 4. 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 1196

INTRODUCER: Education Pre-K - 12 Committee and Senators Bean and Hutson

SUBJECT: Emergency Allergy Treatment in Schools

DATE: February 4, 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 1196 modifies the definition of authorized entity for the purposes of emergency allergy treatment and authorizes public and private schools to enter into agreements with wholesale distributors or manufacturers to obtain epinephrine auto-injectors. Specifically, the bill:

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

The bill takes effect July 1, 2016.

II. Present Situation:

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

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

Epinephrine Use

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

Epinephrine Supply

Public and Private Schools

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

Other Authorized Entities

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

¹ Section 1002.20, F.S.

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

³ Section 1002.20(3), F.S.

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

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

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

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

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

⁹ *Id.*

¹⁰ *Id.*

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

Epinephrine Liability

School Districts and Private Schools

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

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

Other Individuals

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

III. Effect of Proposed Changes:

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

¹¹ Section 381.885(4), F.S.

¹² Sections 1002.20(3)(i)3. and 1002.20(17)(b), F.S.

¹³ Section 381.885(5), F.S.

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

Authorized Entity

The bill expands the definition of authorized entity to include private schools and their employees, agents, and physician. Currently, public schools and their employees and agents including physician, as specified, are considered an authorized entity.¹⁵

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

Epinephrine Supply

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

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

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

The bill takes effect July 1, 2016.

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

¹⁵ Section 1002.20(3)(i), F.S.

¹⁶ Section 381.88(5), F.S.

¹⁷ Section 381.885(4), F.S.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

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

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

B. Amendments:

None.

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



731612

LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete lines 58 - 96

and insert:

~~maintain~~ in a ~~locked,~~ secure location on the public school's ~~its~~ premises ~~a supply of epinephrine auto-injectors for use if a student is having an anaphylactic reaction.~~ The participating school district shall adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer



731612

11 an epinephrine auto-injection. The supply of epinephrine auto-
12 injectors may be provided to and used by a student authorized to
13 self-administer epinephrine by auto-injector under subparagraph
14 1. or trained school personnel.

15 3. The school district and its employees, ~~and~~ agents, and
16 ~~including~~ the physician who provides the standing protocol for
17 school epinephrine auto-injectors, are not liable for any injury
18 arising from the use of an epinephrine auto-injector
19 administered by trained school personnel who follow the adopted
20 protocol and whose professional opinion is that the student is
21 having an anaphylactic reaction:

22 a. Unless the trained school personnel's action is willful
23 and wanton;

24 b. Notwithstanding that the parents or guardians of the
25 student to whom the epinephrine is administered have not been
26 provided notice or have not signed a statement acknowledging
27 that the school district is not liable; and

28 c. Regardless of whether authorization has been given by
29 the student's parents or guardians or by the student's
30 physician, physician's assistant, or advanced registered nurse
31 practitioner.

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

34 1002.42 Private schools.—

35 (17) EPINEPHRINE SUPPLY.—

36 (a) A private school may purchase a supply of epinephrine
37 auto-injectors from a wholesale distributor as defined in s.
38 499.003 or may enter into an arrangement with a wholesale
39 distributor or manufacturer as defined in s. 499.003 for the



731612

40 epinephrine auto-injectors at fair-market, free, or reduced
41 prices for use in the event a student has an anaphylactic
42 reaction. The epinephrine auto-injectors must be maintained and
43 maintain in a locked, secure location on the private school's
44

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

46 And the title is amended as follows:

47 Between lines 8 and 9

48 insert:

49 revising the storage requirements for epinephrine
50 auto-injectors;

By the Committee on Community Affairs; and Senators Stargel and Gaetz

578-02604-16

20161426c1

A bill to be entitled

An act relating to membership associations; creating s. 617.221, F.S.; defining the term "membership association"; requiring membership associations to file an annual report with the Legislature; specifying the requirements for the annual report; prohibiting a membership association from using public funds for certain litigation; requiring the assessment of dues paid to a membership association by certain elected and appointed officials with public funds; requiring the Auditor General to conduct certain audits annually; specifying that all membership association records constitute public records under certain law; providing an effective date.

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

Section 1. Section 617.221, Florida Statutes, is created to read:

617.221 Membership associations; reporting requirements; restrictions on use of funds.-

(1) As used in this section, the term "membership association" means a not-for-profit corporation, including a department or division of such corporation, the majority of whose board members are constitutional officers who, pursuant to s. 1001.32(2), operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The term does not include a labor organization as defined in s. 447.02 or an

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

578-02604-16

20161426c1

entity funded through the Justice Administrative Commission.

(2) A membership association shall file a report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The report must provide:

(a) The name and address of the membership association and any parent membership association or state, national, or international membership association with which it is affiliated.

(b) The names, titles, telephone numbers, and addresses of the principal officers and all representatives of the membership association.

(c) The amount of the fee required to become a member of the membership association, if any, and the annual dues each member must pay.

(d) The current annual financial statements of the membership association as described in s. 617.1605.

(e) A copy of the current constitution and bylaws of the membership association.

(f) A description of the assets and liabilities of the membership association at the beginning and end of the preceding fiscal year.

(g) A description of the salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and to each employee who, during the preceding fiscal year, received more than \$10,000 in the aggregate from the membership association and any other state, national, or international membership association affiliated with the membership association.

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

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20161426c1

61 (h) The annual amount of the following benefit packages
 62 paid to each of the principal officers of the membership
 63 association:
 64 1. Health, major medical, vision, dental, and life
 65 insurance.
 66 2. Retirement plans.
 67 3. Automobile allowances.
 68 (i) The per-member amount of annual dues sent from the
 69 membership association to each state, national, or international
 70 affiliate.
 71 (j) The total amount of direct or indirect disbursements
 72 for lobbying activity at the federal, state, or local level
 73 incurred by the membership association, listed by full name and
 74 address of each person who received a disbursement.
 75 (k) The total amount of direct or indirect disbursements
 76 for litigation expenses incurred by the membership association,
 77 listed by case citation.
 78 (3) A membership association may not expend moneys received
 79 from public funds, as defined in s. 215.85(3), on litigation
 80 against the state.
 81 (4) Dues paid to a membership association which are paid
 82 with public funds shall be assessed for each elected or
 83 appointed public officer. If a public officer elects not to join
 84 the membership association, the dues assessed to that public
 85 officer may not be paid to the membership association.
 86 (5) The Auditor General shall conduct an annual financial
 87 and operational audit of accounts and records of each membership
 88 association.
 89 (6) All records of a membership association constitute

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

578-02604-16

20161426c1

90 public records for purposes of chapter 119.
 91 Section 2. This act shall take effect upon becoming a law.
 92

Page 4 of 4

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 1426

INTRODUCER: Community Affairs Committee and Senators Stargel and Gaetz

SUBJECT: Membership Associations

DATE: February 1, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.	Hand		ED	Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1426 prohibits membership associations from expending any money received from public funds on litigation against the state. A membership association is defined as “a not-for-profit corporation... the majority of whose board members are constitutional officers who... operate, control, and supervise public entities that receive annual state appropriations... prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act.”

The bill also:

- Requires such organizations to file an annual report with the Legislature.
- Provides that dues paid to a membership association with public funds must be assessed for each elected or appointed public officer, but dues are prohibited for officers that elect not to join the association.
- Requires the Auditor General to conduct annual financial and operational audits of each membership association.
- Provides that all records of membership associations are public records.

The bill may have a positive fiscal impact on the state to the extent that it reduces suits against the state by organizations that receive state funds. However, it appears that any such impact would be minimal.

The bill takes effect upon becoming law.

II. Present Situation:

Not For Profit Corporations

In Florida, not for profit corporations are regulated by the Florida Not For Profit Corporation Act (Act), which outlines the requirements for creating and managing a not for profit corporation as well as the powers and duties of the corporation.¹ The Act authorizes not for profit corporations to be created for any lawful purpose or purposes that are not for pecuniary profit and that are not specifically prohibited to corporations by other state laws.² The Act specifies that such purposes include charitable, benevolent, eleemosynary, educational, historical, civic, patriotic, political, religious, social, fraternal, literary, cultural, athletic, scientific, agricultural, horticultural, animal husbandry, and professional, commercial, industrial, or trade association purposes.³

Florida law authorizes not for profit corporations to operate with the same degree of power provided to for profit corporations in the state, including the power to appoint officers, adopt bylaws, enter into contracts, sue and be sued, and own and convey property.⁴ Officers and directors of certain not for profit corporations also are protected by the same immunity from civil liability provided to directors of for profit corporations.⁵ Unlike for profit corporations, certain not for profit corporations may apply for exemptions from federal, state, and local taxes.⁶

Not for profit corporations are required to submit an annual report to the Department of State that contains the following information:

- The name of the corporation and the state or country under the law of which it is incorporated;
- The date of incorporation or, if a foreign corporation, the date on which it was admitted to conduct its affairs in the state;
- The address of the principal office and the mailing address of the corporation;
- The corporation's federal employer identification number, if any, or, if none, whether one has been applied for;
- The names and business street addresses of its directors and principal officers;
- The street address of its registered office in the state and the name of its registered agent at that office; and
- Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of the Act.⁷

A not for profit corporation may receive public funds from the state or a local government in certain situations. Public funds are defined as "moneys under the jurisdiction or control of the state, a county, or a municipality, including any district, authority, commission, board, or agency thereof and the judicial branch, and includes all manner of pension and retirement funds and all

¹ Chapter 90-179, L.O.F.

² Section 617.0301, F.S.

³ *Id.*

⁴ *See* ss. 617.0302 and 607.0302, F.S.

⁵ *See* ss. 617.0834 and 607.0831, F.S.

⁶ *See* 26 U.S.C. s. 501; Section 212.08(7)(p), F.S.

⁷ Section 617.1622, F.S.

other funds held, as trust funds or otherwise, for any public purpose.”⁸ The state or a local government may provide public funds to a not for profit corporation through a grant or through payment of membership dues authorized for governmental employees and entities who are members of certain types of not for profit corporations.⁹

District School Boards

Section 4(a) of Article IX of the Florida Constitution provides in part that in each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.¹⁰

Section 1001.32(2), F.S., provides that in accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards shall operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.¹¹

School districts in Florida are public entities that receive annual state appropriations through a statutorily defined formulaic allocation (e.g., the FEFP) funded and prescribed annually in the General Appropriations Act or the act’s implementing bill.¹²

Florida School Board Association

The Florida School Boards Association, Inc. (FSBA) is a not-for-profit corporation representing all school board members in Florida¹³. The FSBA has been the collective voice for Florida school districts since 1930 and is closely allied with other educational and community agencies to work toward improvement of education in Florida.¹⁴

Duly qualified members of Florida’s county school boards are eligible for membership in the FSBA, upon payment of annual dues by the local county school board.¹⁵ The FSBA Board of Directors is comprised of five executive officers, 27 directors representing geographical districts

⁸ Section 215.85(3)(b), F.S.

⁹ See, e.g., Section 2-103(a), Pinellas County Code (authorizing the board of county commissioners to expend monies from the county general fund for membership fees and dues for county employees and officials for professional associations); Section 120-65(a)(2), South Florida Water Management District Administrative Policies (authorizing the district to pay for an employee’s membership in a professional organization not required by his or her job).

¹⁰ Art. IX s. 4(a), Fla. Const.

¹¹ Section 1001.32(2), F.S.

¹² Sections 1.01(8) and 1011.62, F.S.

¹³ Florida School Boards Association, *Mission and Beliefs*, <http://www.fsba.org/beliefs/> (last visited January 29, 2016); Florida Department of State Division of Corporations, *Florida School Boards Association, Inc.*, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDASCHOOLBOARDASSOCIATION%207033620&aggregateId=domnp-703362-624caed9-dafe-4fc1-a205-1afc640b4365&searchTerm=florida%20school%20board%20association&listNameOrder=FLORIDASCHOOLBOARDASSOCIATION%207033620> (last visited January 29, 2016).

¹⁴ *Id.*

¹⁵ Florida School Boards Association, *Bylaws, Article III – Membership*, <http://www.neola.com/fsba/> (last visited January 29, 2016).

in the state, and FSBA members who serve as an officer or member of the Board of Directors of the National School Boards Association or the Southern Regional School Boards Association.¹⁶

Florida Coalition of School Board Members

The Florida Coalition of School Board Members (FCSBM) is a not-for-profit corporation formed to create and promote public interest in the cause of public education, and to support similar decision makers and organizations in K-12 education.¹⁷

The FCSBM is a non-partisan individual membership organization for elected school board members.¹⁸ The FCSBM Board of Directors consists of 5 people who are members of district school boards in Florida.¹⁹

III. Effect of Proposed Changes:

Section 1 creates s. 617.221, F.S., to prohibit certain membership associations from expending any money received from public funds on litigation against the state.

The bill defines a membership association for purposes of this section as “a not-for-profit corporation, including a department or division of such corporation, the majority of whose board members are constitutional officers who, pursuant to s. 1001.32(2), operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. Section 1001.32(2), F.S., provides that district school boards shall operate, control, and supervise all free public schools in their respective districts. The term does not include a labor organization as defined in s. 447.02 or an entity funded through the Justice Administrative Commission.”

The bill also requires the membership associations to file an annual report with the Legislature by January 1 of each year covering the following topics:

- The name and address of the membership association and any parent membership association, or state, national, or international membership association with which it is affiliated.
- The names, titles, telephone numbers, and addresses of the principal officers and all representatives of the membership association.
- The fee required to become a member of the membership association, if any, and the annual dues that each member must pay.
- The current annual financial statements of the membership association as described in s. 617.1605, F.S.

¹⁶ Florida School Boards Association, *Board of Directors*, <http://fsba.org/membership/board-of-directors/> (last visited January 29, 2016).

¹⁷ Florida Department of State Division of Corporations, Florida Coalition of School Board Members, Inc., *Electronic Articles of Incorporation*, <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2015%5C0109%5C70176387.tif&documentNumber=N1500000268> (last visited January 29, 2016)

¹⁸ Florida Coalition of School Board members, *About*, <http://www.fcsbm.org/about> (last visited January 29, 2016).

¹⁹ Florida Coalition of School Board Members, *Board of Directors*, http://www.fcsbm.org/board_of_directors (last visited January 29, 2016)

- A copy of the current constitution and bylaws of the membership association.
- A description of the assets and liabilities of the association at the beginning and end of the preceding fiscal year.
- A description of the salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and to each employee who, during the preceding fiscal year, received more than \$10,000 total from the membership association and any other state, national, or international membership association affiliate.
- The annual amount of the following benefit packages paid to each of the principal officers of the membership association:
 - Health, major medical, vision, dental, and life insurance.
 - Retirement plans.
 - Automobile allowances.
- The per-member amount of annual dues sent from the membership association to each state, national, or international affiliate.
- The total amount of direct or indirect disbursements for lobbying activity at the federal, state, or local level incurred by the membership association, listed by full name and address of each person who received a disbursement.
- The total amount of direct or indirect disbursements for litigation expenses incurred by the membership association, listed by case citation.

The bill also provides that dues paid to a membership association which are paid with public funds shall be assessed for each elected or appointed public officer. If a public officer elects not to join the membership association, the dues assessed to that public officer may not be paid to the membership association.

The bill requires the Auditor General to conduct an annual financial and operational audit of accounts and records of each membership association.

Furthermore, all records of a membership association constitute public records for purposes of ch. 119, F.S.

In effect, the requirements for membership associations under this new statute would most likely apply, at a minimum, to the Florida School Boards Association and the Florida Coalition of School Board Members.

Section 2 provides that the act 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.

D. Other Constitutional Issues:

The bill applies to membership associations organized as a corporation not for profit but does not apply to membership associations organized as a corporation for profit. As such, it may violate the constitutional right of equal protection under the United States Constitution. Unlike the federal Equal Protection Clause, Florida's constitutional right to equal protection only applies to natural persons.²⁰

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

None.

B. Private Sector Impact:

The bill may have an indeterminate negative fiscal impact on membership associations because they would be required to file an annual report with the Legislature.

C. Government Sector Impact:

The bill may have a positive fiscal impact on the state to the extent that it reduces suits against the state by organizations that receive state funds. However, it appears that any such impact would be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 617.221 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 Community Affairs on January 26, 2016:

Revises the definition of membership associations. The term now includes only a not-for-

²⁰ Fla. Const., Art. I, s. 2.

profit corporation the majority of whose members are constitutional officers who, pursuant to s. 1001.32(2), F.S., operate, control, and supervise public entities that receive annual state appropriations. The reference to s. 1001.32(3), F.S., was removed.

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 Latvala

20-01284-16

20161462__

1 A bill to be entitled
 2 An act relating to educational instruction; creating
 3 s. 1003.481, F.S.; requiring the Commissioner of
 4 Education to develop an elective course for certain
 5 students which must be included in the Course Code
 6 Directory; requiring the elective course to include
 7 instruction in certain skills; authorizing the State
 8 Board of Education to adopt rules; providing an
 9 effective date.

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

11 Section 1. Section 1003.481, Florida Statutes, is created
 12 to read:

13 1003.481 Instruction in life skills.-

14 (1) The Commissioner of Education, in consultation with the
 15 Articulation Coordinating Committee, shall develop an elective
 16 course for students in grades 9 through 12 that addresses skills
 17 and character development not included in rigorous academic
 18 courses.

19 (2) The course must be included in the Course Code
 20 Directory and, at a minimum, include instruction on:

21 (a) Developing leadership skills, interpersonal skills,
 22 organization skills, and research skills.

23 (b) Creating a resume.

24 (c) Developing and practicing the skills necessary for
 25 employment interviews.

26 (d) Managing stress and expectations.

27 (e) Developing personal skills that enable students to
 28 become resilient and self-motivated.

29 (3) The State Board of Education may adopt rules to
 30 implement this section.

31 Page 1 of 2

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

20-01284-16

20161462__

33 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 1462

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

SUBJECT: Character-Development Instruction

DATE: February 4, 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 1462 expands the requirements for high school character-development programs to include instruction on developing life and career-related skills.

Specifically, the bill requires instruction on:

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

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

II. Present Situation:

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

¹ Section 1003.41, F.S.

² Each district school board is required to provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet the State Board of Education adopted standards in reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts. Section 1003.42(1), F.S.

Required Instruction

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

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

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

Character-Development Program

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

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

III. Effect of Proposed Changes:

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

³ Section 1003.42(2), F.S.

⁴ *Id.*

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

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

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

⁸ Section 1003.42(2)(s), F.S.

⁹ *Id.*

Specifically, the bill requires instruction on:

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1003.42 of the Florida Statutes.

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

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

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

The committee substitute includes the following substantial changes:

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

B. Amendments:

None.



383940

LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (s) of subsection (2) of section
1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public
schools, subject to the rules of the State Board of Education
and the district school board, shall teach efficiently and



11 faithfully, using the books and materials required that meet the
12 highest standards for professionalism and historic accuracy,
13 following the prescribed courses of study, and employing
14 approved methods of instruction, the following:

15 (s) A character-development program in the elementary
16 schools, similar to Character First or Character Counts, which
17 is secular in nature. Beginning in school year 2004-2005, the
18 character-development program shall be required in kindergarten
19 through grade 12. Each district school board shall develop or
20 adopt a curriculum for the character-development program that
21 shall be submitted to the department for approval. The
22 character-development curriculum shall stress the qualities of
23 patriotism; responsibility; citizenship; kindness; respect for
24 authority, life, liberty, and personal property; honesty;
25 charity; self-control; racial, ethnic, and religious tolerance;
26 and cooperation. The character-development program in grades 9
27 through 12 shall, at a minimum, include instruction on
28 developing leadership skills, interpersonal skills, organization
29 skills, and research skills; creating a resume; developing and
30 practicing the skills necessary for employment interviews;
31 managing stress and expectations; and developing skills that
32 enable students to become more resilient and self-motivated.

33
34 The State Board of Education is encouraged to adopt standards
35 and pursue assessment of the requirements of this subsection.

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

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:



383940

40 Delete everything before the enacting clause
41 and insert:

42 A bill to be entitled
43 An act relating to character-development instruction;
44 amending s. 1003.42, F.S.; requiring character
45 education programs to provide certain instruction to
46 students in grades 9-12; providing an effective date.

By Senator Sachs

34-01131-16

20161678__

1 A bill to be entitled
2 An act relating to high school graduation
3 requirements; amending s. 1003.4282, F.S.; providing
4 that a student who completes a certain apprenticeship
5 may be awarded specified credits toward a standard
6 high school diploma; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Present paragraph (c) of subsection (6) of
11 section 1003.4282, Florida Statutes, is redesignated as
12 paragraph (d), and a new paragraph (c) is added to that
13 subsection, to read:

14 1003.4282 Requirements for a standard high school diploma.—

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

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

23 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 1678

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

SUBJECT: High School Graduation Requirements

DATE: February 4, 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 1678 allows a student to use credit earned upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education to satisfy certain high school credit requirements.

Specifically, the bill:

- Authorizes the use of credit earned upon completion of an apprenticeship or preapprenticeship to satisfy the credit requirements for courses in fine or performing arts, speech and debate, or practical arts or electives.
- Requires the State Board of Education to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

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

II. Present Situation:

High School Graduation Requirements

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

Credit Requirements to Earn a Standard High School Diploma

A student must successfully complete 24 credits in the following subject areas:¹

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics including one credit each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science including one credit in Biology I and two credits in equally rigorous courses.² Industry certifications earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.³
- One credit in physical education.⁴
- Eight credits in electives.⁵

Career Education Course Credit

Florida law allows students to earn credit in both career education courses and courses required for high school graduation.⁶ Career education provides instruction for the following purposes:⁷

- At the elementary, middle, and high school levels, exploratory courses deigned to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations.
- At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

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

² Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

³ The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Section 1003.4282(3)(e), F.S. Eligible practical arts courses are identified in the Course Code Directory. *Id.* Many career and technical education courses meet the fine arts or practical arts credit requirements for high school graduation. Florida Department of Education, *2014-2015 Career and Technical Education Courses that Meet the Practical Arts High School Graduation Requirement*, available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/0080266-pacourses1415.pdf>. See also Florida Department of Education, *2015-2016 Course Code Directory and Instructional Personnel Assignments*, available at <https://www.flrules.org/gateway/readRefFile.asp?refId=5432&filename=CCDNarrative1516.pdf>. Rule 6A-1.09441, F.A.C.

⁴ Physical education must include the integration of health. Section 1003.4282(3)(f), F.S.

⁵ School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Section 1003.4282(3)(g), F.S. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. *Id.*

⁶ Section 1003.4282(8)(a), F.S.

⁷ Section 1003.01(4), F.S. Career education courses all within the definition of “extracurricular courses” which are not defined as “core-curricula courses.” *Id.* at (15). Other extracurricular courses may include, but are not limited to, physical education, fine arts, performing fine arts, and course that may result in college credit. *Id.*

- At the postsecondary level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

Career education courses are approved by the State Board of Education (State Board) if the courses meet the criteria and requirements for career-themed⁸ courses which include, but are not limited to:⁹

- Increasing student academic achievement and graduation rates through integrated academic and career curricula.¹⁰
- Promoting learning by doing through application and adaptation.¹¹
- Including partnerships with postsecondary institutions, businesses, industry, or employers.¹²
- Leading to industry certification or college credit.¹³

Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework resulting in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certified or degree program, which may include work-related internships or apprenticeships.¹⁴ The instructional methodologies used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the academics.¹⁵

Each school district is encouraged to partner with local workforce boards, business and industry leaders, and postsecondary institutions to create career education courses.¹⁶ School districts or regional consortium service organizations must submit their recommended career education courses to the Department of Education (DOE) for State Board approval.¹⁷ The State Board must determine if sufficient academic standards are covered to warrant the award of academic credit.¹⁸

Course Code Directory

The Course Code Directory (CCD),¹⁹ which is adopted in rule by the State Board, identifies courses including, but not limited to, the courses that meet subject-area high school graduation requirements, and specifies course level and length.²⁰ The CCD is the listing of all public Pre-K -

⁸ A “career-themed course” is defined in s. 1003.493(1)(b), F.S.

⁹ Section 1003.4282(8)(a), F.S. Career education courses for purposes of earning high school credit must meet the requirements and criteria set forth in s. 1003.493(2), (4), and (5), F.S., for career and professional academy and career-themed courses.

¹⁰ Section 1003.493(2), F.S.

¹¹ *Id.* at (4)(a).

¹² *Id.* at (4)(b).

¹³ *Id.* at (5).

¹⁴ Section 1003.4282(8)(a)2., F.S.

¹⁵ *Id.*

¹⁶ *Id.* at (8)(b).

¹⁷ *Id.* at (8)(b) and (c).

¹⁸ *Id.* at (8)(a)2.

¹⁹ Rule 6A-1.09441, F.A.C.

²⁰ Florida Department of Education, *2015-2016 Course Directory: Section 1-Narrative Section*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.stml> (last visited Jan. 21, 2016). Level 1 courses are basic courses for which students may not earn credit towards a standard diploma unless specified otherwise; level 2 courses are regular, mainstreamed courses; and level 3 courses include honors, AP, IB, AICE, advanced college-preparatory courses,

12 courses available for use by school districts.²¹ Programs and courses that are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD.²² The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels.²³

Apprenticeship & Preapprenticeship 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)²⁴ in 1937.²⁵ Following the passage of the Fitzgerald Act, Registered Apprenticeship (RA) programs consisted mainly of manufacturing, construction, and utilities industries.²⁶ 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.²⁷

For apprentices and program sponsors, the regulations:²⁸

- 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.

and other courses containing rigorous academic curriculum and performance standards. Numerous career and technical education courses are designated as level 3. *Id.*

²¹ Rule 6A-1.09441, F.A.C.

²² *Id.*

²³ *Id.* See Florida Department of Education, *Course Code Directory (CCD) & Instructional Personnel Assignments*, <http://www.fldoe.org/policy/articulation/ccd/> (last visited January 30, 2016). See also Florida Department of Education, *2015-2016 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.stml> (last visited January 30, 2016).

²⁴ U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), at 2, available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>.

²⁵ U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited January 29, 2016). See 29 U.S.C. s. 50 (1937), as amended.

²⁶ *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.*

²⁷ *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 29, 2016).

²⁸ 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.

Registered apprenticeship program sponsors (*i.e.*, employers, employer associations, and labor management organizations)²⁹ identify the minimum qualifications to apply to their apprenticeship programs.³⁰

State Law Regarding Apprenticeship & Preapprenticeship 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 State Apprenticeship Agencies.³¹ In Florida, the Division of Career and Adult Education within the DOE serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.³²

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.³³

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 apprentices³⁴ including such matters as the requirements for a written apprenticeship agreement.”³⁵ 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

²⁹ 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 29, 2016).

³⁰ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 29, 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.*

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

³² 29 C.F.R. s. 29.2 (2008).

³³ Section 446.011(1), F.S.

³⁴ 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.

³⁵ 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.

is approved by and registered with the department [DOE] and sponsored by a registered apprenticeship program.”³⁶

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:³⁷

- 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 standards³⁸ established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

Additionally, the DOE, district school boards, and Florida College System (FCS) institution district boards of trustees must work together with existing apprenticeship programs so that individuals completing preapprenticeship programs may be able to receive credit towards completing registered apprenticeship programs.³⁹

Apprenticeship Program Tuition and Fees

Fee exemptions and waivers are types of financial assistance authorized in statutory law that provide opportunities for many students to attend college at reduced tuition and fee cost or even free.⁴⁰ Florida law provides exemptions from the payment of tuition and fees, including lab fees, for several categories of students enrolled at a school district that provides workforce education programs, an FCS institution, or a state university, including students enrolled in approved

³⁶ Section 446.021(5), F.S. Programs for high school students may begin in the junior year and may include on-the-job training with participating employers. After completing their programs, preapprentices may be granted preference for entry into registered apprenticeship programs, and may receive credit towards the completion of their registered apprenticeship program. Florida Department of Education, *Preapprenticeship*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/preapprenticeship.shtml> (last visited January 29, 2016).

³⁷ Section 446.041, F.S. Employers may participate within an existing group program through agreements called Participating Employer Agreements or Collective Bargaining Agreements or employers may work with an Apprenticeship Training Representative to develop and directly sponsor a new program. Florida Department of Education, *What is Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.shtml> (last visited January 29, 2016).

³⁸ The DOE is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and FCS institution boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S.; Rule 6A-23.004, F.A.C. “Uniform minimum preapprenticeship standards” means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

³⁹ Section 446.052(3), F.S.

⁴⁰ The Florida College System, *Exemptions and Waivers in the Florida College System* (March 2012), available at <http://www.fldoe.org/core/fileparse.php/7724/urlt/0072361-fyi2012-02exemptions.pdf>.

apprenticeship programs.⁴¹ According to the DOE, there are approximately 225 active registered apprenticeship programs throughout the state.⁴²

High school students enrolled in courses in a secondary career education program, which may include an internship or preapprenticeship, are funded through the Florida Education Finance Program.⁴³

III. Effect of Proposed Changes:

CS/SB 1678 allows a student to use credit earned upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education to satisfy certain high school credit requirements.

Specifically, the bill:

- Authorizes the use of credit earned upon completion of an apprenticeship or preapprenticeship to satisfy the credit requirements for courses in fine or performing arts, speech and debate, or practical arts or electives.
- Requires the State Board of Education (State Board) to approve and identify in the Course Code Directory (CCD) the apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

Generally, current law authorizes the use of career education course credit to satisfy high school credit requirements. The bill expands current law by identifying the particular course credit requirements that may be satisfied using credits earned upon completion of a registered apprenticeship or preapprenticeship.

Furthermore, the bill, which requires the State Board to approve and identify in the CCD such apprenticeship and preapprenticeship programs, may ensure that a student who earns credit upon completion of such programs is indeed awarded credit toward the particular high school credit requirements.

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.

⁴¹ Section 1009.25(1)(b), F.S.

⁴² Florida Department of Education, Division of Career and Adult Education, *What Is Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml> (last visited January 29, 2016).

⁴³ Section 1011.62(c)3., F.S. *See also* Rule 6A-1.09441, F.A.C.

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:

The bill substantially amends section 1003.4282 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

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

The committee substitute substantially differs from SB 1678 in the following ways:

- Does not include language limiting eligibility to a student participating in an apprenticeship with a certified trade association.
- Includes student participation in a preapprenticeship program by which earned credit may be used to satisfy specified high school course credit requirements.
- Requires the State Board of Education to approve and identify in the Course Code Directory apprenticeship and preapprenticeship programs from which earned credit may be used to satisfy specified high school course credit requirements.
- Does not authorize the use of credit to satisfy the physical education course credit requirement for high school graduation.

B. Amendments:

None.

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



627814

LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (8) of section
1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
CREDIT REQUIREMENTS.—

(a) Participation in career education courses engages



627814

11 students in their high school education, increases academic
12 achievement, enhances employability, and increases postsecondary
13 success. By July 1, 2014, the department shall develop, for
14 approval by the State Board of Education, multiple, additional
15 career education courses or a series of courses that meet the
16 requirements set forth in s. 1003.493(2), (4), and (5) and this
17 subsection and allow students to earn credit in both the career
18 education course and courses required for high school graduation
19 under this section and s. 1003.4281.

20 1. The state board must determine if sufficient academic
21 standards are covered to warrant the award of academic credit.

22 2. Career education courses must include workforce and
23 digital literacy skills and the integration of required course
24 content with practical applications and designated rigorous
25 coursework that results in one or more industry certifications
26 or clearly articulated credit or advanced standing in a 2-year
27 or 4-year certificate or degree program, which may include high
28 school junior and senior year work-related internships or
29 apprenticeships. The department shall negotiate state licenses
30 for material and testing for industry certifications. The
31 instructional methodology used in these courses must be
32 comprised of authentic projects, problems, and activities for
33 contextually learning the academics.

34 3. A student who earns credit upon completion of an
35 apprenticeship or preapprenticeship program registered with the
36 Department of Education under chapter 446 may use such credit to
37 satisfy the high school graduation credit requirements in
38 paragraphs (3) (e) and (g). The state board shall approve and
39 identify in the Course Code Directory the apprenticeship and



627814

40 preapprenticeship programs from which earned credit may be used
41 pursuant to this subparagraph.

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

43

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

45 And the title is amended as follows:

46 Delete everything before the enacting clause
47 and insert:

48 A bill to be entitled
49 An act relating to high school graduation
50 requirements; amending s. 1003.4282, F.S.; authorizing
51 the use of credits earned upon completion of a
52 registered apprenticeship or preapprenticeship to
53 satisfy specified high school graduation credit
54 requirements; requiring that the State Board of
55 Education approve and identify apprenticeship and
56 preapprenticeship programs for such purpose; providing
57 an effective date.

585

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Thomas R. Grady

is duly appointed a member of the
State Board of Education

for a term beginning on the
Thirtieth day of October, A.D., 2015,
until the Thirty-First day of December, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Second day of December, A.D., 2015.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 NOV 19 AM 9:57
DIVISION OF ELECTIONS
TALLAHASSEE, FL

November 17, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.01, Florida Statutes:

Mr. Thomas R. Grady
Post Office Box 10
Naples, Florida 34106

as a member of the State Board of Education, succeeding John Colon, subject to confirmation by the Senate. This appointment is effective October 30, 2015, for a term ending December 31, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/bj

OATH OF OFFICE RECEIVED

(Art. II, § 5(b), Fla. Const.)

15 DEC -1 PM 3:47

STATE OF FLORIDA

County of Collier

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member, State Board of Education

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 10th day of November, 2015.

Denise R Rakich

Signature of Officer Administering Oath or of Notary Public

Denise R Rakich

Print, Type, or Stamp Commissioned Name of Notary Public



DENISE R. RAKICH
MY COMMISSION # FF 122494
EXPIRES: May 24, 2018
Bonded Thru Budget Notary Services

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

P.O. Box 10

Street or Post Office Box

Naples, FL 34106

City, State, Zip Code

Thomas R. Grady

Print name as you desire commission issued

Signature

CERTIFICATION

STATE OF FLORIDA
COUNTY OF COLLIER

Before me, the undersigned Notary Public of Florida, personally appeared
Thomas R. Grady,

who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Signature of Applicant-Affiant

Sworn to and subscribed before me this 10th day of November, 2015.

Denise R. Rakich
Signature of Notary Public-State of Florida

Denise R. Rakich
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 5/24/18

Personally Known OR Produced Identification

Type of Identification Produced _____



DENISE R. RAKICH
MY COMMISSION # FF 122494
EXPIRES: May 24, 2018
Bonded Thru Budget Notary Services

(seal)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-16
Meeting Date

808
Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Debbie Mortham

Job Title Advocacy Director

Address 215 S. Monroe St
Street

Phone 251-2278

TH FL 32301
City State Zip

Email debbie@excalimed.org

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

This form is part of the public record for this meeting

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16

Meeting Date

808

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Val Smith

Job Title Teacher

Address 12375 Eagle Chase Way

Phone 727-457-8730

Street

New Port Richey

City

State

Zip

Email jay-val@msn.com

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2-2-16
Meeting Date

SB 808
Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Susan Smith

Job Title _____

Address 16111 Vanderbilt Dr
Street

Phone 813-926-2768

Odessa FL 33556
City State Zip

Email stsmith222@aol.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)

2/2/16

Meeting Date

SB 808

Bill Number (if applicable)

Topic SB 808 - Charter Schools

Amendment Barcode (if applicable)

Name Kenneth Blankenship

Job Title Teacher

Address 11040 Lake Shore Dr

Phone 813-486-7742

City LOL State FL Zip 34637

Email

Speaking: For [] Against [x] Information []

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

Representing

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

Lobbyist registered with Legislature: Yes [] No [x]

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)

2-2-16

Meeting Date

824

Bill Number (if applicable)

Topic Dual Enrollment

Amendment Barcode (if applicable)

Name Debbie Northam

Job Title Advocacy Director

Address 215 S. Monroe St.
Street

Phone 251-2278

TH FL 32301
City State Zip

Email debbie@excelin ed.org

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

SMGEL

APPEARANCE RECORD

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

2/2/16

Meeting Date

SB 830

Bill Number (if applicable)

Topic Charter School Bill

Amendment Barcode (if applicable)

Name Ralph Arza

Job Title GOV. RELATIONS

Address 7367 White Pine Way

Phone _____

Street

Lake Wales

City

FL

State

33467

Zip

Email _____

Speaking: For Against Information

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

Representing FLORIDA CHARTER SCHOOL ALLIANCE

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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APPEARANCE RECORD

2/2/2016

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

830

Meeting Date

Bill Number (if applicable)

Topic School Choice

Amendment Barcode (if applicable)

Name Larry Williams

Job Title Director of Governmental Affairs

Address 200 West College Ave.

Phone 9045578593

Street
Tallahassee FL 32034

Email larry@larrywilliamsconsulting.c

City *State* *Zip*

Speaking: For Against Information

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

Representing Florida Consortium of Public Charter Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16

Meeting Date

SB 830

Bill Number (if applicable)

Topic School Choice

Amendment Barcode (if applicable)

Name Brittney Hunt

Job Title Policy Director

Address 136 S. Bronough St.
Street

Phone (850) 521-1200

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.

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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)

2-2-16

Meeting Date

SB 830

Bill Number (if applicable)

Topic School Choice

Amendment Barcode (if applicable)

Name Susan Smith

Job Title _____

Address 16111 Vanderbilt Dr
Street

Phone 813-926-2768

Ddezza FL 33556
City State Zip

Email stsmith200@aol.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)

2/2/16

Meeting Date

SB830

Bill Number (if applicable)

Topic School Choice SB830

Amendment Barcode (if applicable)

Name Kenneth Blankenship

Job Title Teacher

Address 11040 Lake Shore Dr

Phone 813-486-7742

Land O Lakes FL 34639

Email

Speaking: For [] Against [X] Information []

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

Representing

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

Lobbyist registered with Legislature: Yes [] No [X]

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)

02/02/2016

Meeting Date

SB 830

Bill Number (if applicable)

Topic SB 830- School Choice

Amendment Barcode (if applicable)

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines St.

Phone 850-245-0780

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.

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

S-001 (10/14/14)

APPEARANCE RECORD

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

2/2/2016

830

Meeting Date

Bill Number (if applicable)

339770

Topic School Choice

Amendment Barcode (if applicable)

Name Larry Williams

Job Title Director of Governmental Affairs

Address 200 West College Ave.

Phone 9045578593

Street
Tallahassee

FL

32034

Email larry@larrywilliamsconsulting.c

City

State

Zip

Speaking: For Against Information

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

Representing Florida Consortium of Public Charter Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

5/2/16

Meeting Date

SB 830

Bill Number (if applicable)

339770

Amendment Barcode (if applicable)

Topic School choice

Name Erika Donalds

Job Title Collier County School Board Member, President of FCSBM

Address 141042 Indigo Lakes Cir

Phone 239-287-6287

Street

Naples

City

waive

FL

State

34119

Zip

Email erikadonalds@gmail.com

Speaking: For Against Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-16

Meeting Date

830

Bill Number (if applicable)

339770

Amendment Barcode (if applicable)

Topic School Choice

Name Debbie Mortham

Job Title Advocacy Director

Address 215 S. Monroe St.

Phone 251-2278

Street

TH

City

FL

State

32301

Zip

Email debbie@excelined.org

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-16
Meeting Date

830
Bill Number (if applicable)

Topic School Choice

339770
Amendment Barcode (if applicable)

Name Dolly Sagues

Job Title Exec. Director Gov. Affairs

Address Metro Center Blvd
Street

Phone 321-695-1073

Orlando FL 32835
City State Zip

Email hsagues@flus.net

Speaking: For Against Information

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

Representing Florida Virtual School

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/2/16
Meeting Date

916
Bill Number (if applicable)

Topic Educational Interpreter Bill

Amendment Barcode (if applicable)

Name Terri Schisler

Job Title Interpreter

Address 935 Farmington Rd.
Street

Phone 850-380-5545

Pensacola FL 32504
City State Zip

Email terri.schisler@gmail.com

Speaking: For Against Information

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

Representing Fl. Registry of Interpreters for the Deaf & FL Association of the Deaf

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)

2.2.16

Meeting Date

SB 916

Bill Number (if applicable)

Topic EDUCATIONAL SIGN LANGUAGE INTERPRETION

Amendment Barcode (if applicable)

Name PART C. LIETFOEN

Job Title LOBBYIST

Address 5020 BAYVIEW BLVD

Phone 850.264.5139

Street

TALLAHASSEE, FL 32308

Email PCLIETFOEN@YAHOO.COM

City

State

Zip

Speaking: For Against Information

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

Representing FL. ASSOC. OF THE DEAF / FL. REGISTRY OF INTERPRETERS OF THE DEAF

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)

2/2/16

Meeting Date

SB 916

Bill Number (if applicable)

Topic Educational Interpreter Bill

Amendment Barcode (if applicable)

Name Morgan Eastman

Job Title N/A

Address 1006 Groveland Hills Dr

Phone

Street

Tallahassee

Florida

32317

City

State

Zip

Email morganeastmanfl@gmail.com

Speaking: For Against Information

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

Representing Florida Association of the Deaf

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)

2-2-16

Meeting Date

916

Bill Number (if applicable)

Topic Educational Interpreter Bill

Amendment Barcode (if applicable)

Name Gail Strassel

Job Title Teacher of the Deaf

Address 100 N. St. Augustine Blvd
Street

Phone 904-687-8092

St. Augustine FL 32080
City State Zip

Email gailstrassel@gmail.com

Speaking: For Against Information

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

Representing Florida Educators of Students who are Deaf/Hard of Hrg

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)

2/2/16

Meeting Date

914

Bill Number (if applicable)

Topic Educational Interpreters for DHH

Amendment Barcode (if applicable)

Name Val Smith

Job Title teacher

Address 12375 Eagle Chase Way

Phone 727-457-8730

Street

New Port Richey FL 34655

City

State

Zip

Email jay-val@msn.com

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2-2-16

Meeting Date

SJR 976

Bill Number (if applicable)

Topic CHARTER SCHOOL APPROVAL

Amendment Barcode (if applicable)

Name BILL MATTOX

Job Title JAMES MADISON INSTITUTE FELLOW

Address 100 N. DUAL
Street

Phone _____

TAWY
City

FL
State

32303
Zip

Email _____

Speaking: For Against Information

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

Representing JAMES MADISON INSTITUTE

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)

2-2-16
Meeting Date

976
Bill Number (if applicable)

Topic Joint Resolution - Charter Schools

Amendment Barcode (if applicable)

Name Debbie Mortham

Job Title Advocacy Director

Address 215 S. Monroe St
Street

Phone 251-2278

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

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)

2-2-11

Meeting Date

SJR 976

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Susan Smith

Job Title _____

Address 16111 Vanderbilt Drive

Phone 813-926-2768

Street

Odessa, FL

33556

Email stsmith222@aol.com

City

State

Zip

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)

2/2/16
Meeting Date

SR 976
Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Debbie Harrison Rumberger

Job Title Legislative Liaison

Address 540 Beverly Court

Phone 850-570-0289

Street
Tallahassee FL 32301
City State Zip

Email ~~debbie.harrison@fladvocates.com~~ gmaD.com

Speaking: For Against Information

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

Representing Florida League of Women Voters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 576
Bill Number (if applicable)

Topic SB 0976 Charter Schools

Amendment Barcode (if applicable)

Name Kenneth Blankenship

Job Title Teacher

Address 11040 Lake Shore Dr
Street

Phone 813-486-7742

LOL FL 34637
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)

2/2/16
Meeting Date

SB 1062
Bill Number (if applicable)

Topic SB 1062 Educational Choice

Amendment Barcode (if applicable)

Name Kenneth Blankenship

Job Title Teacher

Address 11040 Lake Shore Dr
Street

Phone 813-486-7742

LOL FL 39637
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)

2/2/16

Meeting Date

SB 1062

Bill Number (if applicable)

Topic School Choice

Amendment Barcode (if applicable)

Name Erika Donalds

Job Title President, FCSBIM + Collier School Board Member

Address 14642 Indigo Lakes Circle

Phone 239-287-6287

Street

Naples

City

FL

State

34119

Zip

Email erikadonalds@gmail.com

Speaking: For Against Information

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

Representing Florida Coalition of School Board members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-16

Meeting Date

1062

Bill Number (if applicable)

Topic Educational Choice

Amendment Barcode (if applicable)

Name Debbie Northam

Job Title Advocacy Director

Address 215 S. Monroe St.

Phone 257 2278

Street

TAH

City

FL

State

32301

Zip

Email debbie@excalimed.org

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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2-2-16

Meeting Date

1062

Bill Number (if applicable)

Topic Educational Choice

Amendment Barcode (if applicable)

Name Holly Sagues

Job Title Exec. Director Gov. Affairs

Address MetroCenter Blvd

Phone 321-695-1073

Street

Orlando

City

FL

State

32835

Zip

Email hsagues@flus.net

Speaking: For Against Information

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

Representing Florida Virtual School

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2-2-16
Meeting Date

SB 1062
Bill Number (if applicable)

Topic Educational Choice

Amendment Barcode (if applicable)

Name Susan Smith

Job Title _____

Address 16111 Vanderbilt Dr
Street

Phone 813-926-2768

Odessa FL 33556
City State Zip

Email stsmith222@aol.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16

Meeting Date

1126

Bill Number (if applicable)

Topic Hearing

Amendment Barcode (if applicable)

Name Mary-Lynn Cullen

Job Title Legislative Liaison

Address 1674 University Pkwy.

Phone 941-928-0278

Street

Sarasota FL 34243

Email archildren@aol.com

City

State

Zip

Speaking: For Against Information

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

Representing Advocacy Institute for Children

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)

2/2/14
Meeting Date

SB 1124
Bill Number (if applicable)

Topic Auditory-oral Education

Amendment Barcode (if applicable)

Name Raena Wright

Job Title Government relations at the University of Miami

Address 4200 San Amaro Drive
Street

Phone 305-284-2618

Woral Gables FL 33144
City State Zip

Email Raenawright@miami.edu

Speaking: For Against Information

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

Representing The Debbie School at the University of Miami

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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First to speak

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16

Meeting Date

Bill Number (if applicable)

Topic 1126

Amendment Barcode (if applicable)

Name Tatiana Burgess

Job Title Deaf child

Address 11259 Southington PL,

Phone (904)444-9258

Street

Jacksonville

FL

32257

City

State

Zip

Email Burgessolga@yahoo.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16

Meeting Date

Bill Number (if applicable)

Topic 1126

Amendment Barcode (if applicable)

Name OLGA OAKLEY

Job Title Mom of a deaf child

Address 11259 Southington Place

Phone (904) 444-9254

Jacksonville

Street

FL

State

32257

Zip

Email Burgessolga@yahoo.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-16

Meeting Date

1126

Bill Number (if applicable)

Topic #1126

Amendment Barcode (if applicable)

Name Angela Watters

Job Title Speech Language Pathologist / Listening + Spoken Language Specialist / Representative Florida #1126

Address 13035 Sunset Lake Drive

Phone 618-971-6202

Street

Jacksonville

City

FL

State

32258

Zip

Email wattean@gmail.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16
Meeting Date

Bill Number (if applicable)

Topic 1126

Amendment Barcode (if applicable)

Name Aiden Jones

Job Title Deaf Child

Address 3200 Hartley Rd Apt 322

Phone 423 260 2349

Jacksonville FL 32257
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)

2/2/16
Meeting Date

1126
Bill Number (if applicable)

Topic 1126

Amendment Barcode (if applicable)

Name Mikayla Arnold

Job Title Sister of a deaf child

Address 3200 HarHey Rd Apt 322

Phone 904-476-6103

Jacksonville FL
City State Zip

Email Mikayla.Arnold95@gmail.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16

Meeting Date

1126

Bill Number (if applicable)

Topic 1126

Amendment Barcode (if applicable)

Name Debra Golinski

Job Title Executive Director Sentara Speech & Hearings

Address 4443 Rowan Rd
Street

Phone 727-834-5479

New Port Richey FL
City State

34653
Zip

Email dgolins1@jhmi.edu

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)

2/2/16
Meeting Date

Bill Number (if applicable)

Topic 1126

Amendment Barcode (if applicable)

Name Stacey Jones

Job Title Mother of Deaf Child

Address 3000 Hartley Rd Apt 322

Phone 407 260 2349

Jacksonville FL 32257
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)

2/2/16
Meeting Date

1126
Bill Number (if applicable)

Topic #1126

Amendment Barcode (if applicable)

Name Theresa Bulger

Job Title Advocate

Address 235 Hayden

Phone 904 880 9063

Tallahassee, FL 32399
City State Zip

Email bulger12@yahoo.com

Speaking: For Against Information

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

Representing Florida Coalition for Spoken Language Options

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)

2-2-16
Meeting Date

1126
Bill Number (if applicable)

Topic Minimum Anatomy Oral Education Bill

166980
Amendment Barcode (if applicable)

Name Gail Strassel

Job Title Teacher of the Deaf

Address 100 N. St. Augustine Blvd
Street

Phone 904-687-8092

St Augustine FL 32080
City State Zip

Email gailstrassel@gmail.com

Speaking: For Against Information

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

Representing Florida Educators of Students who are Deaf or Hard of Hrg.

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)

2/2/16
Meeting Date

1160
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Frank Meiners

Job Title _____

Address 50 Box 1633
Street

Phone 850 591-0177

Tall FL 32303
City State Zip

Email frank@chipmail.com

Speaking: For Against Information

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

Representing FL Cultural Alliance

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)

2/2/16

Meeting Date

SB 1426

Bill Number (if applicable)

Topic Membership Associations

Amendment Barcode (if applicable)

Name Erika Donalds

Job Title President, FCSBM & Collier School Board Members

Address 14642 Indigo Lakes Cir
Street

Phone 239-287-6287

Naples
City

FL
State

34119
Zip

Email erikadonalds@gmail.com

Speaking: For Against Information

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

Representing Florida Coalition of school Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-16
Meeting Date

SB 1426
Bill Number (if applicable)

Topic Membership Associations

Amendment Barcode (if applicable)

Name Susan Smith

Job Title _____

Address 16111 Vanderbilt Dr
Street

Phone 813-926-2768

Odeessa FL 33556
City State Zip

Email stsmith222@aol.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)

1426

Meeting Date

1426

Bill Number (if applicable)

Topic Membership Association

Amendment Barcode (if applicable)

Name Debbie Mertham

Job Title Advocacy Director

Address 215 S Monroe St
Street

Phone 257-2278

TLH FL 32301
City State Zip

Email debbie@excelmed.org

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-3-16
Meeting Date

1426
Bill Number (if applicable)

Topic MEMBERSHIP ASSOCIATIONS

Amendment Barcode (if applicable)

Name ANDREA MESSINA

Job Title EXEC. DIRECTOR

Address 203 S MONROE ST

Phone 850 566 1860

Tallahassee FL 32301
City State Zip

Email messina@fsba.org

Speaking: For Against Information

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

Representing FL. SCHOOL BOARD 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

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

2/2/2016

Meeting Date

SB 1426

Bill Number (if applicable)

Topic membership associations

Amendment Barcode (if applicable)

Name Jeff Bergosh

Job Title School Board Member

Address 5905 Forest Ridge Cir

Phone 850-293-1454

Street pensacola FL 32526

Email Jeffbergosh@gmail.com

City State Zip

Speaking: [X] 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)

2/2/16

Meeting Date

SB 1462

Bill Number (if applicable)

Topic CURRICULUM Elective

Amendment Barcode (if applicable)

Name STEVE SWARTZEL

Job Title CONSULTANT

Address 3058 SPRING GATE AVE
Street

Phone 727-418-9012

PALM HARBOR, FL 34684
City State Zip

Email swartzelsb@gmail.com

Speaking: For Against Information

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

Representing PINECLAY School Board

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16
Meeting Date

1678
Bill Number (if applicable)

627814 LF DE
Amendment Barcode (if applicable)

Topic _____

Name Vern Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Phone (561) 644-2439

Wellington FL 33414
City State Zip

Email vc Crawford@msw.com

Speaking: For Against Information

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

Representing Palm Beach School District

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)

Feb 2, 2016
Meeting Date

1678
Bill Number (if applicable)

Topic Apprent./High School Graduation

627814
Amendment Barcode (if applicable)

Name Dr. Hollie Newnam

Job Title Executive Director SHAPE Florida

Address 798 Foxhound Drive
Street

Phone 386-299-1062

Port Orange FL 32128
City State Zip

Email shapeflorida.org@aol.com

Speaking: For Against Information
amendment

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

Representing SHAPE Florida ~ Society of Health and Physical Educators

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)

2-2-16
Meeting Date

1678
Bill Number (if applicable)

Topic High Sch. Graduation Requirement

627814
Amendment Barcode (if applicable)

Name FELY CURVA, Ph.D.

Job Title Partner, Curva & Associates LLC

Address 1212 Piedmont + Dr.
Street

Phone (850) 508-2256

Tallahassee FL 32312
City State Zip

Email curva@mindspring.com

Speaking: For Against Information
Amendment

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

Representing Society of Health & Physical Educators (SHAPE) FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

2/2/16

Meeting Date

SB 1678

Bill Number (if applicable)

627814

Amendment Barcode (if applicable)

Topic Apprenticeship

Name Mark D. Landreth

Job Title Sr. Dir, Govt Relations

Address 2851 Remington Green Cir, Ste C

Street

Tallahassee

City

State

32308

Zip

Phone 850.544.3376

mark.landreth

Email @heart.org

Speaking: For Against Information

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

Representing American Heart Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

This form is part of the public record for this meeting

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/14

Meeting Date

1678

Bill Number (if applicable)

Topic High School Graduation Requirements

Amendment Barcode (if applicable)

Name Val Smith

Job Title teacher

Address 12375 Eagle Chase Way

Phone 727-457-8730

New Port Richey FL 34655

Email jay_val@msn.com

Speaking: [] For [] Against [] Information

Waive Speaking: [x] 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)

2/2/16
Meeting Date

7058
Bill Number (if applicable)

Topic CCDBG - EARLY LEARNING

Amendment Barcode (if applicable)

Name JESSICA SCHER

Job Title DIRECTOR, PUBLIC POLICY

Address 3250 SW 3rd Ave
Street

Phone 305-322-6143

MIAMI FL 33129
City State Zip

Email schjerje@unitedwaymiami.org

Speaking: For Against Information

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

Representing United Way of Miami - Dade

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)

Feb 2

Meeting Date

SB 7058

Bill Number (if applicable)

Topic SB 7058

Amendment Barcode (if applicable)

Name Dr Mimi Graham

Job Title Professor

Address FSU CPEIP 1339 E Lafayette St

Phone 850 922 1302

Street

Tall FL 32301

Email Mgraham@fsu.edu

City

State

Zip

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.

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412
Caption: Senate Education Pre-K-12 Committee

Case No.:

Type:
Judge:

Started: 2/2/2016 1:36:39 PM
Ends: 2/2/2016 3:18:33 PM Length: 01:41:55

1:36:38 PM Meeting called to order - Roll call
1:36:59 PM Quorum is present
1:37:03 PM Chair
1:37:24 PM Tab 16 - Senate Confirmation, Thomas R. Grady, Naples, State Board of Education
1:38:06 PM Sen. Benacquisto moves to recommend
1:38:13 PM Roll call for confirmation of Thomas R. Grady - favorable
1:38:39 PM Chair
1:38:43 PM Tab 2 - SB 268 by Sen. Ring, Presented by J.J. Piskaido, Leg. Asst.
1:39:57 PM Chair
1:40:04 PM Waive to close
1:40:10 PM Roll call SB 268 - favorable
1:40:33 PM Chair
1:40:38 PM Tab 14 - SB 1462 by Sen. Latvala - presented by Lizabeth Mabry, Leg. Asst.
1:41:27 PM Late filed amendment # 383940 by Sen. Clemens
1:41:52 PM Chair
1:41:55 PM Amendment adopted
1:42:01 PM Back on bill as Amended
1:42:04 PM Steve Swartzel, Pinellas School Board, waives in support
1:42:05 PM Waive to close
1:42:22 PM Roll Call for CS/SB 1462 - favorable
1:42:51 PM Chair
1:42:57 PM Sen. Sobel yes on Tab 16 confirmation of Thomas R. Grady, and Tab 2, 268
1:43:14 PM Chair, without objection
1:43:16 PM Sen. Gaetz - unanimous in favor of confirmation and SB 268
1:43:26 PM Sen. Galvano - yes on Tab 16 confirmation and SB 268
1:43:35 PM Sen. Bullard in opposition to confirmation
1:43:50 PM Chair
1:43:56 PM Tab 6 - SB 916 by Sen. Altman, Devon West, Leg. Asst
1:44:21 PM Late filed amendment introduced by Sen. Garcia
1:45:00 PM Chair
1:45:01 PM Amendment presented by Devon West
1:45:03 PM Show amendment as adopted
1:45:10 PM Terri Schisler, Interpreter, Fla. Registry of Interpreters for the Deaf & FI Assoc. of the Deaf, speaking for the bill
1:45:19 PM Gary C. Liefherd, Lobbyist, Fla. Association of the Deaf. favor of the bill
1:45:33 PM Morgan Eastman, Fla. Assoc. for the Deaf, for the bill
1:45:43 PM Gail Strassel, teacher of the deaf, Fla. Educators of Students who are Deaf/Hard of hearing- waive in favor of the bill
1:45:48 PM Val Smith, teacher, New Port Richey, FL, waive in favor of the bill
1:45:57 PM Chair
1:46:02 PM Bill Mattox, Fellow, James Madison Institute, waives in support
1:46:05 PM Roll Call for CS/SB 916 - favorable
1:46:32 PM Tab 10 - SB 1126 by Sen. Detert
1:47:12 PM Late filed amendment #166980 by Sen. Detert
1:47:14 PM Chair, without objection, show the late filed amendment introduced
1:47:17 PM Sen. Detert
1:47:45 PM Chair, questions on the amendment/debate
1:47:49 PM Raena Wright, Gov. Relations, U of Miami, The Debbie School at the Univ. of Miami, waives in support
1:50:15 PM Chair
1:50:21 PM Sen. Detert
1:50:24 PM Amendment adopted
1:50:27 PM Gail Strassel, teacher of the deaf, St. Augustine, FL, speaking against the bill

1:50:28 PM
1:50:29 PM Mary-Lynn Cullen, Legislative Liaison, Advocacy Institute for Children, waive in support for the bill
1:50:37 PM
1:50:39 PM Tatiana Burgess, Jacksonville, FL, has a deaf child, Tanya (6 yrs. old) to speak for the bill
1:51:08 PM Angela Watters, Speech Language Pathologist, Jacksonville, waive in support
1:51:10 PM Olga Oakley, mom of deaf child, Jacksonville, FL, waives in support
1:52:52 PM Aiden Jones, deaf child, Jacksonville, waive in support
1:53:13 PM Mikayla Arnold, sister of a deaf child, Jacksonville, waives in support
1:53:14 PM Debra Gelinski, Exec. Director, Sertoma Speech and Hearing, New Port Richey, waives in support
1:53:15 PM Stacey Jones, mother of a deaf child, Jacksonville, waives in support
1:53:17 PM Theresa Bulger, Advocate, Fla. Coalition for Spoken Language Options, Tallahassee, waives in support
1:53:18 PM Chair
1:53:20 PM Sen. Gaetz
1:53:30 PM Sen. Detert to close
1:54:57 PM Chair
1:54:58 PM Roll Call for CS/SB 1126 - favorable
1:55:21 PM Chair
1:55:24 PM Tab 11 - SB 1160 by Sen. Detert
1:55:48 PM Late filed amendment - 966784 by Sen. Detert
1:56:32 PM Chair, take up the strike all amendment, without objection
1:56:35 PM Show amendment adopted
1:56:40 PM Back on bill as amended
1:56:47 PM Frank Meiners, Fla. Cultural Alliance, waives in support
1:56:52 PM Chair
1:56:54 PM Sen. Detert waives to close
1:56:59 PM Roll call for CS/SB 1160 - favorable
1:57:23 PM Chair
1:57:42 PM Vice Chair Detert in Chair
1:57:52 PM Tab 9 - SB 1076 by Sen. Legg
1:58:10 PM Sen. Bullard
1:58:33 PM Sen. Legg
1:59:23 PM Chair
1:59:23 PM Sen. Bullard
2:00:18 PM Sen. Legg
2:00:45 PM Sen. Montford
2:00:48 PM Sen. Legg
2:01:44 PM Sen. Montford
2:01:48 PM Sen. Legg
2:01:52 PM Chair
2:01:58 PM Sen. Legg
2:02:23 PM Amendment #572688 by Sen. Legg
2:03:13 PM Chair
2:03:18 PM Sen. Legg waives to close
2:03:30 PM Amendment adopted
2:03:34 PM Back on the bill as amended
2:03:39 PM Chair
2:03:47 PM Roll Call CS/SB 1076 - favorable
2:04:17 PM Tab 1 - SPB 7058 by Sen. Legg
2:05:04 PM Kira Scott, Chief Attorney, staff, Senate Education Committee to explain the bill
2:05:35 PM Chair
2:05:43 PM Late filed amendment # 444114 by Sen. Sobel
2:06:54 PM Chair
2:07:07 PM Amendment adopted
2:07:16 PM Chair, back on bill as amended
2:07:29 PM Jessica Scher, Director, Public Policy, United Way of Miami-Dade, speak in favor of bill
2:07:57 PM Dr. Mimi Graham, Professor, FSU CPEIP, Tallahassee, for information
2:12:12 PM Sen. Sobel
2:14:04 PM Chair
2:15:13 PM Sen. Legg waives to close
2:15:18 PM Roll Call CS/SPB 7058 - favorable
2:15:51 PM Chair
2:15:58 PM Chair returned to Sen. Legg

2:16:13 PM Tab 12- SB 1196 by Sen. Bean
2:17:00 PM Amendment # 731612 by Sen. Brandes, presented by Sen. Bean
2:17:06 PM Amendment adopted
2:17:59 PM Back on bill as amended
2:18:07 PM Sen. Gaetz
2:18:33 PM Sen. Bean
2:19:08 PM Sen. Gaetz
2:19:19 PM Sen. Bean
2:20:10 PM Roll Call for CS/SB 1196 - favorable
2:20:40 PM Tab 15 - SB 1678 by Sen. Sachs
2:20:57 PM Amendment # 627814 by Sen. Montford
2:21:20 PM Sen. Sachs to present
2:21:41 PM Amendment #627814
2:22:42 PM Vern Pickup-Crawford, Palm Beach School District, waives for the amendment
2:22:43 PM Fely Curva, Ph. D, Society of Health & Physical Education, SHAPE FI, waive in support
2:23:14 PM Amendment is adopted
2:23:20 PM Back on bill as amended
2:23:31 PM Val Smith, New Port Richey, waives in support of bill
2:23:32 PM Mark, D. Landreth, American Heart Association, waives in support of bill
2:23:39 PM Chair
2:23:39 PM Sen. Sachs waives to close
2:23:45 PM Roll Call for CS/SB 1678 - favorable
2:24:22 PM Tab 5 - SB 830 by Sen. Stargel
2:24:57 PM Amendment # 339770 by Sen. Gaetz - Sen. Stargel to present
2:25:52 PM Chair
2:25:55 PM Sen. Bullard
2:26:07 PM Sen. Stargel
2:27:11 PM Sen. Detert
2:28:14 PM Sen. Stargel
2:28:52 PM Sen. Detert
2:28:55 PM Sen. Stargel
2:29:16 PM Chair
2:29:17 PM Sen. Bullard
2:29:27 PM Sen. Stargel
2:29:50 PM Sen. Montford
2:30:31 PM Sen. Stargel
2:31:03 PM Sen. Montford
2:31:18 PM Sen. Stargel
2:31:49 PM Sen. Gaetz
2:31:53 PM Sen. Stargel
2:33:00 PM Chair
2:33:03 PM Sen. Montford
2:33:31 PM Sen. Stargel
2:33:35 PM Sen. Montford
2:33:38 PM Sen. Stargel
2:33:56 PM Sen. Montford
2:34:22 PM Sen. Stargel
2:34:51 PM Chair
2:34:54 PM Amendment to Amendment #333600 by Sen. Montford
2:35:40 PM
2:35:54 PM Sen. Stargel on amendment to amendment
2:36:14 PM Amendment to Amendment # 333600 withdrawn
2:36:25 PM Amendment to Amendment #361462 withdrawn
2:36:37 PM Amendment to Amendment # 326530 is withdrawn
2:37:11 PM Larry Williams, Director of Gov. Affairs, Fl. Consortium of Public Schools, for the amendment and the bill
2:37:18 PM Erika Donalds, President of FRSBM, Collier Co. School Board member, waive in support of the amend.
2:37:23 PM Debbie Mortham, Advocacy Director, Foundation for Florida's Future, waives in support of the amendment
2:37:49 PM
2:38:32 PM Ralph Arza, Gov. Relations, Fla. Charter School Alliance, speaking in support
2:38:45 PM Brittany Hurt, Policy Dir., Fla. Chamber of Commerce, waives in support
2:39:00 PM Susan Smith, Odessa, FL, opposes

2:39:17 PM Kummett Blankenship, Land O'Lakes, FL opposes
2:39:33 PM Tanya Cooper, Director, Gov. Relations, DOE, waives in support
2:39:37 PM Holly Sarges, ED, Gov. Affairs, Florida Virtual School, waive in support
2:39:39 PM Sen. Sachs
2:39:51 PM Sen. Stargel
2:40:38 PM Sen. Sachs
2:40:51 PM Sen. Stargel
2:41:28 PM Chair
2:41:32 PM Sen. Montford
2:42:00 PM Sen. Bullard
2:42:21 PM Chair
2:42:23 PM Sen. Stargel waives to close
2:42:33 PM Roll Call CS/SB 830 - favorable
2:43:08 PM Tab 4 - SB 824 by Sen. Stargel
2:43:53 PM Debbie Mortham, Advocacy Director, Foundation for Florida's Future, waives in support
2:44:00 PM Sen. Stargel waives to close
2:44:07 PM Roll Call for SB 824 - favorable
2:44:39 PM Tab 8 - SB 1062 by Sen. Stargel
2:45:05 PM Sen. Bullard
2:45:28 PM Sen. Stargel
2:45:53 PM Kenneth Blankenship, teacher, Land O'Lakes, FL, opposes the bill
2:46:12 PM Debbie Mortham, Advocacy Director, Foundation for Florida's Future, waives in support
2:46:20 PM Erika Donalds, President, FCSBM & Collier School Board member, Naples, FL, waives in support
2:46:22 PM Holly Sagres, Exec. Dir., Gov. Affairs, Florida Virtual School, waives in support
2:46:35 PM Susan Smith, Odessa, FL. opposes bill
2:46:50 PM Sen. Bullard
2:47:02 PM Chair
2:47:04 PM Sen. Stargel waives to close
2:47:09 PM Roll Call on SB 1062 - favorable
2:47:29 PM Chair
2:47:39 PM Sen. Sobel for a motion to vote yes on SB 1196
2:48:00 PM Tab 13 - CS/SB 1426 by Sen. Stargel
2:48:29 PM Sen. Bullard
2:48:31 PM Sen. Stargel
2:49:01 PM Chair
2:49:05 PM Erica Donalds, President, FCSBM & Collier School Board Members, speaking for bill
2:50:58 PM Sen. Detert
2:51:24 PM Erica Donalds
2:52:05 PM Sen. Detert
2:52:09 PM Erica Donalds
2:52:14 PM Sen. Bullard
2:52:33 PM Erica Donalds
2:53:04 PM Sen. Bullard
2:53:36 PM Erica Donalds
2:54:08 PM Chair
2:54:14 PM Steve Suartzel, Consultant, Pinellas School Board, waives in support
2:54:15 PM Susan Smith, Odessa, FL, waives in opposition
2:54:22 PM Debbie Mortham, Advocacy Director, Foundation for Florida's Future, waives in support
2:54:52 PM Andrea Messina, Exec. Director, Fla. School Board Assn., for information and speaking against
2:56:25 PM Sen. Bullard
2:57:30 PM Chair
2:57:32 PM Sen. Montford
2:57:54 PM Andrea Messina in response
2:58:18 PM Chair
2:58:20 PM Jeff Bergosh, School board member, Escambia County FL, speaking and in support
2:59:46 PM Chair
2:59:48 PM Sen. Bullard
3:01:58 PM Sen. Gaetz
3:04:17 PM Sen. Detert
3:05:53 PM Sen. Sobel
3:06:32 PM Chair
3:06:36 PM Sen. Stargel

3:07:09 PM Chair
3:07:10 PM Roll Call for CS/SB 1426 - favorable
3:07:40 PM Tab 3 - SB 808 by Sen. Brandes
3:07:52 PM Chair
3:07:56 PM Sen. Bullard
3:08:22 PM Sen. Brandes
3:08:40 PM Sen. Bullard
3:08:43 PM Sen. Brandes
3:09:12 PM Sen. Montford
3:09:15 PM Sen. Brandes
3:09:27 PM Sen. Montford
3:09:34 PM Sen. Brandes
3:09:51 PM Chair
3:09:53 PM Debbie Mortham, waives in support
3:10:10 PM Val Smith, oppose
3:10:35 PM Susan Smith, oppose
3:10:43 PM Kenneth Blankenship, oppose
3:11:14 PM Sen. Sobel
3:11:17 PM Sen. Montford
3:12:44 PM Chair
3:12:45 PM Sen. Bullard
3:14:54 PM Chair
3:14:57 PM Sen. Brandes to close
3:16:38 PM Roll Call on SB 808 - Favorable
3:17:04 PM Sen. Sobel - change yes to no on SB 830
3:17:30 PM chair
3:17:36 PM Tab 7 - SJR 976 by Sen.Stargel -
3:18:02 PM Chair - TP the bill
3:18:19 PM Sen. Galvano moves to adjourn