

Tab 1 SB 732 by Baxley; (Similar to CS/H 00731) Home Education

758586	A	S	RCS	ED, Baxley	Delete L.253 - 424:	01/22 06:17 PM
755034	A	S L	RCS	ED, Baxley	btw L.430 - 431:	01/22 06:17 PM

Tab 2 SB 1156 by Perry; (Similar to CS/H 00591) Missing Persons with Special Needs

Tab 3 SB 1172 by Galvano; (Identical to H 00001) Hope Scholarship Program

399664	D	S	RCS	ED, Galvano	Delete everything after	01/22 06:17 PM
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Tab 4 SB 1286 by Simmons; Gardiner Scholarship

Tab 5 SB 1434 by Passidomo; (Compare to H 05101) K-12 Education Enhancements

218144	D	S	RCS	ED, Passidomo	Delete everything after	01/22 06:17 PM
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Tab 6 SB 1548 by Book; (Similar to H 00777) K-12 Student Safety

717120	A	S	RCS	ED, Book	Delete L.40 - 65.	01/22 06:17 PM
812738	A	S	WD	ED, Mayfield	Delete L.430 - 564:	01/22 06:17 PM

Tab 7 SB 1618 by Hukill; Education

Tab 8 SB 1756 by Simmons; School Accountability

430116	A	S L	RCS	ED, Simmons	Delete L.404 - 419:	01/22 06:17 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Hukill, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Monday, January 22, 2018
TIME: 3:30—5:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Hukill, Chair; Senator Mayfield, Vice Chair; Senators Book, Farmer, Galvano, Lee, Perry, Simmons, Simpson, Stewart, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 732 Baxley (Similar CS/H 731, Compare H 1095, S 1270)	Home Education; Specifying that a home education program is not a school district program and is registered with the district school superintendent only for the purpose of complying with the state's attendance requirements; authorizing a school district to provide home education program students with access to certain courses and programs offered by the school district; prohibiting a district school superintendent from requiring certain evidence relating to a child's age from children enrolled in specified schools and programs, etc. ED 01/22/2018 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
2	SB 1156 Perry (Similar CS/H 591)	Missing Persons with Special Needs; Expanding pilot projects for missing persons with special needs to all centers for autism and related disabilities at institutions in the State University System, etc. ED 01/22/2018 Favorable AHE AP	Favorable Yeas 10 Nays 0
3	SB 1172 Galvano (Identical H 1)	Hope Scholarship Program; Establishing the Hope Scholarship Program; providing Department of Education obligations relating to participating students and private schools and program requirements; authorizing certain persons to elect to direct certain state sales and use tax revenue to be transferred to a nonprofit scholarship-funding organization for the Hope Scholarship Program, etc. ED 01/22/2018 Fav/CS AED AP	Fav/CS Yeas 6 Nays 4
4	SB 1286 Simmons	Gardiner Scholarship; Revising the meaning of a rare disease within the definition of a "disability" for purposes of the Gardiner Scholarship Program, etc. ED 01/22/2018 Favorable AED AP	Favorable Yeas 9 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, January 22, 2018, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1434 Passidomo	K-12 Education Enhancements; Creating the mental health assistance allocation and providing the purpose of the allocation; increasing the amount that a school district may expend from a specified millage levy for certain expenses; prohibiting a charter school from being eligible for capital outlay funds unless the chair of the governing board and the chief administrative officer of the charter school annually certify certain information, etc. ED 01/22/2018 Fav/CS AED AP	Fav/CS Yeas 8 Nays 2
6	SB 1548 Book (Similar H 777, Compare H 1391, S 1616)	K-12 Student Safety; Exempting certain school district employees from level 2 background screenings under specified circumstances; prohibiting certain teachers from receiving bonuses related to specified FTE student membership calculations; requiring certified educators to inform their employers within a specified time period after being arrested for, rather than convicted of, certain offenses, etc. ED 01/22/2018 Fav/CS CJ AP	Fav/CS Yeas 10 Nays 0
7	SB 1618 Hukill	Education; Removing an obsolete date, etc. ED 01/22/2018 Favorable RC	Favorable Yeas 10 Nays 0
8	SB 1756 Simmons (Compare S 1614)	School Accountability; Revising the private schools to which the Department of Education is required to provide technical assistance and authorized staff; revising requirements for private schools that participate in the Gardiner Scholarship Program; revising the purpose of department site visits at private schools participating in the John M. McKay Scholarships for Students with Disabilities Program; requiring a private school to employ or contract with teachers who meet certain qualifications and provide information about such qualifications to the department, etc. ED 01/22/2018 Fav/CS AED AP RC	Fav/CS Yeas 10 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 732

INTRODUCER: Education Committee and Senator Baxley

SUBJECT: K-12 Education

DATE: January 24, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 732 modifies requirements related to home education programs, school attendance, and the Florida Partnership for Minority and Underrepresented Student Achievement. Specifically, the bill:

- Modifies the home education program to:
 - Clarify the definition of a “parent,” consistent with Florida law.
 - Specify limits on information required by the school district from a parent unless the home education program student chooses to participate in a district program or service.
 - Authorize a school district to provide to home education program students access to career and technical education courses and programs.
 - Require industry certifications and national and statewide assessments offered by the school district to be made available to home education program students.
- Specifies that a home education program student must register intent to participate in an extracurricular activity before participation, rather than before the beginning date of the season for the activity.
- Modifies home education program students’ access to the dual enrollment program, to:
 - Specify that a high school grade point average (GPA) may not be required for home education program students who meet specified placement test scores.
 - Clarify that a home education program student must maintain a minimum GPA established by the postsecondary institution for continued enrollment in dual enrollment courses.
- Clarifies school attendance procedures, to:

- Specify that district school superintendents may not require evidence of a child's age if the child attends a school or program specified in law.
- Authorize the district school superintendent to refer instances of nonenrollment to a child study team for intervention.
- Require interventions for nonenrollment and nonattendance prior to criminal prosecution.
- Modifies the Florida Partnership for Minority and Underrepresented Student Achievement to:
 - Update the name of the preliminary ACT to the PreACT.
 - Add the ACT and the PreACT to specified assessments included in databases containing assessment data, to which the Department of Education must provide access for evaluation purposes.
 - Add dual enrollment to the types of college credit-bearing courses for which certified school counselors will use PSAT/NMSQT or PreACT data to identify students who are prepared to enroll in and be successful in advanced high school courses or college credit-bearing courses.

The bill takes effect July 1, 2018.

II. Present Situation:

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

III. Effect of Proposed Changes:

Home Education Programs

Established by the Legislature as a school choice option in 1985, Florida is a long-time supporter of home education, and the number of families choosing this education option shows steady growth. For the 2016-2017 school year, 60,547 families and 87,462 students participated in home education programs.

Present Situation

A home education program is defined as the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements established in law.¹

To establish a home education program, a parent must:

- Submit a written and signed notice of intent to establish a home education program to the district school superintendent in the county of residence.² The notice must include the names, addresses, and birthdates of all children to be enrolled as students in the home education program.³

¹ Section 1002.01(1), F.S. The attendance requirements are established in ss 1002.41, 1003.01(13), and 1003.21(1), F.S.

² Section 1002.41(1)(a), F.S.

³ *Id.*

- Maintain a portfolio of records and materials, the contents of which are specified in law, and which must be preserved by the parent for two years and made available for inspection, if requested.⁴
- Select and provide for an annual educational evaluation to document the student's demonstration of educational progress.⁵ The parent must file a copy of the evaluation annually with the district school superintendent's office, and the district school superintendent must review and accept the results.⁶

If a parent terminates a home education program, the parent must file a written notice of termination in the district school superintendent's office.⁷

Although not required, some school districts provide opportunities for home education program students to enroll in specified courses in district schools.⁸ The public school district may report such home education program students for full-time equivalent funding through the Florida Education Finance Program.⁹

Effect of Proposed Changes

The bill specifies that a home education program is not a school district program and is registered with the district school superintendent only for the purpose of complying with attendance requirements specified under Florida law.

The bill clarifies the definition of a "parent," consistent with Florida law.¹⁰ A parent is defined as either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. The bill requires the:

- Notice submitted by the parent to include the full legal names of all children who will be enrolled as students in the home education program.
- District school superintendent to accept the notice and immediately register the home education program.
- Parent to file a notice of termination upon completion of a home education program with the district school superintendent, and requires the notice to accompany the required annual educational evaluation.

Additionally, the bill specifies that a school district may not require any additional information or verification, assign a grade level to the home education program student, or include a social security number or any other personal information in any database unless the student chooses to participate in a school district program or service.

⁴ Section 1002.41(1)(b), F.S.

⁵ *Id.* at (c).

⁶ *Id.* at (2).

⁷ *Id.* at (a).

⁸ Florida Department of Education, Office of School Choice, *Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/7709/urlt/Home-Ed-FAQs-2017.pdf>, at 3.

⁹ Florida Department of Education, *FTE General Instructions, 2017-18*, available at <http://www.fldoe.org/core/fileparse.php/7508/urlt/1718FTE-GeneralInstructions.pdf>, at 29.

¹⁰ Section 1000.21(5), F.S.

The bill clarifies that the parent determines the content of a portfolio, and provides that a parent must make the portfolio available for inspection, if requested by the district school superintendent or agent. The bill also removes the requirement for a district school superintendent to review the annual educational evaluation. Accordingly, the bill provides that a district school superintendent must accept the results of an annual education evaluation without a review of such evaluation.

The bill provides to home education program students access to courses, programs, industry certifications and assessments. Specifically, the school district:

- May provide access to career and technical education courses and programs, and specifies that home education programs students who participate in such courses and programs may be reported as full-time equivalent students for funding through the Florida Education Finance Program.
- Must make available to home education program students industry certifications, national assessments, and statewide, standardized assessments offered by the school district. The school district must notify home education program students of available certifications, assessments, administrations, and deadlines for the student to notify the district of the student's intent to participate.

Finally, the bill specifies that the school district may not further regulate, exercise control over, or require documentation from parents of home education program students beyond the requirements of the law, unless the regulation, control, or documentation is necessary for participation in a school district program.

The modifications to the home education program are likely to expedite the establishment of home education programs, and may provide the student access to additional courses and programs.

Participation in Extracurricular Activities

Present Situation

An extracurricular activity is any school-authorized or education-related activity occurring during or outside the regular instructional school day.¹¹

An individual home education program student is eligible to participate¹² in extracurricular activities at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend under controlled open enrollment.¹³ The student may also develop an agreement to participate at a private school, in the interscholastic extracurricular activities of that school.

¹¹ Section 1006.15(2), F.S.

¹² "Eligible to participate" includes, but is not limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests; but does not require that a student be placed on any specific team for interscholastic or intrascholastic extracurricular activities.

¹³ Section 1006.15(3)(c), F.S. Beginning with the 2017-18 school year, each district school board and charter school must adopt a controlled open enrollment plan that allows a parent from any school district in the state to

A condition for participation in extracurricular activities includes, but is not limited to, a requirement that the home education program student must: register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate.¹⁴

Effect of Proposed Changes

The bill specifies that a student must register intent to participate in an extracurricular activity before participation, rather than before the beginning date of the season for the activity. Accordingly, the bill provides flexibility for a home education program student to begin participation in such activity.

Dual Enrollment

Present Situation

The dual enrollment program is the enrollment of an eligible secondary student or home education program student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.¹⁵

Each postsecondary institution eligible to participate in the dual enrollment courses¹⁶ must enter into a home education articulation agreement with each home education program student seeking enrollment in a dual enrollment course and the student's parent. The home education articulation agreement includes, but is not limited to:¹⁷

- A delineation of courses and programs available to dually enrolled home education program students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution.
- The initial and continued eligibility requirements for home education program student participation, not to exceed those required of other dually enrolled students.

Effect of Proposed Changes

The bill modifies specified provisions in the home education articulation agreement, which may provide home education program students with greater access to dual enrollment courses. Specifically, the bill:

- Specifies that any limitations to courses and programs available to home education program students may not exceed the limitations for other dual enrollment students.
- Specifies that for initial eligibility a high school grade point average (GPA) may not be required for students who meet specified placement test scores.

enroll his or her child in and transport his or her child to any public school that has not reached capacity. Section 1002.31, F.S.

¹⁴ Section 1006.15(3)(c)5., F.S.

¹⁵ Section 1007.271(1), F.S.

¹⁶ Eligible institutions include public postsecondary institutions and independent colleges or universities, which are not for profit, accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confer postsecondary degrees. Section 1011.62(1)(i), F.S.

¹⁷ Section 1007.271(13)(b), F.S.

- Clarifies that a home education program student must meet postsecondary requirements for continued eligibility to participate in dual enrollment, which may include maintenance of a minimum postsecondary GPA.

School Attendance

Required School Attendance

Present Situation

Except as otherwise provided, children who are age 6 by February 1 of any school year, but who are not age 16, are required to attend school regularly during the entire school term.¹⁸

Additionally, children who are age 5 by September 1 of the school year are eligible for public kindergarten.¹⁹ A district school superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law.²⁰

Effect of Proposed Changes

The bill specifies that the district school superintendent may require evidence of the age of any child being enrolled in public school whom he or she believes to be within the limits of compulsory attendance.

The bill specifies, however, that the district school superintendent may not require evidence from any child who satisfies attendance requirements by attending a:²¹

- Parochial, religious, or denominational school;
- Private school supported in whole or in part by tuition charges or by endowments or gifts;
- Home education program that meets the requirements specified in law; or
- Private tutoring program that meets the requirements specified in law.

Enforcement of School Attendance

Present Situation

When there is no valid reason for a child to not be enrolled in school, a designated school representative must give written notice to the parent that requires enrollment or attendance within three days after the date of notice.²² If the notice and requirement are ignored, the designated school representative must report the case to the district school superintendent, and may refer the case to the case staffing committee.²³ The district school superintendent must then take steps that are necessary to bring criminal prosecution against the parent.²⁴

¹⁸ Section 1003.21(1)(a)1.

¹⁹ *Id.* at (a)2.

²⁰ *Id.* at (4).

²¹ Section 1003.01(13)(b)-(e), F.S.

²² Section 1003.26(1)(a), F.S.

²³ *Id.* at (2). The case staffing committee reviews the case of any family or child who the Department of Children and Families determines is in need of services or treatment. Section 984.12(1), F.S.

²⁴ Section 1003.26(2)(a), F.S.

Effect of Proposed Changes

The bill authorizes an intervention prior to the district school superintendent taking steps to initiate criminal prosecution. If a notice and requirement for enrollment or attendance is ignored, the district school superintendent may refer the case to a child study team²⁵ at the school that the student would be assigned according to district school board attendance policies.

The bill requires the child study team to be diligent in facilitating intervention services, and report the case to the district school superintendent only when all reasonable efforts to resolve the nonenrollment behavior are exhausted. The bill specifies that if the parent continues to refuse to cooperate or enroll the child in school, the district school superintendent must take the steps necessary to bring criminal prosecution against the parent.

Court Procedures and Penalties Related to School Attendance

Present Situation

Each parent of a child within the compulsory attendance age is responsible for the child's school attendance as required by law.²⁶ The absence of a student from school is evidence of a violation of compulsory attendance, but criminal prosecution may not be brought against a parent prior to compliance with provisions related to enforcement of school attendance.²⁷

In instances of nonenrollment or of nonattendance²⁸ upon the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the district school superintendent must institute a criminal prosecution against the student's parent.²⁹

Effect of Proposed Changes

The bill clarifies that court procedures and penalties for nonenrollment or nonattendance may not be initiated against the student's parent until the school and school district have complied with the policies and procedures established to enforce school attendance.

²⁵ A child study team is also used for patterns of nonattendance, defined as five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period. Section 1003.26(1)(b), F.S. The school principal must refer the case to the school's child study team to determine if early patterns of truancy are developing. *Id.* The child study team must implement specified interventions, and may implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition. *Id.* at (b) and (c). The child study team must be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted. *Id.* at (d). District school boards are also authorized to establish policies that require referral to a school's child study team for students who have fewer absences than the established number. Section 1003.02(1)(b), F.S.

²⁶ Section 1003.24, F.S.

²⁷ *Id.*

²⁸ A district school superintendent may petition a circuit court to declare a student subject to compulsory school attendance is truant if the student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period. Section 984.03(54), F.S.

²⁹ Section 1003.27(2)(a), F.S.

In addition, the bill updates cross references to home education program portfolio specifications under provisions related to the enforcement of school attendance, and home education program annual evaluations under provisions related to participation in the Gardiner Scholarship Program.

Florida Partnership for Minority and Underrepresented Student Achievement

Present Situation

The Florida Partnership for Minority and Underrepresented Student Achievement (Florida partnership), was created in 2004³⁰ to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education.³¹

The Florida partnership provides to students enrolled in grade 10 in public schools access to the preliminary ACT and another specified assessment.³² Test results will provide each high school with a database of student assessment data which certified school counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.³³

The Florida partnership is required to provide information to students and other specified recipients regarding the preliminary ACT or PSAT/NMSQT administration and participation by 10th grade students.³⁴ The Florida partnership must also submit to the DOE a report that, among other items, evaluates the level of participation in the preliminary ACT.³⁵

Additionally, the DOE must contribute to the evaluation of the Florida partnership by providing access to student and teacher information necessary to match against databases containing teacher professional development data and databases containing assessment data for the PSAT/NMSQT, SAT, AP, and other appropriate measures.³⁶

Effect of Proposed Changes

The bill retains the requirements of the Florida partnership, but updates the name of the preliminary ACT to the PreACT consistent with the correct name of the assessment.³⁷ In addition the bill:

- Adds dual enrollment to the types of college credit-bearing courses for which certified school counselors will use PSAT/NMSQT or PreACT data to identify students who are prepared to enroll in and be successful in advanced high school courses or college credit-bearing courses.

³⁰ Section 1, ch. 2004-63, L.O.F.

³¹ Section 1007.35(4), F.S.

³² *Id.* at (5). Public high schools are required to provide for the administration of the Preliminary ACT or the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT). *Id.*

³³ *Id.* at (5)(a), F.S.

³⁴ *Id.* at (6)(j), F.S.

³⁵ *Id.* at (8)(a), F.S.

³⁶ *Id.*

³⁷ ACT, *PreACT*, <https://www.act.org/content/act/en/products-and-services/preact/preact-classroom.html> (last visited Jan. 23, 2018).

- Adds the ACT and the PreACT to specified assessments in databases for which the Department of Education must provide access for evaluation purposes.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.385, 1002.41, 1003.21, 1003.26, 1003.27, 1006.15, 1007.271, and 1007.35.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education on January 22, 2018:**

The committee substitute modifies requirements in the bill regarding home education program students' enrollment in extracurricular courses and dual enrollment. The bill also modifies provisions relating to the Florida Partnership for Minority and Underrepresented Student Achievement. Specifically, the committee substitute:

- Removes from the bill, the bill provision that deemed home education program students as eligible to participate in extracurricular courses, which are exempted from maximum class size requirements, regardless of the school's capacity under controlled open enrollment; and deletes related conforming provisions and exemption from meeting school district residency requirements and standards for acceptance to extracurricular activities.
- Modifies the provision in the bill related to home education program students' participation in dual enrollment to clarify that such students must maintain the minimum postsecondary grade point average for continued enrollment in dual enrollment courses, not limited to only the college credit dual enrollment courses.
- Updates cross references to home education program portfolio specifications under provisions related to the enforcement of school attendance, and home education program annual evaluations under provisions related to participation in the Gardiner Scholarship Program.
- Modifies the Florida Partnership for Minority and Underrepresented Student Achievement to:
 - Update the name of the preliminary ACT to the PreACT.
 - Add the ACT and the PreACT to specified assessments included in databases containing assessment data, to which the Department of Education must provide access for evaluation purposes.
 - Add dual enrollment to the types of college credit-bearing courses for which certified school counselors will use PSAT/NMSQT or PreACT data to identify students who are prepared to enroll in and be successful in advanced high school courses or college credit-bearing courses.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
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The Committee on Education (Baxley) recommended the following:

Senate Amendment

Delete lines 253 - 424
and insert:
compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first
portfolio review must occur within the first 30 calendar days of
the establishment of the program. The provisions of subparagraph
2. do not apply once the committee determines the home education
program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.
2. If the parent fails to provide a portfolio to the
committee, the committee shall notify the district school



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12 superintendent. The district school superintendent shall then
13 terminate the home education program and require the parent to
14 enroll the child in an attendance option that meets the
15 definition of "regular school attendance" under s.
16 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
17 termination of a home education program pursuant to this
18 subparagraph, the parent shall not be eligible to reenroll the
19 child in a home education program for 180 calendar days. Failure
20 of a parent to enroll the child in an attendance option as
21 required by this subparagraph after termination of the home
22 education program pursuant to this subparagraph shall constitute
23 noncompliance with the compulsory attendance requirements of s.
24 1003.21 and may result in criminal prosecution under s.
25 1003.27(2). Nothing contained herein shall restrict the ability
26 of the district school superintendent, or the ability of his or
27 her designee, to review the portfolio pursuant to s.
28 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

29 (2) GIVE WRITTEN NOTICE.—

30 (a) Under the direction of the district school
31 superintendent, a designated school representative shall give
32 written notice that requires enrollment or attendance within 3
33 days after the date of notice, in person or by return-receipt
34 mail, to the parent when no valid reason is found for a
35 student's nonenrollment in school. If the notice and requirement
36 are ignored, the designated school representative shall report
37 the case to the district school superintendent, who ~~and~~ may
38 refer the case to the child study team in paragraph (1)(b) at
39 the school the student would be assigned according to district
40 school board attendance area policies or to the case staffing



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41 committee, established pursuant to s. 984.12. The child study
42 team shall diligently facilitate intervention services and shall
43 report the case back to the district school superintendent only
44 when all reasonable efforts to resolve the nonenrollment
45 behavior are exhausted. If the parent still refuses to cooperate
46 or enroll the child in school, the district school
47 superintendent shall take such steps as are necessary to bring
48 criminal prosecution against the parent.

49 Section 1. Subsection (2) of section 1003.27, Florida
50 Statutes, is amended to read:

51 1003.27 Court procedure and penalties.—The court procedure
52 and penalties for the enforcement of the provisions of this
53 part, relating to compulsory school attendance, shall be as
54 follows:

55 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

56 (a) In each case of nonenrollment or of nonattendance upon
57 the part of a student who is required to attend some school,
58 when no valid reason for such nonenrollment or nonattendance is
59 found, the district school superintendent shall institute a
60 criminal prosecution against the student's parent. However,
61 criminal prosecution may not be instituted against the student's
62 parent until the school and school district have complied with
63 s. 1003.26.

64 (b) Each public school principal or the principal's
65 designee shall notify the district school board of each minor
66 student under its jurisdiction who accumulates 15 unexcused
67 absences in a period of 90 calendar days. ~~Each designee of the~~
68 ~~governing body of each private school, and each parent whose~~
69 ~~child is enrolled in a home education program, may provide the~~



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70 ~~Department of Highway Safety and Motor Vehicles with the legal~~
71 ~~name, sex, date of birth, and social security number of each~~
72 ~~minor student under his or her jurisdiction who fails to satisfy~~
73 ~~relevant attendance requirements and who fails to otherwise~~
74 ~~satisfy the requirements of s. 322.091.~~ The district school
75 superintendent must provide the Department of Highway Safety and
76 Motor Vehicles the legal name, sex, date of birth, and social
77 security number of each minor student who has been reported
78 under this paragraph and who fails to otherwise satisfy the
79 requirements of s. 322.091. The Department of Highway Safety and
80 Motor Vehicles may not issue a driver license or learner's
81 driver license to, and shall suspend any previously issued
82 driver license or learner's driver license of, any such minor
83 student, pursuant to the provisions of s. 322.091.

84 (c) Each designee of the governing body of each private
85 school and each parent whose child is enrolled in a home
86 education program may provide the Department of Highway Safety
87 and Motor Vehicles with the legal name, sex, date of birth, and
88 social security number of each minor student under his or her
89 jurisdiction who fails to satisfy relevant attendance
90 requirements and who fails to otherwise satisfy the requirements
91 of s. 322.091. The Department of Highway Safety and Motor
92 Vehicles may not issue a driver license or learner's driver
93 license to, and shall suspend any previously issued driver
94 license or learner's driver license of, any such minor student,
95 pursuant to s. 322.091.

96 Section 2. Paragraph (c) of subsection (3) of section
97 1006.15, Florida Statutes, is amended to read:

98 1006.15 Student standards for participation in



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99 interscholastic and intrascholastic extracurricular student
100 activities; regulation.—

101 (3)

102 (c) An individual home education student is eligible to
103 participate at the public school to which the student would be
104 assigned according to district school board attendance area
105 policies or which the student could choose to attend pursuant to
106 s. 1002.31, or may develop an agreement to participate at a
107 private school, in the interscholastic extracurricular
108 activities of that school, provided the following conditions are
109 met:

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

112 2. During the period of participation at a school, the home
113 education student must demonstrate educational progress as
114 required in paragraph (b) in all subjects taken in the home
115 education program by a method of evaluation agreed upon by the
116 parent and the school principal which may include: review of the
117 student's work by a certified teacher chosen by the parent;
118 grades earned through correspondence; grades earned in courses
119 taken at a Florida College System institution, university, or
120 trade school; standardized test scores above the 35th
121 percentile; or any other method designated in s. 1002.41.

122 3. The home education student must meet the same residency
123 requirements as other students in the school at which he or she
124 participates.

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



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128 5. The student must register with the school his or her
129 intent to participate in interscholastic extracurricular
130 activities as a representative of the school before
131 participation ~~the beginning date of the season for the activity~~
132 ~~in which he or she wishes to participate~~. A home education
133 student must be able to participate in curricular activities if
134 that is a requirement for an extracurricular activity.

135 6. A student who transfers from a home education program to
136 a public school before or during the first grading period of the
137 school year is academically eligible to participate in
138 interscholastic extracurricular activities during the first
139 grading period provided the student has a successful evaluation
140 from the previous school year, pursuant to subparagraph 2.

141 7. Any public school or private school student who has been
142 unable to maintain academic eligibility for participation in
143 interscholastic extracurricular activities is ineligible to
144 participate in such activities as a home education student until
145 the student has successfully completed one grading period in
146 home education pursuant to subparagraph 2. to become eligible to
147 participate as a home education student.

148 Section 3. Paragraph (b) of subsection (13) of section
149 1007.271, Florida Statutes, is amended to read:

150 1007.271 Dual enrollment programs.—

151 (13)

152 (b) Each postsecondary institution eligible to participate
153 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
154 enter into a home education articulation agreement with each
155 home education student seeking enrollment in a dual enrollment
156 course and the student's parent. By August 1 of each year, the



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157 eligible postsecondary institution shall complete and submit the
158 home education articulation agreement to the Department of
159 Education. The home education articulation agreement must
160 include, at a minimum:

161 1. A delineation of courses and programs available to
162 dually enrolled home education students. Courses and programs
163 may be added, revised, or deleted at any time by the
164 postsecondary institution. Any course or program limitations may
165 not exceed the limitations for other dually enrolled students.

166 2. The initial and continued eligibility requirements for
167 home education student participation, not to exceed those
168 required of other dually enrolled students. A high school grade
169 point average may not be required for home education students
170 who meet the minimum score on a common placement test adopted by
171 the State Board of Education which indicates that the student is
172 ready for college-level coursework; however, home education
173 student eligibility requirements for continued enrollment in
174 dual enrollment courses must include the



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
	.	
	.	
	.	

The Committee on Education (Baxley) recommended the following:

Senate Amendment (with title amendment)

Between lines 430 and 431
insert:

Section 7. Subsection (5), paragraph (j) of subsection (6),
and subsection (8) of section 1007.35, Florida Statutes, are
amended to read:

1007.35 Florida Partnership for Minority and
Underrepresented Student Achievement.—

(5) Each public high school, including, but not limited to,
schools and alternative sites and centers of the Department of



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12 Juvenile Justice, shall provide for the administration of the
13 Preliminary SAT/National Merit Scholarship Qualifying Test
14 (PSAT/NMSQT), or the PreACT ~~preliminary~~ ACT to all enrolled 10th
15 grade students. However, a written notice shall be provided to
16 each parent which must include the opportunity to exempt his or
17 her child from taking the PSAT/NMSQT or the PreACT ~~preliminary~~
18 ACT.

19 (a) Test results will provide each high school with a
20 database of student assessment data which certified school
21 counselors will use to identify students who are prepared or who
22 need additional work to be prepared to enroll and be successful
23 in credit-bearing college coursework, including dual enrollment
24 programs, AP courses, or other advanced high school courses.

25 (b) Funding for the PSAT/NMSQT or the PreACT ~~preliminary~~
26 ACT for all 10th grade students shall be contingent upon annual
27 funding in the General Appropriations Act.

28 (c) Public school districts must choose either the
29 PSAT/NMSQT or the PreACT ~~preliminary~~ ACT for districtwide
30 administration.

31 (6) The partnership shall:

32 (j) Provide information to students, parents, teachers,
33 counselors, administrators, districts, Florida College System
34 institutions, and state universities regarding PSAT/NMSQT or the
35 PreACT ~~preliminary~~ ACT administration, including, but not
36 limited to:

37 1. Test administration dates and times.

38 2. That participation in the PSAT/NMSQT or the PreACT
39 ~~preliminary~~ ACT is open to all 10th grade students.

40 3. The value of such tests in providing diagnostic feedback



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41 on student skills.

42 4. The value of student scores in predicting the
43 probability of success on AP or other advanced course
44 examinations.

45 (8) (a) By September 30 of each year, the partnership shall
46 submit to the department a report that contains an evaluation of
47 the effectiveness of the delivered services and activities.
48 Activities and services must be evaluated on their effectiveness
49 at raising student achievement and increasing the number of AP
50 or other advanced course examinations in low-performing middle
51 and high schools. Other indicators that must be addressed in the
52 evaluation report include the number of middle and high school
53 teachers trained; the effectiveness of the training; measures of
54 postsecondary readiness of the students affected by the program;
55 levels of participation in 10th grade PSAT/NMSQT or the PreACT
56 ~~preliminary ACT~~ testing; and measures of student, parent, and
57 teacher awareness of and satisfaction with the services of the
58 partnership.

59 (b) The department shall contribute to the evaluation
60 process by providing access, consistent with s. 119.071(5)(a),
61 to student and teacher information necessary to match against
62 databases containing teacher professional development data and
63 databases containing assessment data for the PSAT/NMSQT, SAT,
64 ACT, PreACT, AP, and other appropriate measures. The department
65 shall also provide student-level data on student progress from
66 middle school through high school and into college and the
67 workforce, if available, in order to support longitudinal
68 studies. The partnership shall analyze and report student
69 performance data in a manner that protects the rights of



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70 students and parents as required in 20 U.S.C. s. 1232g and s.
71 1002.22.

72
73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete lines 2 - 44

76 and insert:

77 An act relating to K-12 education; amending s.
78 1002.41, F.S.; specifying that a home education
79 program is not a school district program and is
80 registered with the district school superintendent
81 only for the purpose of complying with the state's
82 attendance requirements; revising the content
83 requirements of a notice of enrollment of a student in
84 a home education program; requiring the district
85 school superintendent to immediately register a home
86 education program upon receipt of the notice;
87 prohibiting a school district from requiring
88 additional information or verification of a home
89 education student except in specified circumstances;
90 authorizing a school district to provide home
91 education program students with access to certain
92 courses and programs offered by the school district;
93 requiring reporting and funding through the Florida
94 Education Finance Program; requiring home education
95 program students be provided access to certain
96 certifications and assessments offered by the school
97 district; prohibiting a school district from taking
98 certain actions against a home education program



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99 student's parent unless such action is necessary for a
100 school district program; amending s. 1003.21, F.S.;
101 prohibiting a district school superintendent from
102 requiring certain evidence relating to a child's age
103 from children enrolled in specified schools and
104 programs; amending s. 1003.26, F.S.; revising
105 reporting requirements for specified issues relating
106 to compulsory school attendance; amending s. 1003.27,
107 F.S.; requiring a school and school district to comply
108 with specified provisions before instituting criminal
109 prosecution against certain parents relating to
110 compulsory school attendance; amending s. 1006.15,
111 F.S.; revising the standards required for a home
112 education student to participate in extracurricular
113 activities; amending s. 1007.271, F.S.; prohibiting
114 dual enrollment course and program limitations for
115 home education students from exceeding limitations for
116 other students; providing an exemption from the grade
117 point average requirement for initial enrollment in a
118 dual enrollment program for certain home education
119 students; amending s. 1007.35, F.S.; updating
120 terminology; requiring the Department of Education to
121 provide certain teacher and student ACT and PreACT
122 information for the evaluation of certain services and
123 activities; amending s. 1002.385, F.S.; conforming

By Senator Baxley

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1 A bill to be entitled
 2 An act relating to home education; amending s.
 3 1002.41, F.S.; specifying that a home education
 4 program is not a school district program and is
 5 registered with the district school superintendent
 6 only for the purpose of complying with the state's
 7 attendance requirements; revising the content
 8 requirements of a notice of enrollment of a student in
 9 a home education program; requiring the district
 10 school superintendent to immediately register a home
 11 education program upon receipt of the notice;
 12 prohibiting a school district from requiring
 13 additional information or verification of a home
 14 education student except in specified circumstances;
 15 authorizing a school district to provide home
 16 education program students with access to certain
 17 courses and programs offered by the school district;
 18 requiring reporting and funding through the Florida
 19 Education Finance Program; requiring home education
 20 program students be provided access to certain
 21 certifications and assessments offered by the school
 22 district; prohibiting a school district from taking
 23 certain actions against a home education program
 24 student's parent unless such action is necessary for a
 25 school district program; amending s. 1003.21, F.S.;
 26 prohibiting a district school superintendent from
 27 requiring certain evidence relating to a child's age
 28 from children enrolled in specified schools and
 29 programs; amending s. 1003.26, F.S.; revising

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30 reporting requirements for specified issues relating
 31 to compulsory school attendance; amending s. 1003.27,
 32 F.S.; requiring a school and school district to comply
 33 with specified provisions before instituting criminal
 34 prosecution against certain parents relating to
 35 compulsory school attendance; amending s. 1006.15,
 36 F.S.; revising the standards required for a home
 37 education student to participate in extracurricular
 38 activities; amending s. 1007.271, F.S.; prohibiting
 39 dual enrollment course and program limitations for
 40 home education students from exceeding limitations for
 41 other students; providing an exemption from the grade
 42 point average requirement for initial enrollment in a
 43 dual enrollment program for certain home education
 44 students; amending s. 1002.385, F.S.; conforming
 45 cross-references; providing an effective date.

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

48
 49 Section 1. Subsections (1) and (2) of section 1002.41,
 50 Florida Statutes, are amended, and subsections (11), (12), and
 51 (13) are added to that section, to read:

52 1002.41 Home education programs.—

53 (1) As used in this section, the term A "home education
 54 program" has the same meaning as is defined in s. 1002.01. A
 55 home education program is not a school district program and is
 56 registered with the district school superintendent only for the
 57 purpose of complying with the state's attendance requirements
 58 under s. 1003.21(1). The parent is not required to hold a valid

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59 regular Florida teaching certificate.

60 (a) The parent, as defined in s. 1000.21, who establishes
 61 and maintains a home education program shall notify the district
 62 school superintendent of the county in which the parent resides
 63 of her or his intent to establish and maintain a home education
 64 program. The notice must ~~shall~~ be in writing, signed by the
 65 parent, and ~~shall~~ include the full legal names, addresses, and
 66 birthdates of all children who shall be enrolled as students in
 67 the home education program. The notice must ~~shall~~ be filed in
 68 the district school superintendent's office within 30 days of
 69 the establishment of the home education program.

70 (b) The district school superintendent shall accept the
 71 notice and immediately register the home education program upon
 72 receipt of the notice. The district may not require any
 73 additional information or verification from the parent unless
 74 the student chooses to participate in a school district program
 75 or service. The district school superintendent may not assign a
 76 grade level to the home education student or include a social
 77 security number or any other personal information of the student
 78 in any school district or state database unless the student
 79 chooses to participate in a school district program or service;
 80 and

81 (c) The parent shall file a written notice of termination
 82 upon completion of the home education program ~~with shall be~~
 83 ~~filed in~~ the district school superintendent, along with the
 84 annual evaluation required in paragraph (f), within
 85 ~~superintendent's office within~~ 30 days of ~~after~~ said
 86 termination.

87 (d) ~~(b)~~ The parent shall maintain a portfolio of records and

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88 materials. The portfolio must ~~shall~~ consist of the following:

89 1. A log of educational activities that is made
 90 contemporaneously with the instruction and that designates by
 91 title any reading materials used.

92 2. Samples of any writings, worksheets, workbooks, or
 93 creative materials used or developed by the student.

94 (e) The parent shall determine the content of the
 95 portfolio, preserve it shall be preserved by the parent for 2
 96 years, and make it shall be made available for inspection, if
 97 requested, by the district school superintendent, or the
 98 district school superintendent's agent, upon 15 days' written
 99 notice. Nothing in this section shall require the district
 100 school superintendent to inspect the portfolio.

101 (f) ~~(e)~~ The parent shall provide for an annual educational
 102 evaluation in which is documented the student's demonstration of
 103 educational progress at a level commensurate with her or his
 104 ability. The parent shall select the method of evaluation and
 105 shall file a copy of the evaluation annually with the district
 106 school superintendent's office in the county in which the
 107 student resides. The annual educational evaluation shall consist
 108 of one of the following:

109 1. A teacher selected by the parent shall evaluate the
 110 student's educational progress upon review of the portfolio and
 111 discussion with the student. Such teacher shall hold a valid
 112 regular Florida certificate to teach academic subjects at the
 113 elementary or secondary level;

114 2. The student shall take any nationally normed student
 115 achievement test administered by a certified teacher;

116 3. The student shall take a state student assessment test

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117 used by the school district and administered by a certified
 118 teacher, at a location and under testing conditions approved by
 119 the school district;

120 4. The student shall be evaluated by an individual holding
 121 a valid, active license pursuant to the provisions of s.
 122 490.003(7) or (8); or

123 5. The student shall be evaluated with any other valid
 124 measurement tool as mutually agreed upon by the district school
 125 superintendent of the district in which the student resides and
 126 the student's parent.

127 (2) The district school superintendent shall ~~review and~~
 128 accept the results of the annual educational evaluation of the
 129 student in a home education program. If the student does not
 130 demonstrate educational progress at a level commensurate with
 131 her or his ability, the district school superintendent shall
 132 notify the parent, in writing, that such progress has not been
 133 achieved. The parent shall have 1 year from the date of receipt
 134 of the written notification to provide remedial instruction to
 135 the student. At the end of the 1-year probationary period, the
 136 student shall be reevaluated as specified in paragraph (1)(f)
 137 ~~(1)(e)~~. Continuation in a home education program shall be
 138 contingent upon the student demonstrating educational progress
 139 commensurate with her or his ability at the end of the
 140 probationary period.

141 (11) A school district may provide access to career and
 142 technical courses and programs for a home education program
 143 student who enrolls in a public school solely for the career and
 144 technical courses or programs. The school district that provides
 145 the career and technical courses and programs shall report each

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146 student as a full-time equivalent student in the class and in a
 147 manner prescribed by the department, and funding shall be
 148 provided through the Florida Education Finance Program pursuant
 149 to s. 1011.62.

150 (12) Industry certifications, national assessments, and
 151 statewide, standardized assessments offered by the school
 152 district shall be available to home education program students.
 153 Each school district shall notify home education program
 154 students of the available certifications and assessments; the
 155 date, time, and locations for the administration of each
 156 certification and assessment; and the deadline for notifying the
 157 school district of the student's intent to participate and the
 158 student's preferred location.

159 (13) A school district may not further regulate, exercise
 160 control over, or require documentation from parents of home
 161 education program students beyond the requirements of this
 162 section unless the regulation, control, or documentation is
 163 necessary for participation in a school district program.

164 Section 2. Subsection (4) of section 1003.21, Florida
 165 Statutes, is amended to read:

166 1003.21 School attendance.—

167 (4) Before admitting a child to kindergarten, the principal
 168 shall require evidence that the child has attained the age at
 169 which he or she should be admitted in accordance with the
 170 provisions of subparagraph (1)(a)2. The district school
 171 superintendent may require evidence of the age of any child who
 172 is being enrolled in public school who the district school
 173 superintendent ~~whom he or she~~ believes to be within the limits
 174 of compulsory attendance as provided for by law; however, the

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175 district school superintendent may not require evidence from any
 176 child who meets regular attendance requirements by attending a
 177 school or program listed in s. 1003.01(13)(b)-(e). If the first
 178 prescribed evidence is not available, the next evidence
 179 obtainable in the order set forth below shall be accepted:

180 (a) A duly attested transcript of the child's birth record
 181 filed according to law with a public officer charged with the
 182 duty of recording births;

183 (b) A duly attested transcript of a certificate of baptism
 184 showing the date of birth and place of baptism of the child,
 185 accompanied by an affidavit sworn to by the parent;

186 (c) An insurance policy on the child's life that has been
 187 in force for at least 2 years;

188 (d) A bona fide contemporary religious record of the
 189 child's birth accompanied by an affidavit sworn to by the
 190 parent;

191 (e) A passport or certificate of arrival in the United
 192 States showing the age of the child;

193 (f) A transcript of record of age shown in the child's
 194 school record of at least 4 years prior to application, stating
 195 date of birth; or

196 (g) If none of these evidences can be produced, an
 197 affidavit of age sworn to by the parent, accompanied by a
 198 certificate of age signed by a public health officer or by a
 199 public school physician, or, if these are not available in the
 200 county, by a licensed practicing physician designated by the
 201 district school board, which states that the health officer or
 202 physician has examined the child and believes that the age as
 203 stated in the affidavit is substantially correct. Children and

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204 youths who are experiencing homelessness and children who are
 205 known to the department, as defined in s. 39.0016, shall be
 206 given temporary exemption from this section for 30 school days.

207 Section 3. Paragraph (f) of subsection (1) and paragraph
 208 (a) of subsection (2) of section 1003.26, Florida Statutes, are
 209 amended to read:

210 1003.26 Enforcement of school attendance.—The Legislature
 211 finds that poor academic performance is associated with
 212 nonattendance and that school districts must take an active role
 213 in promoting and enforcing attendance as a means of improving
 214 student performance. It is the policy of the state that each
 215 district school superintendent be responsible for enforcing
 216 school attendance of all students subject to the compulsory
 217 school age in the school district and supporting enforcement of
 218 school attendance by local law enforcement agencies. The
 219 responsibility includes recommending policies and procedures to
 220 the district school board that require public schools to respond
 221 in a timely manner to every unexcused absence, and every absence
 222 for which the reason is unknown, of students enrolled in the
 223 schools. District school board policies shall require the parent
 224 of a student to justify each absence of the student, and that
 225 justification will be evaluated based on adopted district school
 226 board policies that define excused and unexcused absences. The
 227 policies must provide that public schools track excused and
 228 unexcused absences and contact the home in the case of an
 229 unexcused absence from school, or an absence from school for
 230 which the reason is unknown, to prevent the development of
 231 patterns of nonattendance. The Legislature finds that early
 232 intervention in school attendance is the most effective way of

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233 producing good attendance habits that will lead to improved
 234 student learning and achievement. Each public school shall
 235 implement the following steps to promote and enforce regular
 236 school attendance:

237 (1) CONTACT, REFER, AND ENFORCE.—

238 (f)1. If the parent of a child who has been identified as
 239 exhibiting a pattern of nonattendance enrolls the child in a
 240 home education program pursuant to chapter 1002, the district
 241 school superintendent shall provide the parent a copy of s.
 242 1002.41 and the accountability requirements of this paragraph.
 243 The district school superintendent shall also refer the parent
 244 to a home education review committee composed of the district
 245 contact for home education programs and at least two home
 246 educators selected by the parent from a district list of all
 247 home educators who have conducted a home education program for
 248 at least 3 years and who have indicated a willingness to serve
 249 on the committee. The home education review committee shall
 250 review the portfolio of the student, as defined by s. 1002.41,
 251 every 30 days during the district's regular school terms until
 252 the committee is satisfied that the home education program is in
 253 compliance with s. 1002.41(1)(b). The first portfolio review
 254 must occur within the first 30 calendar days of the
 255 establishment of the program. The provisions of subparagraph 2.
 256 do not apply once the committee determines the home education
 257 program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

258 2. If the parent fails to provide a portfolio to the
 259 committee, the committee shall notify the district school
 260 superintendent. The district school superintendent shall then
 261 terminate the home education program and require the parent to

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262 enroll the child in an attendance option that meets the
 263 definition of "regular school attendance" under s.
 264 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
 265 termination of a home education program pursuant to this
 266 subparagraph, the parent shall not be eligible to reenroll the
 267 child in a home education program for 180 calendar days. Failure
 268 of a parent to enroll the child in an attendance option as
 269 required by this subparagraph after termination of the home
 270 education program pursuant to this subparagraph shall constitute
 271 noncompliance with the compulsory attendance requirements of s.
 272 1003.21 and may result in criminal prosecution under s.
 273 1003.27(2). Nothing contained herein shall restrict the ability
 274 of the district school superintendent, or the ability of his or
 275 her designee, to review the portfolio pursuant to s.
 276 1002.41(1)(b).

277 (2) GIVE WRITTEN NOTICE.—

278 (a) Under the direction of the district school
 279 superintendent, a designated school representative shall give
 280 written notice that requires enrollment or attendance within 3
 281 days after the date of notice, in person or by return-receipt
 282 mail, to the parent when no valid reason is found for a
 283 student's nonenrollment in school. If the notice and requirement
 284 are ignored, the designated school representative shall report
 285 the case to the district school superintendent, ~~who and~~ may
 286 refer the case to the child study team in paragraph (1)(b) at
 287 the school the student would be assigned according to district
 288 school board attendance area policies or to the case staffing
 289 committee, established pursuant to s. 984.12. The child study
 290 team shall diligently facilitate intervention services and shall

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291 report the case back to the district school superintendent only
 292 when all reasonable efforts to resolve the nonenrollment
 293 behavior are exhausted. If the parent still refuses to cooperate
 294 or enroll the child in school, the district school
 295 superintendent shall take such steps as are necessary to bring
 296 criminal prosecution against the parent.

297 Section 4. Subsection (2) of section 1003.27, Florida
 298 Statutes, is amended to read:

299 1003.27 Court procedure and penalties.—The court procedure
 300 and penalties for the enforcement of the provisions of this
 301 part, relating to compulsory school attendance, shall be as
 302 follows:

303 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

304 (a) In each case of nonenrollment or of nonattendance upon
 305 the part of a student who is required to attend some school,
 306 when no valid reason for such nonenrollment or nonattendance is
 307 found, the district school superintendent shall institute a
 308 criminal prosecution against the student's parent. However,
 309 criminal prosecution may not be instituted against the student's
 310 parent until the school and school district have complied with
 311 s. 1003.26.

312 (b) Each public school principal or the principal's
 313 designee shall notify the district school board of each minor
 314 student under its jurisdiction who accumulates 15 unexcused
 315 absences in a period of 90 calendar days. ~~Each designee of the~~
 316 ~~governing body of each private school, and each parent whose~~
 317 ~~child is enrolled in a home education program, may provide the~~
 318 ~~Department of Highway Safety and Motor Vehicles with the legal~~
 319 ~~name, sex, date of birth, and social security number of each~~

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320 ~~minor student under his or her jurisdiction who fails to satisfy~~
 321 ~~relevant attendance requirements and who fails to otherwise~~
 322 ~~satisfy the requirements of s. 322.091.~~ The district school
 323 superintendent must provide the Department of Highway Safety and
 324 Motor Vehicles the legal name, sex, date of birth, and social
 325 security number of each minor student who has been reported
 326 under this paragraph and who fails to otherwise satisfy the
 327 requirements of s. 322.091. The Department of Highway Safety and
 328 Motor Vehicles may not issue a driver license or learner's
 329 driver license to, and shall suspend any previously issued
 330 driver license or learner's driver license of, any such minor
 331 student, pursuant to the provisions of s. 322.091.

332 (c) Each designee of the governing body of each private
 333 school and each parent whose child is enrolled in a home
 334 education program may provide the Department of Highway Safety
 335 and Motor Vehicles with the legal name, sex, date of birth, and
 336 social security number of each minor student under his or her
 337 jurisdiction who fails to satisfy relevant attendance
 338 requirements and who fails to otherwise satisfy the requirements
 339 of s. 322.091. The Department of Highway Safety and Motor
 340 Vehicles may not issue a driver license or learner's driver
 341 license to, and shall suspend any previously issued driver
 342 license or learner's driver license of, any such minor student,
 343 pursuant to s. 322.091.

344 Section 5. Paragraph (c) of subsection (3) of section
 345 1006.15, Florida Statutes, is amended to read:

346 1006.15 Student standards for participation in
 347 interscholastic and intrascholastic extracurricular student
 348 activities; regulation.—

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349 (3)

350 (c) An individual home education student is eligible to

351 participate at the public school to which the student would be

352 assigned according to district school board attendance area

353 policies or which the student could choose to attend pursuant to

354 s. 1002.31, regardless of capacity requirements as indicated by

355 the definition of extracurricular courses under s. 1003.01(15),

356 which excludes the courses from maximum class size requirements;

357 or may develop an agreement to participate at a private school,

358 in the interscholastic extracurricular activities of that

359 school, provided the following conditions are met:

360 1. The home education student must meet the requirements of

361 the home education program pursuant to s. 1002.41.

362 2. During the period of participation at a school, the home

363 education student must demonstrate educational progress as

364 required in paragraph (b) in all subjects taken in the home

365 education program by a method of evaluation agreed upon by the

366 parent and the school principal which may include: review of the

367 student's work by a certified teacher chosen by the parent;

368 grades earned through correspondence; grades earned in courses

369 taken at a Florida College System institution, university, or

370 trade school; standardized test scores above the 35th

371 percentile; or any other method designated in s. 1002.41.

372 ~~3. The home education student must meet the same residency~~

373 ~~requirements as other students in the school at which he or she~~

374 ~~participates.~~

375 ~~3.4.~~ The home education student must meet the same

376 standards of ~~acceptance,~~ behavior, and performance as required

377 of other students in extracurricular activities.

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

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378 ~~4.5.~~ The student must register with the school his or her

379 intent to participate in interscholastic extracurricular

380 activities as a representative of the school before

381 ~~participation the beginning date of the season for the activity~~

382 ~~in which he or she wishes to participate.~~ A home education

383 student must be able to participate in curricular activities if

384 that is a requirement for an extracurricular activity.

385 ~~5.6.~~ A student who transfers from a home education program

386 to a public school before or during the first grading period of

387 the school year is academically eligible to participate in

388 interscholastic extracurricular activities during the first

389 grading period provided the student has a successful evaluation

390 from the previous school year, pursuant to subparagraph 2.

391 ~~6.7.~~ Any public school or private school student who has

392 been unable to maintain academic eligibility for participation

393 in interscholastic extracurricular activities is ineligible to

394 participate in such activities as a home education student until

395 the student has successfully completed one grading period in

396 home education pursuant to subparagraph 2. to become eligible to

397 participate as a home education student.

398 Section 6. Paragraph (b) of subsection (13) of section

399 1007.271, Florida Statutes, is amended to read:

400 1007.271 Dual enrollment programs.—

401 (13)

402 (b) Each postsecondary institution eligible to participate

403 in the dual enrollment program pursuant to s. 1011.62(1)(i) must

404 enter into a home education articulation agreement with each

405 home education student seeking enrollment in a dual enrollment

406 course and the student's parent. By August 1 of each year, the

Page 14 of 17

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

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407 eligible postsecondary institution shall complete and submit the
408 home education articulation agreement to the Department of
409 Education. The home education articulation agreement must
410 include, at a minimum:

411 1. A delineation of courses and programs available to
412 dually enrolled home education students. Courses and programs
413 may be added, revised, or deleted at any time by the
414 postsecondary institution. Any course or program limitations may
415 not exceed the limitations for other dually enrolled students.

416 2. The initial and continued eligibility requirements for
417 home education student participation, not to exceed those
418 required of other dually enrolled students. A high school grade
419 point average may not be required for home education students
420 who meet the minimum score on a common placement test adopted by
421 the State Board of Education which indicates that the student is
422 ready for college-level coursework; however, home education
423 student eligibility requirements for continued enrollment in
424 college credit dual enrollment courses must include the
425 maintenance of the minimum postsecondary grade point average
426 established by the postsecondary institution.

427 3. The student's responsibilities for providing his or her
428 own instructional materials and transportation.

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

431 Section 7. Paragraph (1) of subsection (5) and paragraph
432 (a) of subsection (11) of section 1002.385, Florida Statutes,
433 are amended to read:

434 1002.385 The Gardiner Scholarship.—

435 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be

12-00519B-18 2018732__

436 used to meet the individual educational needs of an eligible
437 student and may be spent for the following purposes:

438 (1) Fees for an annual evaluation of educational progress
439 by a state-certified teacher under s. 1002.41(1)(f) ~~or~~
440 ~~1002.41(1)(e)~~, if this option is chosen for a home education
441 student.

442
443 A provider of any services receiving payments pursuant to this
444 subsection may not share, refund, or rebate any moneys from the
445 Gardiner Scholarship with the parent or participating student in
446 any manner. A parent, student, or provider of any services may
447 not bill an insurance company, Medicaid, or any other agency for
448 the same services that are paid for using Gardiner Scholarship
449 funds.

450 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
451 PARTICIPATION.—A parent who applies for program participation
452 under this section is exercising his or her parental option to
453 determine the appropriate placement or the services that best
454 meet the needs of his or her child. The scholarship award for a
455 student is based on a matrix that assigns the student to support
456 Level III services. If a parent receives an IEP and a matrix of
457 services from the school district pursuant to subsection (7),
458 the amount of the payment shall be adjusted as needed, when the
459 school district completes the matrix.

460 (a) To satisfy or maintain program eligibility, including
461 eligibility to receive and spend program payments, the parent
462 must sign an agreement with the organization and annually submit
463 a notarized, sworn compliance statement to the organization to:

464 1. Affirm that the student is enrolled in a program that

12-00519B-18

2018732__

465 meets regular school attendance requirements as provided in s.
466 1003.01(13)(b)-(d).

467 2. Affirm that the program funds are used only for
468 authorized purposes serving the student's educational needs, as
469 described in subsection (5).

470 3. Affirm that the parent is responsible for the education
471 of his or her student by, as applicable:

472 a. Requiring the student to take an assessment in
473 accordance with paragraph (8)(c);

474 b. Providing an annual evaluation in accordance with s.
475 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or

476 c. Requiring the child to take any preassessments and
477 postassessments selected by the provider if the child is 4 years
478 of age and is enrolled in a program provided by an eligible
479 Voluntary Prekindergarten Education Program provider. A student
480 with disabilities for whom a preassessment and postassessment is
481 not appropriate is exempt from this requirement. A participating
482 provider shall report a student's scores to the parent.

483 4. Affirm that the student remains in good standing with
484 the provider or school if those options are selected by the
485 parent.

486 A parent who fails to comply with this subsection forfeits the
487 Gardiner Scholarship.

488 Section 8. This act shall take effect July 1, 2018.
489

THE FLORIDA SENATE



SENATOR DENNIS BAXLEY
12th District

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Criminal Justice, *Vice Chair*
Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Health and
Human Services
Agriculture
Transportation

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:
Joint Legislative Auditing Committee

November 21, 2017

The Honorable Chairwoman Dorothy Hukill
Education Committee
406 Senate Office Building
Tallahassee, Florida 32399

Dear Chairwoman Hukill,

I respectfully request that SB 732 Home Education be placed on your next available agenda.

The bill clarifies the roles of the parent and the superintendent in a home education program by incorporating the laws from other sections of the school code; clarifies that a home education program is not a public school choice program and the school district may not further regulate a home education program beyond those requirements which are stated in law; ensures that home education students have access to career and technical courses and to certification exams, national assessments and standardized assessments, such as the PSAT, PLAN, IB, which are frequently only offered in the school district; addresses certain sections of laws which have led to prosecution of parents because the law fails to provide due process for parents whose child is not enrolled in a public school; gives home education students the same flexibility that public school students have under controlled open enrollment; and clarifies that the law passed in 2013 requiring school districts to pay the tuition for dual enrollment courses taken by public school students does not apply to private schools.

Onward & Upward,

A handwritten signature in cursive script that reads "Dennis Baxley".

Senator Dennis Baxley
Senate District 12

DKB/dd

cc: Shruti Graf, Staff Director

320 Senate Office Building, 404 South Monroe St, Tallahassee, Florida 32399-1100 • (850) 487-5012
Email: baxley.dennis@flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-18
Meeting Date

SB 732
Bill Number (if applicable)
758586
Amendment Barcode (if applicable)

Topic Home Education

Name BRENDA DICKINSON

Job Title Lobbyist

Address 1427 Pine St.

Phone 850-264-2184

Street

TALLAHASSEE
City

FL
State

32303
Zip

Email CONSULTINGBRENDA@gmail.com

Speaking: For Against Information

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

Representing The Home Education Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1.22.18
Meeting Date

732
Bill Number (if applicable)

Topic Home Education

Amendment Barcode (if applicable)

Name KEITH FLAUGH

Job Title Managing Director FL Citizens Alliance

Address P.O. Box 697
Street

Phone 239-250-3300

MARCO Island FL 34146
City State Zip

Email KOFLAUGH

Speaking: For Against Information

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

Representing Florida Citizens 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-18

Meeting Date

732

Bill Number (if applicable)

Topic Home Education

Amendment Barcode (if applicable)

Name Debbie Mortham

Job Title Legislative Director

Address 215 S. Monroe St.

Phone 251 2278

Street

Tallahassee FL 32301

City

State

Zip

Email debbi@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.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1156

INTRODUCER: Senator Perry

SUBJECT: Missing Persons with Special Needs

DATE: January 19, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Graf	ED	Favorable
2.			AHE	
3.			AP	

I. Summary:

SB 1156 expands “Project Leo” statewide to all Centers for Autism and Related Disabilities (CARD) in the State University System to aid search-and-rescue efforts for persons with special needs in case of elopement. Additionally, the bill:

- Makes the University of Florida responsible for developing eligibility criteria for the selection of participants for all CARD programs throughout the state.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

The bill takes effect July 1, 2018.

II. Present Situation:

The Legislature has established supports to aid search-and-rescue efforts for persons with special needs.

Project Leo

In 2016, the Legislature created the “Project Leo” pilot project to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.¹

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose them to dangerous

¹ Chapter 2016-186, L.O.F.

situations.² Individuals with Alzheimer's disease or autism are two populations at higher risk to elope.³

The pilot is a collaboration between each Center for Autism and Related Disabilities (CARD)⁴ at UF⁵, FAU⁶, and USF.⁷ Each pilot project provides personal devices to aid in search-and-rescue efforts for person with special needs in cases of elopement in their respective areas.⁸ Participants are selected based on criteria developed by the three participating universities and must, at a minimum, consider the individuals risk of elopement.⁹ For instance, both CARD UF and CARD USF require that the individual:¹⁰

- Resides in a county served by the university's CARD;
- Has documentation of a diagnosis of autism spectrum disorder or related disability;
- Has wandered or is at risk of wandering; and
- Is under constant supervision and monitoring of a responsible adult, who can prevent wandering and can contact 911 in the event the individual is missing.

The number of participants is determined based on available funding within each center's existing resources, and participation in the project is voluntary and free of charge.¹¹ Participants are provided with a personal device to aid in search-and rescue efforts which is attachable to clothing or otherwise wearable.¹² The respective county sheriff's offices distribute the devices to the project participants.¹³ CARD UF, CARD FAU, and CARD USF are tasked with funding any costs associated with monitoring the devices.¹⁴

² AWAARE collaboration, *Autism & Wandering*, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited Jan. 18, 2018).

³ AWAARE collaboration, *Autism & Wandering*, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited Jan. 18, 2018).

⁴ There are seven non-residential CARD centers across the state. The Center for Autism and Related Disabilities (CARD) works with families, caregivers, and professionals to optimize the potential of people with autism and related disabilities. CARD serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (deaf-blindness), or a vision or hearing loss with another disabling condition. University of Florida, Center for Autism Related Disabilities, *About CARD FAQ*, <http://card.ufl.edu/about-card/faq/> (last visited Jan. 18, 2018).

⁵ The Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida. The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union. Section 1004.55(1)(b), F.S.

⁶ The counties served by CARD at Florida Atlantic University (CARD FAU) are Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie. Section 1004.55(1)(g), F.S.

⁷ The counties served by CARD at the University of South Florida (CARD USF) are Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. Section 1004.55(1)(d), F.S.

⁸ Section 937.041, F.S.

⁹ *Id.* at (1)(b).

¹⁰ University of Florida, *Project Leo FAQs*, <http://card.ufl.edu/project-leo-faqs/> (last visited January 19, 2018), and University of South Florida, *Project Leo brochure*, available at http://cfs.cbcs.usf.edu/docs/news/CARD_SafetyNet_Brochure.pdf.

¹¹ Section 937.041(2), F.S.

¹² *Id.* at (3).

¹³ *Id.*

¹⁴ *Id.*

Additionally, Project Leo requires CARD UF, CARD FAU, and CARD USF to submit a preliminary report by December 1, 2016, and final report by December 15, 2017, to the Governor, the Speaker of the House of Representatives, and the President of the Senate.¹⁵ Both reports are required to include:¹⁶

- The criteria used to select the participants;
- The number of participants;
- The nature of the participants special needs;
- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

The final report must include recommendations for modification or continued implementation of the program.¹⁷

Each of the three CARD programs received an appropriation of \$100,000 when the project was implemented in 2016.¹⁸ The project's continued operation is subject to available funding within the existing resources of CARD UF, CARD FAU, and CARD USF.¹⁹

The project expires on June 30, 2018.²⁰

III. Effect of Proposed Changes:

SB 1156 expands "Project Leo" statewide to all Centers for Autism and Related Disabilities (CARD) in the State University System to aid search-and-rescue efforts for persons with special needs in case of elopement. Additionally, the bill:

- Makes the University of Florida responsible for developing eligibility criteria for the selection of participants for all CARD programs throughout the state.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

In effect, having criteria developed by only one CARD program (UF), rather than three, may provide uniformity in the application of criteria for program participation. Additionally, the bill may expand access to supports for search-and-rescue efforts for individuals with special needs as more CARD programs throughout state may be able to take advantage of the program.

The bill takes effect July 1, 2018.

¹⁵ Section 937.041(4), F.S.

¹⁶ *Id.*

¹⁷ Section 937.041(4), F.S.

¹⁸ Section 2, ch. 2016-186, L.O.F.

¹⁹ Section 937.041(5), F.S.

²⁰ *Id.* at (6).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 937.041 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.

By Senator Perry

8-01454-18

20181156__

A bill to be entitled

An act relating to missing persons with special needs; amending s. 937.041, F.S.; expanding pilot projects for missing persons with special needs to all centers for autism and related disabilities at institutions in the State University System; conforming provisions to changes made by the act; deleting a reporting requirement; providing an effective date.

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

Section 1. Section 937.041, Florida Statutes, is amended to read:

937.041 Missing persons with special needs pilot project ~~projects.~~

(1)(a) There is created a statewide pilot project in Alachua, Baker, Columbia, Hamilton, and Suwannee Counties, to be known as "Project Leo," through the centers for autism and related disabilities at institutions in the State University System to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.

~~(b) There is created an additional pilot project in Palm Beach County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.~~

~~(c) There is created an additional pilot project in Hillsborough County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.~~

Page 1 of 3

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8-01454-18

20181156__

(2)~~(a)1~~. Participants for the pilot project ~~specified in paragraph (1)(a)~~ shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of Florida.

~~2. Participants for the pilot project specified in paragraph (1)(b) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at Florida Atlantic University.~~

~~3. Participants for the pilot project specified in paragraph (1)(c) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of South Florida.~~

~~(b)~~ Criteria for participation in the pilot project ~~projects~~ must include, at a minimum, the person's risk of elopement. The qualifying participants shall be selected on a first-come, first-served basis by the respective centers to the extent of available funding within their existing resources. The ~~Each~~ project must be voluntary and free of charge to participants.

(3) Under the ~~each~~ pilot project, personal devices to aid search-and-rescue efforts which are attachable to clothing or otherwise worn shall be provided by the respective center to the sheriff's offices of the participating counties. The devices shall be distributed to project participants by the county sheriff's offices in conjunction with the respective center. The respective center shall fund any costs associated with monitoring the devices.

~~(4) Each center shall submit a preliminary report by December 1, 2016, and a final report by December 15, 2017, to~~

Page 2 of 3

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8-01454-18

20181156__

59 ~~the Governor, the President of the Senate, and the Speaker of~~
60 ~~the House of Representatives describing the implementation and~~
61 ~~operation of its pilot project. At a minimum, each report must~~
62 ~~include the criteria used to select participants, the number of~~
63 ~~participants, the nature of the participants' special needs, the~~
64 ~~number of participants who elope, the amount of time taken to~~
65 ~~rescue such participants following elopement, and the outcome of~~
66 ~~any rescue attempts. Each final report shall also provide~~
67 ~~recommendations for modification or continued implementation of~~
68 ~~the project.~~

69 (4)~~(5)~~ The ~~Each~~ project shall operate to the extent of
70 available funding within the respective center's existing
71 resources.

72 (5)~~(6)~~ This section expires June 30, 2019 ~~2018~~.

73 Section 2. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request


To: Senator Dorothy L. Hukill, Chair
Committee on Education

Subject: Committee Agenda Request

Date: December 18, 2017

I respectfully request that **Senate Bill #1156**, relating to Missing Persons with Special Needs , be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.



Senator Keith Perry
Florida Senate, District 8

THE FLORIDA SENATE
APPEARANCE RECORD

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

Mon Jan 22 2018
Meeting Date

SB 1156
Bill Number (if applicable)

Topic Missing Persons with special needs

Amendment Barcode (if applicable)

Name Annie Alexander Harvey

Job Title Retired College administrator

Address 8791 NW 110th St
Street

Phone _____

Reddick FL 32686
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.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/22/18

Meeting Date

SP 1156

Bill Number (if applicable)

Topic Education - with special needs ^{missing person}

Amendment Barcode (if applicable)

Name Annie Alexander Harvey

Job Title Supervisor

Address 5358 SW 62nd Ave

Phone 352 214-7502

Gainesville FL 32608

City

State

Zip

Email svcampaign@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.

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

THE FLORIDA SENATE

APPEARANCE RECORD

1-22-2018

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

1156

Meeting Date

Bill Number (if applicable)

Topic Missing persons w/ special needs Amendment Barcode (if applicable)

Name Andrea Messina

Job Title Exec. Dir

Address 203 S. Monroe St

Phone 850 414 2578

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 Florida School Boards Assn

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1172

INTRODUCER: Education Committee and Senator Galvano

SUBJECT: Hope Scholarship Program

DATE: January 24, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1172 creates the Hope Scholarship Program (HSP) to provide the parent of a public school student who was the victim of a substantiated incident of violence or abuse an opportunity to transfer the student to another public school or to request and receive from the state a scholarship for the student to enroll in and attend an eligible private school. Additionally, the bill specifies eligibility criteria, a funding mechanism, and responsibilities for:

- School districts to notify the parents of the victim and the alleged offender within 24 hours after a specified incident and provide a statement of the expected investigative actions and a timeline for reporting the investigation's outcome.
- School principals to:
 - Investigate the incident and determine whether the incident is substantiated or unsubstantiated and whether the incident is required to be reported.
 - Take all actions necessary to continue educational services of students involved in the reported incident while taking every precaution to keep the victim and alleged offender separated.
 - Keep parents of the victim and alleged offender updated on the status of the investigation and report the findings or outcomes of the investigation.
 - Notify the victim's parent of the availability of the HSP.
- Private schools that participate in the HSP to comply with all requirements established in law for participating in state scholarship programs and:
 - Provide specified documentation and respond to information requests.
 - Be academically accountable to the parent for meeting the student's educational needs.

- Maintain a physical location in Florida.
- The Department of Education to:
 - Annually verify the eligibility of private schools in the HSP and require notarized compliance certifications from the private schools.
 - Cross-check the list of students participating in the HSP with public school enrollment lists and other state scholarship program participation lists before each HSP payment.
 - Require annual reports by Scholarship-funding Organizations.
 - Contract with an independent entity to provide an annual evaluation of the HSP and school climate.
 - Conduct site visits to participating private schools for specified purposes.
- The Commissioner of Education to deny, suspend, or revoke a private school's participation in the program and to immediately suspend scholarship fund payments under specified circumstances.
- Nonprofit scholarship-funding organizations to establish scholarships for eligible students and provide quarterly and annual reports to the Department of Education.
- The Auditor General to conduct an annual operational audit of each scholarship-funding organization that participates in the HSP.

The bill specifies that the HSP is funded by taxpayers who make an eligible contribution, limited to a single \$20 payment, at the time of a vehicle purchase or registration in Florida and authorizes a credit of 100 percent of the amount of such eligible contribution by the taxpayer against the sales and use tax on the vehicle purchase or registration.

Additionally, the bill clarifies the definition of private schools and specifies a definition of a scholarship program.

Finally, the bill:

- Eliminates the private tutoring program.
- Repeals private schools established under chapter 623 and related provisions, effective July 1, 2019.
- Revises the definition of regular school attendance to mean full-time attendance in a specified school or program, and adds related conforming provisions.
- Updates the name of the Personal Learning Scholarship Accounts program to the Gardiner Scholarship Program.

The bill takes effect July 1, 2018, except as otherwise provided.

II. Present Situation:

Florida law has established various scholarship programs to promote school choice and assist parents in the placement of their children in diverse educational settings including private schools.¹

¹ Sections 1002.385, 1002.39, and 1002.395, F.S.

School Safety and Student Discipline

Current law provides for student and parent rights and specifies duties of the district school board and personnel related to student discipline and school safety.

Student and Parent Rights

Parents of public school students are entitled to receive accurate and timely information regarding their child's academic progress and ways to help their child succeed in school.² Additionally, Florida law affords students and parents other rights,³ including, but not limited to, rights regarding the discipline of a public school student.⁴

A student may be suspended pursuant to a district school board's rules.⁵ A good faith effort must be made to immediately inform the parent, by telephone, of the suspension and related reason.⁶ Each suspension must be reported in writing within 24 hours to the parent by U.S. mail.⁷ A good faith effort must be made to use parental assistance before suspension, unless the situation requires immediate suspension.⁸ Additionally, a student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.⁹

District School Board Duties

A district school board is responsible for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to the health, safety and welfare of students.¹⁰ Specifically, a district school board must adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion.¹¹

Additionally, a district school board must adopt a code of student conduct for elementary, middle, and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents at the beginning of each school year.¹² In addition to the code of student conduct, each school board must adopt policies prohibiting bullying and harassment, hazing, and dating violence and abuse and for emergency preparedness and response.¹³

² Section 1002.20, F.S.

³ Section 1002.20, F.S.

⁴ *Id.*

⁵ Section 1002.20(4)(a), F.S.

⁶ *Id.* at (a)1.

⁷ *Id.*

⁸ Section 1002.20(4)(a)1., F.S.

⁹ Section 1002.20(4)(a)2., F.S.; Rule 6A-6.03312, F.A.C.

¹⁰ Section 1006.07, F.S.

¹¹ Section 1006.07(1)(a), F.S.

¹² Section 1006.07(2), F.S.

¹³ See ss. 1006.07(4) and (6), 1006.135, 1006.14, 1006.147, and 1006.148, F.S.

Bullying and Harassment

Florida law prohibits bullying or harassment of any student or employee of a public K-12 educational institution:¹⁴

- During any education program or activity conducted by a public K-12 educational institution;
- During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution;
- Through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of a public K-12 institution¹⁵; or
- Through the use of data or computer software that is accessed at a non-school-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.

Bullying, for these purposes, includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public or private humiliation; or destruction of property.¹⁶

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, including, but not limited to electronic mail, Internet communications, instant messages, or facsimile communication.¹⁷ Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person at the author of posted content or messages, if the creation or impersonation creates any of the conditions of bullying.¹⁸ Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the conditions enumerated in the definition of bullying.¹⁹

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:²⁰

- Places a student or school employee in reasonable fear of harm to his or her person or damage or his or her property;

¹⁴ Section 1006.147(2), F.S.

¹⁵ "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.

¹⁶ Section 1006.147(3)(a), F.S.

¹⁷ Section 1006.147(3)(b), F.S.

¹⁸ *Id.*

¹⁹ Section 1006.147(3)(d), F.S.

²⁰ Section 1006.147(3)(c), F.S.

- 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.

School District Policy

Each school district must adopt and review, at least every 3 years, a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution.²¹ The school district must involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and reviewing the policy.²² The law outlines minimum components that the policy must contain, which includes, but is not limited to the following:²³

- A description of the type of behavior expected from each student and employee of a public K-12 educational institution, including statement prohibiting and defining bullying and harassment.
- The consequences for a student or employee who commits an act of bullying or harassment or who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.
- A procedure for receiving reports of an alleged act of bullying or harassment and for the prompt investigation of such incident, including allowing a person to anonymously report such an act. However, formal disciplinary action is not permitted to be based solely on an anonymous report.²⁴
- A procedure to immediately notify the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.
- A procedure to refer victims and perpetrators of bullying or harassment for counseling.
- A procedure for publicizing the policy, which must include publishing the policy in the code of student conduct and in all employee handbooks.

School Safety Information

Currently, the School Environmental Safety Incident Reporting (SESIR) System assists schools, districts, and the Florida Department of Education (DOE) staff assess the extent and nature of problems in school safety.²⁵ The SESIR system requires all public schools, including charter schools and traditional public schools to report 26 types of serious safety incidents that occur on school grounds, on school transportation, and at off-campus, school-sponsored events.²⁶ SESIR data is reported statewide and by school district within the Florida Statewide Report on School Safety and Discipline and must include the disciplinary action taken for each reported incident (e.g., suspension, expulsion, corporal punishment).²⁷ DOE also collects annual data on the types

²¹ Section 1006.147(4), F.S.

²² *Id.*

²³ *Id.* at (4)(a)-(n).

²⁴ Section 1006.147(4)(f), F.S.

²⁵ Florida Department of Education, *School Environmental Safety Incident Reporting (SESIR)*, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/> (last visited January 19, 2018).

²⁶ *Id.*

²⁷ *Id.*

and number of disciplinary action administered when students violate district school board rules.²⁸

The Youth Risk Behavior Survey is a statewide survey of Florida high school students administered every other year by the Department of Health, in collaboration with the DOE that monitors health-risk behaviors that contribute to the leading causes of death and disability among youth, including behaviors that contribute to unintentional injuries and violence.²⁹

Florida Tax Credit Scholarship

The Florida Tax Credit Scholarship Program (FTC) was established in 2001³⁰ to provide an income tax credit for corporations that contribute money to non-profit Scholarship Funding Organizations (SFOs) that award scholarships to students from families with limited resources.³¹ The purpose of the FTC is to enable taxpayers to make private, voluntary contributions to SFOs for children of families that have limited financial resources to expand educational opportunities for these children to achieve a greater level of educational excellence and improve the quality of education in Florida.³²

The FTC program is funded with contributions to private nonprofit scholarship-funding organizations (SFOs) from taxpayers who receive a tax credit or credits for use against their tax liability due under one or more of the following:³³

- Corporate income tax;
- Insurance premium tax;
- Severance taxes on oil and gas production;
- Self-accrued sales tax liabilities of direct pay permit holders; or
- Alcoholic beverage taxes on beer, wine, and spirits

The tax credit is equal to 100 percent of the eligible contributions made.³⁴ A taxpayer is permitted to submit an application to the Department of Revenue for a tax credit or credits under one or more of the authorized tax liabilities listed above.³⁵ Florida law provides an annual tax credit cap amount.³⁶

Motor Vehicle Taxes

Florida sales and use tax, plus any applicable discretionary sales surtax, is due on all new or used motor vehicles sold, leased, delivered into, imported into, or used in Florida, unless a specific

²⁸ *Id.*

²⁹ Florida Department of Health, *Behavioral Risk Factor Surveillance System*, <http://www.floridahealth.gov/statistics-and-data/survey-data/florida-youth-survey/youth-risk-behavior-survey/index.html> (last visited Jan. 19, 2018).

³⁰ Section 5, ch. 2001-225, L.O.F.

³¹ Section 1002.395, F.S.

³² Section 1002.395(1)(b), F.S.

³³ Section 1002.395(5), F.S.

³⁴ Sections 220.1875 and 1002.395(5), F.S.

³⁵ Section 1002.395(5)(b), F.S.

³⁶ Section 1002.395(5)(a)1.-2., F.S.

exemption applies.³⁷ Florida sales and use tax is due on the sales price of the motor vehicle, including any separately itemized charge or fee for items, such as:³⁸

- Any accessory sold with the vehicle;
- Preparation, settlement, or closing fees;
- Freight, handling, or delivery of the motor vehicle to the dealer;
- Commission; and
- Any other expense or cost of the dealer that the dealer requires the purchaser to pay.

Any separately itemized fee or charge mandated by a state law for titling, licensing, or registering the motor vehicle, or for recording a lien on the motor vehicle, is not subject to tax.³⁹ Florida collects a six percent sales tax rate on the purchase of all vehicles.⁴⁰

Private Schools and Programs

Florida law defines a private school to mean 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 Florida law, or that gives preemployment or supplementary training in technology or in fields of trade or industry 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 chapter 1005 of the Florida Statutes. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. The definition does not include a home education program.⁴¹

Florida law authorizes any 25 or more adults, who are legal residents of Florida and the county in which a corporation may be formed, to form a private school corporation and prescribes requirements related to such corporations' charter, dissolution, consolidation, operations, and powers and duties.⁴²

Attendance requirements are specified in the Florida Statutes.⁴³ Regular student attendance means the actual attendance of a student during the school day as defined by law and SBE rules. Current law provides that regular attendance, within the intent of the school attendance requirements, may be achieved by attendance in:

- A public school supported by public funds;
- A parochial, religious, or denominational school;
- A private school supported in whole or in part by tuition charges or by endowments or gifts;

³⁷ Sections 212.02, 212.05, 212.07, 212.08, F.S.; Rule 12A-1.007, F.A.C.; see *Florida Department of Revenue, Sales and Use Tax on Motor Vehicles*, available at http://floridarevenue.com/Forms_library/current/gt800030.pdf.

³⁸ *Id.*

³⁹ Sections 212.02, 212.05, 212.07, 212.08, F.S.; Rule 12A-1.007, F.A.C.; see *Florida Department of Revenue, Sales and Use Tax on Motor Vehicles*, available at http://floridarevenue.com/Forms_library/current/gt800030.pdf.

⁴⁰ *Id.*

⁴¹ Section 1002.01, F.S.

⁴² Chapter 623, F.S.

⁴³ Section 1003.21, F.S.

- A home education program that meets the requirements of chapter 1002; or
- A private tutoring program that meets the requirements of chapter 1002.

III. Effect of Proposed Changes:

CS/SB 1172 creates the Hope Scholarship Program (HSP) to provide the parent of a public school student who was the victim of a substantiated incident of violence or abuse an opportunity to transfer the student to another public school or to request and receive from the state a scholarship for the student to enroll in and attend an eligible private school. Additionally, the bill specifies eligibility criteria, a funding mechanism, and responsibilities for:

- School districts to notify the parents of the victim and the alleged offender within 24 hours after a specified incident and provide a statement of the expected investigative actions and a timeline for reporting the investigation's outcome.
- School principals to:
 - Investigate the incident and determine whether the incident is substantiated or unsubstantiated and whether the incident is required to be reported.
 - Take all actions necessary to continue educational services of students involved in the reported incident while taking every precaution to keep the victim and alleged offender separated.
 - Keep parents of the victim and alleged offender updated on the status of the investigation and report the findings or outcomes of the investigation.
 - Notify the victim's parent of the availability of the HSP.
- Private schools that participate in the HSP to comply with all requirements established in law for participating in state scholarship programs and:
 - Provide specified documentation and respond to information requests.
 - Be academically accountable to the parent for meeting the student's educational needs.
 - Maintain a physical location in Florida.
- The Department of Education to:
 - Annually verify the eligibility of private schools in the HSP and require notarized compliance certifications from the private schools.
 - Cross-check the list of students participating in the HSP with public school enrollment lists and other state scholarship program participation lists before each HSP payment.
 - Require annual reports by Scholarship-funding Organizations.
 - Contract with an independent entity to provide an annual evaluation of the HSP and school climate.
 - Conduct site visits to participating private schools for specified purposes.
- The Commissioner of Education to deny, suspend, or revoke a private school's participation in the program and to immediately suspend scholarship fund payments under specified circumstances.
- Nonprofit scholarship-funding organizations to establish scholarships for eligible students and provide quarterly and annual reports to the Department of Education.
- The Auditor General to conduct an annual operational audit of each scholarship-funding organization that participates in the HSP.

The bill specifies that the HSP is funded by taxpayers who make an eligible contribution, limited to a single \$20 payment, at the time of a vehicle purchase or registration in Florida and

authorizes a credit of 100 percent of the amount of such eligible contribution by the taxpayer against the sales and use tax on the vehicle purchase or registration.

Student Eligibility Criteria

The bill provides that, beginning with the 2018-2019 school year, on a first-come, first-serve basis and contingent upon available funds, a student who is enrolled full time in a Florida public school in kindergarten through grade 12 is eligible for the HSP if all of the following conditions are met:

- The student is the victim of a substantiated incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.
- The incident is formally reported by the victim or the victim's parent to the principal.
- Through an investigation, the principal finds that the incident is substantiated.
- The principal's investigation remains open or the district's resolution of issues related to the incident remain unresolved after timely notification, deliberative evaluation, and 30 days of responsible and appropriate action taken in accordance with the law.

The bill specifies that a scholarship payment may not be made if a student is:

- Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida Virtual School, a developmental research school, or a charter school authorized under Florida law;
- Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;
- Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or
- Receiving another state school choice scholarship program.
- Participating in a home education program as defined in law.⁴⁴

School District Duties

The bill provides that within 24 hours of receipt of a formal report of a specified incident, the school principal must provide a copy of the report to the victim's parent and the alleged offender's parent. The report must include a statement of the expected investigative actions and the timeline for reporting outcome of the investigation. Within 24 hours after receipt of the formal report, the principal must also provide the superintendent with a copy of the report and verification that the parents of the victim and the alleged offender have been provided a copy of the incident report and other required information.

The bill also requires school districts to report and verify student enrollment information during and outside of regular student enrollment survey periods, as requested by the DOE, in order to facilitate timely, appropriate, and fiscally accountable scholarship payments.

⁴⁴ A home education program means the sequentially progressive instruction of a student directed by his or her parent to satisfy the attendance requirements specified in law. Section 1002.01(1), F.S.

Investigation

The principal must investigate the incident to determine whether the incident is substantiated or unsubstantiated, and if the incident must be reported. At his or her discretion, the principal may determine the extent to which each student was engaged in instigating, or reacting to a physical altercation, and may consider such information when evaluating and determining appropriate disciplinary actions and investigation outcomes.

The bill specifies that during the investigation period, the principal and the superintendent must take all actions necessary to continue the educational services of students involved in the reported incident while taking every reasonable precaution to keep the alleged offender separated from the victim or any sibling of the victim while on school grounds or on school transportation, pursuant to law.⁴⁵ After a principal determines that an alleged incident is unsubstantiated or the resolution of issues related to a substantiated incident or within 15 days after the incident was reported, whichever occurs first, the principal must report to the victim's parent and the alleged offender's parent the findings, outcome, or status of the investigation. The principal must continue to provide such reports to the parents at least every 15 days until the investigation concludes and issues associated with the incident are resolved.

HSP Notification

The bill directs that if the principal's investigation into the incident remains open for more than 30 days after the date a substantiated incident was reported or issues associated with the incident remain unresolved the school district, in accordance with the school district's code of student conduct, must notify the victim's parent of the availability of the HSP and offer that parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding. The bill requires school districts to report and verify student enrollment information during and outside of the regular full time equivalent student enrollment survey periods as requested by the DOE, in order to facilitate timely, appropriate, and fiscally accountable scholarship payments.

A parent who chooses to enroll his or her student in a Florida public school located outside the district in which the student resides must be eligible for a scholarship to transport the student. The bill provides a maximum in the amount of \$750 for such transportation scholarship.

Consistent with the Gardiner Scholarship Program, the bill specifies that for each student participating in the program in a private school who chooses to participate in the statewide assessments or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take the statewide assessments.

Accordingly, the bill establishes a mechanism to investigate and substantiate the incident and inform students and parents about the HSP and the opportunities for such students to participate in statewide assessments.

⁴⁵The bill references provisions in state law regarding district school board duties relating to student discipline and school safety, policy for zero tolerance of crime and victimization, and prohibition on bullying and harassment. Sections 1006.09, 1006.13, and 1006.147, F.S.

Private School Eligibility

To be eligible to participate in the HSP, the bill specifies that private school may be sectarian or nonsectarian and must comply with all requirements for private schools to participate in state school choice scholarship programs.

The private school must provide to the organization, upon request, all documentation required for the student's participation, including the private schools' and the student's fee schedules. Additionally, similar to the Florida Tax Credit Scholarship program, the bill requires the private school to be academically accountable to the parent for meeting the educational needs of the student by:

- At a minimum, annually providing to the parent a written explanation of the student's progress.
- Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the national norm-referenced tests identified by the department or the statewide assessments. A participating school must report a student's scores to his or her parent.
- Cooperating with the student whose parent who chooses to have the student participate in the statewide assessments, or if a private school chooses to offer statewide assessments at the school.
 - A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.
 - A participating private school must submit a request in writing by March 1 of each year in order to administer the statewide assessments in the next school year.
- Employ or contract with teachers who have regular and direct contact with each student receiving an HSP scholarship at the school's physical location.
- Maintain in this state a physical location where a scholarship student regularly attends classes.
- Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed in law if the private school receives more than \$250,000 in funds from state scholarship programs. The report must be annually submitted to the SFO that awarded the majority of the school's scholarship funds by September 15. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The bill specifies that the failure of a private school to meet the requirements in law constitutes a basis for the ineligibility of the private school to participate in the program, as determined by the DOE.

Department of Education Duties

Consistent with the FTC Scholarship program and the McKay Scholarship program, the bill requires the Department of Education (DOE) to:

- Establish a toll-free hotline that provides parents and private schools with information on participation in the program;
- Annually verify the eligibility of private schools;

- Require annual notarized and sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.
- Cross-check the list of participating students with the public school enrollment lists and participation lists in other state scholarship programs before each HSP payment, in order to avoid duplication.

Additionally, consistent with the FTC Scholarship program, the DOE must:

- Maintain a list of nationally norm-referenced tests that meet industry quality standards.
- Require quarterly reports by an eligible nonprofit SFO regarding the number of students participating in the scholarship program, the private schools in which the students are enrolled, and other information deemed necessary by the DOE.

Annual Evaluation

The bill requires the DOE to contract with an independent entity to provide an annual evaluation of the HSP by:

- Reviewing the school climate and code of student conduct of each public school that reported a monthly average of 10 or more substantiated incidents to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights that are in need of improvement. At a minimum, this review must include:
 - An assessment of the investigation time and quality of the response of the school and the school district.
 - An assessment of the effectiveness of communication procedures with the students involved in an incident, the students' parents, and the school and school district personnel;
 - An analysis of school incident and discipline data;
 - The challenges and obstacles relating to implementing recommendations from this review.
- Reviewing the school climate and code of student conduct of each public school, to which a student from a school with a monthly average of 10 or more substantiated incidents transferred to, in order to identify best practices and make recommendations to a public school at which the incidents occur.
- Reviewing the performance of participating students enrolled in a private school in which the majority of the school's total enrolled students in the prior school year participated in any state scholarship program, in which there are at least 10 participating students who have scores for tests administered; and reviewing the school climate and code of conduct of the private school if one or more scholarship participants were involved in a reported incident at the school during the prior school year.
- Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident of relating to the use of the scholarship.

Statewide Assessments

Consistent with the FTC Scholarship Program, the bill specifies that upon the request of a participating private school, the DOE must provide, at no cost to the school, the statewide assessments and any related materials for administering the assessments. The bill provides that

students at a private school may be assessed using the statewide assessments if the addition of those students and the school does not cause the state to exceed its contractual caps for the number of students tested and the number of testing sites. The state must provide the same materials and support that it provides to a public school to the private school. A private school that chooses to administer statewide assessments must follow the requirements related to the student assessment program, test administration and security, SBE rules, and the district-level testing policies established by the district school board.

Accordingly, the bill promotes student access to statewide assessments, which may assist the parents and schools in monitoring student performance.

Violations

The bill requires the DOE to establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to HSP participation and must conduct an inquiry or make a referral to the appropriate agency for an investigation of a written violation if the complaint is signed and legally sufficient. The bill provides that a complaint is legally sufficient if such complaint contains ultimate facts that show that a violation of this section or any rule adopted by the SBE has occurred. In order to determine legal sufficiency, the DOE may require supporting information or documentation from the complainant. The bill specifies that such DOE inquiry is not subject to the public records requirements.

These provisions are consistent with the FTC and McKay Scholarship programs.

Site Visits

Similar to the FTC and McKay Scholarship programs, the bill requires the DOE to conduct site visits to participating private schools. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. The bill specifies that the DOE may not make more than seven site visits each year; however, the DOE is authorized to make additional site visits at any time to a school that is the subject of a violation complaint, is identified by an organization for a known or suspected violation, or has received a notice of noncompliance or a notice of proposed action within the current year or the previous 2 years.

Reporting Requirements

As under the FTC and McKay Scholarship programs, the DOE must annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the DOE's actions with respect to implementing accountability in the HSP, any substantiated allegations or violations of law or rule by an eligible private school under the HSP, and the corrective action taken by the DOE.

Commissioner of Education Authority and Obligations

Similar to the FTC and McKay Scholarship programs, the bill:

- Requires the commissioner to deny, suspend, or revoke a private school's participation in the HSP if it is determined that the private school has failed to comply with the legal requirements of the HSP. However, if the noncompliance is correctable with a reasonable amount of time and if the health, safety, or welfare of students is not threatened, the commissioner is authorized to issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the program.
- Authorizes the commissioner to deny, suspend or revoke a private school's participation in the program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public. The bill provides that in making such determination, the commissioner is authorized to consider factors that include, but are not limited to the following:
 - Acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program;
 - An owner's or operator's failure to reimburse the DOE for scholarship funds improperly received or retained by a school;
 - Imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution;
 - Imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination or revocation related to an owner's or operator's management of an educational institution;
 - Other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

For the purposes of the commissioner's authority, the bill specifies that the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

Consistent with the FTC and McKay Scholarship programs, the bill also authorizes the commissioner to immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is an imminent threat to the health, safety, or welfare of the students; or fraudulent activity on the part of the private school. In incidents of alleged fraudulent activity with respect to the HSP, DOE's Office of the Inspector General is authorized to release personally identifiable records or reports of student to the following persons or organizations:

- A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena.⁴⁶
- A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney issued subpoena.⁴⁷

⁴⁶ Consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

⁴⁷ Consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

- Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.⁴⁸

Notification and Appeal Process

The bill provides that if the Commissioner intends to deny, suspend, or revoke a private school's participation in the program, the DOE must notify the private school of such proposed action in writing by certified and regular mail to the private school's address of record with the DOE. This notification must include the reasons for the proposed action and notice of the timelines and procedures specified in the bill. The private school that is adversely affected by the proposed action must have 15 days after receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding specified in law.⁴⁹

If the private school is entitled to a hearing based on such request, the DOE must refer the request to the Division of Administrative Hearings. Upon receipt of such request, the director of the Division of Administrative Hearings must expedite the hearing and assign an administrative law judge who must commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party must be allowed 10 days in which to submit written exceptions to the recommended order. The agency must enter a final order within 30 days after the entry of a recommended order. The bill provides that the provisions related to this process may be waived upon stipulation by all parties.

These notification and appeal provisions are consistent with the requirements for the FTC and McKay Scholarship programs.

The bill also authorizes a private school to appeal the immediate suspension of a scholarship fund payment in the same manner as the appeal of a notice of proposed action.

Parent and Student Responsibilities

Consistent with the McKay Scholarship program and similar to the Gardiner Scholarship program, the bill emphasizes that a parent who applies for a Hope Scholarship is exercising his or her parental option to place his or her student in an eligible private school.

Consistent with the McKay Scholarship program, the bill requires a parent to select an eligible private school and apply for the admission of his or her student. The parent must inform the student's school district when the parent withdraws his or her student to attend an eligible private school. The bill mandates that any student participating in the program must comply with the regular attendance requirements in law and remain in attendance throughout the school year unless the student is excused by the school for illness or other good cause. Each parent and each student has an obligation to the private school to comply with the private school's published policies. The bill authorizes the parent to remove the student from the private school and place

⁴⁸ Consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

⁴⁹ The bill refers to a proceeding pursuant to ss. 120.569 and 120.57, F.S.

the student in a public school in accordance with the HSP, upon reasonable notice to the DOE and the school district.

Consistent with the FTC Scholarship program, the bill requires a parent to ensure that the student participating in the HSP takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments⁵⁰ and if the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site that is designated by the school district.

Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the private school's account. The parent is prohibited from designating any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. The bill specifies that a parent who fails to comply with the responsibilities established in the bill forfeits the scholarship. These provisions are consistent with the requirements for the McKay Scholarship program and similar to the FTC scholarship program.

Obligations of Nonprofit Scholarship-Funding Organizations

The bill authorizes a nonprofit scholarship-funding organization (SFO) to establish scholarships for eligible students by taking the following actions:

- Receiving applications and determining student eligibility in accordance with the requirements in the bill. This is consistent with SFO authority provided under the Gardiner Scholarship program.
- Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon available funds. This is also consistent with the SFO authority under the Gardiner Scholarship program.
- Preparing and submitting quarterly and annual reports to the DOE as required in the bill. Additionally, an eligible nonprofit scholarship-funding organization must submit any information requested by the DOE relating to the scholarship program in a timely manner.
- Notifying the department of any violation of the specified provision under the HSP by a private school, parent, or student.

The bill authorizes an SFO to use up to 3 percent of eligible contribution received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an SFO for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit required by law.⁵¹ These administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. Additionally, such administrative funds are prohibited from being used for lobbying, political activity, or expenses related to lobbying or political activity. The bill authorizes the SFO to use up to one-third of the funds permitted for administrative expenses for expenses related to the recruitment of contributions from taxpayers. These administrative expense-related provision are consistent with the requirements for the FTC Scholarship program.

⁵⁰ Section 1008.22, F.S.

⁵¹ The bill references the audit required under the Florida Tax Credit scholarship program. Section 1002.395(6)(m) , F.S.

As in the FTC and Gardiner Scholarship programs, the bill prohibits an SFO from charging an application fee for the HSP.

Funding and Payment

The bill provides that the maximum amount awarded to a student enrolled in an eligible private school must be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

- 88 percent for a student enrolled in kindergarten through grade 5.
- 92 percent for a student enrolled in grade 6 through grade 8.
- 96 percent for a student enrolled in grade 9 through grade 12.

The bill limits the maximum amount awarded to a student enrolled in a Florida public school located outside of the district to \$750. The provisions in the bill related to the maximum award amounts are the same as the specifications under the FTC Scholarship program.⁵²

The bill specifies that when a student enters the program, the SFO must receive all documentation required for the student's participation, including a copy of the report of the original qualifying incident and the private schools' and the student's fee schedules. The initial scholarship payment must be made after verification of admission acceptance to the private school, and subsequent payments must be made only upon verification of continued enrollment and attendance at the private school.

Payment of the scholarship by the eligible SFO must be by individual warrant made payable to the student's parent. The bill provides that if the parent chooses that his or her student attend an eligible private school, the warrant must be delivered by the eligible SFO to the private school of the parent's choice, and the parent must retroactively endorse the warrant to the private school. The bill requires an eligible SFO to obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment. The SFO must make payment of the scholarship at least on a quarterly basis.

The bill also clarifies that moneys received pursuant to the HSP do not constitute taxable income to the qualified student or his or her parent.

Auditor General Responsibilities

The bill requires the Auditor General to conduct an annual operational audit of all accounts and records of each SFO that participates in the HSP. The bill specifies that, as part of this audit, the Auditor General must verify, at a minimum, the total number of students served and transmit that information to the DOE. Additionally, the Auditor General must provide the commissioner with a copy of each annual operational audit required by the bill within 10 days after the audit is finalized. The bill also requires the Auditor General to notify the DOE of any SFO that fails to comply with a request for information.

⁵² Section 1002.395(12)(a)1., F.S.

These audit provisions are consistent with the requirements for the Gardiner Scholarship program.

Scholarship Funding Tax Credit

The bill establishes a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization, as defined under the HSP, against any tax imposed by the state and due under chapter 212 of the Florida Statutes as a result of the purchase or acquisition of a motor vehicle. The bill specifies that the credit may not exceed the tax otherwise owed. The bill provides that a tax credit is available for use by a taxpayer that makes an eligible contribution to the program.

Eligible contribution, or contribution, is defined in the bill to mean a monetary contribution from a person required to pay sales and use tax on the purchase or acquisition of a motor vehicle, subject to the tax on the purchase or acquisition of a motor vehicle subject to the restrictions provided in this section, to an eligible SFO. The bill prohibits the taxpayer making the contribution from designating a specific student as the beneficiary of the contribution.

Each eligible contribution is limited to a single payment of \$20 at the time of purchase of a motor vehicle or a single payment of \$20 at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution must be accompanied by an election to contribute to the program and must be made by the purchaser at the time of purchase or at the time of registration on a form provided by the Department of Revenue (DOR). Contribution payments must be made to a dealer, as defined in law, at the time of purchase of a motor vehicle, or to a designated DOR agent at the time of registration of a motor vehicle that was not purchased from a dealer.

The bill prescribes the following requirements for a tax collector or any person or firm authorized to sell or issue a motor vehicle license who is designated as a DOR agent:

- Provide the purchaser the contribution election form, as prescribed by the DOR, which must include the dealer's or agent's federal employer identification number, remit to an organization on or before the 20th day of each month the total amount of contribution made to that organization and collected during the preceding calendar month.
- Report on each return filed with the DOR the total amount of credits allowed under the HSP during the preceding calendar month.

The bill also requires an SFO to report to the DOR, on or before the 20th day of each month, the total amount of contributions received in the preceding calendar monthly on a form provided by the DOR. Such report must include the federal employer identification number of each tax collector, authorized agent of the DOR, or dealer who remitted contribution to the organization during that reporting period.

The bill directs the DOR, for purposes of the distributions of tax revenue specified in law, to disregard any tax credits allowed under the HSP to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund.

Additionally, the bill authorizes the DOR to adopt emergency rules to administer the specified HSP provisions.

Fraud Penalty

The bill includes accountability provisions to specify that a person who, with intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under the HSP is guilty of the theft of charitable funds, punishable as follows:

- If the total amount stolen is less than \$300, the offense is a misdemeanor of the second degree, punishable as provided in sections 775.082 or 775.083 of the Florida Statutes. Upon a second conviction, the offender is guilty of a misdemeanor of the first degree, punishable as provided in in sections 775.082 or 775.083 of the Florida Statutes. And, upon a third or subsequent conviction, the offender is guilty of a felony of the third degree, punishable as provided in in sections 775.082, 775.083, or 775.084 of the Florida Statutes
- If the total amount stolen is \$300 or more, but less than \$20,000, the offense is a felony of a third degree punishable as provided in sections 775.082, 775.083, or 775.084 of the Florida Statutes.
- If the total amount stolen is \$20,000 or more, but less than \$100,000, the offense is a felony of the second degree, punishable as provided in sections 775.082, 775.083, or 775.084 of the Florida Statutes.
- If the total amount stolen is \$100,000 or more, the offense is a felony of the first degree, punishable as provided in in sections 775.082, 775.083, or 775.084 of the Florida Statutes.

The bill requires any person convicted of an offense under the HSP must be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.

Private Schools and Programs

The bill:

- Modifies the definition of private school to mean a school that registers with the DOE, in accordance with law, in addition to meeting the other criteria specified in law.
- Defines a state scholarship program to list the four state scholarship programs under chapter 1002: the Gardiner Scholarship Program, the McKay Scholarship Program, the Florida Tax Credit Scholarship, and the Hope Scholarship Program.
- Repeals the provisions in law authorizing the private tutoring program and, effective July 1, 2019, private school corporations established under chapter 623 of the Florida Statutes.⁵³

⁵³ Private School Corporations pursuant to chapter 623 of the Florida Statutes were established under the “Private School Corporation Law of 1959” as a set of statutory requirements individuals use to establish business organizations through charters approved by a judge of the circuit court for the county in which a corporation will operate. Section. 1, ch. 59-113, L.O.F. Although section 623.02 of the Florida Statutes requires the corporation to include the words “private school” in its name, chapter 623 do not address or cross-reference academic, curricular, attendance, or other health, safety, welfare requirements specified under the School Code (Chapters 1000-1013, F.S.), or any other provisions of the Florida Statutes It is unclear how many, if any, such corporations exist because Florida law does not require state-level accounting of such corporations by the Department of Education or another state agency.

Other Provisions

The bill:

- Revises the definition of regular school attendance to mean full-time attendance in a specified school or program, and adds related conforming provisions.
- Updates the name of the Personal Learning Scholarship Accounts Program to the Gardiner Scholarship, consistent with law.

The bill takes effect July 1, 2018, except for the repeal of chapter 623 of the Florida Statutes.

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:

The revenue estimating conference estimated proposed language similar to SB 1172, except that the pertinent language in the proposal contained a description of what the contribution form, on which the necessary contribution election must be made, will contain.⁵⁴ This contribution form description may impact the participation rate, which could affect the bill's fiscal impact.⁵⁵

Based on the proposed language with the form description, the revenue estimating conference estimates that the proposed language will reduce General Revenue Fund receipts by at least \$7.9 million in Fiscal Year 2018-19 and each year thereafter.⁵⁶

⁵⁴ Florida Office of Economic and Demographic Research, *Revenue Estimating Conference, Proposed Language -- Hope Scholarship*, (Dec. 1, 2017), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/Impact1201.pdf (last visited Jan. 19, 2018).

⁵⁵ *Id.*

⁵⁶ *Id.*

B. Private Sector Impact:

Private schools that enroll students who receive a Hope Scholarship Program award may see an increase in revenue.⁵⁷

C. Government Sector Impact:

The Florida Department of Education estimates expenditures of \$325,500 to comply with the school visitation requirements established in the bill and an indeterminate amount to contract with an independent contractor for the detailed program review required.⁵⁸

The Florida Department of Revenue estimates that compliance with the bill's provisions related to tax information publication, business technology, and printing and mailing coupon books will cost the Department of Revenue \$94,345 in fiscal year 2017-18 and \$15,390 in fiscal year 2018-19.⁵⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.08, 1002.01, 1002.20, 1003.01, 1002.385, 1002.39, 1002.395, and 1003.26.

This bill creates sections 1002.40 and 212.1832 of the Florida Statutes.

This bill repeals chapter 623 and section 1002.43 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Education on January 22, 2018:

The committee substitute retains the substance of the bill with some modifications.

Specifically, the committee substitute modifies the provisions in the bill related to:

- Student eligibility criteria to require a formal report and a principal's determination that a reported incident is substantiated.
- School district obligations to specify responsibilities for the principal regarding the investigation, substantiation, resolution, and reporting of specified incidents.

⁵⁷ Florida Department of Education, *2018 Agency Legislative Bill Analysis: HB 1*, (Nov. 3, 2017), at 12. HB 1 is substantively the same as SB 1172.

⁵⁸ Florida Department of Education, *2018 Agency Legislative Bill Analysis: HB 1*, (Nov. 3, 2017), at 12. HB 1 is substantively the same as SB 1172.

⁵⁹ Florida Department of Revenue, *2018 Agency Legislative Bill Analysis: SB 1172* (Jan. 8, 2018), at 6.

- Department of Education’s (DOE’s/department’s) obligations regarding:
 - Contracting with an independent entity to require the entity to review the school climate and code of student conduct of the private school if one or more scholarship participants were involved in a reported incident at the school during the prior school year.
 - Scope of site visits by the department to include conditions specified in law in addition to the conditions specified in the bill.
 - Scope of follow-up site visits by the department to include visit to a school that is the subject of a violation complaint or is identified by an organization for a known or suspected violation.

The committee substitute also adds to the bill, provisions to:

- Clarify the definition of private school to mean a private school that registers with the DOE, in accordance with the law, in addition to meeting other criteria specified in law.
- Define a scholarship program to include the four state scholarship programs under chapter 1002 of the Florida Statutes.
- Revise the definition of regular school attendance to mean full-time attendance in a specified school or program, and adds related conforming provisions.

Finally, the committee substitute:

- Eliminates obsolete private tutoring programs.
- Repeals private schools established under chapter 623, private school corporations, and related provisions, effective July 1, 2019.
- Updates the name of the Personal Learning Scholarship Accounts Program to the Gardiner Scholarship Program, consistent with the law.
- Changes the effective date from upon becoming law to July 1, 2018, unless otherwise provided

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
	.	
	.	
	.	

The Committee on Education (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1002.40, Florida Statutes, is created to
read:

1002.40 The Hope Scholarship Program.-

(1) PURPOSE.-The Hope Scholarship Program is established to
provide the parent of a public school student who was the victim
of a substantiated incident of violence or abuse, as listed in
subsection (3), an opportunity to transfer the student to



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12 another public school or to request and receive from the state a
13 scholarship for the student to enroll in and attend an eligible
14 private school.

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

16 (a) "Department" means the Department of Education.

17 (b) "Eligible contribution" or "contribution" means a
18 monetary contribution from a person required to pay sales and
19 use tax on the purchase or acquisition of a motor vehicle,
20 subject to the restrictions provided in this section, to an
21 eligible nonprofit scholarship-funding organization. The
22 taxpayer making the contribution may not designate a specific
23 student as the beneficiary of the contribution.

24 (c) "Eligible nonprofit scholarship-funding organization"
25 or "organization" has the same meaning as provided in s.
26 1002.395(2)(f), as determined by the department.

27 (d) "Eligible private school" has the same meaning as
28 provided in s. 1002.395(2)(g), as determined by the department.

29 (e) "Motor vehicle" has the same meaning as provided in s.
30 320.01(1)(a), but does not include heavy trucks, truck tractors,
31 trailers, and motorcycles.

32 (f) "Parent" means a resident of this state who is a
33 parent, as defined in s. 1000.21, and whose public school
34 student was the victim of a reported incident, as listed in
35 subsection (3).

36 (g) "Program" means the Hope Scholarship Program.

37 (h) "School" includes any educational program or activity
38 conducted by a public K-12 educational institution, any school-
39 related or school-sponsored program or activity, and riding on a
40 school bus, as defined in s. 1006.25(1), including waiting at a



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41 school bus stop.

42 (i) "Unweighted FTE funding amount" means the statewide
43 average total funds per unweighted full-time equivalent funding
44 amount that is incorporated by reference in the General
45 Appropriations Act for the applicable state fiscal year.

46 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
47 school year, contingent upon available funds, and on a first-
48 come, first-served basis, a student enrolled full time in a
49 Florida public school in kindergarten through grade 12 is
50 eligible for a scholarship under this program if all of the
51 following conditions are met:

52 (a) The student is the victim of a substantiated incident
53 of battery; harassment; hazing; bullying; kidnapping; physical
54 attack; robbery; sexual offenses, harassment, assault, or
55 battery; threat or intimidation; or fighting at school.

56 (b) The incident is formally reported by the victim or the
57 victim's parent to the principal.

58 (c) Through an investigation, the principal finds that the
59 incident is substantiated.

60 (d) The principal's investigation remains open or the
61 district's resolution of issues related to the incident remain
62 unresolved after timely notification, deliberative evaluation,
63 and 30 days of responsible and appropriate action taken in
64 accordance with paragraph (5) (a).

65 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship may not
66 be made if a student is:

67 (a) Enrolled in a public school, including, but not limited
68 to, the Florida School for the Deaf and the Blind; the College-
69 Preparatory Boarding Academy; the Florida Virtual School; a



70 developmental research school authorized under s. 1002.32; or a
71 charter school authorized under s. 1002.33, s. 1002.331, s.
72 1002.332, or s. 1002.333;

73 (b) Enrolled in a school operating for the purpose of
74 providing educational services to youth in the Department of
75 Juvenile Justice commitment programs;

76 (c) Participating in a virtual school, correspondence
77 school, or distance learning program that receives state funding
78 pursuant to the student's participation unless the participation
79 is limited to no more than two courses per school year;

80 (d) Receiving any other educational scholarship pursuant to
81 this chapter; or

82 (e) Participating in a home education program, as defined
83 in s. 1002.01.

84 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

85 (a)1. Within 24 hours after receipt of a formal report of
86 an incident listed in subsection (3)(a), the principal shall
87 provide a copy of the report to the victim's parent and the
88 alleged offender's parent. The report must include a statement
89 of the expected investigative actions and the timeline for
90 reporting the outcome of the investigation. Within 24 hours
91 after receipt of the formal report, the principal must also
92 provide the superintendent with a copy of the report and
93 verification that the parents of the victim and the alleged
94 offender have been provided a copy of the incident report and
95 other required information.

96 2. In accordance with s. 1006.09, the principal must
97 investigate the incident to determine if the incident is
98 substantiated or unsubstantiated, and if the incident must be



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99 reported. The principal may, at his or her discretion, determine
100 the extent to which each student was engaged in instigating,
101 initiating, or reacting to a physical altercation, and may
102 consider such information when evaluating and determining
103 appropriate disciplinary actions and investigation outcomes.

104 3. During the investigation period, the principal and the
105 superintendent shall take all necessary actions to continue the
106 educational services of students involved in the reported
107 incident while taking every reasonable precaution to keep the
108 alleged offender separated from the victim or any sibling of the
109 victim while on school grounds or on school transportation,
110 pursuant to ss. 1006.09, 1006.13, and 1006.147, as appropriate.

111 4. Upon the principal's determination that an alleged
112 incident is unsubstantiated or the resolution of issues related
113 to a substantiated incident or within 15 days after the incident
114 was reported, whichever occurs first, the principal must report
115 to the victim's parent and the alleged offender's parent the
116 findings, outcome, or status of the investigation. The principal
117 shall continue to provide such reports to the parents at least
118 every 15 days until the investigation concludes and issues
119 associated with the incident are resolved.

120 5. If the principal's investigation into the incident
121 remains open more than 30 days after the date a substantiated
122 incident was reported or issues associated with the incident
123 remain unresolved the school district, in accordance with the
124 school district's code of student conduct, shall notify the
125 victim's parent of the availability of the program and offer
126 that parent an opportunity to enroll his or her student in
127 another public school or to request and receive a scholarship to



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128 attend an eligible private school, subject to available funding.

129 6. To facilitate timely, appropriate, and fiscally
130 accountable scholarship payments, school districts must report
131 and verify student enrollment information during and outside of
132 regular FTE student enrollment survey periods, as requested by
133 the department pursuant to paragraph (7) (d).

134 (b)1. A parent who, pursuant to s. 1002.31, chooses to
135 enroll his or her student in a Florida public school located
136 outside the district in which the student resides shall be
137 eligible for a scholarship under paragraph (11) (b) to transport
138 the student.

139 2. For each student participating in the program in a
140 private school who chooses to participate in the statewide
141 assessments under s. 1008.22 or the Florida Alternate
142 Assessment, the school district in which the student resides
143 must notify the student and his or her parent about the
144 locations and times to take all statewide assessments.

145 (6) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
146 private school may be sectarian or nonsectarian and shall:

147 (a) Meet the definition of a private school in s. 1002.01
148 and comply with all requirements for private schools
149 participating in state school choice scholarship programs
150 pursuant to this section and s. 1002.421.

151 (b) Provide to the organization and the department, upon
152 request, all documentation required for the student's
153 participation, including, but not limited to, the private
154 school's and the student's fee schedules.

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



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

159 2. Annually administering or making provision for students
160 participating in the program in grades 3 through 10 to take one
161 of the nationally norm-referenced tests identified by the
162 department or the statewide assessments pursuant to s. 1008.22.
163 Students with disabilities for whom standardized testing is not
164 appropriate are exempt from this requirement. A participating
165 private school shall report a student's scores to his or her
166 parent.

167 3. Cooperating with the student whose parent chooses to
168 have the student participate in the statewide assessments
169 pursuant to s. 1008.22 or, if a private school chooses to offer
170 the statewide assessments, administering the assessments at the
171 school.

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

175 b. A participating private school shall submit a request in
176 writing to the department by March 1 of each year in order to
177 administer the statewide assessments in the subsequent school
178 year.

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

182 (e) Maintain in this state a physical location where a
183 scholarship student regularly attends classes.

184 (f) Provide a report from an independent certified public
185 accountant who performs the agreed-upon procedures developed



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186 under s. 1002.395(6)(o) if the private school receives more than
187 \$250,000 in funds from scholarships awarded under this section
188 in a state fiscal year. A private school subject to this
189 paragraph must annually submit the report by September 15 to the
190 organization that awarded the majority of the school's
191 scholarship funds. The agreed-upon procedures must be conducted
192 in accordance with attestation standards established by the
193 American Institute of Certified Public Accountants.

194
195 The failure of a private school to meet the requirements of this
196 subsection constitutes a basis for the ineligibility of the
197 private school to participate in the program, as determined by
198 the department.

199 (7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
200 shall:

201 (a) Establish a toll-free hotline that provides parents and
202 private schools with information on participation in the
203 program.

204 (b) Annually verify the eligibility of private schools that
205 meet the requirements of subsection (6).

206 (c) Require an annual notarized and sworn compliance
207 statement by participating private schools certifying compliance
208 with state laws and retain such records.

209 (d) Cross-check the list of participating students with the
210 public school enrollment lists and participation lists in other
211 scholarship programs established under this chapter before each
212 scholarship payment to avoid duplication.

213 (e) Maintain a list of nationally norm-referenced tests
214 identified for purposes of satisfying the testing requirement in



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215 paragraph (9) (f). The tests must meet industry standards of
216 quality in accordance with State Board of Education rule.

217 (f) Require quarterly reports by an eligible nonprofit
218 scholarship-funding organization regarding the number of
219 students participating in the scholarship program, the private
220 schools in which the students are enrolled, and other
221 information deemed necessary by the department.

222 (g) Contract with an independent entity to provide an
223 annual evaluation of the program by:

224 1. Reviewing the school climate and code of student conduct
225 of each public school that reported the occurrence of a monthly
226 average of 10 or more substantiated incidents to determine areas
227 in the school or school district procedures involving reporting,
228 investigating, and communicating a parent's and student's rights
229 which are in need of improvement. At a minimum, the review must
230 include:

231 a. An assessment of the investigation time and quality of
232 the response of the school and the school district;

233 b. An assessment of the effectiveness of communication
234 procedures with the students involved in an incident, the
235 students' parents, and the school and school district personnel;

236 c. An analysis of school incident and discipline data; and

237 d. The challenges and obstacles relating to implementing
238 recommendations from this review.

239 2. Reviewing the school climate and code of student conduct
240 of each public school a student transferred to if the student
241 was from a school identified in subparagraph 1. in order to
242 identify best practices and make recommendations to a public
243 school at which the incidents occurred.



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244 3. Reviewing the performance of participating students
245 enrolled in a private school in which the majority of the
246 school's total enrolled students in the prior school year
247 participated in one or more scholarship programs, as defined in
248 s. 1002.01, in which there are at least 10 participating
249 students who have scores for tests administered; and reviewing
250 the school climate and code of student conduct of the private
251 school if one or more scholarship participants were involved in
252 a reported incident at the school during the prior school year.

253 4. Surveying the parents of participating students to
254 determine academic, safety, and school climate satisfaction and
255 to identify any challenges or obstacles in addressing the
256 incident or relating to the use of the scholarship.

257 (h) Upon the request of a participating private school,
258 provide at no cost to the school the statewide assessments
259 administered under s. 1008.22 and any related materials for
260 administering the assessments. Students at a private school may
261 be assessed using the statewide assessments if the addition of
262 those students and the school does not cause the state to exceed
263 its contractual caps for the number of students tested and the
264 number of testing sites. The state shall provide the same
265 materials and support to a private school that it provides to a
266 public school. A private school that chooses to administer
267 statewide assessments under s. 1008.22 shall follow the
268 requirements set forth in ss. 1008.22 and 1008.24, rules adopted
269 by the State Board of Education to implement those sections, and
270 district-level testing policies established by the district
271 school board.

272 (i) Establish a process by which individuals may notify the



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273 department of any violation by a parent, private school, or
274 school district of state laws relating to program participation.
275 The department shall conduct an inquiry or make a referral to
276 the appropriate agency for an investigation of any written
277 complaint of a violation of this section if the complaint is
278 signed by the complainant and is legally sufficient. A complaint
279 is legally sufficient if such complaint contains ultimate facts
280 that show that a violation of this section or any rule adopted
281 by the State Board of Education pursuant to this section has
282 occurred. In order to determine legal sufficiency, the
283 department may require supporting information or documentation
284 from the complainant. A department inquiry is not subject to the
285 requirements of chapter 120.

286 (j)1. Conduct site visits to participating private schools.
287 The purpose of the site visits is solely to verify the
288 information reported by the schools concerning the enrollment
289 and attendance of students, the credentials of teachers,
290 background screening of teachers, teachers' fingerprinting
291 results, and other conditions required pursuant to s. 1002.421
292 and this section. The department may not make more than seven
293 site visits each year; however, the department may make
294 additional site visits at any time to a school that is the
295 subject of a violation complaint submitted pursuant to paragraph
296 (i), is identified by an organization for a known or suspected
297 violation, or has received a notice of noncompliance or a notice
298 of proposed action within the current year or the previous 2
299 years.

300 2. Annually, by December 15, report to the Governor, the
301 President of the Senate, and the Speaker of the House of



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302 Representatives the department's actions with respect to
303 implementing accountability in the program under this section
304 and s. 1002.421, any substantiated allegations or violations of
305 law or rule by an eligible private school under this program and
306 the corrective action taken by the department.

307 (8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

308 (a) The Commissioner of Education:

309 1. Shall deny, suspend, or revoke a private school's
310 participation in the program if it is determined that the
311 private school has failed to comply with the provisions of this
312 section. However, if the noncompliance is correctable within a
313 reasonable amount of time and if the health, safety, or welfare
314 of the students is not threatened, the commissioner may issue a
315 notice of noncompliance which provides the private school with a
316 timeframe within which to provide evidence of compliance before
317 taking action to suspend or revoke the private school's
318 participation in the program.

319 2. May deny, suspend, or revoke a private school's
320 participation in the program if the commissioner determines that
321 an owner or operator of the private school is operating or has
322 operated an educational institution in this state or in another
323 state or jurisdiction in a manner contrary to the health,
324 safety, or welfare of the public.

325 a. In making such a determination, the commissioner may
326 consider factors that include, but are not limited to, acts or
327 omissions by an owner or operator which led to a previous denial
328 or revocation of participation in an education scholarship
329 program; an owner's or operator's failure to reimburse the
330 department for scholarship funds improperly received or retained



331 by a school; imposition of a prior criminal sanction related to
332 an owner's or operator's management or operation of an
333 educational institution; imposition of a civil fine or
334 administrative fine, license revocation or suspension, or
335 program eligibility suspension, termination, or revocation
336 related to an owner's or operator's management or operation of
337 an educational institution; or other types of criminal
338 proceedings in which an owner or operator was found guilty of,
339 regardless of adjudication, or entered a plea of nolo contendere
340 or guilty to, any offense involving fraud, deceit, dishonesty,
341 or moral turpitude.

342 b. For purposes of this subparagraph, the term "owner or
343 operator" includes an owner, operator, superintendent, or
344 principal of, or a person who has equivalent decisionmaking
345 authority over, a private school participating in the
346 scholarship program.

347 (b) The commissioner's determination is subject to the
348 following:

349 1. If the commissioner intends to deny, suspend, or revoke
350 a private school's participation in the program, the department
351 shall notify the private school of such proposed action in
352 writing by certified mail and regular mail to the private
353 school's address of record with the department. The notification
354 shall include the reasons for the proposed action and notice of
355 the timelines and procedures set forth in this paragraph.

356 2. The private school that is adversely affected by the
357 proposed action shall have 15 days after receipt of the notice
358 of proposed action to file with the department's agency clerk a
359 request for a proceeding pursuant to ss. 120.569 and 120.57. If



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360 the private school is entitled to a hearing under s. 120.57(1),
361 the department shall refer the request to the Division of
362 Administrative Hearings.

363 3. Upon receipt of a request referred pursuant to this
364 paragraph, the director of the Division of Administrative
365 Hearings shall expedite the hearing and assign an administrative
366 law judge who shall commence a hearing within 30 days after the
367 receipt of the formal written request by the division and enter
368 a recommended order within 30 days after the hearing or within
369 30 days after receipt of the hearing transcript, whichever is
370 later. Each party shall be allowed 10 days in which to submit
371 written exceptions to the recommended order. A final order shall
372 be entered by the agency within 30 days after the entry of a
373 recommended order. The provisions of this subparagraph may be
374 waived upon stipulation by all parties.

375 (c) The commissioner may immediately suspend payment of
376 scholarship funds if it is determined that there is probable
377 cause to believe that there is:

378 1. An imminent threat to the health, safety, or welfare of
379 the students; or

380 2. Fraudulent activity on the part of the private school.
381 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
382 activity pursuant to this section, the department's Office of
383 Inspector General is authorized to release personally
384 identifiable records or reports of students to the following
385 persons or organizations:

386 a. A court of competent jurisdiction in compliance with an
387 order of that court or the attorney of record in accordance with
388 a lawfully issued subpoena, consistent with the Family



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389 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

390 b. A person or entity authorized by a court of competent
391 jurisdiction in compliance with an order of that court or the
392 attorney of record pursuant to a lawfully issued subpoena,
393 consistent with the Family Educational Rights and Privacy Act,
394 20 U.S.C. s. 1232g.

395 c. Any person, entity, or authority issuing a subpoena for
396 law enforcement purposes when the court or other issuing agency
397 has ordered that the existence or the contents of the subpoena
398 or the information furnished in response to the subpoena not be
399 disclosed, consistent with the Family Educational Rights and
400 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

401
402 The commissioner's suspension of payment pursuant to this
403 paragraph may be appealed pursuant to the same procedures and
404 timelines as the notice of proposed action set forth in
405 paragraph (b).

406 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
407 PARTICIPATION.—A parent who applies for a Hope Scholarship is
408 exercising his or her parental option to place his or her
409 student in an eligible private school.

410 (a) The parent must select an eligible private school and
411 apply for the admission of his or her student.

412 (b) The parent must inform the student's school district
413 when the parent withdraws his or her student to attend an
414 eligible private school.

415 (c) Any student participating in the program must comply
416 with the regular attendance requirements of s. 1003.01(13) and
417 remain in attendance throughout the school year unless excused



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418 by the school for illness or other good cause.

419 (d) Each parent and each student has an obligation to the
420 private school to comply with the private school's published
421 policies.

422 (e) Upon reasonable notice to the department and the school
423 district, the parent may remove the student from the private
424 school and place the student in a public school in accordance
425 with this section.

426 (f) The parent must ensure that the student participating
427 in the program takes the norm-referenced assessment offered by
428 the private school. The parent may also choose to have the
429 student participate in the statewide assessments pursuant to s.
430 1008.22. If the parent requests that the student participating
431 in the program take the statewide assessments pursuant to s.
432 1008.22 and the private school has not chosen to offer and
433 administer the statewide assessments, the parent is responsible
434 for transporting the student to the assessment site designated
435 by the school district.

436 (g) Upon receipt of a scholarship warrant, the parent to
437 whom the warrant is made must restrictively endorse the warrant
438 to the private school for deposit into the account of the
439 private school. The parent may not designate any entity or
440 individual associated with the participating private school as
441 the parent's attorney in fact to endorse a scholarship warrant.
442 A parent who fails to comply with this paragraph forfeits the
443 scholarship.

444 (10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING
445 ORGANIZATIONS.—An organization may establish scholarships for
446 eligible students by:



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447 (a) Receiving applications and determining student
448 eligibility in accordance with the requirements of this section.

449 (b) Notifying parents of their receipt of a scholarship on
450 a first-come, first-served basis, based upon available funds.

451 (c) Preparing and submitting quarterly and annual reports
452 to the department pursuant to paragraphs (7)(f) and (g). In
453 addition, an eligible nonprofit scholarship-funding organization
454 must submit in a timely manner any information requested by the
455 department relating to the scholarship program.

456 (d) Notifying the department of any known or suspected
457 violation of this section by a private school, parent, or
458 student.

459 (11) FUNDING AND PAYMENT.—

460 (a) The maximum amount awarded to a student enrolled in an
461 eligible private school shall be determined as a percentage of
462 the unweighted FTE funding amount for that state fiscal year and
463 thereafter as follows:

464 1. Eighty-eight percent for a student enrolled in
465 kindergarten through grade 5.

466 2. Ninety-two percent for a student enrolled in grade 6
467 through grade 8.

468 3. Ninety-six percent for a student enrolled in grade 9
469 through grade 12.

470 (b) The maximum amount awarded to a student enrolled in a
471 Florida public school located outside of the district in which
472 the student resides shall be \$750.

473 (c) When a student enters the program, the organization
474 must receive all documentation required for the student's
475 participation, including a copy of the report of the



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476 substantiated incident received pursuant to subsection (5) and
477 the private school's and the student's fee schedules. The
478 initial payment shall be made after verification of admission
479 acceptance, and subsequent payments shall be made upon
480 verification of continued enrollment and attendance at the
481 private school.

482 (d) Payment of the scholarship by the eligible nonprofit
483 scholarship-funding organization shall be by individual warrant
484 made payable to the student's parent. If the parent chooses that
485 his or her student attend an eligible private school, the
486 warrant must be delivered by the eligible nonprofit scholarship-
487 funding organization to the private school of the parent's
488 choice, and the parent shall restrictively endorse the warrant
489 to the private school.

490 (e) An eligible nonprofit scholarship-funding organization
491 shall obtain verification from the private school of a student's
492 continued attendance at the school for each period covered by a
493 scholarship payment.

494 (f) Payment of the scholarship shall be made by the
495 eligible nonprofit scholarship-funding organization no less
496 frequently than on a quarterly basis.

497 (g) An organization may use up to 3 percent of eligible
498 contributions received during the state fiscal year in which
499 such contributions are collected for administrative expenses if
500 the organization has operated as an eligible nonprofit
501 scholarship-funding organization for at least the preceding 3
502 fiscal years and did not have any findings of material weakness
503 or material noncompliance in its most recent audit under s.
504 1002.395(6) (m). Such administrative expenses must be reasonable



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505 and necessary for the organization's management and distribution
506 of eligible contributions under this section. Funds authorized
507 under this paragraph may not be used for lobbying or political
508 activity or expenses related to lobbying or political activity.
509 Up to one-third of the funds authorized for administrative
510 expenses under this paragraph may be used for expenses related
511 to the recruitment of contributions from taxpayers. An eligible
512 nonprofit scholarship-funding organization may not charge an
513 application fee.

514 (h) Moneys received pursuant to this section do not
515 constitute taxable income to the qualified student or his or her
516 parent.

517 (12) OBLIGATIONS OF THE AUDITOR GENERAL.—

518 (a) The Auditor General shall conduct an annual operational
519 audit of accounts and records of each organization that
520 participates in the program. As part of this audit, the Auditor
521 General shall verify, at a minimum, the total number of students
522 served and transmit that information to the department. The
523 Auditor General shall provide the commissioner with a copy of
524 each annual operational audit performed pursuant to this
525 subsection within 10 days after the audit is finalized.

526 (b) The Auditor General shall notify the department of any
527 organization that fails to comply with a request for
528 information.

529 (13) SCHOLARSHIP FUNDING TAX CREDITS.—

530 (a) A tax credit is available under s. 212.1832 for use by
531 a taxpayer that makes an eligible contribution to the program.
532 Each eligible contribution is limited to a single payment of \$20
533 at the time of purchase of a motor vehicle or a single payment



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534 of \$20 at the time of registration of a motor vehicle that was
535 not purchased from a dealer. An eligible contribution shall be
536 accompanied by an election to contribute to the program and
537 shall be made by the purchaser at the time of purchase or at the
538 time of registration on a form provided by the Department of
539 Revenue. Payments of contributions shall be made to a dealer, as
540 defined in chapter 212, at the time of purchase of a motor
541 vehicle or to an agent of the Department of Revenue, as
542 designated by s. 212.06(10), at the time of registration of a
543 motor vehicle that was not purchased from a dealer.

544 (b) A tax collector or any person or firm authorized to
545 sell or issue a motor vehicle license who is designated as an
546 agent of the Department of Revenue pursuant to s. 212.06(10) or
547 who is a dealer shall:

548 1. Provide the purchaser the contribution election form, as
549 prescribed by the Department of Revenue, at the time of purchase
550 of a motor vehicle or at the time of registration of a motor
551 vehicle that was not purchased from a dealer.

552 2. Collect eligible contributions.

553 3. Using a form provided by the Department of Revenue,
554 which shall include the dealer's or agent's federal employer
555 identification number, remit to an organization on or before the
556 20th day of each month the total amount of contributions made to
557 that organization and collected during the preceding calendar
558 month.

559 4. Report on each return filed with the Department of
560 Revenue the total amount of credits allowed under s. 212.1832
561 during the preceding calendar month.

562 (c) An organization shall report to the Department of



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563 Revenue, on or before the 20th day of each month, the total
564 amount of contributions received pursuant to paragraph (b) in
565 the preceding calendar month on a form provided by the
566 Department of Revenue. Such report shall include the federal
567 employer identification number of each tax collector, authorized
568 agent of the Department of Revenue, or dealer who remitted
569 contributions to the organization during that reporting period.

570 (d) A person who, with intent to unlawfully deprive or
571 defraud the program of its moneys or the use or benefit thereof,
572 fails to remit a contribution collected under this section is
573 guilty of theft of charitable funds, punishable as follows:

574 1. If the total amount stolen is less than \$300, the
575 offense is a misdemeanor of the second degree, punishable as
576 provided in s. 775.082 or s. 775.083. Upon a second conviction,
577 the offender is guilty of a misdemeanor of the first degree,
578 punishable as provided in s. 775.082 or s. 775.083. Upon a third
579 or subsequent conviction, the offender is guilty of a felony of
580 the third degree, punishable as provided in s. 775.082, s.
581 775.083, or s. 775.084.

582 2. If the total amount stolen is \$300 or more, but less
583 than \$20,000, the offense is a felony of the third degree,
584 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

585 3. If the total amount stolen is \$20,000 or more, but less
586 than \$100,000, the offense is a felony of the second degree,
587 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

588 4. If the total amount stolen is \$100,000 or more, the
589 offense is a felony of the first degree, punishable as provided
590 in s. 775.082, s. 775.083, or s. 775.084.

591 (e) A person convicted of an offense under paragraph (d)



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592 shall be ordered by the sentencing judge to make restitution to
593 the organization in the amount that was stolen from the program.

594 (14) LIABILITY.—The state is not liable for the award or
595 any use of awarded funds under this section.

596 (15) SCOPE OF AUTHORITY.—This section does not expand the
597 regulatory authority of this state, its officers, or any school
598 district to impose additional regulation on participating
599 private schools beyond those reasonably necessary to enforce
600 requirements expressly set forth in this section.

601 (16) RULES.—The State Board of Education shall adopt rules
602 to administer this section.

603 Section 2. Section 212.1832, Florida Statutes, is created
604 to read:

605 212.1832 Credit for contributions to the Hope Scholarship
606 Program.—

607 (1) There is allowed a credit of 100 percent of an eligible
608 contribution made to an eligible nonprofit scholarship-funding
609 organization under s. 1002.40 against any tax imposed by the
610 state and due under this chapter as a result of the purchase or
611 acquisition of a motor vehicle. The credit may not exceed the
612 tax otherwise owed.

613 (2) For purposes of the distributions of tax revenue under
614 s. 212.20, the department shall disregard any tax credits
615 allowed under this section to ensure that any reduction in tax
616 revenue received that is attributable to the tax credits results
617 only in a reduction in distributions to the General Revenue
618 Fund. The provisions of s. 1002.40 apply to the credit
619 authorized by this section.

620 Section 3. Section 1002.01, Florida Statutes, is amended to



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621 read:

622 1002.01 Definitions.—

623 (1) A “home education program” means the sequentially
624 progressive instruction of a student directed by his or her
625 parent in order to satisfy the attendance requirements of ss.
626 1002.41, 1003.01(13), and 1003.21(1).

627 (2) A “private school” is a nonpublic school that is
628 registered in accordance with s. 1002.42 and is defined as an
629 individual, association, copartnership, or corporation, or
630 department, division, or section of such organizations, that
631 designates itself as an educational center that includes
632 kindergarten or a higher grade or as an elementary, secondary,
633 business, technical, or trade school below college level or any
634 organization that provides instructional services that meet the
635 intent of s. 1003.01(13) or that gives preemployment or
636 supplementary training in technology or in fields of trade or
637 industry or that offers academic, literary, or career training
638 below college level, or any combination of the above, including
639 an institution that performs the functions of the above schools
640 through correspondence or extension, except those licensed under
641 the provisions of chapter 1005. A private school may be a
642 parochial, religious, denominational, for-profit, or nonprofit
643 school attended by a student in order to satisfy the attendance
644 requirements of s. 1003.01(13). This definition does not include
645 home education programs conducted in accordance with s. 1002.41.

646 (3) For purposes of this chapter, a “scholarship program”
647 means any one of the following:

648 (a) The Opportunity Scholarship Program established
649 pursuant to s. 1002.38.



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650 (b) The Gardiner Scholarship Program established pursuant
651 to s. 1002.385.

652 (c) The John M. McKay Scholarships for Students with
653 Disabilities Program established pursuant to s. 1002.39.

654 (d) The Florida Tax Credit Scholarship Program established
655 pursuant to s. 1002.395.

656 (e) The Hope Scholarship Program established pursuant to s.
657 1002.40.

658 Section 4. Paragraph (b) of subsection (2) and subsection
659 (6) of section 1002.20, Florida Statutes, are amended to read:

660 1002.20 K-12 student and parent rights.—Parents of public
661 school students must receive accurate and timely information
662 regarding their child's academic progress and must be informed
663 of ways they can help their child to succeed in school. K-12
664 students and their parents are afforded numerous statutory
665 rights including, but not limited to, the following:

666 (2) ATTENDANCE.—

667 (b) *Regular school attendance.*—Parents of students who have
668 attained the age of 6 years by February 1 of any school year but
669 who have not attained the age of 16 years must comply with the
670 compulsory school attendance laws. Parents have the option to
671 comply with the school attendance laws by attendance of the
672 student in a public school; a private parochial, religious, or
673 denominational school; a private school; or a home education
674 program; ~~or a private tutoring program~~, in accordance with ~~the~~
675 ~~provisions of~~ s. 1003.01(13).

676 (6) EDUCATIONAL CHOICE.—

677 (a) *Public educational school choices.*—Parents of public
678 school students may seek any public educational school choice



679 options that are applicable and available to students throughout
680 the state. These options may include controlled open enrollment,
681 single-gender programs, lab schools, virtual instruction
682 programs, charter schools, charter technical career centers,
683 magnet schools, alternative schools, special programs, auditory-
684 oral education programs, advanced placement, dual enrollment,
685 International Baccalaureate, International General Certificate
686 of Secondary Education (pre-AICE), CAPE digital tools, CAPE
687 industry certifications, collegiate high school programs,
688 Advanced International Certificate of Education, early
689 admissions, credit by examination or demonstration of
690 competency, the New World School of the Arts, the Florida School
691 for the Deaf and the Blind, and the Florida Virtual School.
692 These options may also include the public educational choice
693 options of the Opportunity Scholarship Program and the McKay
694 Scholarships for Students with Disabilities Program.

695 (b) *Private educational choices.*—The parent of a student
696 may choose to enroll the student in a private school, as defined
697 in s. 1002.01(2). Parents of public school students may seek
698 private educational choice options under certain programs.

699 1. Under the McKay Scholarships for Students with
700 Disabilities Program, the parent of a public school student with
701 a disability may request and receive a McKay Scholarship for the
702 student to attend a private school in accordance with s.
703 1002.39.

704 2. Under the Florida Tax Credit Scholarship Program, the
705 parent of a student who qualifies for free or reduced-price
706 school lunch or who is currently placed, or during the previous
707 state fiscal year was placed, in foster care as defined in s.



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708 39.01 may seek a scholarship from an eligible nonprofit
709 scholarship-funding organization in accordance with s. 1002.395.

710 3. Under the Gardiner Scholarship Program ~~Florida Personal~~
711 ~~Learning Scholarship Accounts Program~~, the parent of a student
712 with a qualifying disability may apply for a Gardiner
713 Scholarship ~~personal learning scholarship~~ to be used for
714 individual educational needs in accordance with s. 1002.385.

715 4. Under the Hope Scholarship Program, the parent of a
716 student who was the victim of a substantiated incident of
717 violence or abuse while attending a public school may seek a
718 scholarship for the student to attend a private school in
719 accordance with s. 1002.40.

720 (c) *Home education.*—The parent of a student may choose to
721 place the student in a home education program, as defined in s.
722 1002.01(1), in accordance with ~~the provisions of~~ s. 1002.41.

723 ~~(d) Private tutoring.~~ ~~The parent of a student may choose to~~
724 ~~place the student in a private tutoring program in accordance~~
725 ~~with the provisions of s. 1002.43(1).~~

726 Section 5. Subsection (13) of section 1003.01, Florida
727 Statutes, is amended to read:

728 1003.01 Definitions.—As used in this chapter, the term:

729 (13) "Regular school attendance" means the actual
730 attendance of a student during the school day as defined by law
731 and rules of the State Board of Education. Regular attendance
732 within the intent of s. 1003.21 may be achieved by a student's
733 full-time attendance in one of the following options:

734 (a) A public school supported by public funds, including,
735 but not limited to, the Florida School for the Deaf and the
736 Blind, the Florida Virtual School, a developmental research



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737 school, and a charter school established pursuant to chapter
738 1002.~~†~~

739 ~~(b) A parochial, religious, or denominational school;~~

740 (b)(e) A private school, as defined in s. 1002.01(2) and in
741 compliance with s. 1002.42, including, but not limited to, a
742 private parochial, religious, or denominational school; and a
743 private school supported in whole or in part by tuition charges
744 or by endowments or gifts. This option includes an eligible
745 private school in which a student attends as a participant in a
746 scholarship program, as defined in s. 1002.01(3).~~†~~

747 (c)(d) A home education program, as defined in s.
748 1002.01(1), which ~~that~~ meets the requirements of chapter 1002.~~†~~
749 ~~or~~

750 ~~(e) A private tutoring program that meets the requirements~~
751 ~~of chapter 1002.~~

752 Section 6. Paragraphs (d) and (h) of subsection (5) and
753 paragraph (a) of subsection (11) of section 1002.385, Florida
754 Statutes, are amended to read:

755 1002.385 The Gardiner Scholarship.—

756 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
757 used to meet the individual educational needs of an eligible
758 student and may be spent for the following purposes:

759 (d) Enrollment in, or tuition or fees associated with
760 enrollment in, a home education program, an eligible private
761 school, an eligible postsecondary educational institution or a
762 program offered by the institution, ~~a private tutoring program~~
763 ~~authorized under s. 1002.43,~~ a virtual program offered by a
764 department-approved private online provider that meets the
765 provider qualifications specified in s. 1002.45(2)(a), the



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766 Florida Virtual School as a private paying student, or an
767 approved online course offered pursuant to s. 1003.499 or s.
768 1004.0961.

769 (h) Tuition and fees for part-time tutoring services
770 provided by a person who holds a valid Florida educator's
771 certificate pursuant to s. 1012.56; a person who holds an
772 adjunct teaching certificate pursuant to s. 1012.57; or a person
773 who has demonstrated a mastery of subject area knowledge
774 pursuant to s. 1012.56(5). As used in this paragraph, the term
775 "part-time tutoring services" does not qualify as regular school
776 attendance as defined in s. 1003.01(13) ~~s. 1003.01(13)(e)~~.

777
778 A provider of any services receiving payments pursuant to this
779 subsection may not share, refund, or rebate any moneys from the
780 Gardiner Scholarship with the parent or participating student in
781 any manner. A parent, student, or provider of any services may
782 not bill an insurance company, Medicaid, or any other agency for
783 the same services that are paid for using Gardiner Scholarship
784 funds.

785 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
786 PARTICIPATION.—A parent who applies for program participation
787 under this section is exercising his or her parental option to
788 determine the appropriate placement or the services that best
789 meet the needs of his or her child. The scholarship award for a
790 student is based on a matrix that assigns the student to support
791 Level III services. If a parent receives an IEP and a matrix of
792 services from the school district pursuant to subsection (7),
793 the amount of the payment shall be adjusted as needed, when the
794 school district completes the matrix.



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795 (a) To satisfy or maintain program eligibility, including
796 eligibility to receive and spend program payments, the parent
797 must sign an agreement with the organization and annually submit
798 a notarized, sworn compliance statement to the organization to:

799 1. Affirm that the student is enrolled in a program that
800 meets regular school attendance requirements as provided in s.
801 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b) - (d)~~.

802 2. Affirm that the program funds are used only for
803 authorized purposes serving the student's educational needs, as
804 described in subsection (5).

805 3. Affirm that the parent is responsible for the education
806 of his or her student by, as applicable:

807 a. Requiring the student to take an assessment in
808 accordance with paragraph (8)(c);

809 b. Providing an annual evaluation in accordance with s.
810 1002.41(1)(c); or

811 c. Requiring the child to take any preassessments and
812 postassessments selected by the provider if the child is 4 years
813 of age and is enrolled in a program provided by an eligible
814 Voluntary Prekindergarten Education Program provider. A student
815 with disabilities for whom a preassessment and postassessment is
816 not appropriate is exempt from this requirement. A participating
817 provider shall report a student's scores to the parent.

818 4. Affirm that the student remains in good standing with
819 the provider or school if those options are selected by the
820 parent.

821
822 A parent who fails to comply with this subsection forfeits the
823 Gardiner Scholarship.



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824 Section 7. Subsection (3) of section 1002.39, Florida
825 Statutes, is amended to read:

826 1002.39 The John M. McKay Scholarships for Students with
827 Disabilities Program.—There is established a program that is
828 separate and distinct from the Opportunity Scholarship Program
829 and is named the John M. McKay Scholarships for Students with
830 Disabilities Program.

831 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
832 not eligible for a John M. McKay Scholarship:

833 (a) While he or she is enrolled in a school operating for
834 the purpose of providing educational services to youth in
835 Department of Juvenile Justice commitment programs;

836 (b) While he or she is receiving a Florida tax credit
837 scholarship under s. 1002.395;

838 (c) While he or she is receiving an educational scholarship
839 pursuant to this chapter;

840 (d) While he or she is participating in a home education
841 program as defined in s. 1002.01(1);

842 ~~(e) While he or she is participating in a private tutoring~~
843 ~~program pursuant to s. 1002.43;~~

844 (e) ~~(f)~~ While he or she is participating in a virtual
845 school, correspondence school, or distance learning program that
846 receives state funding pursuant to the student's participation
847 unless the participation is limited to no more than two courses
848 per school year;

849 (f) ~~(g)~~ While he or she is enrolled in the Florida School
850 for the Deaf and the Blind;

851 (g) ~~(h)~~ While he or she is not having regular and direct
852 contact with his or her private school teachers at the school's



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853 physical location unless he or she is enrolled in the private
854 school's transition-to-work program pursuant to subsection (10);
855 or

856 (h)~~(i)~~ If he or she has been issued a temporary 504
857 accommodation plan under s. 504 of the Rehabilitation Act of
858 1973 which is valid for 6 months or less.

859 Section 8. Subsection (4) of section 1002.395, Florida
860 Statutes, is amended to read:

861 1002.395 Florida Tax Credit Scholarship Program.—

862 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
863 a scholarship while he or she is:

864 (a) Enrolled in a school operating for the purpose of
865 providing educational services to youth in Department of
866 Juvenile Justice commitment programs;

867 (b) Receiving a scholarship from another eligible nonprofit
868 scholarship-funding organization under this section;

869 (c) Receiving an educational scholarship pursuant to
870 chapter 1002;

871 (d) Participating in a home education program as defined in
872 s. 1002.01(1);

873 ~~(e) Participating in a private tutoring program pursuant to~~
874 ~~s. 1002.43;~~

875 (e)~~(f)~~ Participating in a virtual school, correspondence
876 school, or distance learning program that receives state funding
877 pursuant to the student's participation unless the participation
878 is limited to no more than two courses per school year; or

879 (f)~~(g)~~ Enrolled in the Florida School for the Deaf and the
880 Blind.

881 Section 9. Paragraph (f) of subsection (1) of section



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882 1003.26, Florida Statutes, is amended to read:

883 1003.26 Enforcement of school attendance.—The Legislature
884 finds that poor academic performance is associated with
885 nonattendance and that school districts must take an active role
886 in promoting and enforcing attendance as a means of improving
887 student performance. It is the policy of the state that each
888 district school superintendent be responsible for enforcing
889 school attendance of all students subject to the compulsory
890 school age in the school district and supporting enforcement of
891 school attendance by local law enforcement agencies. The
892 responsibility includes recommending policies and procedures to
893 the district school board that require public schools to respond
894 in a timely manner to every unexcused absence, and every absence
895 for which the reason is unknown, of students enrolled in the
896 schools. District school board policies shall require the parent
897 of a student to justify each absence of the student, and that
898 justification will be evaluated based on adopted district school
899 board policies that define excused and unexcused absences. The
900 policies must provide that public schools track excused and
901 unexcused absences and contact the home in the case of an
902 unexcused absence from school, or an absence from school for
903 which the reason is unknown, to prevent the development of
904 patterns of nonattendance. The Legislature finds that early
905 intervention in school attendance is the most effective way of
906 producing good attendance habits that will lead to improved
907 student learning and achievement. Each public school shall
908 implement the following steps to promote and enforce regular
909 school attendance:

910 (1) CONTACT, REFER, AND ENFORCE.—



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911 (f)1. If the parent of a child who has been identified as
912 exhibiting a pattern of nonattendance enrolls the child in a
913 home education program pursuant to chapter 1002, the district
914 school superintendent shall provide the parent a copy of s.
915 1002.41 and the accountability requirements of this paragraph.
916 The district school superintendent shall also refer the parent
917 to a home education review committee composed of the district
918 contact for home education programs and at least two home
919 educators selected by the parent from a district list of all
920 home educators who have conducted a home education program for
921 at least 3 years and who have indicated a willingness to serve
922 on the committee. The home education review committee shall
923 review the portfolio of the student, as defined by s. 1002.41,
924 every 30 days during the district's regular school terms until
925 the committee is satisfied that the home education program is in
926 compliance with s. 1002.41(1)(b). The first portfolio review
927 must occur within the first 30 calendar days of the
928 establishment of the program. The provisions of subparagraph 2.
929 do not apply once the committee determines the home education
930 program is in compliance with s. 1002.41(1)(b).

931 2. If the parent fails to provide a portfolio to the
932 committee, the committee shall notify the district school
933 superintendent. The district school superintendent shall then
934 terminate the home education program and require the parent to
935 enroll the child in an attendance option that meets the
936 definition of "regular school attendance" under s.
937 1003.01(13)(a) or (b) ~~s. 1003.01(13)(a), (b), (c), or (e),~~
938 within 3 days. Upon termination of a home education program
939 pursuant to this subparagraph, the parent shall not be eligible



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940 to reenroll the child in a home education program for 180
941 calendar days. Failure of a parent to enroll the child in an
942 attendance option as required by this subparagraph after
943 termination of the home education program pursuant to this
944 subparagraph shall constitute noncompliance with the compulsory
945 attendance requirements of s. 1003.21 and may result in criminal
946 prosecution under s. 1003.27(2). Nothing contained herein shall
947 restrict the ability of the district school superintendent, or
948 the ability of his or her designee, to review the portfolio
949 pursuant to s. 1002.41(1)(b).

950 Section 10. Effective July 1, 2019, chapter 623, Florida
951 Statutes, consisting of sections 623.01, 623.02, 623.03, 623.04,
952 623.05, 623.06, 623.07, 623.08, 623.09, 623.10, 623.11, 623.12,
953 623.13, and 623.14, is repealed.

954 Section 11. Effective July 1, 2019, subsection (13) of
955 section 212.08, Florida Statutes, is amended to read:

956 212.08 Sales, rental, use, consumption, distribution, and
957 storage tax; specified exemptions.—The sale at retail, the
958 rental, the use, the consumption, the distribution, and the
959 storage to be used or consumed in this state of the following
960 are hereby specifically exempt from the tax imposed by this
961 chapter.

962 (13) No transactions shall be exempt from the tax imposed
963 by this chapter except those expressly exempted herein. All laws
964 granting tax exemptions, to the extent they may be inconsistent
965 or in conflict with this chapter, including, but not limited to,
966 the following designated laws, shall yield to and be superseded
967 by the provisions of this subsection: ss. 125.019, 153.76,
968 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395,



969 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, and
970 616.07, ~~and 623.09~~, and the following Laws of Florida, acts of
971 the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter
972 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179,
973 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s.
974 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-
975 2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11,
976 chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446;
977 and s. 10, chapter 67-1681. This subsection does not supersede
978 the authority of a local government to adopt financial and local
979 government incentives pursuant to s. 163.2517.

980 Section 12. Section 1002.43, Florida Statutes, is repealed.

981 Section 13. The Department of Revenue may, and all
982 conditions are deemed met to, adopt emergency rules pursuant to
983 ss. 120.536(1) and 120.54, Florida Statutes, to administer ss.
984 1002.40 and 212.1832 which are created by this act.

985 Section 14. Except as otherwise expressly provided in this
986 act, this act shall take effect July 1, 2018.

987
988 ===== T I T L E A M E N D M E N T =====

989 And the title is amended as follows:

990 Delete everything before the enacting clause
991 and insert:

992 An act relating to the Hope Scholarship Program;
993 creating s. 1002.40, F.S.; establishing the Hope
994 Scholarship Program; providing the purpose of the
995 program; defining terms; providing eligibility
996 requirements; prohibiting the payment of a scholarship
997 under certain circumstances; requiring a principal to



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998 provide copies of a report of physical violence or
999 emotional abuse to certain individuals within a
1000 specified timeframe; requiring the principal to
1001 investigate such incidents; requiring a school
1002 district to notify an eligible student's parent of the
1003 program under certain circumstances; requiring a
1004 school district to provide certain information
1005 relating to the statewide assessment program;
1006 providing requirements and obligations for eligible
1007 private schools; providing Department of Education
1008 obligations relating to participating students and
1009 private schools and program requirements; providing
1010 Commissioner of Education obligations; requiring the
1011 commissioner to deny, suspend, or revoke a private
1012 school's participation in the program or the payment
1013 of scholarship funds under certain circumstances;
1014 defining the term "owner or operator"; providing a
1015 process for review of a decision from the commissioner
1016 under certain circumstances; providing for the release
1017 of personally identifiable student information under
1018 certain circumstances; providing parent and student
1019 responsibilities for initial and continued
1020 participation in the program; providing nonprofit
1021 scholarship-funding organization obligations;
1022 providing for the calculation of the scholarship
1023 amount; providing the scholarship amount for students
1024 transferred to certain public schools; requiring
1025 verification of specified information before a
1026 scholarship may be disbursed; providing requirements



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1027 for the scholarship payments; providing funds for
1028 administrative expenses for certain nonprofit
1029 scholarship-funding organizations; providing
1030 requirements for administrative expenses; prohibiting
1031 a nonprofit scholarship-funding organization from
1032 charging an application fee; providing Auditor General
1033 obligations; providing requirements for taxpayer
1034 elections to contribute to the program; requiring the
1035 Department of Revenue to adopt forms to administer the
1036 program; providing requirements for certain agents of
1037 the Department of Revenue and motor vehicle dealers;
1038 providing reporting requirements for nonprofit
1039 scholarship-funding organizations relating to taxpayer
1040 contributions; providing penalties; providing for the
1041 restitution of specified funds under certain
1042 circumstances; providing the state is not liable for
1043 the award or use of program funds; prohibiting
1044 additional regulations for private schools
1045 participating in the program beyond those necessary to
1046 enforce program requirements; requiring the State
1047 Board of Education to adopt rules to administer the
1048 program; creating s. 212.1832, F.S.; authorizing
1049 certain persons to elect to direct certain state sales
1050 and use tax revenue to be transferred to a nonprofit
1051 scholarship-funding organization for the Hope
1052 Scholarship Program; amending s. 1002.01, F.S.;
1053 revising and defining terms; amending s. 1002.20;
1054 updating educational options and terminology; amending
1055 s. 1003.01, F.S.; redefining the term "regular school



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1056 attendance"; amending ss. 1002.385, 1002.39, 1002.395,
1057 and 1003.26, F.S.; conforming cross-references and
1058 provisions to changes made by the act; updating
1059 terminology; repealing ch. 623, F.S., relating to
1060 private school corporations, on a specified date;
1061 amending s. 212.08, F.S.; conforming a cross-
1062 reference; repealing s. 1002.43, F.S., relating to
1063 private tutoring programs; authorizing the Department
1064 of Revenue to adopt emergency rules for specified
1065 purposes; providing effective dates.

By Senator Galvano

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1 A bill to be entitled
 2 An act relating to the Hope Scholarship Program;
 3 creating s. 1002.40, F.S.; establishing the Hope
 4 Scholarship Program; providing the purpose of the
 5 program; providing definitions; providing eligibility
 6 requirements; prohibiting the payment of a scholarship
 7 under certain circumstances; requiring a school
 8 principal to investigate a report of physical violence
 9 or emotional abuse; requiring a school district to
 10 notify an eligible student's parent of the program;
 11 requiring a school district to provide certain
 12 information relating to the statewide assessment
 13 program; providing requirements and obligations for
 14 eligible private schools; providing Department of
 15 Education obligations relating to participating
 16 students and private schools and program requirements;
 17 providing Commissioner of Education obligations;
 18 requiring the commissioner to deny, suspend, or revoke
 19 a private school's participation in the program or the
 20 payment of scholarship funds under certain
 21 circumstances; defining the term "owner or operator";
 22 providing a process for review of a decision from the
 23 commissioner under certain circumstances; providing
 24 for the release of personally identifiable student
 25 information under certain circumstances; providing
 26 parent and student responsibilities for initial and
 27 continued participation in the program; providing
 28 nonprofit scholarship-funding organization
 29 obligations; providing for the calculation of the

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30 scholarship amount; providing the scholarship amount
 31 for students transferred to certain public schools;
 32 requiring verification of specified information before
 33 a scholarship may be disbursed; providing requirements
 34 for the scholarship payments; providing funds for
 35 administrative expenses for certain nonprofit
 36 scholarship-funding organizations; providing
 37 requirements for administrative expenses; prohibiting
 38 a nonprofit scholarship-funding organization from
 39 charging an application fee; providing Auditor General
 40 obligations; providing requirements for taxpayer
 41 elections to contribute to the program; requiring the
 42 Department of Revenue to adopt forms to administer the
 43 program; providing reporting requirements for
 44 nonprofit scholarship-funding organizations relating
 45 to taxpayer contributions; providing requirements for
 46 certain agents of the Department of Revenue and motor
 47 vehicle dealers; providing penalties; providing for
 48 the restitution of specified funds under certain
 49 circumstances; providing the state is not liable for
 50 the award or use of program funds; prohibiting
 51 additional regulations for private schools
 52 participating in the program beyond those necessary to
 53 enforce program requirements; requiring the State
 54 Board of Education to adopt rules to administer the
 55 program; creating s. 212.1832, F.S.; authorizing
 56 certain persons to elect to direct certain state sales
 57 and use tax revenue to be transferred to a nonprofit
 58 scholarship-funding organization for the Hope

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59 Scholarship Program; authorizing the Department of
60 Revenue to adopt emergency rules for specified
61 purposes; providing an effective date.

62
63 Be It Enacted by the Legislature of the State of Florida:

64
65 Section 1. Section 1002.40, Florida Statutes, is created to
66 read:

67 1002.40 The Hope Scholarship Program.—

68 (1) PURPOSE.—The Hope Scholarship Program is established to
69 provide the parent of a public school student who was subjected
70 to an incident listed in subsection (3) an opportunity to
71 transfer the student to another public school or to request and
72 receive from the state a scholarship for the student to enroll
73 in and attend an eligible private school.

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

75 (a) "Department" means the Department of Education.

76 (b) "Eligible contribution" or "contribution" means a
77 monetary contribution from a person required to pay sales and
78 use tax on the purchase or acquisition of a motor vehicle,
79 subject to the restrictions provided in this section, to an
80 eligible nonprofit scholarship-funding organization. The
81 taxpayer making the contribution may not designate a specific
82 student as the beneficiary of the contribution.

83 (c) "Eligible nonprofit scholarship-funding organization"
84 or "organization" has the same meaning as provided in s.
85 1002.395(2)(f).

86 (d) "Eligible private school" has the same meaning as
87 provided in s. 1002.395(2)(g).

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88 (e) "Motor vehicle" has the same meaning as provided in s.
89 320.01(1)(a), but does not include heavy trucks, truck tractors,
90 trailers, and motorcycles.

91 (f) "Parent" means a resident of this state who is a
92 parent, as defined in s. 1000.21, and whose student was
93 subjected to an incident listed in subsection (3).

94 (g) "Program" means the Hope Scholarship Program.

95 (h) "School" includes any educational program or activity
96 conducted by a public K-12 educational institution, any school-
97 related or school-sponsored program or activity, and riding on a
98 school bus, as defined in s. 1006.25(1), including waiting at a
99 school bus stop.

100 (i) "Unweighted FTE funding amount" means the statewide
101 average total funds per unweighted full-time equivalent funding
102 amount that is incorporated by reference in the General
103 Appropriations Act, or by a subsequent special appropriations
104 act, for the applicable state fiscal year.

105 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
106 school year, contingent upon available funds, and on a first-
107 come, first-served basis, a student enrolled in a Florida public
108 school in kindergarten through grade 12 is eligible for a
109 scholarship under this program if the student has been subjected
110 to an incident of battery; harassment; hazing; bullying;
111 kidnapping; physical attack; robbery; sexual offenses,
112 harassment, assault, or battery; threat or intimidation; or
113 fighting at school.

114 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship may not
115 be made if a student is:

116 (a) Enrolled in a public school, including, but not limited

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117 to, the Florida School for the Deaf and the Blind; the College-
 118 Preparatory Boarding Academy; a developmental research school
 119 authorized under s. 1002.32; or a charter school authorized
 120 under s. 1002.33, s. 1002.331, or s. 1002.332;

121 (b) Enrolled in a school operating for the purpose of
 122 providing educational services to youth in the Department of
 123 Juvenile Justice commitment programs;

124 (c) Participating in a virtual school, correspondence
 125 school, or distance learning program that receives state funding
 126 pursuant to the student's participation unless the participation
 127 is limited to no more than two courses per school year; or

128 (d) Receiving any other educational scholarship pursuant to
 129 this chapter.

130 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

131 (a) Upon receipt of a report of an incident listed in
 132 subsection (3), the school principal shall provide a copy of the
 133 report to the parent and investigate the incident to determine
 134 if the incident must be reported as required by s. 1006.09(6).
 135 Upon conclusion of the investigation or within 15 days after the
 136 incident was reported, whichever occurs first, the school
 137 district shall notify the parent of the program and offer that
 138 parent an opportunity to enroll his or her student in another
 139 public school or to request and receive a scholarship to attend
 140 an eligible private school, subject to available funding. A
 141 parent who chooses to enroll his or her student in a Florida
 142 public school located outside the district in which the student
 143 resides pursuant to s. 1002.31 shall be eligible for a
 144 scholarship to transport the student as provided in paragraph
 145 (11)(b).

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146 (b) For each student participating in the program in a
 147 private school who chooses to participate in the statewide
 148 assessments under s. 1008.22 or the Florida Alternate
 149 Assessment, the school district in which the student resides
 150 must notify the student and his or her parent about the
 151 locations and times to take all statewide assessments.

152 (6) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.-An eligible
 153 private school may be sectarian or nonsectarian and shall:

154 (a) Comply with all requirements for private schools
 155 participating in state school choice scholarship programs
 156 pursuant to this section and s. 1002.421.

157 (b) Provide to the organization, upon request, all
 158 documentation required for the student's participation,
 159 including the private school's and the student's fee schedules.

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

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

164 2. Annually administering or making provision for students
 165 participating in the program in grades 3 through 10 to take one
 166 of the nationally norm-referenced tests identified by the
 167 department or the statewide assessments pursuant to s. 1008.22.
 168 Students with disabilities for whom standardized testing is not
 169 appropriate are exempt from this requirement. A participating
 170 private school shall report a student's scores to his or her
 171 parent.

172 3. Cooperating with the student whose parent chooses to
 173 have the student participate in the statewide assessments
 174 pursuant to s. 1008.22 or, if a private school chooses to offer

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175 the statewide assessments, administering the assessments at the
 176 school.

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

180 b. A participating private school shall submit a request in
 181 writing to the department by March 1 of each year in order to
 182 administer the statewide assessments in the subsequent school
 183 year.

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

187 (e) Maintain in this state a physical location where a
 188 scholarship student regularly attends classes.

189 (f) Provide a report from an independent certified public
 190 accountant who performs the agreed-upon procedures developed
 191 under s. 1002.395(6)(c) if the private school receives more than
 192 \$250,000 in funds from scholarships awarded under this section
 193 in a state fiscal year. A private school subject to this
 194 paragraph must annually submit the report by September 15 to the
 195 organization that awarded the majority of the school's
 196 scholarship funds. The agreed-upon procedures must be conducted
 197 in accordance with attestation standards established by the
 198 American Institute of Certified Public Accountants.

199

200 If a private school is unable to meet the requirements of this
 201 subsection, the commissioner may determine that the private
 202 school is ineligible to participate in the program.

203 (7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department

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204 shall:

205 (a) Establish a toll-free hotline that provides parents and
 206 private schools with information on participation in the
 207 program.

208 (b) Annually verify the eligibility of private schools that
 209 meet the requirements of subsection (6).

210 (c) Require an annual notarized and sworn compliance
 211 statement by participating private schools certifying compliance
 212 with state laws and retain such records.

213 (d) Cross-check the list of participating students with the
 214 public school enrollment lists and participation lists in other
 215 scholarship programs established under this chapter before each
 216 scholarship payment to avoid duplication.

217 (e) Maintain a list of nationally norm-referenced tests
 218 identified for purposes of satisfying the testing requirement in
 219 paragraph (9)(f). The tests must meet industry standards of
 220 quality in accordance with State Board of Education rule.

221 (f) Require quarterly reports by an eligible nonprofit
 222 scholarship-funding organization regarding the number of
 223 students participating in the scholarship program, the private
 224 schools in which the students are enrolled, and other
 225 information deemed necessary by the department.

226 (g) Contract with an independent entity to provide an
 227 annual evaluation of the program by:

228 1. Reviewing the school climate and code of student conduct
 229 of each public school at which 10 or more reported incidents
 230 occurred to determine areas in the school or school district
 231 procedures involving reporting, investigating, and communicating
 232 a parent's and student's rights that are in need of improvement.

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233 At a minimum, the review must include:

234 a. An assessment of the investigation time and quality of
 235 the response of the school and the school district.

236 b. An assessment of the effectiveness of communication
 237 procedures with the students involved in an incident, the
 238 students' parents, and the school and school district personnel;

239 c. An analysis of school incident and discipline data;

240 d. The challenges and obstacles relating to implementing
 241 recommendations from this review.

242 2. Reviewing the school climate and code of student conduct
 243 of each public school a student transferred to if the student
 244 was from a school identified in subparagraph 1. in order to
 245 identify best practices and make recommendations to a public
 246 school at which the incidents occurred.

247 3. Reviewing the performance of participating students
 248 enrolled in a private school in which at least 51 percent of the
 249 total enrolled students in the prior school year participated in
 250 the program and in which there are at least 10 participating
 251 students who have scores for tests administered.

252 4. Surveying the parents of participating students to
 253 determine academic, safety, and school climate satisfaction and
 254 to identify any challenges or obstacles in addressing the
 255 incident or relating to the use of the scholarship.

256 (h) Upon the request of a participating private school,
 257 provide at no cost to the school the statewide assessments
 258 administered under s. 1008.22 and any related materials for
 259 administering the assessments. Students at a private school may
 260 be assessed using the statewide assessments if the addition of
 261 those students and the school does not cause the state to exceed

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262 its contractual caps for the number of students tested and the
 263 number of testing sites. The state shall provide the same
 264 materials and support to a private school that it provides to a
 265 public school. A private school that chooses to administer
 266 statewide assessments under s. 1008.22 shall follow the
 267 requirements set forth in ss. 1008.22 and 1008.24, rules adopted
 268 by the State Board of Education to implement those sections, and
 269 district-level testing policies established by the district
 270 school board.

271 (i) Establish a process by which individuals may notify the
 272 department of any violation by a parent, private school, or
 273 school district of state laws relating to program participation.
 274 The department shall conduct an inquiry or make a referral to
 275 the appropriate agency for an investigation of any written
 276 complaint of a violation of this section if the complaint is
 277 signed by the complainant and is legally sufficient. A complaint
 278 is legally sufficient if such complaint contains ultimate facts
 279 that show that a violation of this section or any rule adopted
 280 by the State Board of Education pursuant to this section has
 281 occurred. In order to determine legal sufficiency, the
 282 department may require supporting information or documentation
 283 from the complainant. A department inquiry is not subject to the
 284 requirements of chapter 120.

285 (j)1. Conduct site visits to participating private schools.
 286 The purpose of the site visits is solely to verify the
 287 information reported by the schools concerning the enrollment
 288 and attendance of students, the credentials of teachers,
 289 background screening of teachers, and teachers' fingerprinting
 290 results. The department may not make more than seven site visits

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291 each year; however, the department may make additional site
 292 visits at any time to a school that has received a notice of
 293 noncompliance or a notice of proposed action within the previous
 294 2 years.

295 2. Annually, by December 15, report to the Governor, the
 296 President of the Senate, and the Speaker of the House of
 297 Representatives the department's actions with respect to
 298 implementing accountability in the program under this section
 299 and s. 1002.421, any substantiated allegations or violations of
 300 law or rule by an eligible private school under this program and
 301 the corrective action taken by the department.

302 (8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

303 (a) The Commissioner of Education:

304 1. Shall deny, suspend, or revoke a private school's
 305 participation in the program if it is determined that the
 306 private school has failed to comply with the provisions of this
 307 section. However, if the noncompliance is correctable within a
 308 reasonable amount of time and if the health, safety, or welfare
 309 of the students is not threatened, the commissioner may issue a
 310 notice of noncompliance which provides the private school with a
 311 timeframe within which to provide evidence of compliance before
 312 taking action to suspend or revoke the private school's
 313 participation in the program.

314 2. May deny, suspend, or revoke a private school's
 315 participation in the program if the commissioner determines that
 316 an owner or operator of the private school is operating or has
 317 operated an educational institution in this state or in another
 318 state or jurisdiction in a manner contrary to the health,
 319 safety, or welfare of the public.

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320 a. In making such a determination, the commissioner may
 321 consider factors that include, but are not limited to, acts or
 322 omissions by an owner or operator which led to a previous denial
 323 or revocation of participation in an education scholarship
 324 program; an owner's or operator's failure to reimburse the
 325 department for scholarship funds improperly received or retained
 326 by a school; imposition of a prior criminal sanction related to
 327 an owner's or operator's management or operation of an
 328 educational institution; imposition of a civil fine or
 329 administrative fine, license revocation or suspension, or
 330 program eligibility suspension, termination, or revocation
 331 related to an owner's or operator's management or operation of
 332 an educational institution; or other types of criminal
 333 proceedings in which an owner or operator was found guilty of,
 334 regardless of adjudication, or entered a plea of nolo contendere
 335 or guilty to, any offense involving fraud, deceit, dishonesty,
 336 or moral turpitude.

337 b. For purposes of this subparagraph, the term "owner or
 338 operator" includes an owner, operator, superintendent, or
 339 principal of, or a person who has equivalent decisionmaking
 340 authority over, a private school participating in the
 341 scholarship program.

342 (b) The commissioner's determination is subject to the
 343 following:

344 1. If the commissioner intends to deny, suspend, or revoke
 345 a private school's participation in the program, the department
 346 shall notify the private school of such proposed action in
 347 writing by certified mail and regular mail to the private
 348 school's address of record with the department. The notification

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349 shall include the reasons for the proposed action and notice of
 350 the timelines and procedures set forth in this paragraph.

351 2. The private school that is adversely affected by the
 352 proposed action shall have 15 days after receipt of the notice
 353 of proposed action to file with the department's agency clerk a
 354 request for a proceeding pursuant to ss. 120.569 and 120.57. If
 355 the private school is entitled to a hearing under s. 120.57(1),
 356 the department shall refer the request to the Division of
 357 Administrative Hearings.

358 3. Upon receipt of a request referred pursuant to this
 359 paragraph, the director of the Division of Administrative
 360 Hearings shall expedite the hearing and assign an administrative
 361 law judge who shall commence a hearing within 30 days after the
 362 receipt of the formal written request by the division and enter
 363 a recommended order within 30 days after the hearing or within
 364 30 days after receipt of the hearing transcript, whichever is
 365 later. Each party shall be allowed 10 days in which to submit
 366 written exceptions to the recommended order. A final order shall
 367 be entered by the agency within 30 days after the entry of a
 368 recommended order. The provisions of this subparagraph may be
 369 waived upon stipulation by all parties.

370 (c) The commissioner may immediately suspend payment of
 371 scholarship funds if it is determined that there is probable
 372 cause to believe that there is:

373 1. An imminent threat to the health, safety, or welfare of
 374 the students; or

375 2. Fraudulent activity on the part of the private school.
 376 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
 377 activity pursuant to this section, the department's Office of

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378 Inspector General is authorized to release personally
 379 identifiable records or reports of students to the following
 380 persons or organizations:

381 a. A court of competent jurisdiction in compliance with an
 382 order of that court or the attorney of record in accordance with
 383 a lawfully issued subpoena, consistent with the Family
 384 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

385 b. A person or entity authorized by a court of competent
 386 jurisdiction in compliance with an order of that court or the
 387 attorney of record pursuant to a lawfully issued subpoena,
 388 consistent with the Family Educational Rights and Privacy Act,
 389 20 U.S.C. s. 1232g.

390 c. Any person, entity, or authority issuing a subpoena for
 391 law enforcement purposes when the court or other issuing agency
 392 has ordered that the existence or the contents of the subpoena
 393 or the information furnished in response to the subpoena not be
 394 disclosed, consistent with the Family Educational Rights and
 395 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

396 The commissioner's suspension of payment pursuant to this
 397 paragraph may be appealed pursuant to the same procedures and
 398 timelines as the notice of proposed action set forth in
 399 paragraph (b).

400 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 401 PARTICIPATION.—A parent who applies for a Hope Scholarship is
 402 exercising his or her parental option to place his or her
 403 student in an eligible private school.

404 (a) The parent must select an eligible private school and
 405 apply for the admission of his or her student.
 406

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407 (b) The parent must inform the student's school district
 408 when the parent withdraws his or her student to attend an
 409 eligible private school.

410 (c) Any student participating in the program must remain in
 411 attendance throughout the school year unless excused by the
 412 school for illness or other good cause.

413 (d) Each parent and each student has an obligation to the
 414 private school to comply with the private school's published
 415 policies.

416 (e) Upon reasonable notice to the department and the school
 417 district, the parent may remove the student from the private
 418 school and place the student in a public school in accordance
 419 with this section.

420 (f) The parent must ensure that the student participating
 421 in the program takes the norm-referenced assessment offered by
 422 the private school. The parent may also choose to have the
 423 student participate in the statewide assessments pursuant to s.
 424 1008.22. If the parent requests that the student participating
 425 in the program take the statewide assessments pursuant to s.
 426 1008.22 and the private school has not chosen to offer and
 427 administer the statewide assessments, the parent is responsible
 428 for transporting the student to the assessment site designated
 429 by the school district.

430 (g) Upon receipt of a scholarship warrant, the parent to
 431 whom the warrant is made must restrictively endorse the warrant
 432 to the private school for deposit into the account of the
 433 private school. The parent may not designate any entity or
 434 individual associated with the participating private school as
 435 the parent's attorney in fact to endorse a scholarship warrant.

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436 A parent who fails to comply with this paragraph forfeits the
 437 scholarship.

438 (10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING
 439 ORGANIZATIONS.—An organization may establish scholarships for
 440 eligible students by:

441 (a) Receiving applications and determining student
 442 eligibility in accordance with the requirements of this section.

443 (b) Notifying parents of their receipt of a scholarship on
 444 a first-come, first-served basis, based upon available funds.

445 (c) Preparing and submitting quarterly and annual reports
 446 to the department pursuant to paragraphs (7)(f) and (g). In
 447 addition, an eligible nonprofit scholarship-funding organization
 448 must submit in a timely manner any information requested by the
 449 department relating to the scholarship program.

450 (d) Notifying the department of any violation of this
 451 section.

452 (11) FUNDING AND PAYMENT.—

453 (a) The maximum amount awarded to a student enrolled in an
 454 eligible private school shall be determined as a percentage of
 455 the unweighted FTE funding amount for that state fiscal year and
 456 thereafter as follows:

457 1. Eighty-eight percent for a student enrolled in
 458 kindergarten through grade 5.

459 2. Ninety-two percent for a student enrolled in grade 6
 460 through grade 8.

461 3. Ninety-six percent for a student enrolled in grade 9
 462 through grade 12.

463 (b) The maximum amount awarded to a student enrolled in a
 464 Florida public school located outside of the district in which

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465 the student resides shall be \$750.

466 (c) When a student enters the program, the organization
 467 must receive all documentation required for the student's
 468 participation, including a copy of the report of the incident
 469 received pursuant to subsection (5) and the private school's and
 470 the student's fee schedules. The initial payment shall be made
 471 after verification of admission acceptance, and subsequent
 472 payments shall be made upon verification of continued enrollment
 473 and attendance at the private school.

474 (d) Payment of the scholarship by the eligible nonprofit
 475 scholarship-funding organization shall be by individual warrant
 476 made payable to the student's parent. If the parent chooses that
 477 his or her student attend an eligible private school, the
 478 warrant must be delivered by the eligible nonprofit scholarship-
 479 funding organization to the private school of the parent's
 480 choice, and the parent shall restrictively endorse the warrant
 481 to the private school.

482 (e) An eligible nonprofit scholarship-funding organization
 483 shall obtain verification from the private school of a student's
 484 continued attendance at the school for each period covered by a
 485 scholarship payment.

486 (f) Payment of the scholarship shall be made by the
 487 eligible nonprofit scholarship-funding organization no less
 488 frequently than on a quarterly basis.

489 (g) An organization may use up to 3 percent of eligible
 490 contributions received during the state fiscal year in which
 491 such contributions are collected for administrative expenses if
 492 the organization has operated as an eligible nonprofit
 493 scholarship-funding organization for at least the preceding 3

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494 fiscal years and did not have any findings of material weakness
 495 or material noncompliance in its most recent audit under s.
 496 1002.395(6)(m). Such administrative expenses must be reasonable
 497 and necessary for the organization's management and distribution
 498 of eligible contributions under this section. No funds
 499 authorized under this paragraph shall be used for lobbying or
 500 political activity or expenses related to lobbying or political
 501 activity. Up to one-third of the funds authorized for
 502 administrative expenses under this paragraph may be used for
 503 expenses related to the recruitment of contributions from
 504 taxpayers. An eligible nonprofit scholarship-funding
 505 organization may not charge an application fee.

506 (h) Moneys received pursuant to this section do not
 507 constitute taxable income to the qualified student or his or her
 508 parent.

509 (12) OBLIGATIONS OF THE AUDITOR GENERAL.—

510 (a) The Auditor General shall conduct an annual operational
 511 audit of accounts and records of each organization that
 512 participates in the program. As part of this audit, the Auditor
 513 General shall verify, at a minimum, the total number of students
 514 served and transmit that information to the department. The
 515 Auditor General shall provide the commissioner with a copy of
 516 each annual operational audit performed pursuant to this
 517 subsection within 10 days after the audit is finalized.

518 (b) The Auditor General shall notify the department of any
 519 organization that fails to comply with a request for
 520 information.

521 (13) SCHOLARSHIP FUNDING TAX CREDITS.—

522 (a) A tax credit is available under s. 212.1832 for use by

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523 a taxpayer that makes an eligible contribution to the program.
 524 Each eligible contribution is limited to a single payment of \$20
 525 at the time of purchase of a motor vehicle or a single payment
 526 of \$20 at the time of registration of a motor vehicle that was
 527 not purchased from a dealer. An eligible contribution shall be
 528 accompanied by an election to contribute to the program and
 529 shall be made by the purchaser at the time of purchase or at the
 530 time of registration on a form provided by the Department of
 531 Revenue. Payments of contributions shall be made to a dealer, as
 532 defined in chapter 212, at the time of purchase of a motor
 533 vehicle or to an agent of the Department of Revenue, as
 534 designated by s. 212.06(10), at the time of registration of a
 535 motor vehicle that was not purchased from a dealer.

536 (b) A tax collector or any person or firm authorized to
 537 sell or issue a motor vehicle license who is designated as an
 538 agent of the Department of Revenue pursuant to s. 212.06(10) or
 539 who is a dealer shall:

540 1. Provide the purchaser the contribution election form, as
 541 prescribed by the Department of Revenue, at the time of purchase
 542 of a motor vehicle or at the time of registration of a motor
 543 vehicle that was not purchased from a dealer.

544 2. Collect eligible contributions.

545 3. Using a form provided by the Department of Revenue,
 546 which shall include the dealer's or agent's federal employer
 547 identification number, remit to an organization on or before the
 548 20th day of each month the total amount of contributions made to
 549 that organization and collected during the preceding calendar
 550 month.

551 4. Report on each return filed with the Department of

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552 Revenue the total amount of credits allowed under s. 212.1832
 553 during the preceding calendar month.

554 (c) An organization shall report to the Department of
 555 Revenue, on or before the 20th day of each month, the total
 556 amount of contributions received pursuant to paragraph (b) in
 557 the preceding calendar month on a form provided by the
 558 Department of Revenue. Such report shall include the federal
 559 employer identification number of each tax collector, authorized
 560 agent of the Department of Revenue, or dealer who remitted
 561 contributions to the organization during that reporting period.

562 (d) A person who, with intent to unlawfully deprive or
 563 defraud the program of its moneys or the use or benefit thereof,
 564 fails to remit a contribution collected under this section is
 565 guilty of theft of charitable funds, punishable as follows:

566 1. If the total amount stolen is less than \$300, the
 567 offense is a misdemeanor of the second degree, punishable as
 568 provided in s. 775.082 or s. 775.083. Upon a second conviction,
 569 the offender is guilty of a misdemeanor of the first degree,
 570 punishable as provided in s. 775.082 or s. 775.083. Upon a third
 571 or subsequent conviction, the offender is guilty of a felony of
 572 the third degree, punishable as provided in s. 775.082, s.
 573 775.083, or s. 775.084.

574 2. If the total amount stolen is \$300 or more, but less
 575 than \$20,000, the offense is a felony of the third degree,
 576 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

577 3. If the total amount stolen is \$20,000 or more, but less
 578 than \$100,000, the offense is a felony of the second degree,
 579 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

580 4. If the total amount stolen is \$100,000 or more, the

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581 offense is a felony of the first degree, punishable as provided
 582 in s. 775.082, s. 775.083, or s. 775.084.

583 (e) A person convicted of an offense under paragraph (d)
 584 shall be ordered by the sentencing judge to make restitution to
 585 the organization in the amount that was stolen from the program.

586 (14) LIABILITY.—The state is not liable for the award or
 587 any use of awarded funds under this section.

588 (15) SCOPE OF AUTHORITY.—This section does not expand the
 589 regulatory authority of this state, its officers, or any school
 590 district to impose additional regulation on participating
 591 private schools beyond those reasonably necessary to enforce
 592 requirements expressly set forth in this section.

593 (16) RULES.—The State Board of Education shall adopt rules
 594 to administer this section.

595 Section 2. Section 212.1832, Florida Statutes, is created
 596 to read:

597 212.1832 Credit for contributions to the Hope Scholarship
 598 Program.—

599 (1) There is allowed a credit of 100 percent of an eligible
 600 contribution made to an eligible nonprofit scholarship-funding
 601 organization under s. 1002.40 against any tax imposed by the
 602 state and due under this chapter as a result of the purchase or
 603 acquisition of a motor vehicle. The credit may not exceed the
 604 tax otherwise owed.

605 (2) For purposes of the distributions of tax revenue under
 606 s. 212.20, the department shall disregard any tax credits
 607 allowed under this section to ensure that any reduction in tax
 608 revenue received that is attributable to the tax credits results
 609 only in a reduction in distributions to the General Revenue

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610 Fund. The provisions of s. 1002.40 apply to the credit
 611 authorized by this section.

612 Section 3. The Department of Revenue may, and all
 613 conditions are deemed met to, adopt emergency rules pursuant to
 614 ss. 120.536(1) and 120.54, Florida Statutes, to administer this
 615 act.

616 Section 4. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Higher Education, *Chair*
Appropriations
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Education
Governmental Oversight and Accountability
Rules
Transportation

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR BILL GALVANO

21st District

December 18, 2017

Senator Dorothy Hukill
415 Knott
404 South Monroe Street
Tallahassee, FL 32399

Dear Madame Chair Hukill:

I respectfully request that SB 1172: Hope Scholarship Program, be scheduled for a hearing in the Committee on Education at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bill".

Bill Galvano

cc: Shruti Graf
Laureen Zaugg

REPLY TO:

- 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205 (941) 741-3401
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/22/18
Meeting Date

1172
Bill Number (if applicable)
399664
Amendment Barcode (if applicable)

Topic Hope Scholarship Amendment

Name Sue Wolanski

Job Title parent

Address 146 Westminster Dr

Street
Tavernier FL 33070
City State Zip

Phone 305 240 1565

Email kingwolta@yahoo.com

Speaking: For Against Information

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

Representing Common Ground

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Jan. 22 '18
Meeting Date

SB 1172
Bill Number (if applicable)

Topic Hope Scholarship Program

Amendment Barcode (if applicable)

Name LINDA EDSON

Job Title Retired educator

Address 1841 Myrick Rd
Street

Phone 850-385-3196

Tallahassee, FL 32303
City State Zip

Email edson@nettally.com

Speaking: For Against Information

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

Representing Florida Retired Educators 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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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/22/18

Meeting Date

SB 1172

Bill Number (if applicable)

Topic Bully Voucher

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title Legislative Specialist

Address 213 S. Adams St

Street

Phone 850-224-2078

Tallahassee

FL

32301

Email Stephanie.Kunkel@floridaea.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Education Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

1/22/18

Meeting Date

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

SB 1172

Bill Number (if applicable)

Topic Vouchers *in place of*

Amendment Barcode (if applicable)

Name Scott McCoy

Job Title Senior Policy Counsel

Address P.O. Box 10708

Phone 850-521-3042

Street

Tally

City

FL

State

32302

Zip

Email scott.mccoy@splcenter.org

Speaking: For Against Information

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

Representing Southern Poverty Law Center

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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1/22/18

SB 1172

Meeting Date

Bill Number (if applicable)

Topic Bully Voucher

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title Legislative Specialist

Address 213 S. Adams St

Phone 850-224-2078

Street

Tallahassee

FL

32301

Email Stephanie.Kunkel@floridaea.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Education Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

1/22/18

Meeting Date

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

1172

Bill Number (if applicable)

Topic Hope Scholarship Program

Amendment Barcode (if applicable)

Name Shalini Goel Agarwal

write in name of replacement

Job Title Managing Attorney

Address P.O. Box 10788

Phone 850-521-3024

Street

Tallahassee

FL

32302

Email shalini.agarwal@

City

State

Zip

splcenter.org

Speaking: For Against Information

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

Representing Southern Poverty Law Center

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Jan 22 2018

Meeting Date

1172

Bill Number (if applicable)

Topic Hope Scholarship Program

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title _____

Address 1911 Wahalaw Ct

Phone 850 728 7514

Street

Tallahassee FL 32301

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Common Ground

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/22/18
Meeting Date

1172
Bill Number (if applicable)

Topic Hope Scholarship

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Director of External Affairs

Address 1901 Ullmerston Rd #180

Phone 727-451-9811

Street

Clearwater

City

FL

State

33762

~~33702~~

Zip

Email sclements@suifs.org

Speaking: For Against Information

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

Representing Step Up For Students

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)

1.22.18
Meeting Date

SB 1172
Bill Number (if applicable)

Topic HOPE Scholarship Program

Amendment Barcode (if applicable)

Name KEITH FLAUGH

Job Title MANAGING Director, FL Citizens Alliance

Address P.O. box 697 Phone 239-250-3320

Street

Marco Island 34146

City

State

Zip

Email KoFlaugh@me.com
strong

Speaking: For Against Information

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

Representing Florida Citizens 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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/22/2017
Meeting Date

1172
Bill Number (if applicable)

Topic HOPE SCHOLARSHIP PROGRAM

Amendment Barcode (if applicable)

Name CESAR GRAJALES

Job Title COALITIONS DIRECTOR

Address 200 E. COLLEGE AVE
Street

Phone 786.260.9283

TALLAHASSEE, FL 32301, FL
City State Zip

Email cgrajales@belibre.org

Speaking: For Against Information

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

Representing THE LIBRE INITIATIVE

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)

1-22-18

Meeting Date

1172

Bill Number (if applicable)

Topic Hope Scholarships

Amendment Barcode (if applicable)

Name Debbie Northam

Job Title Legislative Director

Address 215 S. Monroe St.

Phone _____

Street

Tallahassee FL 32391

City

State

Zip

Email debbi@floridapromis.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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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1.22.18
Meeting Date

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

1172
Bill Number (if applicable)

Topic HOPE SCHOLARSHIP

Amendment Barcode (if applicable)

Name BILL MATTOX

Job Title DIRECTOR, MARSHALL CENTER for EDUCATIONAL OPTIONS

Address JAMES MADISON INSTITUTE Phone 850.241.4422

Street

TLH, FL

City

State

32301

Zip

Email bwattox@jamesmadison.org

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

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01/22/18

Meeting Date

SB 1172

Bill Number (if applicable)

Topic Hope Scholarship Program

Amendment Barcode (if applicable)

Name Tim Parson

Job Title _____

Address 113 E. College Ave.
Street

Phone (850) 910-2678

Tallahassee FL 32302
City State Zip

Email tim@11betypartnersfl.com

Speaking: For Against Information

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

Representing AAA Scholarship

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

1-22-2018

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SB1172

Bill Number (if applicable)

Meeting Date

Read into record after public presentation time

Amendment Barcode (if applicable)

Topic SB 1172

Name Dr. Sally K. Williams

Job Title Associate Professor, Univ. Florida

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Phone 352-514-8164

Street

Gainesville

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State

32608

Zip

Email skudst@msn.com

Speaking: For Against Information

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

Representing Personal

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1286

INTRODUCER: Senator Simmons

SUBJECT: Gardiner Scholarship

DATE: January 19, 2018

REVISED: _____

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

I. Summary:

SB 1286 revises the definition of a rare disease for the purposes of the Gardiner Scholarship Program. Specifically, the bill:

- Specifies that a rare disease is a disorder that affects patient populations of 200,000 individuals or fewer, and
- Conforms the definition of a rare disease to the definition as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414.

The bill provides an effective date of July 1, 2018.

II. Present Situation:

Gardiner Scholarship Disability Eligibility Requirements

The Gardiner Scholarship Program was established in 2014¹ to provide the option for a parent of an eligible child² to better meet the individual educational needs of his or her child who has a disability.³

A “disability” as defined under the Gardiner Scholarship Program, means for a 3– or 4–year-old child or a student in kindergarten to grade 12, students with disabilities who are documented as having autism spectrum disorder; cerebral palsy; Down syndrome; an intellectual disability; Phelan-McDermid syndrome; Prader-Willi syndrome; spina-bifida; being a high-risk child; muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; traumatic brain injury; hospital or homebound;

¹ Section 16, ch. 2014-184, L.O.F.

² Section 1002.385(1) and (3), F.S.

³ Section 1002.385(2)(d), F.S.

or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts.

During the 2016-2017 school year, 7,593 students qualified for the Gardiner scholarship.⁴

III. Effect of Proposed Changes:

SB 1286 revises the definition of a rare disease for the purposes of the Gardiner Scholarship Program. Specifically, the bill:

- Specifies that a rare disease is a disorder that affects patient populations of 200,000 individuals or fewer, and
- Conforms the definition of a rare disease to the definition as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414.

In 2017, the Legislature expanded the definition of disability for the purposes of the Gardiner Scholarship Program to include a child diagnosed with a rare disease or condition, which affects patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders.⁵

The National Organization for Rare Disorders (NORD) provides brief introductions for patients and their families to more than 1200 rare diseases.⁶ However, NORD informs that this is not a comprehensive database since there are nearly 7,000 diseases considered rare in the United States.⁷ Accordingly, the bill conforms the definition of a rare disease to the federal law.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴ Florida Department of Education, *2017 Gardiner Scholarship Statistics*, (2017), available at http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner_Dec_2017.pdf, Step Up for Students, *2016-2017 Step Up For Students Annual Report*, (2017), available at https://www.stepupforstudents.org/wp-content/uploads/SU_AR_2017-16_Final_Online.pdf.

⁵ Section 1, ch. 2017-166, L.O.F.

⁶ National Organization for Rare Disorders, *Rare Disease Information*, <https://rarediseases.org/for-patients-and-families/information-resources/rare-disease-information/> (last visited Jan. 19, 2018).

⁷ *Id.*

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.385 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Simmons

9-01017-18

20181286__

1 A bill to be entitled
 2 An act relating to the Gardiner Scholarship; amending
 3 s. 1002.385, F.S.; revising the meaning of a rare
 4 disease within the definition of a "disability" for
 5 purposes of the Gardiner Scholarship Program;
 6 providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Paragraph (d) of subsection (2) of section
 11 1002.385, Florida Statutes, is amended to read:
 12 1002.385 The Gardiner Scholarship.—
 13 (2) DEFINITIONS.—As used in this section, the term:
 14 (d) "Disability" means, for a 3- or 4-year-old child or for
 15 a student in kindergarten to grade 12, autism spectrum disorder,
 16 as defined in the Diagnostic and Statistical Manual of Mental
 17 Disorders, Fifth Edition, published by the American Psychiatric
 18 Association; cerebral palsy, as defined in s. 393.063(6); Down
 19 syndrome, as defined in s. 393.063(15); an intellectual
 20 disability, as defined in s. 393.063(24); Phelan-McDermid
 21 syndrome, as defined in s. 393.063(28); Prader-Willi syndrome,
 22 as defined in s. 393.063(29); spina bifida, as defined in s.
 23 393.063(40); being a high-risk child, as defined in s.
 24 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare
 25 disease, a disorder that affects ~~diseases which affect~~ patient
 26 populations of ~~fewer than~~ 200,000 individuals or fewer in the
 27 United States, as defined by the Orphan Drug Act of 1983, Pub.
 28 L. No. 97-414 National Organization for Rare Disorders;
 29 anaphylaxis; deaf; visually impaired; traumatic brain injured;

Page 1 of 2

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

9-01017-18

20181286__

30 hospital or homebound; or identification as dual sensory
 31 impaired, as defined by rules of the State Board of Education
 32 and evidenced by reports from local school districts. The term
 33 "hospital or homebound" includes a student who has a medically
 34 diagnosed physical or psychiatric condition or illness, as
 35 defined by the state board in rule, and who is confined to the
 36 home or hospital for more than 6 months.
 37 Section 2. This act shall take effect July 1, 2018.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Dorothy L. Hukill, Chair
Committee on Education

Subject: Committee Agenda Request

Date: January 12, 2018

I respectfully request that **Senate Bill 1286**, relating to Gardiner Scholarship, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "David Simmons".

Senator David Simmons
Florida Senate, District 9

THE FLORIDA SENATE
APPEARANCE RECORD

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

1.22.18

Meeting Date

SB 1286

Bill Number (if applicable)

Topic Gardiner Scholarship

Amendment Barcode (if applicable)

Name KEITH FLAUGH

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City

State

Zip

Speaking: For Against Information

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

Representing Florida Citizen 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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-18

Meeting Date

1286

Bill Number (if applicable)

Topic Gardiner Scholarship

Amendment Barcode (if applicable)

Name Debbie Mortham

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State

Zip

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Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/22/18
Meeting Date

SB 1286
Bill Number (if applicable)

Topic Gardner Scholarships

Amendment Barcode (if applicable)

Name Tim Parson

Job Title _____

Address 113 E. College Ave.
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City State Zip

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Speaking: For Against Information

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

Representing AAA Scholarship

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
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

BILL: CS/SB 1434

INTRODUCER: Education Committee and Senator Passidomo

SUBJECT: K-12 Education Enhancements

DATE: January 24, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

- CS/SB 1434 modifies Florida education law related to mental health services in schools, school improvement and education accountability, persistently low-performing schools, schools of hope, school funding, and the Florida Tax Credit Scholarship. Specifically, the bill:
- Creates the mental health assistance allocation to provide funds for school-based mental health programs and establishes related requirements.
- Strengthens school improvement and accountability measures by:
- Providing that a school must complete two years of a district-managed turnaround plan before the school must implement a turnaround option.
- Expanding the turnaround options available to a school district for a persistently low-performing school to include a franchise model school that is led by a specified highly effective principal and incentivize a hope operator to establish a school of hope at the district-owned facilities of the persistently low-performing school.
- Extending the funds available in the newly established Hope Supplemental Services Allocation to all eligible schools implementing a district-managed turnaround plan or a turnaround option.
- Revises school of hope provisions to require a hope operator to submit a notice of intent containing an operations plan specifying the hope operator's intent to undertake the operations of the persistently low-performing schools.
- Establishes the Hope Supplemental Services Allocation to provide schools implementing a district-managed turnaround plan or a turnaround option specified in law with funds to offer

services designed to improve the overall academic and community welfare of the schools' students and their families.

- Modifies eligibility requirements and calculation methodology for specified charter school capital outlay provisions and revises the amount of discretionary millage that a school district may expend for specified purposes.
- Expands eligibility for the Florida Tax Credit Scholarship to include a student who attends a persistently low-performing school.
- Renames the Collegiate High School Program as the Structured High School Acceleration Program (structured program), modifies programmatic and reporting requirements, and creates bonus funding for school districts based on students enrolled in such programs completing either a 30- or 60- credit hour block through dual enrollment.

The bill takes effect July 1, 2018.

II. Present Situation:

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

III. Effect of Proposed Changes:

CS/SB 1434 includes policy and funding provisions to improve the quality of education in this state, and student access to such education.

Mental Health Services in Schools

Present Situation

The Florida Department of Education (DOE), through the Bureau of Exceptional Education and Student Services and the Office of Safe Schools promotes a system of support, policies, and practices that focus on prevention and early intervention to improve student mental health and school safety. Each district school board is required to provide for the proper attention to health, safety, and other matters related to the welfare of students.¹ Florida law provides that instructional staff members of the public schools must teach comprehensive health education that addresses concepts of mental and emotional health as well as substance use and abuse.² Student Services personnel, which includes school psychologists, school social workers, and school counselors, are classified as instructional personnel responsible for advising students with regard to their personal and social adjustments and provide direct and indirect services at the district and school level.³

Effect of Proposed Changes

The bill creates the mental health assistance allocation within the Florida Education Finance Program (FEFP).

¹ Section 1006.07, F.S.

² Section 1003.42(2)(n), F.S.

³ Section 1012.01(2)(b), F.S.

The bill creates a mental health assistance allocation within the Florida Education Finance Program (FEFP).

Purpose

The purpose of the mental health assistance allocation is to provide supplemental funding to assist school districts in establishing or expanding comprehensive school-based mental health programs that:

- Increase awareness of mental health issues among children and school-age youth;
- Train educators and other school staff in detecting and responding to mental health issues; and
- Connect children, youth, and families who may experience behavioral health issues with appropriate services.

Funding

The mental health assistance allocation funds must be annually allocated to each eligible school district and developmental research school based on each entity's proportionate share of FEFP base funding. The district funding allocation must include a minimum amount as specified in the General Appropriation Act (GAA). Charter schools are also entitled to a proportionate share of district funding for this program.

The bill specifies that the mental health assistance funds allocated may not supplant funds that are provided from other operating funds for this purpose and may not be used to increase salaries or provide bonuses.

Eligibility Criteria

To be eligible for the allocation, the bill requires a school district to annually develop and submit a detailed plan outlining the local program and planned to the district school board for approval. Similarly, a charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval in order to receive the allocation. After the charter schools' governing board approves the plan, it must be provided to the school district for submission to the Commissioner of Education (commissioner). School districts must submit approved plans to the commissioner by August 1 of each fiscal year.

Plan Requirements

The required mental health assistance allocation plan must include, at a minimum, all of the following elements:

- A collaborative effort or partnership between the school district and at least one local community program or agency involved in mental health to provide or to improve prevention, diagnosis, and treatment services for students;
- Programs to assist students in dealing with bullying, trauma, and violence;
- Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems or substance use disorders;

- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services;
- Strategies to enhance the availability of school-based crisis intervention services and appropriate referrals for students in need of mental health services; and
- Training opportunities for school personnel in the techniques and supports needed to identify students who have trauma histories and who have or are at risk of having a mental illness, and in the use of referral mechanisms that effectively link such students to appropriate treatment and intervention service sin the school and in the community.

Reporting Requirements

The bill requires each district to submit approved plans to the commissioner by August 1 of each fiscal year. Each entity that receives a mental health assistance allocation must submit a final report, in a format prescribed by the department, on its program outcomes and its expenditures for each element of the program to the Commissioner. This reporting requirement begins in September 30, 2019, and continues each September 30 thereafter.

The establishment of the mental health assistance allocation program may boost school districts' efforts in raising mental health awareness in public schools and assist the districts in providing comprehensive mental health services to children and school-age youth. This may improve student mental health and school safety.

School Improvement and Education Accountability

The State Board of Education (SBE) is responsible for holding all school districts and public schools accountable for student performance⁴ through a state system of school improvement and education accountability that assesses student performance by school, identifies schools that are not meeting accountability standards, and institutes appropriate measures for enforcing improvement.⁵

The state system of school improvement and education accountability must:⁶

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

Differentiated Accountability

Present Situation

The academic performance of all students has a significant effect on the state school system and the SBE must equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance

⁴ Sections 1008.33(1) and (2)(a), 1008.34, and 1008.345, F.S.

⁵ Section 1008.33(2)(a), F.S.

⁶ Section 1008.33(2)(b), F.S.

of all districts, schools, and students.⁷ The DOE must annually identify each public school in need of intervention and support to improve student academic performance.⁸ All schools earning a grade of “D” or “F” are schools in need of intervention and support.⁹

The SBE must adopt by rule a differentiated matrix of intervention and support strategies for assisting public schools identified as in need of intervention.¹⁰ The intervention and support strategies must address student performance and may include improvement planning; leadership quality improvement; educator quality improvement; professional development; curriculum review, pacing and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes.¹¹ In addition, the SBE may prescribe reporting requirements to review and monitor the progress of the schools.¹² The rule must define the intervention and support strategies for school improvement for schools earning a grade of “D” or “F” and the roles for the district and department.¹³

Effect of Proposed Changes

The bill modifies the intervention and support strategies for school improvement that must be adopted by the SBE in rule to require intervention and support strategies to address efforts to improve student performance through one or more of such strategies identified in law. Accordingly, the bill steers focus on improving student performance through the implementation of strategies specified in law.

District Managed Turnaround Plan

Present Situation

The SBE must apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of “D” or a grade of “F.”¹⁴ In the first school year after a school earns two consecutive grades of “D” or a grade of “F,” the school district must immediately implement intervention and support strategies and:

- By September 1, provide to the SBE the negotiated memorandum of understanding with the bargaining agent in educational emergency circumstances.
- By October 1, a district-managed turnaround plan (DMT) for approval by the state board.¹⁵

After the SBE approves the DMT, the school district must implement the plan for the remainder of the school year and continue the plan for one full school year.¹⁶ The SBE may allow a school

⁷ Section 1008.33(3)(a), F.S., Art. IX, Fla. Const.

⁸ Section 1008.33(3)(b), F.S.

⁹ Sections 1008.33(3)(b) and 1008.34, F.S.

¹⁰ Section 1008.33(3)(c), F.S.

¹¹ *Id.*

¹² *Id.*

¹³ Section 1008.33(3)(c), F.S.

¹⁴ Section 1008.33(4)(a), F.S.

¹⁵ *Id.*

¹⁶ *Id.*

an additional year of DMT implementation if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.¹⁷

Effect of Proposed Changes

The bill provides that a school that has completed two school years of a district-managed turnaround plan and has not improved its school grade to a “C” or higher must implement a turnaround option. Accordingly, a school will be able to complete its district-managed turnaround plan before the school is required to implement a turnaround option. As a result, the school may be able to assess the effectiveness of a DMT plan before implementing other turnaround options to improve student performance.

Turnaround Options

Present Situation

Unless the SBE provides an additional year of implementation, a school that earns three consecutive grades below a “C” must implement one of the following turnaround options:¹⁸

- Reassign students to another school and monitor the progress of each reassigned student;
- Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or
- Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

Implementation of the turnaround option is no longer required if the school improves to a grade of “C” or higher.¹⁹ If a school earning two consecutive grades of “D” or a grade of “F” does not improve to a grade of “C” or higher after 2 full school years of implementing the turnaround option, the school district must implement another turnaround option, beginning the school year following the implementation period of the existing turnaround option, unless the SBE determines that the school is likely to improve to a grade of “C” or higher if additional time is provided to implement the existing turnaround option.²⁰

Effect of Proposed Changes

The bill modifies the turnaround options available to a school district for a school that does not improve to a grade of “C” or higher after two years of implementing a district-managed turnaround plan. Specifically, the bill:

- Modifies the current law turnaround option regarding closure to specify that if the school chooses the option to close and reopen as one or more charter schools, such charter schools are eligible for funding from the newly established hope supplemental services allocation.
- Expands the option to contract with an outside entity that has a demonstrated record of effectiveness to operate the school to provide that an outside entity may include a hope

¹⁷ Section 1008.33(4)(a), F.S.

¹⁸ *Id.* at (b).

¹⁹ *Id.* at (c).

²⁰ *Id.* at (d).

operator that submits to a school district a notice of intent and a performance based agreement pursuant to law. A school of hope established pursuant to a turnaround option is eligible for funding from the newly established hope supplemental services allocation for up to 5 years, beginning in the school year in which the school of hope is established if the school of hope meets the following eligibility requirements:

- Is established at the district-owned facilities of the persistently low-performing school;
- Gives priority enrollment to students who are enrolled in, or are eligible to attend and are living in the attendance area of, the persistently low-performing school that the school of hope operates, consistent with the enrollment lottery exemption provided in law;²¹ and
- Meets the requirements of its performance based agreement.
- Provides that if a school implements the option to contract with a district-managed charter school as provided in law, such school is eligible for funding from the newly established hope supplemental services allocation.
- Creates the franchise model school, defined as a persistently low-performing school that is led by a highly effective principal, who also leads the school to which the principal is currently assigned. If a franchise model school achieves a grade of “C” or higher, the school may retain its status as a franchise model school at the discretion of the school district. The bill authorizes a school district that has one or more persistently low-performing schools to use a franchise model school as a school turnaround option.

The bill also establishes criteria for a franchise model principal to specify that such principal:

- Must be rated highly effective pursuant to existing personnel evaluations procedures and criteria;
- May lead two or more schools, including a persistently low-performing school or a school that was considered a persistently low-performing school before becoming a franchise model school;
- May allocate resources and personnel between the schools under his or her administration; however, he or she must expend hope supplemental services allocation funds at the franchise model schools; and
- Is eligible to receive a Best and Brightest Principal award.

The strengthened turnaround options and funds provided in the supplemental services allocation provided in the bill may result in an increased number of schools that improve to a grade of “C” or higher after implementing a turnaround option.

Persistently Low-Performing School

Present Situation

A persistently low-performing school is a school that has earned three consecutive grades lower than a “C” and a school that was closed within two years after the submission of a notice of intent.²² The SBE must provide students in persistently low-performing schools with a public

²¹ See Section 1011.62(16), F.S.

²² Section 1002.333(1)(b), F.S.

school that meets accountability standards²³ and is required to annually publish a list of persistently low-performing schools.²⁴

Effect of Proposed Changes

The bill revises the definition of persistently low-performing school to mean a school that has completed 2 school years of a district managed turnaround plan and has not improved its school grade to a “C” or higher, instead of as a school that has earned three consecutive grades lower than a “C.” This provides that a school is considered a persistently low-performing school after a school has had the chance to complete the school’s DMT and assess the effectiveness of the DMT on student performance.

Schools of Hope

Present Situation

A Hope Operator is a nonprofit organization with tax-exempt status under the Internal Revenue Code that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the SBE based on criteria established in law.²⁵ Before the adoption of measurable criteria by the SBE, an entity that has received funding from a national charter school grant program or that has been selected to operate a school pursuant to a turnaround option must be designated as a hope operator.²⁶ An entity’s initial status as a hope operator is valid for 5 years from the opening of a school of hope.²⁷

A school of hope is a charter school operated by a hope operator that is operated pursuant to a turnaround option specified in law or that:²⁸

- Serves students from one or more persistently low-performing schools;
- Is located in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater; and
- Is a title I eligible school.

A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which the SBE has identified a persistently low-performing school.²⁹ The notice of intent must include the following elements specified in law:³⁰

- An academic focus and plan.
- A financial plan.

²³ *Id.* at (11)(d).

²⁴ *Id.* at (a).

²⁵ Section 1002.333(2), F.S.

²⁶ *Id.* On January 17, 2018, the SBE adopted Rule 6A-1.0998271, F.A.C., which establishes the process and criteria for non-profit charter school operators to apply for the initial Hope Operator designation. Additionally, the rule establishes and incorporates a Notice of Intent, Application for Hope Operator Designation, and Performance Based-Agreement. Rule 6A-1.0998271, F.A.C.

²⁷ Section 1002.333(3), F.S.

²⁸ *Id.* at (1)(c).

²⁹ *Id.* at (4).

³⁰ *Id.* at (4)(a).

- Goals and objectives for increasing student achievement for the students from low-income families.
- A completed or planned community outreach plan.
- The organizational history of success in working with similar demographics.
- The grade levels to be served and enrollment projections.
- The proposed location or geographic area proposed or the school and its proximity to the persistently low-performing school.
- A staffing plan.

Florida law requires a school district to enter into a performance based agreement with a hope operator to open schools to serve students from persistently low-performing schools.³¹ The entirety of the performance-based agreement must include:³²

- The notice of intent.
- The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.
- An enumeration of the grade to be served in each year of the agreement and whether the school will serve children in the school readiness or prekindergarten programs.
- A plan of action and specific milestones for student recruitment and the enrollment of students from persistently low-performing schools, including enrollment preferences and procedures for conducting transparent admissions lotteries that are open to the public. Students from persistently low-performing schools are exempt from any enrollment lottery to the extent permitted by federal grant requirements.
- A delineation of the current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.
- A description of the methods of involving parents and expected levels of parent involvement.
- The grounds for termination of the school of hope, including the failure to meet the requirements for student performance or generally accepted standards of fiscal management, or the material violation of terms of the agreement.
- A provision allowing the hope operator to open additional schools to serve students enrolled in or zoned for a persistently low-performing school if the hope operator maintains its status.
- A provision establishing the initial term as five years. The agreement must be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance or generally accepted standards of fiscal management, or the hope operator materially violates the law or terms of the agreement.
- A requirement to provide transportation consistent with Florida law.
- A requirement that any arrangement entered into to borrow or otherwise secure funds for the school of hope from a source other than the state or a school district shall indemnify the state and the school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest.
- A provision that any loans, bonds, or other financial agreements are not obligations of the state or the school district but are obligations of the school of hope and are payable solely from the sources of funds pledged by such agreement.
- A prohibition on the pledge of credit or taxing power of the state or the school district.

³¹ Section 1002.333(4)(b), F.S.

³² *Id.* at (5)(a)

Effect of Proposed Changes

The bill refines the requirements in current law with respect to schools of hope. Specifically, the bill:

- Modifies the definition of a school of hope to specify that it must be located in the attendance zone of a persistently low-performing school, and not within a 5-mile radius of such school.
- Clarifies that the notice of intent submitted by a hope operator seeking to open a school of hope must include all of the information specified in law and adds components for inclusion in the notice of intent.
- Provides that the notice of intent must include the specific location proposed for the school of hope or the plan to use the district-owned facilities of the persistently low-performing school.
- Requires the notice of intent contain an operations plan specifying the hope operator's intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

This may result in a more detailed notice of intent pursuant to which a hope operator undertakes at least limited operations of the persistently low-performing school.

*Facilities**Present Situation*

A school of hope must use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities (SREF).³³ A school of hope that uses school district facilities must comply with SREF only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities.³⁴ Management plan requirements are specified in law.³⁵

Effect of Proposed Changes

The bill modifies the following requirements related to the use of facilities by a school of hope:

- A school of hope that is operated by a hope operator which serves students from one or more persistently low-performing schools, is located in such school's attendance zone, and is a Title I eligible school must use facilities that comply with the Florida Building Code, except for SREF.
- A school of hope that is operated by a hope operator pursuant to a turnaround option specified in section 1008.33(4)(b)3.b. of the Florida Statutes and that receives funds from the hope supplemental services allocation must use the district-owned facilities of the persistently low-performing school that the school of hope operates. A school of hope that uses district owned facilities must comply with the State Requirements' for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of the facilities.

This modification may incentivize hope operators to use district-owned facilities.

³³ Section 1002.333(7)(a), F.S.

³⁴ *Id.*

³⁵ *Id.*

Schools of Hope Program

Present Situation

The Schools of Hope Program is created within the DOE.³⁶ A school of hope is eligible to receive funds from the School of Hope Program for specified expenses specified in law.³⁷ A traditional public school that is required to submit a DMT plan for implementation is eligible to receive up to \$2,000 per full-time equivalent student from the Schools of Hope Program based upon the strength of the school's plan for implementation and the focus of such plan on evidence based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships.

Wrap-around services include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education. Plans for implementation may also include models that develop a culture of attending college, high academic expectations, character development, dress codes, and an extended school day and school year. At a minimum, a plan for implementation must:

- Establish wrap-around services that develop family and community partnerships.
- Establish clearly defined and measurable high academic and character standards.
- Increase parental involvement and engagement in the child's education.
- Describe how the school district will identify, recruit, retain, and reward instructional personnel. The state board may waive or suspend specified statutory requirements to facilitate implementation of the plan.
- Identify a knowledge-rich curriculum that the school will use that focuses on developing a student's background knowledge.
- Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.

The SBE must provide awards for up to 25 schools and prioritize awards for plans for wrap-around services that are based on whole school transformation and are developed in consultation with the school's principal.³⁸ The SBE is also required to annually report on the implementation of the Schools of Hope Program and provide summarized academic and performance reports of each traditional public school receiving funds.³⁹

Effect of Proposed Changes

The bill replaces the schools of hope program with the hope supplemental services allocation to provide that a traditional public school required to implement either a district-managed turnaround plan or a turnaround option specified in law is eligible to receive funding for services authorized from the hope supplemental services allocation.

³⁶ Section 1002.333(10), F.S.

³⁷ *Id.* at (a).

³⁸ Section 1002.333(7)(c)1., F.S.

³⁹ *Id.* at (c)2.

Hope Supplemental Services Allocation

The bill establishes the hope supplemental services allocation to provide schools implementing a district-managed turnaround plan and schools implementing turnaround options specified in law with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families. The bill authorizes that the allocation may fund, but is not limited to, the following services and strategies:

- Services such as tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education.
- Models that develop a culture that encourages students to attend college, set high academic expectations, inspire character development and include an extended school day and school year.

The bill provides that, at a minimum, a school district for a school implementing a DMT, a school implementing a turnaround option and persistently low-performing schools that use a franchise model; a hope operator, for a school of hope; or the charter school governing board for a charter school, as applicable, must develop a plan for implementation that:

- Establishes comprehensive support services that develop family and community partnerships;
- Establishes clearly defined and measurable high academic and character standards;
- Increases parental involvement and engagement in the child's education;
- Describes how instructional personnel will be identified, recruited, retained, and rewarded; and
- Provides professional development that focuses on academic rigor, district instruction, and creating high academic and character standards.
- Provides focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or year.

Such plan must be submitted by September 1 of each fiscal year.

The bill specifies that for the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year according to current law, must receive \$2,000 per full-time equivalent (FTE) student. A school implementing a district-managed turnaround plan and a charter school, district-managed charter school, school of hope, or franchise model school authorized under a turnaround option are eligible for the remaining funds in the hope supplemental services allocation based on the school's unweighted FTE, up to \$2,000 per FTE or as provided in the General Appropriations Act. If the calculated funds for unweighted FTE student enrollment at the eligible schools exceed the per-FTE funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

The creation of the hope supplemental services allocation will provide schools implementing a district-managed turnaround plan or a turnaround option specified in law with funds to offer services designed to improve the academic and student welfare. This may result in schools investing in strategic efforts to boost student performance, and accordingly, school performance.

Florida Tax Credit Scholarship

Present Situation

The Florida Tax Credit Scholarship Program (FTC) was established to provide an income tax credit for corporations that contribute money to non-profit Scholarship Funding Organizations (SFOs) that award scholarships to students from families with limited resources.⁴⁰ The purpose of the FTC is to enable taxpayers to make private, voluntary contributions to SFOs for children of families that have limited financial resources to expand educational opportunities for these children to achieve a greater level of educational excellence and improve the quality of education in Florida.⁴¹

Florida law specifies that a student is eligible for the FTC if he or she meets one of the following criteria:⁴²

- The student is on the direct certification list or the student's household income level does not exceed 185 percent of the federal poverty level; or
- The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care. A student who initially receives a scholarship based on this eligibility criteria remains eligible to participate until the student graduates from high school or attains the age of 21, whichever occurs first, regardless of the student's household income level.
- The student's household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.

Effect of Proposed Changes

The bill expands student eligibility requirements for the Florida Tax Credit (FTC) scholarship program. The bill specifies that:

- A student who initially receives a scholarship based on placement in foster or in out-of-home care must remain eligible to participate in the FTC until the student graduates from high school or attains 21 years of age, whichever occurs first, regardless of the student's household income level.
- A student who currently attends, or attended in the previous academic year, a persistently low-performing school is eligible for an FTC scholarship.
- A student who initially receives a scholarship based on attendance at a persistently low-performing school remains eligible to participate as long as his or her zoned school retains its status as a persistently low-performing school.

The modified eligibility requirements may result in additional students qualifying for FTC scholarships.

⁴⁰ Section 1002.395, F.S.

⁴¹ *Id.* at (1)(b).

⁴² *Id.* at (3)(b).

School District Funding

Florida school districts are funded by federal, state, and local governments.⁴³ State funding for school districts is primarily provided by legislative appropriations, the majority of which is distributed through the Florida Education Finance Program (FEFP).⁴⁴ Each school district participating in the state allocation of funds for the operation of schools must levy a millage that represents its required local effort (RLE) funding from property taxes.⁴⁵

Florida Education Finance Program

Present Situation

Florida law provides funds for the operation of schools by an allocation from the Florida Education Financier Program (FEFP) to each district. In addition to the basic amount for current operations for the FEFP, the Legislature is authorized to appropriate categorical funding for specified programs, activities or purposes.⁴⁶ Each district school board must include the amount of categorical funds as a part of the district annual financial report to the Florida Department of Education (DOE) and the DOE must submit a report to the Legislature that identifies by district and by categorical fund the amount transferred and the specific academic classroom activity for which the funds were expended.⁴⁷

Effect of Proposed Changes

The bill establishes the mental health assistance allocation within the FEFP to provide supplemental funding to assist school districts in establishing or expanding comprehensive school-based mental health program. The bill also creates the hope supplemental services allocation to provide schools implementing a district-managed turnaround plan and schools implementing turnaround options specified in law with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

Discretionary Millage for Fixed Capital Outlay

Present Situation

Each school board may levy up to 1.5 mills against the taxable value for fixed capital outlay for district schools, including charter schools at the discretion of the school board, to be used for purposes specified in law.⁴⁸ The authority to levy the additional millage was added to Florida law in 1980, and the amount for the millage was 2 mills.⁴⁹ If the additional 1.5-mill levy is not sufficient to meet specified district school board needs, the board is authorized to levy up to 0.25 mills to supplement fixed capital outlay in lieu of an equivalent amount of the discretionary mills

⁴³ Section 1011.62, F.S.

⁴⁴ *Id.*

⁴⁵ Section 1011.62(4), F.S.

⁴⁶ *Id.* at (6).

⁴⁷ *Id.* at (6)(3).

⁴⁸ Section 1011.71(2), F.S.

⁴⁹ Section 1, ch. 1980-381, L.O.F.

for operations as provided in the GAA.⁵⁰ The total discretionary millage levied for school purposes and fixed capital outlay, as provided in statute, may not exceed 1.75 mills.⁵¹

A school district is authorized to expend up to \$100 per unweighted full-time equivalent student from the revenue generated by nonvoted discretionary millage levy authorized in law to fund expenses for the following additional purposes:⁵²

- The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles or vehicles used in storing or distributing materials and equipment.
- Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants.

Effect of Proposed Changes

The bill raises the amount a school district may expend for the purchase or lease of specified vehicles or for the payment of the cost premiums for property and casualty insurance necessary to insure school district educational and ancillary plants from up to \$100 to up to \$150 per unweighted full-time equivalent student. This will provide school districts with additional flexibility in the expenditure of discretionary millage.

Charter School Capital Outlay

Charter school capital outlay is comprised of discretionary millage authorized in law and state funds appropriated in the General Appropriations Act.⁵³ Florida law defines eligibility, allocation methodology and allowable uses.⁵⁴

Eligibility

Present Situation

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

- Have been in operation for 2 or more years,
- Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state, be an expanded feeder chain⁵⁶ of a charter school within the same school district that is currently receiving charter school capital outlay funds, have been accredited by a regional accrediting association as defined by the State Board of Education (SBE), or serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.
- Have an annual audit that does not reveal any of the financial emergency conditions for the most recent fiscal year for which such audits are available.

⁵⁰ Section 1011.71(3), F.S.

⁵¹ *Id.*

⁵² Section 1001.71(5), F.S.

⁵³ Section 1013.62(1), F.S.

⁵⁴ *Id.*

⁵⁵ Section 1013.62(1)(a), F.S.

⁵⁶ Rule 6A-2.0020, F.A.C., provides that a charter school may be considered part of an expanded feeder chain if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding.

- Have satisfactory student achievement⁵⁷ based on state accountability standards applicable to the charter school.
- Have received final approval from its sponsor for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school's sponsor.

A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district.⁵⁸

Effect of Proposed Changes

The bill provides that a charter school is not eligible to receive capital outlay funds if the chair of the charter school governing board and the chief administrative officer of the charter school do not annually certify under oath that the funds will be used solely and exclusively for constructing, renovating, or improving charter school facilities that are owned by:

- A school district, a political subdivision of the state, a municipality, a Florida College System institution or a state university; or,
- An organization that is qualified as an exempt organization under the Internal Revenue Code whose articles of incorporation specify that, upon the organizations dissolution, the subject property will be transferred to a school district, a political subdivision of the state, a municipality, a Florida College System institution, or a state university.

The revised eligibility requirements may result in a change in the number of charter schools that receive capital outlay funds.

Shared Local Capital Outlay Allocation

Present Situation

The DOE must calculate the shared local capital outlay allocation by dividing the revenue generated from the local discretionary millage authorized in law and levied by the school board by the sum of the district fixed capital outlay FTE and the FTE for eligible charter schools.⁵⁹ This calculated capital outlay allocation per FTE must then be multiplied by the eligible charter school's FTE to provide a maximum calculated capital outlay allocation.⁶⁰

Effect of Proposed Changes

The bill modifies the calculation methodology that the DOE must use to determine the amount of revenue that a school district must distribute to each charter school if the school board levies the authorized local discretionary millage. The bill provides that the calculated capital outlay allocation per free-time equivalent (FTE) must be multiplied by the total number of FTE students

⁵⁷ Rule 6A-2.0020, F.A.C., provides that the eligibility requirement for student achievement must be determined in accordance with the language in the charter contract and the charter school's current school improvement plan if the school has a current school improvement plan. A charter school receiving an "F" grade designation through the state accountability system, as defined in s. 1008.34, F.S., must not be eligible for capital outlay funding for the school year immediately following the designation. *Id.*

⁵⁸ Section 1013.62(1)(b), F.S.

⁵⁹ Section 1013.62(1)(b), F.S.

⁶⁰ *Id.* at (c).

for all eligible charter schools within the district to determine the total charter school capital outlay allocation for each district. Next, if applicable, the capital outlay allocation must be reduced by the total amount of state funds allocated to all charter schools within a district to determine the net total calculated capital outlay allocation from local funds. The bill states that if state funds are not allocated for this purpose the total charter school capital outlay allocation is the net total calculated capital outlay allocation from local funds for each district.

The bill also provides that for each charter school within each district, the net capital outlay amount from local funds must be calculated in the same manner as the state funds appropriated in the General Appropriations Act to eligible charter schools, except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district.⁶¹ The per weighted FTE allocation amount from local funds must be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

The revised calculation may alter the amount of funds distributed in each charter school's capital outlay allocation from local funds.

The Collegiate High School Program

Present Situation

Each Florida College System (FCS) institution must work with each district school board in its designated service area⁶² to establish one or more collegiate high school programs (programs).⁶³

At a minimum, programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to:⁶⁴

- Earn CAPE industry certifications;⁶⁵ and to
- Successfully complete 30 credit hours through dual enrollment⁶⁶ toward the first year of college for an associate or baccalaureate degree.

⁶¹ The allocation formula for the shared local capital outlay allocation utilizes a weighted funding approach to provide additional funds to charter schools who serve high proportions of students eligible for free and reduced price lunch or students with disabilities, or both. Section 1013.62(2), F.S.

⁶² Florida College System institution service area districts are specified in law. Section 1000.21(3), F.S.

⁶³ Section 1007.273(1), F.S.

⁶⁴ *Id.* at (2).

⁶⁵ *Id.* CAPE industry certifications are identified on the CAPE Industry Certification Funding List, which is approved by the State Board of Education. Section 1008.44. Such industry certifications must be applied in the distribution of funding to school districts. Section 1008.44(1)(a), F.S. Specified CAPE industry certifications on the CAPE industry certification funding list are eligible for additional full-time equivalent membership funding. Section 1011.62(1)(o), F.S.

⁶⁶ The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree. Section 1007.271(1), F.S.

Each district school board and its local FCS institution must execute a contract to establish one or more programs.⁶⁷ The contract must be executed by January 1 of each school year for implementation of the program during the next school year.⁶⁸ Among other required items, the contract must:⁶⁹

- Identify the grade levels to be included in the program which must, at a minimum, include grade 12.
- Describe the program, including the delineation of courses and industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines.

A district school board may also execute a contract to establish a program with a state university or an eligible private postsecondary institution.⁷⁰

Each student participating in a program must enter into a student performance contract.⁷¹ The 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.⁷²

The program is funded in the same manner as for dual enrollment courses⁷³ and the Florida Education Finance Program (FEFP).⁷⁴ The State Board of Education must enforce compliance with the requirements of the program by withholding the transfer of funds for the school districts and the FCS institutions, as specified in law.⁷⁵

Effect of Proposed Changes

The bill renames the collegiate high school program as the structured high school acceleration program (structured program) and modifies the structured program requirements.

The bill requires that a student participating in a structured program has the option to complete at least 30 credits through dual enrollment. The bill specifies that the structured program must prioritize dual enrollment courses that apply toward general education core⁷⁶ or common

⁶⁷ Section 1007.273(3), F.S.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Section 1007.273(4), F.S. A private postsecondary institution eligible for the program 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 that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. *Id.*

⁷¹ Section 1007.273(4), F.S. The contract must be signed by the student, the parent, and a representative of the school district and the applicable Florida College System institution, state university, or other eligible postsecondary institution. *Id.*

⁷² *Id.*

⁷³ Section 1007.271, F.S.

⁷⁴ Section 1011.62, F.S.

⁷⁵ Section 1008.32(4)(b), F.S.

⁷⁶ 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. Each student who entered an FCS

prerequisite course⁷⁷ requirements over those applicable as electives toward at least the first year of an associate or baccalaureate degree. The bill also specifies a district school board may not limit the number of eligible public school students who may participate in structured programs. Accordingly, such modifications may expand student access to such programs.

The bill requires that, by August 1, 2018, program contracts entered into before January 1, 2018, for the 2018-2019 school year must be modified to include additional program contract requirements. Such additional requirements are:

- A list of the meta-major academic pathways⁷⁸ available through an FCS institution or state university.
- A delineation of courses that include, at a minimum, general education core and common prerequisite course requirements.

Accordingly, school districts that have executed contracts to establish collegiate high school programs for the 2018-2019 school year will be required to modify such contracts to establish a structured program.

The bill also expands the authorization to establish additional structured program contracts to specify that a charter school may execute a contract directly with an FCS institution, a state university, or an eligible private postsecondary institution.

The bill expands the requirements of the student performance contract to include the applicability of courses taken under the structured program to an associate or baccalaureate degree. The bill also requires that, by September 1 of each school year, each district school board must notify students in grades 9-12 in a district public school about structured programs, which includes:

- The method for earning college credit through the structured program, with weblinks to the dual enrollment course list, common degree program prerequisite requirements, industry certification articulation agreements, and meta-major academic pathways.
- The estimated cost savings resulting from students successfully completing 30 credit hours applicable toward general education core and common prerequisite course requirements before graduating from high school versus the cost of earning such credit after high school.

Such additions to the student performance contract may encourage students to participate in structured programs in order to save time and money by taking courses that will apply toward specific associate or baccalaureate degree requirements.

institution or state university in 2015-2016 must complete at least one identified core course in each subject area as part of the general education course requirements. Section 1007.25(3), F.S.

⁷⁷ Common prerequisites are identified courses that must be completed prior to entrance to a specified baccalaureate degree program. Section 1007.25(6), F.S.

⁷⁸ The State Board of Education, in consultation with the Board of Governors, is required to approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major. Section 1008.30(4), F.S.

The bill creates bonus funding for school districts based on students enrolled in such programs completing either a 30- or 60- credit hour block through dual enrollment. Specifically, the bill provides that a student who enrolls in a structured program and successfully completes:

- At least 30 college credit hours during a school year through dual enrollment generates a 0.5 FTE bonus.
- An additional 30 college credit hours through dual enrollment, resulting in at least 60 college credit hours applicable toward fulfilling the requirements for an associate or baccalaureate degree before graduating from high school generates an additional 0.5 FTE bonus.

The bill requires each district school board to report to the Commissioner of Education (commissioner) the total FTE bonus for each structured program. The FTE bonus must be added to each school district's total weighted FTE funding in the subsequent fiscal year. The bill specifies, however, that FTE bonus funding for industry certifications attained must be in accordance with the law.

The bill adds a reporting requirement for structured programs. By September 1 of each school year, each district school superintendent must report to the commissioner, as a minimum:

- The number of students in public schools in the school district who enrolled in the structured program and the partnering postsecondary institution.
- The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate degrees awarded, and the number of industry certifications attained.
- The projected student enrollment in the structured program in the next school year.
- Any barriers to executing contracts to establish one or more structured programs.

Additionally, by November 30 of each school year, the commissioner must report to the Governor and the Legislature the status of structure programs, including a summary of student enrollment and completion information, barriers to establishing such programs, and recommendations for expanding access to structured programs statewide.

The bill takes effect July 1, 2018.

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:

CS/SB 1434 specifies that the mental health assistance allocation and hope supplemental services allocation will be as provided in the General Appropriations Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.333, 1002.395, 1007.273, 1008.33, 1011.62, 1011.71, 1012.732, and 1013.62.

This bill creates section 1002.334 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Education on January 22, 2018:

The committee substitute retains the substance of the bill and adds to the bill, creation of the franchise model schools and the hope supplemental services allocation, and modifications to current law regarding school improvement, eligibility for the Florida Tax Credit (FTC) scholarship, structured high school acceleration program, and the Florida Best and Brightest Principal Scholarship Program. In sum, the committee substitute:

- Creates the mental health assistance allocation to provide supplemental funding to assist school districts in establishing or expanding comprehensive school-based mental health programs, and establishes related requirements
- Strengthens school improvement and education accountability to:
 - Specify that a school must complete two school years of a district-managed turnaround plan before the school must implement a specified turnaround option

- Revise the definition of a persistently low-performing (PLP) school to mean a school that has completed 2 school years of a district-managed turnaround plan and that has not improved its a school grade to a “C” or higher
- Expand the turnaround options available to a school district for a PLP school by including a franchise model school (in which a highly effective principal leads the PLP school in addition to the school principal’s currently assigned school) and a contract with a hope operator to establish a school of hope at the district-owned facilities of the PLP school
- Revise the definition of a school of hope to by retaining the reference to such school’s location in the attendance zone of a PLP school but removing from the definition of a school of hope, the reference to location of such school within a 5-mile radius of a PLP school
- Adds to the notice of intent that a hope operator must submit to a school district, information regarding the plan, if any, to use the district-owned facilities of a PLP school, and an operations plan specifying the operator’s intent to undertake the operations of the PLP school in entirety or through limited components of the operations
- Establishes the Hope Supplemental Services Allocation to provide schools implementing a district-managed turnaround plan or a turnaround option, specified in law, with funds to offer services designed to improve the overall academic and community welfare of the schools’ students and their families, and establishes related requirements
- Expands eligibility for the FTC scholarship to include a student from a PLP school but specifies that the existing categories of students (based on students’ household income and placement in foster home or out-of-home care) must be given priority for the FTC scholarship over a student from a PLP school
- Modifies the eligibility requirements and calculation methodology for specified charter school capital outlay provisions and revises the amount of discretionary millage that a school district may expend for specified purposes
- Renames the Collegiate High School Program as the Structured High School Acceleration Program, modifies programmatic and reporting requirements, and creates bonus funding for school districts based on students enrolled in such programs completing either a 30- or 60- credit hour block of dual enrollment credits

B. Amendments:

None.



218144

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
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The Committee on Education (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1) and (2), paragraph (a) of
subsection (4), paragraphs (b), (g), and (i) of subsection (5),
paragraph (a) of subsection (7), subsection (9), and paragraph
(b) of subsection (10) of section 1002.333, Florida Statutes,
are amended to read:

1002.333 Persistently low-performing schools.—



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11 (1) DEFINITIONS.—As used in this section, the term:
12 (a) “Hope operator” means an entity identified by the
13 department pursuant to subsection (2).
14 (b) “Persistently low-performing school” means a school
15 that has completed 2 school years of a district-managed
16 turnaround plan required under s. 1008.33(4) (a) and has not
17 improved its school grade to a “C” or higher, earned three
18 consecutive grades lower than a “C,” pursuant to s. 1008.34, and
19 a school that was closed pursuant to s. 1008.33(4) within 2
20 years after the submission of a notice of intent.
21 (c) “School of hope” means:
22 1. A charter school operated by a hope operator which
23 serves students from one or more persistently low-performing
24 schools, ~~is located in the attendance zone of a persistently~~
25 ~~low-performing school or within a 5-mile radius of such school,~~
26 ~~whichever is greater;~~ and is a Title I eligible school; or
27 2. A school operated by a hope operator pursuant to s.
28 1008.33(4) (b) 3.b. ~~s. 1008.33(4) (b) 3.~~
29 (2) HOPE OPERATOR.—A hope operator is a nonprofit
30 organization with tax exempt status under s. 501(c) (3) of the
31 Internal Revenue Code which ~~that~~ operates three or more charter
32 schools that serve students in grades K-12 in Florida or other
33 states with a record of serving students from low-income
34 families and is designated by the State Board of Education as a
35 hope operator based on a determination that:
36 (a) The past performance of the hope operator meets or
37 exceeds the following criteria:
38 1. The achievement of enrolled students exceeds the
39 district and state averages of the states in which the



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40 operator's schools operate;

41 2. The average college attendance rate at all schools
42 currently operated by the operator exceeds 80 percent, if such
43 data is available;

44 3. The percentage of students eligible for a free or
45 reduced price lunch under the National School Lunch Act enrolled
46 at all schools currently operated by the operator exceeds 70
47 percent;

48 4. The operator is in good standing with the authorizer in
49 each state in which it operates;

50 5. The audited financial statements of the operator are
51 free of material misstatements and going concern issues; and

52 6. Other outcome measures as determined by the State Board
53 of Education;

54 (b) The operator was awarded a United States Department of
55 Education Charter School Program Grant for Replication and
56 Expansion of High-Quality Charter Schools within the preceding 3
57 years before applying to be a hope operator;

58 (c) The operator receives funding through the National Fund
59 of the Charter School Growth Fund to accelerate the growth of
60 the nation's best charter schools; or

61 (d) The operator is selected by a district school board in
62 accordance with s. 1008.33.

63

64 An entity that meets the requirements of paragraph (b),
65 paragraph (c), or paragraph (d) before the adoption by the state
66 board of measurable criteria pursuant to paragraph (a) shall be
67 designated as a hope operator. After the adoption of the
68 measurable criteria, an entity, including a governing board that



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69 operates a school established pursuant to s. 1008.33(4)(b)3.b.
70 ~~s. 1008.33(4)(b)3.~~, shall be designated as a hope operator if it
71 meets the criteria of paragraph (a).

72 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator
73 seeking to open a school of hope must submit a notice of intent
74 to the school district in which a persistently low-performing
75 school has been identified by the State Board of Education
76 pursuant to subsection (10).

77 (a) The notice of intent must include all of the following:

78 1. An academic focus and plan.

79 2. A financial plan.

80 3. Goals and objectives for increasing student achievement
81 for the students from low-income families.

82 4. A completed or planned community outreach plan.

83 5. The organizational history of success in working with
84 students with similar demographics.

85 6. The grade levels to be served and enrollment
86 projections.

87 7. The specific proposed location or geographic area
88 proposed for the school and its proximity to the persistently
89 low-performing school or the plan to use the district-owned
90 facilities of the persistently low-performing school.

91 8. A staffing plan.

92 9. An operations plan specifying the operator's intent to
93 undertake the operations of the persistently low-performing
94 school in its entirety or through limited components of the
95 operations.

96 (5) PERFORMANCE-BASED AGREEMENT.—The following shall
97 comprise the entirety of the performance-based agreement:



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98 ~~(b) The location or geographic area proposed for the school~~
99 ~~of hope and its proximity to the persistently low-performing~~
100 ~~school.~~

101 ~~(f)(g)~~ The grounds for termination, including failure to
102 meet the requirements for student performance established
103 pursuant to paragraph (d) ~~(e)~~, generally accepted standards of
104 fiscal management, or material violation of terms of the
105 agreement. The nonrenewal or termination of a performance-based
106 agreement must comply with the requirements of s. 1002.33(8).

107 ~~(h)(i)~~ A provision establishing the initial term as 5
108 years. The agreement must ~~shall~~ be renewed, upon the request of
109 the hope operator, unless the school fails to meet the
110 requirements for student performance established pursuant to
111 paragraph (d) ~~(e)~~ or generally accepted standards of fiscal
112 management or the school of hope materially violates the law or
113 the terms of the agreement.

114 (7) FACILITIES.—

115 (a)1. A school of hope that meets the definition under
116 subparagraph (1)(c)1. shall use facilities that comply with the
117 Florida Building Code, except for the State Requirements for
118 Educational Facilities. ~~A school of hope that uses school~~
119 ~~district facilities must comply with the State Requirements for~~
120 ~~Educational Facilities only if the school district and the hope~~
121 ~~operator have entered into a mutual management plan for the~~
122 ~~reasonable maintenance of such facilities. The mutual management~~
123 ~~plan shall contain a provision by which the district school~~
124 ~~board agrees to maintain the school facilities in the same~~
125 ~~manner as its other public schools within the district.~~

126 2. A school of hope that meets the definition under



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127 subparagraph (1)(c)2. and that receives funds from the hope
128 supplemental services allocation under s. 1011.62(16) shall use
129 the district-owned facilities of the persistently low-performing
130 school that the school of hope operates. A school of hope that
131 uses district-owned facilities must comply with the State
132 Requirements for Educational Facilities only if the school
133 district and the hope operator have entered into a mutual
134 management plan for the reasonable maintenance of the
135 facilities. The mutual management plan must contain a provision
136 specifying that the district school board agrees to maintain the
137 school facilities in the same manner as other public schools
138 within the district.

139
140 The local governing authority shall not adopt or impose any
141 local building requirements or site-development restrictions,
142 such as parking and site-size criteria, student enrollment, and
143 occupant load, that are addressed by and more stringent than
144 those found in the State Requirements for Educational Facilities
145 of the Florida Building Code. A local governing authority must
146 treat schools of hope equitably in comparison to similar
147 requirements, restrictions, and site planning processes imposed
148 upon public schools. The agency having jurisdiction for
149 inspection of a facility and issuance of a certificate of
150 occupancy or use shall be the local municipality or, if in an
151 unincorporated area, the county governing authority. If an
152 official or employee of the local governing authority refuses to
153 comply with this paragraph, the aggrieved school or entity has
154 an immediate right to bring an action in circuit court to
155 enforce its rights by injunction. An aggrieved party that



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156 receives injunctive relief may be awarded reasonable attorney
157 fees and court costs.

158 (9) FUNDING.—

159 (a) Schools of hope shall be funded in accordance with s.
160 1002.33(17).

161 (b) Schools of hope shall receive priority in the
162 department's Public Charter School Grant Program competitions.

163 (c) Schools of hope shall be considered charter schools for
164 purposes of s. 1013.62, except charter capital outlay may not be
165 used to purchase real property or for the construction of school
166 facilities.

167 (d) Schools of hope that meet the definition under s.
168 subparagraph (1)(c)1. are eligible to receive funds from the
169 Schools of Hope Program.

170 (e) Schools of hope that meet the definition under
171 subparagraph (1)(c)2. are eligible to receive funds from the
172 hope supplemental services allocation established under s.
173 1011.62(16).

174 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
175 is created within the Department of Education.

176 (b) A traditional public school that is required to submit
177 a plan for implementation pursuant to s. 1008.33(4) is eligible
178 to receive funding for services authorized up to \$2,000 per
179 full-time equivalent student from the hope supplemental services
180 allocation established under s. 1011.62(16) ~~Schools of Hope~~
181 ~~Program based upon the strength of the school's plan for~~
182 ~~implementation and its focus on evidence-based interventions~~
183 ~~that lead to student success by providing wrap-around services~~
184 ~~that leverage community assets, improve school and community~~



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185 ~~collaboration, and develop family and community partnerships.~~
186 ~~Wrap-around services include, but are not limited to, tutorial~~
187 ~~and after school programs, student counseling, nutrition~~
188 ~~education, parental counseling, and adult education. Plans for~~
189 ~~implementation may also include models that develop a culture of~~
190 ~~attending college, high academic expectations, character~~
191 ~~development, dress codes, and an extended school day and school~~
192 ~~year. At a minimum, a plan for implementation must:~~

193 ~~1. Establish wrap-around services that develop family and~~
194 ~~community partnerships.~~

195 ~~2. Establish clearly defined and measurable high academic~~
196 ~~and character standards.~~

197 ~~3. Increase parental involvement and engagement in the~~
198 ~~child's education.~~

199 ~~4. Describe how the school district will identify, recruit,~~
200 ~~retain, and reward instructional personnel. The state board may~~
201 ~~waive the requirements of s. 1012.22(1)(c)5., and suspend the~~
202 ~~requirements of s. 1012.34, to facilitate implementation of the~~
203 ~~plan.~~

204 ~~5. Identify a knowledge-rich curriculum that the school~~
205 ~~will use that focuses on developing a student's background~~
206 ~~knowledge.~~

207 ~~6. Provide professional development that focuses on~~
208 ~~academic rigor, direct instruction, and creating high academic~~
209 ~~and character standards.~~

210 Section 2. Section 1002.334, Florida Statutes, is created
211 to read:

212 1002.334 Franchise model schools.-

213 (1) As used in this section, the term "franchise model



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214 school" means a persistently low-performing school, as defined
215 in s. 1002.333(1)(b), which is led by a highly effective
216 principal in addition to the principal's currently assigned
217 school. If a franchise model school achieves a grade of "C" or
218 higher, the school may retain its status as a franchise model
219 school at the discretion of the school district.

220 (2) A school district that has one or more persistently
221 low-performing schools may use a franchise model school as a
222 school turnaround option pursuant to s. 1008.33(4)(b)4.

223 (3) A franchise model school principal:

224 (a) Must be rated as highly effective pursuant to s.
225 1012.34;

226 (b) May lead two or more schools, including a persistently
227 low-performing school or a school that was considered a
228 persistently low-performing school before becoming a franchise
229 model school;

230 (c) May allocate resources and personnel between the
231 schools under his or her administration; however, he or she must
232 expend hope supplemental services allocation funds, authorized
233 under s. 1011.62(16), at the franchise model school; and

234 (d) Is eligible to receive a Best and Brightest Principal
235 award under s. 1012.732.

236 Section 3. Subsection (3) of section 1002.395, Florida
237 Statutes, is amended to read:

238 1002.395 Florida Tax Credit Scholarship Program.—

239 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

240 (a) The Florida Tax Credit Scholarship Program is
241 established.

242 (b) A student is eligible for a Florida tax credit



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243 scholarship under this section if the student meets one or more
244 of the following criteria:

245 1. The student is on the direct certification list or the
246 student's household income level does not exceed 185 percent of
247 the federal poverty level; or

248 2. The student is currently placed, or during the previous
249 state fiscal year was placed, in foster care or in out-of-home
250 care as defined in s. 39.01. A student who initially receives a
251 scholarship based on eligibility under this subparagraph remains
252 eligible to participate until the student graduates from high
253 school or attains 21 years of age, whichever occurs first,
254 regardless of the student's household income level.

255 3. The student's household income level is greater than 185
256 percent of the federal poverty level but does not exceed 260
257 percent of the federal poverty level.

258 4. The student currently attends, or attended in the
259 previous academic year, a persistently low-performing school, as
260 defined in s. 1002.333(1)(b). A student who initially receives a
261 scholarship under this subparagraph remains eligible to
262 participate as long as his or her zoned school retains its
263 status as a persistently low-performing school.

264
265 A student who is eligible for a Florida tax credit scholarship
266 under subparagraphs (b)1.-3. shall be given priority for a
267 scholarship over a student who is eligible under subparagraph
268 (b)4. A student who initially receives a scholarship based on
269 eligibility under subparagraph (b)2. remains eligible to
270 participate until the student graduates from high school or
271 attains the age of 21 years, whichever occurs first, regardless



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272 ~~of the student's household income level.~~ A sibling of a student
273 who is participating in the scholarship program under this
274 subsection is eligible for a scholarship if the student resides
275 in the same household as the sibling.

276 Section 4. Section 1007.273, Florida Statutes, is amended
277 to read:

278 1007.273 Structured high school acceleration programs
279 ~~Collegiate high school program.~~

280 ~~(1)~~ Each Florida College System institution shall work with
281 each district school board in its designated service area to
282 establish one or more structured programs, including, but not
283 limited to, collegiate high school programs. As used in this
284 section, the term "structured program" means a structured high
285 school acceleration program.

286 ~~(1)~~~~(2)~~ PURPOSE.—At a minimum, structured ~~collegiate high~~
287 ~~school~~ programs must include an option for public school
288 students in grade 11 or grade 12 participating in the structured
289 program, for at least 1 full school year, to earn CAPE industry
290 certifications pursuant to s. 1008.44, and to successfully
291 complete at least 30 credit hours through the dual enrollment
292 program under s. 1007.271. The structured program must
293 prioritize dual enrollment courses that are applicable toward
294 general education core courses or common prerequisite course
295 requirements under s. 1007.25 over dual enrollment courses
296 applicable as electives toward at least the first year of
297 college for an associate degree or baccalaureate degree while
298 enrolled in the structured program. A district school board may
299 not limit the number of eligible public school students who may
300 enroll in such structured programs.



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301 (2)-(3) REQUIRED STRUCTURED PROGRAM CONTRACTS.-
302 (a) Each district school board and its local Florida
303 College System institution shall execute a contract to establish
304 one or more structured collegiate high school programs at a
305 mutually agreed upon location or locations. Beginning with the
306 2015-2016 school year, If the local Florida College System
307 institution does not establish a structured program with a
308 district school board in its designated service area, another
309 Florida College System institution may execute a contract with
310 that district school board to establish the structured program.
311 The contract must be executed by January 1 of each school year
312 for implementation of the structured program during the next
313 school year. By August 1, 2018, a contract entered into before
314 January 1, 2018 for the 2018-2019 school year must be modified
315 to include the provisions of paragraph (b).
316 (b) The contract must:
317 1.(a) Identify the grade levels to be included in the
318 structured collegiate high school program; which must, at a
319 minimum, include grade 12.
320 2.(b) Describe the structured collegiate high school
321 program, including a list of the meta-major academic pathways
322 approved pursuant to s. 1008.30(4), which are available to
323 participating students through the partner Florida College
324 System institution or other eligible partner postsecondary
325 institutions; the delineation of courses that must, at a
326 minimum, include general education core courses and common
327 prerequisite course requirements pursuant to s. 1007.25; and
328 industry certifications offered, including online course
329 availability; the high school and college credits earned for



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330 each postsecondary course completed and industry certification
331 earned; student eligibility criteria; and the enrollment process
332 and relevant deadlines;~~;~~

333 3.(e) Describe the methods, medium, and process by which
334 students and their parents are annually informed about the
335 availability of the structured ~~collegiate high school~~ program,
336 the return on investment associated with participation in the
337 structured program, and the information described in
338 subparagraphs 1. and 2.; paragraphs (a) and (b).

339 4.(d) Identify the delivery methods for instruction and the
340 instructors for all courses;~~;~~

341 5.(e) Identify student advising services and progress
342 monitoring mechanisms;~~;~~

343 6.(f) Establish a program review and reporting mechanism
344 regarding student performance outcomes; ~~and.~~

345 7.(g) Describe the terms of funding arrangements to
346 implement the structured ~~collegiate high school~~ program pursuant
347 to paragraph (5) (a).

348 (3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.-

349 (a) ~~(4)~~ Each student participating in a structured
350 ~~collegiate high school~~ program must enter into a student
351 performance contract which must be signed by the student, the
352 parent, and a representative of the school district and the
353 applicable Florida College System institution, state university,
354 or other institution participating pursuant to subsection (4)
355 ~~(5)~~. The performance contract must, at a minimum, specify
356 ~~include~~ the schedule of courses, by semester, and industry
357 certifications to be taken by the student, if any; student
358 attendance requirements;~~;~~ and course grade requirements; and the



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359 applicability of such courses to an associate degree or a
360 baccalaureate degree.

361 (b) By September 1 of each school year, each district
362 school board must notify each student enrolled in grades 9, 10,
363 11, and 12 in a public school within the school district about
364 the structured program, including, but not limited to:

365 1. The method for earning college credit through
366 participation in the structured program. The notification must
367 include website links to the dual enrollment course equivalency
368 list approved by the State Board of Education; the common degree
369 program prerequisite requirements published by the Articulation
370 Coordinating Committee pursuant to s. 1007.01(3)(f); the
371 industry certification articulation agreements adopted by the
372 State Board of Education in rule; and the approved meta-major
373 academic pathways of the partner Florida College System
374 institution and other eligible partner postsecondary
375 institutions participating pursuant to subsection (4); and

376 2. The estimated cost savings to students and their
377 families resulting from students successfully completing 30
378 credit hours applicable toward general education core courses or
379 common prerequisite course requirements before graduating from
380 high school versus the cost of earning such credit hours after
381 graduating from high school.

382 (4)(5) AUTHORIZED STRUCTURED PROGRAM CONTRACTS.—In addition
383 to executing a contract with the local Florida College System
384 institution under this section, a district school board may
385 execute a contract to establish a structured ~~collegiate high~~
386 ~~school~~ program with a state university or an institution that is
387 eligible to participate in the William L. Boyd, IV, Florida



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388 Resident Access Grant Program, that is a nonprofit independent
389 college or university located and chartered in this state, and
390 that is accredited by the Commission on Colleges of the Southern
391 Association of Colleges and Schools to grant baccalaureate
392 degrees. Such university or institution must meet the
393 requirements specified under subsections (2) ~~(3)~~ and (3) ~~(4)~~. A
394 charter school may execute a contract directly with the local
395 Florida College System institution or another institution as
396 authorized under this section to establish a structured program
397 at a mutually agreed upon location.

398 (5) FUNDING.—

399 (a) ~~(6)~~ The structured collegiate high school program shall
400 be funded pursuant to ss. 1007.271 and 1011.62. The State Board
401 of Education shall enforce compliance with this section by
402 withholding the transfer of funds for the school districts ~~and~~
403 ~~the Florida College System institutions~~ in accordance with s.
404 1008.32. Annually, by December 31, the State Board of Education
405 shall enforce compliance with this section by withholding the
406 transfer of funds for the Florida College System institutions in
407 accordance with s. 1001.602.

408 (b) A student who enrolls in the structured program and
409 successfully completes at least 30 college credit hours during a
410 school year through the dual enrollment program under s.
411 1007.271 generates a 0.5 full-time equivalent (FTE) bonus. A
412 student who enrolls in the structured program and successfully
413 completes an additional 30 college credit hours during a school
414 year, resulting in at least 60 college credit hours through the
415 dual enrollment program under s. 1007.271 applicable toward
416 fulfilling the requirements for an associate in arts degree or



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417 an associate in science degree or a baccalaureate degree
418 pursuant to the student performance contract under subsection
419 (3), before graduating from high school, generates an additional
420 0.5 FTE bonus. Each district school board that is a contractual
421 partner with a Florida College System institution or other
422 eligible postsecondary institution shall report to the
423 commissioner the total FTE bonus for each structured program for
424 the students from that school district. The total FTE bonus
425 shall be added to each school district's total weighted FTE for
426 funding in the subsequent fiscal year.

427 (c) For any industry certification a student attains under
428 this section, the FTE bonus shall be calculated and awarded in
429 accordance with s. 1011.62(1)(o).

430 (6) REPORTING REQUIREMENTS.-

431 (a) By September 1 of each school year, each district
432 school superintendent shall report to the commissioner, at a
433 minimum, the following information on each structured program
434 administered during the prior school year:

435 1. The number of students in public schools within the
436 school district who enrolled in the structured program, and the
437 partnering postsecondary institutions pursuant to subsections
438 (2) and (4);

439 2. The total and average number of dual enrollment courses
440 completed, high school and college credits earned, standard high
441 school diplomas and associate and baccalaureate degrees awarded,
442 and the number of industry certifications attained, if any, by
443 the students who enrolled in the structured program;

444 3. The projected student enrollment in the structured
445 program during the next school year; and



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446 4. Any barriers to executing contracts to establish one or
447 more structured programs.

448 (b) By November 30 of each school year, the commissioner
449 must report to the Governor, the President of the Senate, and
450 the Speaker of the House of Representatives the status of
451 structured programs, including, at a minimum, a summary of
452 student enrollment and completion information pursuant to this
453 subsection; barriers, if any, to establishing such programs; and
454 recommendations for expanding access to such programs statewide.

455 Section 5. Paragraph (c) of subsection (3) and subsection
456 (4) of section 1008.33, Florida Statutes, are amended to read:

457 1008.33 Authority to enforce public school improvement.—

458 (3)

459 (c) The state board shall adopt by rule a differentiated
460 matrix of intervention and support strategies for assisting
461 traditional public schools identified under this section and
462 rules for implementing s. 1002.33(9)(n), relating to charter
463 schools.

464 1. The intervention and support strategies must address
465 efforts to improve student performance through one or more of
466 the following strategies: ~~and may include~~

467 a. Improvement planning;

468 b. Leadership quality improvement;

469 c. Educator quality improvement;

470 d. Professional development;

471 e. Curriculum review, pacing, and alignment across grade
472 levels to improve background knowledge in social studies,
473 science, and the arts; and

474 f. The use of continuous improvement and monitoring plans



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475 and processes.

476 2. In addition, The state board may prescribe reporting
477 requirements to review and monitor the progress of the schools.
478 The rule must define the intervention and support strategies for
479 school improvement for schools earning a grade of "D" or "F" and
480 the roles for the district and department.

481 (4) (a) The state board shall apply intensive intervention
482 and support strategies tailored to the needs of schools earning
483 two consecutive grades of "D" or a grade of "F." In the first
484 full school year after a school initially earns two consecutive
485 grades of "D" or a grade of "F," the school district must
486 immediately implement intervention and support strategies
487 prescribed in rule under paragraph (3) (c) and, by September 1,
488 provide the department with the memorandum of understanding
489 negotiated pursuant to s. 1001.42(21) and, by October 1, a
490 district-managed turnaround plan for approval by the state
491 board. The district-managed turnaround plan may include a
492 proposal for the district to implement an extended school day, a
493 summer program, or a combination of an extended school day and
494 summer program. Upon approval by the state board, the school
495 district must implement the plan for the remainder of the school
496 year and continue the plan for 1 full school year. The state
497 board may allow a school an additional year of implementation
498 before the school must implement a turnaround option required
499 under paragraph (b) if it determines that the school is likely
500 to improve to a grade of "C" or higher after the first full
501 school year of implementation.

502 (b) Unless an additional year of implementation is provided
503 pursuant to paragraph (a), a school that has completed 2 school



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504 years of a district-managed turnaround plan required under
505 paragraph (a) and has not improved its school grade to a "C" or
506 higher, pursuant to s. 1008.34, ~~earns three consecutive grades~~
507 ~~below a "C"~~ must implement one of the following options:

508 1. Reassign students to another school and monitor the
509 progress of each reassigned student. †

510 2. Close the school and reopen the school as one or more
511 charter schools, each with a governing board that has a
512 demonstrated record of effectiveness. Such charter schools are
513 eligible for funding from the hope supplemental services
514 allocation established under s. 1011.62(16). ~~†~~ ~~or~~

515 3. Contract with an outside entity that has a demonstrated
516 record of effectiveness to operate the school. An outside entity
517 may include:

518 a. A district-managed charter school in which all
519 instructional personnel are not employees of the school
520 district, but are employees of an independent governing board
521 composed of members who did not participate in the review or
522 approval of the charter. A district-managed charter school is
523 eligible for funding from the hope supplemental services
524 allocation established in s. 1011.62(16); or

525 b. A hope operator that submits to a school district a
526 notice of intent of a performance-based agreement pursuant to s.
527 1002.333. A school of hope established pursuant to this sub-
528 subparagraph is eligible for funding from the hope supplemental
529 services allocation for up to 5 years, beginning in the school
530 year in which the school of hope is established, if the school
531 of hope:

532 (I) Is established at the district-owned facilities of the



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533 persistently low-performing school;

534 (II) Gives priority enrollment to students who are enrolled
535 in, or are eligible to attend and are living in the attendance
536 area of, the persistently low-performing school that the school
537 of hope operates, consistent with the enrollment lottery
538 exemption provided under s. 1002.333(5) (c); and

539 (III) Meets the requirements of its performance-based
540 agreement pursuant to s. 1002.333.

541 4. Implement a franchise model school in which a highly
542 effective principal, pursuant to s. 1012.34, leads the
543 persistently low-performing school in addition to the
544 principal's currently assigned school. The franchise model
545 school principal may allocate resources and personnel between
546 the schools he or she leads. The persistently low-performing
547 school is eligible for funding from the hope supplemental
548 services allocation established under s. 1011.62(16).

549 (c) Implementation of the turnaround option is no longer
550 required if the school improves to a grade of "C" or higher.

551 (d) If a school ~~earning two consecutive grades of "D" or a~~
552 ~~grade of "F"~~ does not improve to a grade of "C" or higher after
553 2 ~~full~~ school years of implementing the turnaround option
554 selected by the school district under paragraph (b), the school
555 district must implement another turnaround option.

556 Implementation of the turnaround option must begin the school
557 year following the implementation period of the existing
558 turnaround option, unless the state board determines that the
559 school is likely to improve to a grade of "C" or higher if
560 additional time is provided to implement the existing turnaround
561 option.



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562 Section 6. Present subsections (16) and (17) of section
563 1011.62, Florida Statutes, are redesignated as subsections (18)
564 and (19), respectively, new subsections (16) and (17) are added
565 to that section, and paragraph (a) of subsection (4) and
566 subsection (14) of that section are amended, to read:

567 1011.62 Funds for operation of schools.—If the annual
568 allocation from the Florida Education Finance Program to each
569 district for operation of schools is not determined in the
570 annual appropriations act or the substantive bill implementing
571 the annual appropriations act, it shall be determined as
572 follows:

573 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
574 Legislature shall prescribe the aggregate required local effort
575 for all school districts collectively as an item in the General
576 Appropriations Act for each fiscal year. The amount that each
577 district shall provide annually toward the cost of the Florida
578 Education Finance Program for kindergarten through grade 12
579 programs shall be calculated as follows:

580 (a) *Estimated taxable value calculations.*—

581 1.a. Not later than 2 working days before July 19, the
582 Department of Revenue shall certify to the Commissioner of
583 Education its most recent estimate of the taxable value for
584 school purposes in each school district and the total for all
585 school districts in the state for the current calendar year
586 based on the latest available data obtained from the local
587 property appraisers. The value certified shall be the taxable
588 value for school purposes for that year, and no further
589 adjustments shall be made, except those made pursuant to
590 paragraphs (c) and (d), or an assessment roll change required by



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591 final judicial decisions as specified in paragraph (18) (b)
592 ~~(16) (b)~~. Not later than July 19, the Commissioner of Education
593 shall compute a millage rate, rounded to the next highest one
594 one-thousandth of a mill, which, when applied to 96 percent of
595 the estimated state total taxable value for school purposes,
596 would generate the prescribed aggregate required local effort
597 for that year for all districts. The Commissioner of Education
598 shall certify to each district school board the millage rate,
599 computed as prescribed in this subparagraph, as the minimum
600 millage rate necessary to provide the district required local
601 effort for that year.

602 b. The General Appropriations Act shall direct the
603 computation of the statewide adjusted aggregate amount for
604 required local effort for all school districts collectively from
605 ad valorem taxes to ensure that no school district's revenue
606 from required local effort millage will produce more than 90
607 percent of the district's total Florida Education Finance
608 Program calculation as calculated and adopted by the
609 Legislature, and the adjustment of the required local effort
610 millage rate of each district that produces more than 90 percent
611 of its total Florida Education Finance Program entitlement to a
612 level that will produce only 90 percent of its total Florida
613 Education Finance Program entitlement in the July calculation.

614 2. On the same date as the certification in sub-
615 subparagraph 1.a., the Department of Revenue shall certify to
616 the Commissioner of Education for each district:

617 a. Each year for which the property appraiser has certified
618 the taxable value pursuant to s. 193.122(2) or (3), if
619 applicable, since the prior certification under sub-subparagraph



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620 1.a.

621 b. For each year identified in sub-subparagraph a., the
622 taxable value certified by the appraiser pursuant to s.
623 193.122(2) or (3), if applicable, since the prior certification
624 under sub-subparagraph 1.a. This is the certification that
625 reflects all final administrative actions of the value
626 adjustment board.

627 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may
628 annually in the General Appropriations Act determine a
629 percentage increase in funds per K-12 unweighted FTE as a
630 minimum guarantee to each school district. The guarantee shall
631 be calculated from prior year base funding per unweighted FTE
632 student which shall include the adjusted FTE dollars as provided
633 in subsection (18) ~~(16)~~, quality guarantee funds, and actual
634 nonvoted discretionary local effort from taxes. From the base
635 funding per unweighted FTE, the increase shall be calculated for
636 the current year. The current year funds from which the
637 guarantee shall be determined shall include the adjusted FTE
638 dollars as provided in subsection (18) ~~(16)~~ and potential
639 nonvoted discretionary local effort from taxes. A comparison of
640 current year funds per unweighted FTE to prior year funds per
641 unweighted FTE shall be computed. For those school districts
642 which have less than the legislatively assigned percentage
643 increase, funds shall be provided to guarantee the assigned
644 percentage increase in funds per unweighted FTE student. Should
645 appropriated funds be less than the sum of this calculated
646 amount for all districts, the commissioner shall prorate each
647 district's allocation. This provision shall be implemented to
648 the extent specifically funded.



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649 (16) HOPE SUPPLEMENTAL SERVICES ALLOCATION.-The hope
650 supplemental services allocation is created to provide district-
651 managed turnaround schools, as required under s. 1008.33(4)(a),
652 charter schools authorized under s. 1008.33(4)(b)2., district-
653 managed charter schools authorized under s. 1008.33(4)(b)3.a.,
654 schools of hope authorized under s. 1008.33(4)(b)3.b., and
655 franchise model schools as authorized under s. 1008.33(4)(b)4.,
656 with funds to offer services designed to improve the overall
657 academic and community welfare of the schools' students and
658 their families.

659 (a) Services funded by the allocation may include, but are
660 not limited to, tutorial and after-school programs, student
661 counseling, nutrition education, and parental counseling. In
662 addition, services may also include models that develop a
663 culture that encourages students to complete high school and to
664 attend college or career training, set high academic
665 expectations, inspire character development, and include an
666 extended school day and school year.

667 (b) Prior to distribution of the allocation, a school
668 district, for a district turnaround school and persistently low-
669 performing schools that use a franchise model; a hope operator,
670 for a school of hope; or the charter school governing board for
671 a charter school, as applicable, shall develop and submit a plan
672 for implementation to its respective governing body for approval
673 no later than August 1 of the fiscal year.

674 (c) At a minimum, the plans required under paragraph (b)
675 must:

676 1. Establish comprehensive support services that develop
677 family and community partnerships;



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678 2. Establish clearly defined and measurable high academic
679 and character standards;

680 3. Increase parental involvement and engagement in the
681 child's education;

682 4. Describe how instructional personnel will be identified,
683 recruited, retained, and rewarded;

684 5. Provide professional development that focuses on
685 academic rigor, direct instruction, and creating high academic
686 and character standards; and

687 6. Provide focused instruction to improve student academic
688 proficiency, which may include additional instruction time
689 beyond the normal school day or school year.

690 (d) Each school district and hope operator shall submit
691 approved plans to the commissioner by September 1 of each fiscal
692 year.

693 (e) For the 2018-2019 fiscal year, a school that is
694 selected to receive funding in the 2017-2018 fiscal year
695 pursuant to s. 1002.333(10)(c) shall receive \$2,000 per FTE. A
696 district-managed turnaround school required under s.
697 1008.33(4)(a), charter school authorized under s.
698 1008.33(4)(b)2., district-managed charter school authorized
699 under s. 1008.33(4)(b)3.a., school of hope authorized under s.
700 1008.33(4)(b)3.b., and franchise model school authorized under
701 s. 1008.33(4)(b)4. are eligible for the remaining funds based on
702 the school's unweighted FTE, up to \$2,000 per FTE or as provided
703 in the General Appropriations Act.

704 (f) For the 2019-2020 fiscal year and thereafter, each
705 school district's allocation shall be based on the unweighted
706 FTE student enrollment at the eligible schools and a per-FTE



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707 funding amount of up to \$2,000 per FTE or as provided in the
708 General Appropriations Act. If the calculated funds for
709 unweighted FTE student enrollment at the eligible schools exceed
710 the per-FTE funds appropriated, the allocation of funds to each
711 school district must be prorated based on each school district's
712 share of the total unweighted FTE student enrollment for the
713 eligible schools.

714 (17) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
715 assistance allocation is created to provide supplemental funding
716 to assist school districts in establishing or expanding
717 comprehensive school-based mental health programs that increase
718 awareness of mental health issues among children and school-age
719 youth; train educators and other school staff in detecting and
720 responding to mental health issues; and connect children, youth,
721 and families who may experience behavioral health issues with
722 appropriate services. These funds may be allocated annually in
723 the General Appropriations Act to each eligible school district
724 and developmental research school based on each entity's
725 proportionate share of Florida Education Finance Program base
726 funding. The district funding allocation must include a minimum
727 amount as specified in the General Appropriations Act. Upon
728 submission and approval of a plan that includes the elements
729 specified in paragraph (b), charter schools are also entitled to
730 a proportionate share of district funding for this program. The
731 allocated funds may not supplant funds that are provided for
732 this purpose from other operating funds and may not be used to
733 increase salaries or provide bonuses.

734 (a) Prior to the distribution of the allocation:
735 1. The district must annually develop and submit a detailed



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736 plan outlining the local program and planned expenditures to the
737 district school board for approval.

738 2. A charter school must annually develop and submit a
739 detailed plan outlining the local program and planned
740 expenditures of the funds in the plan to its governing body for
741 approval. After the plan is approved by the governing body, it
742 must be provided to its school district for submission to the
743 commissioner.

744 (b) The plans required under paragraph (a) must include, at
745 a minimum, all of the following elements:

746 1. A collaborative effort or partnership between the school
747 district and at least one local community program or agency
748 involved in mental health to provide or to improve prevention,
749 diagnosis, and treatment services for students;

750 2. Programs to assist students in dealing with bullying,
751 trauma, and violence;

752 3. Strategies or programs to reduce the likelihood of at-
753 risk students developing social, emotional, or behavioral health
754 problems or substance use disorders;

755 4. Strategies to improve the early identification of
756 social, emotional, or behavioral problems or substance use
757 disorders and to improve the provision of early intervention
758 services;

759 5. Strategies to enhance the availability of school-based
760 crisis intervention services and appropriate referrals for
761 students in need of mental health services; and

762 6. Training opportunities for school personnel in the
763 techniques and supports needed to identify students who have
764 trauma histories and who have or are at risk of having a mental



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765 illness, and in the use of referral mechanisms that effectively
766 link such students to appropriate treatment and intervention
767 services in the school and in the community.

768 (c) The districts shall submit approved plans to the
769 commissioner by August 1 of each fiscal year.

770 (d) Beginning September 30, 2019, and by each September 30
771 thereafter, each entity that receives an allocation under this
772 subsection shall submit to the commissioner in a format
773 prescribed by the department a final report on its program
774 outcomes and its expenditures for each element of the program.

775 Section 7. Subsection (5) of section 1011.71, Florida
776 Statutes, is amended to read:

777 1011.71 District school tax.—

778 (5) ~~Effective July 1, 2008,~~ A school district may expend,
779 subject to ~~the provisions of~~ s. 200.065, up to \$150 ~~\$100~~ per
780 unweighted full-time equivalent student from the revenue
781 generated by the millage levy authorized by subsection (2) to
782 fund, in addition to expenditures authorized in paragraphs
783 (2) (a)-(j), expenses for the following:

784 (a) The purchase, lease-purchase, or lease of driver's
785 education vehicles; motor vehicles used for the maintenance or
786 operation of plants and equipment; security vehicles; or
787 vehicles used in storing or distributing materials and
788 equipment.

789 (b) Payment of the cost of premiums, as defined in s.
790 627.403, for property and casualty insurance necessary to insure
791 school district educational and ancillary plants. As used in
792 this paragraph, casualty insurance has the same meaning as in s.
793 624.605 (1) (d), (f), (g), (h), and (m). Operating revenues that



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794 are made available through the payment of property and casualty
795 insurance premiums from revenues generated under this subsection
796 may be expended only for nonrecurring operational expenditures
797 of the school district.

798 Section 8. Subsections (2), (3), and (4) of section
799 1012.732, Florida Statutes, are amended to read:

800 1012.732 The Florida Best and Brightest Principal
801 Scholarship Program.—

802 (2) There is created the Florida Best and Brightest
803 Principal Scholarship Program to be administered by the
804 Department of Education. The program shall provide categorical
805 funding for scholarships to be awarded to school principals, as
806 defined in s. 1012.01(3)(c)1., who are serving as a franchise
807 model school principal or who have recruited and retained a high
808 percentage of best and brightest teachers.

809 (3)(a) A school principal identified pursuant to s.
810 1012.731(4)(c) is eligible to receive a scholarship under this
811 section if he or she has served as school principal at his or
812 her school for at least 2 consecutive school years including the
813 current school year and his or her school has a ratio of best
814 and brightest teachers to other classroom teachers that is at
815 the 80th percentile or higher for schools within the same grade
816 group, statewide, including elementary schools, middle schools,
817 high schools, and schools with a combination of grade levels.

818 (b) A principal of a franchise model school, as defined in
819 s. 1002.334, is eligible to receive a scholarship under this
820 section.

821 (4) Annually, by February 1, the department shall identify
822 eligible school principals and disburse funds to each school



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823 district for each eligible school principal to receive a
824 scholarship.

825 (a) A scholarship of \$10,000 ~~\$5,000~~ must be awarded to each
826 franchise model school principal who is every eligible under
827 paragraph (3) (b) of this section.

828 (b) A scholarship of \$5,000 must be awarded to each school
829 principal assigned to a Title I school and a scholarship of
830 \$4,000 to each every eligible school principal who is not
831 assigned to a Title I school and who is eligible under paragraph
832 (3) (a).

833 Section 9. Paragraph (b) of subsection (1) and subsection
834 (3) of section 1013.62, Florida Statutes, are amended to read:
835 1013.62 Charter schools capital outlay funding.—

836 (1) Charter school capital outlay funding shall consist of
837 revenue resulting from the discretionary millage authorized in
838 s. 1011.71(2) and state funds when such funds are appropriated
839 in the General Appropriations Act.

840 (b) A charter school is not eligible to receive capital
841 outlay funds if:

842 1. It was created by the conversion of a public school and
843 operates in facilities provided by the charter school's sponsor
844 for a nominal fee, or at no charge, or if it is directly or
845 indirectly operated by the school district; ~~or.~~

846 2. The chair of the governing board and the chief
847 administrative officer of the charter school do not annually
848 certify under oath that the funds will be used solely and
849 exclusively for constructing, renovating, or improving charter
850 school facilities that are:

851 a. Owned by a school district, a political subdivision of



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852 the state, a municipality, a Florida College System institution,
853 or a state university; or

854 b. Owned by an organization that is qualified as an exempt
855 organization under s. 501(c)(3) of the Internal Revenue Code
856 whose articles of incorporation specify that, upon the
857 organization's dissolution, the subject property will be
858 transferred to a school district, a political subdivision of the
859 state, a municipality, a Florida College System institution, or
860 a state university.

861 (3) If the school board levies the discretionary millage
862 authorized in s. 1011.71(2), the department shall use the
863 following calculation methodology to determine the amount of
864 revenue that a school district must distribute to each eligible
865 charter school:

866 (a) Reduce the total discretionary millage revenue by the
867 school district's annual debt service obligation incurred as of
868 March 1, 2017, and any amount of participation requirement
869 pursuant to s. 1013.64(2)(a)8. that is being satisfied by
870 revenues raised by the discretionary millage.

871 (b) Divide the school district's adjusted discretionary
872 millage revenue by the district's total capital outlay full-time
873 equivalent membership and the total number of unweighted full-
874 time equivalent students of each eligible charter school to
875 determine a capital outlay allocation per full-time equivalent
876 student.

877 (c) Multiply the capital outlay allocation per full-time
878 equivalent student by the total number of full-time equivalent
879 students for all ~~of each~~ eligible charter schools within the
880 district ~~school~~ to determine the total charter school capital



881 outlay allocation for each district ~~charter school~~.

882 (d) If applicable, reduce the capital outlay allocation
883 identified in paragraph (c) by the total amount of state funds
884 allocated pursuant to subsection (2) to all ~~each~~ eligible
885 charter schools within a district ~~school in subsection (2)~~ to
886 determine the net total ~~maximum~~ calculated capital outlay
887 allocation from local funds. If state funds are not allocated
888 pursuant to subsection (2), the amount determined in paragraph
889 (c) is equal to the net total calculated capital outlay
890 allocation from local funds for each district.

891 (e) For each charter school within each district, the net
892 capital outlay amount from local funds shall be calculated in
893 the same manner as the state funds in paragraphs (2) (a)-(d),
894 except that the base charter school per weighted FTE allocation
895 amount shall be determined by dividing the net total capital
896 outlay amount from local funds by the total weighted FTE for all
897 eligible charter schools within the district. The per weighted
898 FTE allocation amount from local funds shall be multiplied by
899 the weighted FTE for each charter school to determine each
900 charter school's capital outlay allocation from local funds.

901 ~~(f)~~ School districts shall distribute capital outlay
902 funds to charter schools no later than February 1 of each year,
903 ~~beginning on February 1, 2018, for the 2017-2018 fiscal year.~~

904 Section 10. This act shall take effect July 1, 2018.

905
906 ===== T I T L E A M E N D M E N T =====

907 And the title is amended as follows:

908 Delete everything before the enacting clause
909 and insert:



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910 A bill to be entitled
911 An act relating to K-12 education enhancements;
912 amending s. 1002.333, F.S.; redefining the terms
913 "persistently low-performing school" and "school of
914 hope"; revising the contents of a school of hope
915 notice of intent and performance-based agreement;
916 revising school of hope facility requirements;
917 specifying that certain schools of hope are eligible
918 to receive hope supplemental service allocation funds;
919 requiring the State Board of Education to provide
920 awards to all eligible schools that meet certain
921 requirements; conforming cross-references; creating s.
922 1002.334, F.S.; defining the term "franchise model
923 school"; authorizing specified schools to use a
924 franchise model school as a turnaround option;
925 specifying requirements for a franchise model school
926 principal; amending s. 1002.395, F.S.; revising
927 student eligibility criteria for the Florida Tax
928 Credit Scholarship Program; specifying priority levels
929 for the scholarships; amending s. 1007.273, F.S.;
930 defining the term "structured program"; providing
931 additional options for students participating in a
932 structured program; prohibiting a district school
933 board from limiting the number of public school
934 students who may participate in a structured program;
935 revising contract requirements; requiring each
936 district school board to annually notify students in
937 certain grades of certain information about the
938 structured program, by a specified date; revising



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939 provisions relating to funding; requiring the state
940 board to enforce compliance with certain provisions by
941 a specified date each year; providing reporting
942 requirements; amending s. 1008.33, F.S.; revising the
943 turnaround options available for certain schools;
944 amending s. 1011.62, F.S.; creating the hope
945 supplemental services allocation; providing the
946 purpose of the allocation; specifying the services
947 that may be funded by the allocation; providing that
948 implementation plans may include certain models;
949 providing requirements for implementation plans;
950 providing for the allocation of funds in specified
951 fiscal years; creating the mental health assistance
952 allocation; providing the purpose of the allocation;
953 providing for the annual allocation of such funds on a
954 specified basis; prohibiting the use of allocated
955 funds to supplant funds provided from other operating
956 funds, to increase salaries, or to provide bonuses;
957 providing requirements for school districts and
958 charter schools; providing that required plans must
959 include certain elements; requiring school districts
960 to annually submit approved plans to the Commissioner
961 of Education by a specified date; requiring that
962 entities that receive such allocations annually submit
963 a final report on program outcomes and specific
964 expenditures to the commissioner by a specified date;
965 amending s. 1011.71, F.S.; increasing the amount that
966 a school district may expend from a specified millage
967 levy for certain expenses; amending s. 1012.732, F.S.;



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968 specifying that a franchise model school principal is
969 eligible to receive a Florida Best and Brightest
970 Principal scholarship; requiring specified awards for
971 eligible principals; amending s. 1013.62, F.S.;
972 prohibiting a charter school from being eligible for
973 capital outlay funds unless the chair of the governing
974 board and the chief administrative officer of the
975 charter school annually certify certain information;
976 revising the Department of Education's calculation
977 methodology for a school district's distribution of
978 discretionary millage to its eligible charter schools;
979 providing an effective date.

By Senator Passidomo

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1 A bill to be entitled
 2 An act relating to K-12 education enhancements;
 3 amending s. 1011.62, F.S.; creating the mental health
 4 assistance allocation and providing the purpose of the
 5 allocation; providing for the allocation of funds;
 6 requiring each entity that receives funds to annually
 7 submit a plan for the use of such funds to the
 8 district school board or other governing body which
 9 must include certain elements; requiring districts to
 10 submit approved plans to the Commissioner of Education
 11 by a specified date; requiring an annual final report
 12 to the commissioner by a specified date; conforming
 13 cross-references; amending s. 1011.71, F.S.;

14 increasing the amount that a school district may
 15 expend from a specified millage levy for certain
 16 expenses; amending s. 1013.62, F.S.; prohibiting a
 17 charter school from being eligible for capital outlay
 18 funds unless the chair of the governing board and the
 19 chief administrative officer of the charter school
 20 annually certify certain information; revising the
 21 Department of Education's calculation methodology for
 22 a school district's distribution of discretionary
 23 millage to its eligible charter schools; providing an
 24 effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Present subsections (16) and (17) of section
 29 1011.62, Florida Statutes, are redesignated as subsections (17)

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

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30 and (18), respectively, a new subsection (16) is added to that
 31 section, and subsection (14) of that section is amended, to
 32 read:

33 1011.62 Funds for operation of schools.—If the annual
 34 allocation from the Florida Education Finance Program to each
 35 district for operation of schools is not determined in the
 36 annual appropriations act or the substantive bill implementing
 37 the annual appropriations act, it shall be determined as
 38 follows:

39 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may
 40 annually in the General Appropriations Act determine a
 41 percentage increase in funds per K-12 unweighted FTE as a
 42 minimum guarantee to each school district. The guarantee shall
 43 be calculated from prior year base funding per unweighted FTE
 44 student which shall include the adjusted FTE dollars as provided
 45 in subsection (17) ~~(16)~~, quality guarantee funds, and actual
 46 nonvoted discretionary local effort from taxes. From the base
 47 funding per unweighted FTE, the increase shall be calculated for
 48 the current year. The current year funds from which the
 49 guarantee shall be determined shall include the adjusted FTE
 50 dollars as provided in subsection (17) ~~(16)~~ and potential
 51 nonvoted discretionary local effort from taxes. A comparison of
 52 current year funds per unweighted FTE to prior year funds per
 53 unweighted FTE shall be computed. For those school districts
 54 which have less than the legislatively assigned percentage
 55 increase, funds shall be provided to guarantee the assigned
 56 percentage increase in funds per unweighted FTE student. Should
 57 appropriated funds be less than the sum of this calculated
 58 amount for all districts, the commissioner shall prorate each

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

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59 district's allocation. This provision shall be implemented to
60 the extent specifically funded.

61 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
62 assistance allocation is created to provide supplemental funding
63 to assist school districts in establishing or expanding
64 comprehensive school-based mental health programs that increase
65 awareness of mental health issues among children and school-age
66 youth; train educators and other school staff in detecting and
67 responding to mental health issues; and connect children, youth,
68 and families who may experience behavioral health issues with
69 appropriate services. These funds shall be allocated annually to
70 each eligible school district and developmental research school
71 based on each entity's proportionate share of Florida Education
72 Finance Program base funding. The district funding allocation
73 must include a minimum amount as specified in the General
74 Appropriations Act. Upon submission and approval of a plan that
75 includes the elements specified in paragraph (b), charter
76 schools are also entitled to a proportionate share of district
77 funding for this program. The allocated funds may not supplant
78 funds that are provided from other operating funds for this
79 purpose and may not be used to increase salaries or provide
80 bonuses.

81 (a) To be eligible for the allocation:

82 1. The district must annually develop and submit a detailed
83 plan outlining the local program and planned expenditures to the
84 district school board for approval.

85 2. A charter school must annually develop and submit a
86 detailed plan outlining the local program and planned
87 expenditures of the funds in the plan to its governing body for

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88 approval. After the plan is approved by the governing body, it
89 must be provided to its school district for submission to the
90 commissioner.

91 (b) A plan required under paragraph (a) must include, at a
92 minimum, all of the following elements:

93 1. A collaborative effort or partnership between the school
94 district and at least one local community program or agency
95 involved in mental health to provide or to improve prevention,
96 diagnosis, and treatment services for students;

97 2. Programs to assist students in dealing with bullying,
98 trauma, and violence;

99 3. Strategies or programs to reduce the likelihood of at-
100 risk students developing social, emotional, or behavioral health
101 problems or substance use disorders;

102 4. Strategies to improve the early identification of
103 social, emotional, or behavioral problems or substance use
104 disorders and to improve the provision of early intervention
105 services;

106 5. Strategies to enhance the availability of school-based
107 crisis intervention services and appropriate referrals for
108 students in need of mental health services; and

109 6. Training opportunities for school personnel in the
110 techniques and supports needed to identify students who have
111 trauma histories and who have or are at risk of having a mental
112 illness, and in the use of referral mechanisms that effectively
113 link such students to appropriate treatment and intervention
114 services in the school and in the community.

115 (c) The districts shall submit approved plans to the
116 commissioner by August 1 of each fiscal year.

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117 (d) Beginning September 30, 2019, and by each September 30
 118 thereafter, each entity that receives an allocation under this
 119 subsection shall submit to the commissioner a final report, in a
 120 format prescribed by the department, on its program outcomes and
 121 its expenditures for each element of the program.

122 Section 2. Subsection (5) of section 1011.71, Florida
 123 Statutes, is amended to read:

124 1011.71 District school tax.—

125 (5) ~~Effective July 1, 2008,~~ A school district may expend,
 126 subject to ~~the provisions of~~ s. 200.065, up to \$150 ~~\$100~~ per
 127 unweighted full-time equivalent student from the revenue
 128 generated by the millage levy authorized by subsection (2) to
 129 fund, in addition to expenditures authorized in paragraphs

130 (2)(a)-(j), expenses for the following:

131 (a) The purchase, lease-purchase, or lease of driver's
 132 education vehicles; motor vehicles used for the maintenance or
 133 operation of plants and equipment; security vehicles; or
 134 vehicles used in storing or distributing materials and
 135 equipment.

136 (b) Payment of the cost of premiums, as defined in s.
 137 627.403, for property and casualty insurance necessary to insure
 138 school district educational and ancillary plants. As used in
 139 this paragraph, casualty insurance has the same meaning as in s.
 140 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that
 141 are made available through the payment of property and casualty
 142 insurance premiums from revenues generated under this subsection
 143 may be expended only for nonrecurring operational expenditures
 144 of the school district.

145 Section 3. Paragraph (b) of subsection (1) and subsection

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146 (3) of section 1013.62, Florida Statutes, are amended to read:

147 1013.62 Charter schools capital outlay funding.—

148 (1) Charter school capital outlay funding shall consist of
 149 revenue resulting from the discretionary millage authorized in
 150 s. 1011.71(2) and state funds when such funds are appropriated
 151 in the General Appropriations Act.

152 (b) A charter school is not eligible to receive capital
 153 outlay funds if:

154 1. It was created by the conversion of a public school and
 155 operates in facilities provided by the charter school's sponsor
 156 for a nominal fee, or at no charge, or if it is directly or
 157 indirectly operated by the school district; or—

158 2. The chair of the governing board and the chief
 159 administrative officer of the charter school do not annually
 160 certify under oath that the funds will be used solely and
 161 exclusively for constructing, renovating, or improving charter
 162 school facilities that are:

163 a. Owned by a school district, a political subdivision of
 164 the state, a municipality, a Florida College System institution,
 165 or a state university; or

166 b. Owned by an organization that is qualified as an exempt
 167 organization under s. 501(c)(3) of the Internal Revenue Code
 168 whose articles of incorporation specify that, upon the
 169 organization's dissolution, the subject property will be
 170 transferred to a school district, a political subdivision of the
 171 state, a municipality, a Florida College System institution, or
 172 a state university.

173 (3) If the school board levies the discretionary millage
 174 authorized in s. 1011.71(2), the department shall use the

28-00984E-18 20181434__

175 following calculation methodology to determine the amount of
176 revenue that a school district must distribute to each eligible
177 charter school:

178 (a) Reduce the total discretionary millage revenue by the
179 school district's annual debt service obligation incurred as of
180 March 1, 2017, and any amount of participation requirement
181 pursuant to s. 1013.64(2)(a)8. that is being satisfied by
182 revenues raised by the discretionary millage.

183 (b) Divide the school district's adjusted discretionary
184 millage revenue by the district's total capital outlay full-time
185 equivalent membership and the total number of unweighted full-
186 time equivalent students of each eligible charter school to
187 determine a capital outlay allocation per full-time equivalent
188 student.

189 (c) Multiply the capital outlay allocation per full-time
190 equivalent student by the total number of full-time equivalent
191 students for all of each eligible charter schools within the
192 district school to determine the total charter school capital
193 outlay allocation for each district charter school.

194 (d) If applicable, reduce the capital outlay allocation
195 identified in paragraph (c) by the total amount of state funds
196 allocated pursuant to subsection (2) to all each eligible
197 charter schools within a district school in subsection (2) to
198 determine the net total maximum calculated capital outlay
199 allocation from local funds. If state funds are not allocated
200 pursuant to subsection (2), the amount determined in paragraph
201 (c) is equal to the net total calculated capital outlay
202 allocation from local funds for each district.

203 (e) For each charter school within each district, the net

28-00984E-18 20181434__

204 capital outlay amount from local funds shall be calculated in
205 the same manner as the state funds in paragraphs (2)(a)-(d),
206 except that the base charter school per weighted FTE allocation
207 amount shall be determined by dividing the net total capital
208 outlay amount from local funds by the total weighted FTE for all
209 eligible charter schools within the district. The per weighted
210 FTE allocation amount from local funds shall be multiplied by
211 the weighted FTE for each charter school to determine each
212 charter school's capital outlay allocation from local funds.

213 ~~(f)(e)~~ School districts shall distribute capital outlay
214 funds to charter schools no later than February 1 of each year,
215 ~~beginning on February 1, 2018, for the 2017-2018 fiscal year.~~

216 Section 4. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Dorothy Hukill, Chair
Committee on Education

Subject: Committee Agenda Request

Date: January 16, 2018

I respectfully request that **Senate Bill #1434**, relating to K-12 Education Enhancements, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "K. Passidomo", with a horizontal line extending to the right.

Senator Kathleen Passidomo
Florida Senate, District 28

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/22/18

Meeting Date

1434

Bill Number (if applicable)

218144

Amendment Barcode (if applicable)

Topic K-12 Education SB 1434 Amdt.

Name Sue Woltanski

Job Title parent

Address 146 Westminster Dr

Street

Tavernier FL 33070

City

State

Zip

Phone 305-240-1565

Email kingwolt@yahoo

Speaking: For Against Information

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

Representing Common Ground

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/22/18

Meeting Date

1434

Bill Number (if applicable)

218144

Amendment Barcode (if applicable)

Topic K-12 Education Enhancement

Name Wayne Bertsch (Birch)

Job Title Govt Relations

Address 20425 Gator Lane

Street

Phone 850-251-1835

Land O'Lakes FL 34638

City

State

Zip

Email jbertsch@pasco.k12.fl.us

Speaking: For Against Information

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

Representing Pasco County Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1/22/17

Meeting Date

SB 1434

Bill Number (if applicable)

218144

Amendment Barcode (if applicable)

Topic Mental Health

Name John J Sullivan

Job Title Director of Legislative Affairs

Address 600 S.E. 3rd Ave

Phone 754-321-2608

Street

Fort Lauderdale, FL 33301

City

State

Zip

Email John.J.Sullivan@browardschools.com

Speaking: For Against Information

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

Representing Broward County Public Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/22/13
Meeting Date

1434
Bill Number (if applicable)

218144
Amendment Barcode (if applicable)

Topic Strike all amendment

Name Joy Frank

Job Title General Counsel / FADSS

Address 208 S. Monroe St
Street

Phone 850-577-5784

Gallena, FL
City State Zip

Email JFRANK@FADSS.ORG

Speaking: For Against Information

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

Representing FLA Assoc. of District School Superintendents

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/22/17

Meeting Date

SB 1434

Bill Number (if applicable)

218144

Amendment Barcode (if applicable)

Topic _____

Name Jane Johnson

Job Title Director of Advocacy, Fla Council for Community Behavioral Health

Address 316 E Pede Ave

Street

Phone 850-445-6340

Tallahassee

City

FL

State

32301

Zip

Email jane@fccmh.org

Speaking: For Against Information

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

Representing Florida Council for Community Mental Health

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-2018

Meeting Date

1434

Bill Number (if applicable)

Topic Educ Enhancements

218149
Amendment Barcode (if applicable)

Name Andrea Messina

Job Title Exec, Dir

Address 203 S Monroe St

Phone 850 4142578

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 Florida School Boards Assn

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1, 22, 2018
Meeting Date

1439
Bill Number (if applicable)

Topic K-12 Education Enhancements

also on amndmt
Amendment Barcode (if applicable)

Name KEITH O FLAUGH

218144

Job Title ~~PHD~~ MANAGING DIR., FL Citizens Alliance

Address P.O. Box 697
Street

Phone 239-250-3320

MARCO ISLAND FL 39146
City State Zip

Email keflaugh@mc.com

Speaking: For Against Information

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

Representing Florida Citizens 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/22/18
Meeting Date

SB 1434
Bill Number (if applicable)

Topic K-12 E.O. ENFORCEMENTS

Amendment Barcode (if applicable)

Name CHRISTIAN CAMARA

Job Title REPRESENTING

Address 8585 ~~10~~ SW 124 Ave.

Phone 305 408-4300

MUMF FL 33183

City State Zip

Email CHRISTIAN.RCAMARA@BILVAL.CO

Speaking: For Against Information

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

Representing FLA 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-18

Meeting Date

1434

Bill Number (if applicable)

218144

Amendment Barcode (if applicable)

Topic Education Enhancements

Name Wendy Dodge

Job Title Director of Legislative Affairs

Address PO Box 391

Street

Bartow

City

FL

State

33831

Zip

Phone 863-838-3632

Email wendy.dodge@polk-fl.net

Speaking: For Against Information

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

Representing Polk County Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-18
Meeting Date

1434
Bill Number (if applicable)

Topic EDUCATION ENHANCEMENTS

Amendment Barcode (if applicable)

Name BETH LABASKY

Job Title consultant

Address 1400 Village Square Blvd.
Street

Phone 850 322 7335

Tallahassee Fla 32312
City State Zip

Email bethlabasky@aol.com

Speaking: For Against Information

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

Representing Informed Families of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/21/18

Meeting Date

1434

Bill Number (if applicable)

Topic K-12 Education Enhancements

Amendment Barcode (if applicable)

Name Alisa LaPort (ah LEE sa)

Job Title Exec Director

Address PO Box 961

Phone 851-671-4445

Street

TLH FL 32302

City

State

Zip

Email alisa@namiflorida.org

Speaking: For Against Information

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

Representing National Alliance on Mental Illness - Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-18

Meeting Date

1434

Bill Number (if applicable)

218144

Amendment Barcode (if applicable)

Topic Education Enhancements

Name Wendy Dodge

Job Title Director of Legislative Affairs

Address PO Box 391

Street

Bartow

City

FL

State

33831

Zip

Phone 863-838-3632

Email wendy.dodge@polk-fl.net

Speaking: For Against Information

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

Representing Polk County Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1548

INTRODUCER: Education Committee and Senator Book

SUBJECT: K-12 Student Safety

DATE: January 24, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Fav/CS
2.			CJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1548 modifies Florida law regarding educator certification requirements and district school board duties relating to school safety. Specifically, the bill:

- Expands the applicability of certain employment disqualification criteria to include all positions that require direct contact with students.
- Grants the Department of Education and the Education Practices Commission additional authority to enforce the educator certification requirements and impose penalties against persons who do not comply with certification requirements.
- Requires the holder of a Florida educator certification to agree to inform his or her employer within 48 hours if arrested for any disqualifying offense while employed in a position that requires the certification.
- Provides that persons employed as part-time teachers by the district school board are not exempt from the certification requirements for all school-based personnel.
- Specifies that an adjunct teaching certificate may not be used to fulfill the certification requirements for a person who is employed and renders service as an athletic coach in any public school in Florida.

The bill takes effect July 1, 2018.

II. Present Situation:

Educator Certification Requirements

The purpose of Florida educator certification is to protect the educational interest of students, parents, and the public at large by assuring that Florida educators are professionally qualified for highly effective instruction.¹ The Legislature has established certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.² Further, the Legislature has established a certificate renewal process which promotes the continuing professional improvement of school personnel, thereby enhancing public education in all areas of the state.³

Florida law provides that a person who has been convicted of an offense specified in law is ineligible for educator certification, and instructional personnel and school administrators, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts certain state scholarship students.⁴

Florida law also requires each person who has obtained an educator certification to agree, under penalty of perjury, to inform his or her employer if convicted of any disqualifying offense while he or she is employed in a position for which such certification is required.⁵

Educator Discipline

The Education Practices Commission (Commission) is established in Florida law to interpret and apply the standards of professional practice established by the State Board of Education (SBE).⁶ At least once each year, the Commission must report to and meet with the SBE.⁷ The Commission is authorized to revoke or suspend a certificate or take other appropriate action as provided in law.⁸

Specifically, the Commission may take revoke or suspend the educator certification if a person commits an offense specified in law, including:⁹

- Obtained or attempted to obtain an educator certificate by fraudulent means.
- Knowingly failed to report actual or suspected child abuse or report alleged misconduct by instructional personnel or school administrators that affects the health, safety, or welfare of a student.

¹ Section 1012.54, F.S.

² *Id.*

³ *Id.*

⁴ Section 1012.315(1), F.S.

⁵ Section 1012.36(10)(b), F.S.

⁶ Section 1012.79(7)(a), F.S. The SBE has established principles for professional conduct for the Education Profession in rule. Rule 6A-10.081, F.A.C.

⁷ *Id.* at (c).

⁸ Section 1012.79(7)(b), F.S.

⁹ Section 1012.795(1), F.S.

- Has proved to be incompetent to teach or perform duties as an employee of the public school system or to teach in or operate a private school.
- Has been guilty of gross immorality or an act involving moral turpitude as defined by SBE rule.
- Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state.
- Has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

Florida law provides that the Department of Education (DOE) may deny an applicant a certificate if the department possesses satisfactory evidence that the applicant has committed an act or acts, or that a situation exists, for which the Education Practices Commission would be authorized to revoke a teaching certificate.¹⁰ The decision of the DOE is subject to review by the Education Practices Commission upon the filing of a written request from the applicant within 20 days after receipt of notice of denial.¹¹

Educator Certification Reporting Requirements

Each district school superintendent and the governing authority of each university lab school, state-supported school, private school and the Florida High School Athletic Association must report to the DOE the name of any Florida certified educator who:¹²

- Has been convicted of, or who has pled nolo contendere to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction;
- That official has reason to believe has committed, or is found to have committed, any act which would be a ground for revocation or suspension of a Florida Educator Certification;
- Has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.

Part-time Teachers

Florida law authorizes district school boards to hire certified and qualified personnel to teach a specified number of periods, which may be less than a full school day or less than a full school year.¹³ The district school board must adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who meets specified eligibility requirements¹⁴ and who has expertise in the subject area to be taught. The adjunct teaching certificate shall be used for part-time teaching positions.¹⁵

¹⁰ Section 1012.56(12)(a), F.S.

¹¹ *Id.* at (b).

¹² *Id.* at (5).

¹³ Section 1012.36(1), F.S.

¹⁴ *Id.*

¹⁵ Section 1012.36(1), F.S.

District School Board Duties Relating to Student Discipline and School Safety

A district school board is responsible for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to the health, safety and welfare of students.¹⁶ Specifically, a district school board must use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices.¹⁷ Based on these self-assessment findings, the district school superintendent must provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security.¹⁸ Annually, each district school board must receive the self-assessment results at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the report findings.¹⁹ Each district superintendent must report the self-assessment results and school board action to the commissioner within 30 days.²⁰

III. Effect of Proposed Changes:

CS/SB 1548 modifies Florida law regarding educator certification requirements and district school board duties relating to school safety. Specifically, the bill:

- Expands the applicability of certain employment disqualification criteria to include all positions that require direct contact with students.
- Grants the Department of Education and the Education Practices Commission with additional authority to enforce the educator certification requirements and impose penalties against persons who do not comply with certification requirements.
- Requires the holder of a Florida educator certification to agree to inform his or her employer within 48 hours if arrested for any disqualifying offense while employed in a position that requires the certification.
- Provides that persons employed as part-time teachers by the district school board are not exempt from the certification requirements for all school-based personnel.
- Specifies that an adjunct teaching certificate may not be used to fulfill the certification requirements for a person who is employed and renders service as an athletic coach in any public school in Florida.

Educator Certification Requirements

The bill expands the conditions for disqualification from employment to clarify that if a person has been convicted of an offense specified in law, the person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts specified state scholarship students. Accordingly, this may assist the school districts with their efforts to maintain a safe learning environment for students. The bill also modifies current law to require the holder of a Florida

¹⁶ Section 1006.07, F.S.

¹⁷ Section 1006.07(6), F.S.

¹⁸ Section 1006.07(6), F.S.

¹⁹ *Id.*

²⁰ *Id.*

educator certification to agree to inform his or her employer within 48 hours if arrested for any disqualifying offense while employed in a position that requires the certification. Current law requires an educator certificate holder to provide such information if he or she is convicted of any disqualifying offense while employed in a position that requires the certification.

Educator Discipline

The bill authorizes the Education Practices Commission (Commission) to deny an application for certification in addition to the Commission's existing authority to suspend an educator certificate of any educator certificate holder. The bill also modifies the conditions under in which the Commission is authorized to take disciplinary action to specify if a person:

- Has had any professional license sanctioned by Florida or any other state, or has had the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including a denial of certification or licensure, by the licensing or certifying authority of any jurisdiction, including its agencies and subdivision. The bill provides that the licensing or certifying authority's acceptance of a relinquishment, stipulation
- Regardless of adjudication, has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to a misdemeanor, a felony, or any other criminal charter other than a minor traffic violation.
- Has violated test security rules as provided in law.²¹

The bill authorizes the DOE to deny an applicant a certificate if DOE possesses evidence satisfactory to it that the applicant has committed, or that a situation exists for which the Education Practices Commission would be authorized to discipline a certified educator. The DOE's decision is subject to review by the Commission and the bill expands the authority of the Commission to discipline applicants for an educator certification to specify the following penalties:

- Denial of an application.
- Bar from reapplication.
- Probation for a period of time.
- Restriction of the scope of practice.
- Issuance of a letter of reprimand.
- Referral of the teacher, administrator, or supervisory to the recovery network program under such terms and conditions as the commission may specify.
- An administrative fine not to exceed \$2,000 for each count or separate offense.

The bill provides that a teacher may not be awarded a Career and Professional Education (CAPE) industry certification bonus if the teacher fails to maintain the security of any CAPE industry certification examination or otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher. Additionally, the bill expands the authority of the SBE to adopt rules by authorizing the SBE to establish the criteria under which a student's industry certification or grade may be rescinded.

²¹ Section 1008.24, F.S. specifies the test administration and security rules.

Accordingly, the bill provides the DOE and the Commission with additional authority to enforce the educator certification requirements and impose penalties against persons who do not comply with the specified certification requirements.

Educator Certification Reporting Requirements

The bill modifies the information that each district school superintendent and the governing authority of each university lab school, state-supported school, private school and the Florida High School Athletic Association must report to the DOE to add the name of any educator certificate holder who has been found guilty of, who has had adjudication withheld, or who has pled guilty to a misdemeanor, a felony, or any other criminal charge, other than a minor traffic infraction. This may assist the district maintain a safe learning environment for students.

Part-time Teachers

The bill specifies that persons employed as part-time teachers by the district school board are not exempt from the certification requirements for all school-based personnel. The bill also provides that an adjunct teaching certificate may not be used to fulfill the certification requirements for a person who is employed and renders service as an athletic coach in any public school in any district in Florida.

This may require certain persons currently employed as part-time teachers by district school board to comply with certification requirements. Accordingly, any current athletic coaches with an adjunct teaching certificate to meet the educator certification requirement must satisfy the educator certification requirements specified in law.

District School Board Duties Relating to Student Discipline and School Safety

The bill requires each school district to conduct a security risk assessment at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format developed by the DOE and deletes an outdated reference in current law to the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability.²² The bill also provides that the school board must receive the findings of the required assessments and the superintendent's recommendations at a publicly noticed district school board meeting. Consequently, the public may be informed about school districts' safety and security practices.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²² In 2014, the Legislature repealed the Best Financial Management Practices Review that authorized the Office of Program Policy Analysis and Government Accountability to develop best practices. Section 76, ch. 2014-39, L.O.F.

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: 1006.07, 1011.62, 1012.315, 1012.36, 1012.56, 1012.57, 1012.795, and 1012.796.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education on January 22, 2018:**

The committee substitute removes from the bill, the provision that exempted from background screening, employees of the Division of Vocational Rehabilitation who work as service providers for the school district.

B. Amendments:

None.



717120

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
	.	
	.	
	.	

The Committee on Education (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 40 - 65.

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

And the title is amended as follows:

Delete lines 3 - 5

and insert:

1006.07, F.S.;



812738

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/22/2018	.	
	.	
	.	
	.	

The Committee on Education (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete lines 430 - 564
and insert:
public school in any capacity requiring an educator certificate
~~direct contact with students~~ for that period of time, after
which the person holder may return to teaching as provided in
subsection (4); may revoke the educator certificate of any
person, thereby denying that person the right to teach or
otherwise be employed by a district school board or public
school in any capacity requiring an educator certificate ~~direct~~



812738

12 ~~contact with students~~ for up to 10 years, with reinstatement
13 subject to ~~the provisions of~~ subsection (4); may permanently
14 revoke ~~permanently~~ the educator certificate of any person,
15 thereby denying that person the right to teach or otherwise be
16 employed by a district school board or public school in any
17 capacity requiring an educator certificate ~~direct contact with~~
18 ~~students~~; may suspend a person's ~~the~~ educator certificate, upon
19 an order of the court or notice by the Department of Revenue
20 relating to the payment of child support; or may impose any
21 other penalty provided by law, if the person:

22 (a) Obtained or attempted to obtain an educator certificate
23 by fraudulent means.

24 (b) Knowingly failed to report actual or suspected child
25 abuse as required in s. 1006.061 or report alleged misconduct by
26 instructional personnel or school administrators which affects
27 the health, safety, or welfare of a student as required in s.
28 1012.796.

29 (c) Has proved to be incompetent to teach or to perform
30 duties as an employee of the public school system or to teach in
31 or to operate a private school.

32 (d) Has been guilty of gross immorality or an act involving
33 moral turpitude as defined by rule of the State Board of
34 Education.

35 (e) Has had an educator certificate or other professional
36 license sanctioned by this or any other ~~revocation, suspension,~~
37 ~~or surrender in another~~ state or has had the authority to
38 practice the regulated profession revoked, suspended, or
39 otherwise acted against, including a denial of certification or
40 licensure, by the licensing or certifying authority of any



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41 jurisdiction, including its agencies and subdivisions. The
42 licensing or certifying authority's acceptance of a
43 relinquishment, stipulation, consent order, or other settlement
44 offered in response to or in anticipation of the filing of
45 charges against the licensee or certificateholder shall be
46 construed as action against the license or certificate.

47 (f) Regardless of adjudication, has been convicted or found
48 guilty of, or entered a plea of guilty or nolo contendere to,
49 ~~regardless of adjudication of guilt,~~ a misdemeanor, a felony, or
50 any other criminal charge, other than a minor traffic violation.

51 (g) Upon investigation, has been found guilty of personal
52 conduct that seriously reduces that person's effectiveness as an
53 employee of the district school board.

54 (h) Has breached a contract, as provided in s. 1012.33(2)
55 or s. 1012.335.

56 (i) Has been the subject of a court order or notice by the
57 Department of Revenue pursuant to s. 409.2598 directing the
58 Education Practices Commission to suspend the certificate as a
59 result of noncompliance with a child support order, a subpoena,
60 an order to show cause, or a written agreement with the
61 Department of Revenue.

62 (j) Has violated the Principles of Professional Conduct for
63 the Education Profession prescribed by State Board of Education
64 rules.

65 (k) Has otherwise violated the provisions of law, the
66 penalty for which is the revocation of the educator certificate.

67 (l) Has violated any order of the Education Practices
68 Commission.

69 (m) Has been the subject of a court order or plea agreement



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70 in any jurisdiction which requires the certificateholder to
71 surrender or otherwise relinquish his or her educator ~~educator's~~
72 certificate. A surrender or relinquishment shall be for
73 permanent revocation of the certificate. A person may not
74 surrender or otherwise relinquish his or her certificate before
75 ~~prior to~~ a finding of probable cause by the commissioner as
76 provided in s. 1012.796.

77 (n) Has been disqualified from educator certification under
78 s. 1012.315.

79 (o) Has committed a third recruiting offense as determined
80 by the Florida High School Athletic Association (FHSAA) pursuant
81 to s. 1006.20(2)(b).

82 (p) Has violated test security rules as provided in s.
83 1008.24.

84 (5) Each district school superintendent and the governing
85 authority of each university lab school, state-supported school,
86 private school, and the FHSAA shall report to the department the
87 name of any person certified pursuant to this chapter ~~or~~
88 ~~employed and qualified pursuant to s. 1012.39:~~

89 (a) Who has been convicted or found guilty of, who has had
90 adjudication withheld, or who has pled guilty or nolo contendere
91 ~~to,~~ a misdemeanor, a felony, or any other criminal charge, other
92 than a minor traffic infraction;

93 (b) Who that official has reason to believe has committed
94 or is found to have committed any act which would be a ground
95 for revocation or suspension under subsection (1); or

96 (c) Who has been dismissed or severed from employment
97 because of conduct involving any immoral, unnatural, or
98 lascivious act.



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99 Section 9. Paragraphs (d) and (e) of subsection (1) and
100 subsections (3), (4), (6), and (7) of section 1012.796, Florida
101 Statutes, are amended to read:

102 1012.796 Complaints against teachers and administrators;
103 procedure; penalties.—

104 (1)

105 (d) Each school district shall file in writing with the
106 department all legally sufficient complaints within 30 days
107 after it finds probable cause for disciplinary action to be
108 taken, at the time the date on which subject matter of the
109 complaint resigns, or after an investigation has been inactive
110 for 60 days, whichever occurs first ~~comes to the attention of~~
111 ~~the school district~~. A complaint is legally sufficient if it
112 contains ultimate facts that show a violation has occurred as
113 provided in s. 1012.795 and defined by rule of the State Board
114 of Education. The school district shall include all information
115 relating to the complaint which is known to the school district
116 at the time of filing. Each district school board shall develop
117 and adopt policies and procedures to comply with this reporting
118 requirement. School board policies and procedures must include
119 standards for screening, hiring, and terminating instructional
120 personnel and school administrators, as defined in s. 1012.01;
121 standards of ethical conduct for instructional personnel and
122 school administrators; the duties of instructional personnel and
123 school administrators for upholding the standards; detailed
124 procedures for reporting alleged misconduct by instructional
125 personnel and school administrators which affects the health,
126 safety, or welfare of a student; requirements for the
127 reassignment of instructional personnel or school administrators



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128 pending the outcome of a misconduct investigation; and penalties
129 for failing to comply with s. 1001.51 or s. 1012.795. The
130 district school board policies and procedures shall include
131 appropriate penalties for all personnel of the district school
132 board for nonreporting and procedures for promptly informing the
133 district school superintendent of each legally sufficient
134 complaint. The district school superintendent is charged with
135 knowledge of these policies and procedures and is accountable
136 for the training of all instructional personnel and school
137 administrators of the school district on the standards of
138 ethical conduct, policies, and procedures. If the district
139 school superintendent has knowledge of a legally sufficient
140 complaint upon which probable cause for disciplinary action has
141 been found and does not report the complaint, or fails to
142 enforce the policies and procedures of the district school
143 board, and fails to comply with the requirements of this
144 subsection, in addition to other actions against
145 certificateholders authorized by law, the district school
146 superintendent is subject to penalties as specified in s.
147 1001.51(12). If the superintendent determines that misconduct by
148 instructional personnel or school administrators who hold an
149 educator certificate affects the health, safety, or welfare of a
150 student and the misconduct warrants termination, the
151 instructional personnel or school administrators may resign or
152 be terminated, and the superintendent must report the misconduct
153 to the department in the format prescribed by the department.
154 The department shall maintain each report of misconduct as a
155 public record in the instructional personnel's or school
156 administrators' certification files. This paragraph does not



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157 limit or restrict the power and duty of the department to
158 investigate complaints, regardless of the school district's
159 untimely filing, or failure to file, complaints and followup
160 reports.

161 (e) If allegations arise against an employee who is
162 certified under s. 1012.56 and employed in an educator-
163 certificated position in any public school, charter school or
164 governing board thereof, or private school that accepts
165 scholarship students under s. 1002.39 or s. 1002.395, the school
166 shall file in writing with the department a legally sufficient
167 complaint within 30 days after the date on which it finds
168 probable cause for disciplinary action to be taken, at the time
169 the subject ~~matter~~ of the complaint resigns, or after an
170 investigation has been inactive for 60 days, whichever occurs
171 first ~~came to the attention of the school.~~ A complaint is
172 legally sufficient if it contains ultimate facts that show a
173 violation has occurred as provided in s. 1012.795 and defined by
174 rule of the State Board of Education. The school shall include
175 all known information relating to the complaint with the filing
176 of the complaint. This paragraph does not limit or restrict the
177 power and duty of the department to investigate complaints,
178 regardless of the school's untimely filing, or failure to file,
179 complaints and followup reports.

180 (3) The department staff shall advise the commissioner
181 concerning the findings of the investigation and of all
182 referrals by the Florida High School Athletic Association
183 (FHSA) pursuant to ss. 1006.20(2)(b) and 1012.795. The
184 department general counsel or members of that staff shall review
185 the investigation or the referral and advise the commissioner



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186 concerning probable cause or lack thereof. The determination of
187 probable cause shall be made by the commissioner. The
188 commissioner shall determine if probable cause exists within 180
189 days after receipt of a complaint; however, this requirement may
190 be waived by the certificateholder or may be extended for up to
191 an additional 90 days upon a showing of good cause as stated in
192 the record and approved by a vote of at least five members of a
193 panel of the Education Practices Commission which considers the
194 matter under subsection (6). The commissioner shall provide an
195 opportunity for a conference, if requested, before ~~prior to~~
196 determining probable cause. The commissioner may enter into
197 deferred prosecution agreements in lieu of finding probable
198 cause if, in his or her judgment, such agreements are in the
199 best interests of the department, the certificateholder, and the
200 public. Such deferred prosecution agreements shall become
201 effective when filed with the clerk of the Education Practices
202 Commission. However, a deferred prosecution agreement may not be
203 entered into if there is probable cause to believe that a felony
204 or an act of moral turpitude, as defined by rule of the State
205 Board of Education, has occurred, or for referrals by the FHSAA.
206 Upon finding no probable cause, the commissioner shall dismiss
207 the complaint and may issue a letter of guidance to the
208 certificateholder.

209 (4) The complaint and all information obtained pursuant to
210 the investigation by the department shall be confidential and
211 exempt from ~~the provisions of~~ s. 119.07(1) until the conclusion
212 of the preliminary investigation of the complaint, until such
213 time as the preliminary investigation ceases to be active, or
214 until such time as otherwise provided by s. 1012.798(6).



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215 However, the complaint and all material assembled during the
216 investigation may be inspected and copied by the
217 certificateholder under investigation, or the
218 certificateholder's designee, after the investigation is
219 concluded, but before ~~prior to~~ the determination of probable
220 cause by the commissioner. If the preliminary investigation is
221 concluded with the finding that there is no probable cause to
222 proceed, the complaint and information shall be open thereafter
223 to inspection pursuant to s. 119.07(1). If the preliminary
224 investigation is concluded with the finding that there is
225 probable cause to proceed and a complaint is filed pursuant to
226 subsection (6), the complaint and information shall be open
227 thereafter to inspection pursuant to s. 119.07(1). If the
228 preliminary investigation ceases to be active, the complaint and
229 all such material shall be open thereafter to inspection
230 pursuant to s. 119.07(1), except as otherwise provided pursuant
231 to s. 1012.798(6). For the purpose of this subsection, a
232 preliminary investigation shall be considered active as long as
233 it is continuing with a reasonable, good faith anticipation that
234 an administrative finding will be made in the foreseeable
235 future, but for not more than 90 days unless such period is
236 extended for good cause as stated in the record and approved by
237 a vote of at least five members of the Education Practices
238 Commission which considers the matter under subsection (6).

239 (6) Upon the finding of probable cause, the commissioner
240 shall file a formal complaint and prosecute the complaint
241 pursuant to ~~the provisions of~~ chapter 120. An administrative law
242 judge shall be assigned by the Division of Administrative
243 Hearings of the Department of Management Services to hear the



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244 complaint if there are disputed issues of material fact. The
245 administrative law judge shall make recommendations in
246 accordance with ~~the provisions of~~ subsection (7) to the
247 appropriate Education Practices Commission panel which shall
248 conduct a formal review of such recommendations and other
249 pertinent information and issue a final order. The commission
250 shall consult with its legal counsel before ~~prior to~~ issuance of
251 a final order. The department and the certificateholder may
252 reach an agreement to resolve the matter if the agreement is
253 approved by a panel of the commission as provided in this
254 subsection. The agreement must be presented to the panel within
255 90 days the agreement is fully executed; however, this
256 requirement may be waived by the certificateholder or may be
257 extended for up to an additional 90 days by a vote of at least
258 five members of the panel and upon a showing of good cause as
259 stated in the record.

260 (7) A panel of the commission shall enter a final order
261 either dismissing the complaint, approving a settlement
262 agreement, or imposing one or more of the following penalties:

263 (a) Denial of an application for a ~~teaching~~ certificate or
264 for an administrative or supervisory endorsement on a teaching
265 certificate. The denial may provide that the applicant may not
266 reapply for certification, and that the department may refuse to
267 consider that applicant's application, for a specified period of
268 time or permanently.

269 (b) Revocation or suspension of a certificate.

270 (c) Imposition of an administrative fine not to exceed
271 \$2,000 for each count or separate offense.

272 (d) Placement of the teacher, administrator, or supervisor



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273 on probation for a period of time and subject to such conditions
274 as the commission may specify, including requiring the certified
275 teacher, administrator, or supervisor to complete additional
276 appropriate college courses or work with another certified
277 educator, with the administrative costs of monitoring the
278 probation assessed to the educator placed on probation. An
279 educator who has been placed on probation shall, at a minimum:

280 1. Immediately notify the investigative office in the
281 Department of Education upon employment or separation from
282 ~~termination of employment in the state~~ in any public or private
283 position requiring a Florida educator's certificate.

284 2. Have his or her immediate supervisor submit annual
285 performance reports to the investigative office in the
286 Department of Education.

287 3. Pay to the commission within the first 6 months of each
288 probation year the administrative costs of monitoring probation
289 assessed to the educator.

290 4. Violate no law and fully comply with all district school
291 board policies, school rules, and State Board of Education
292 rules.

293 5. Satisfactorily perform his or her assigned duties in a
294 competent, professional manner.

295 6. Bear all costs of complying with the terms of a final
296 order entered by the commission.

297 (e) Restriction of the authorized scope of practice of the
298 teacher, administrator, or supervisor.

299 (f) Reprimand of the teacher, administrator, or supervisor
300 in writing, with a copy to be placed in the certification file
301 of such person.



302 (g) Imposition of an administrative sanction, upon a person
303 whose teaching certificate has expired, for an act or acts
304 committed while that person possessed a teaching certificate or
305 an expired certificate subject to late renewal, which sanction
306 bars that person from applying for a new certificate for a
307 period of 10 years or less, or permanently.

308 (h) Refer the teacher, administrator, or supervisor to the
309 recovery network program provided in s. 1012.798 under such
310 terms and conditions as the commission may specify.

311
312 The penalties imposed under this subsection are in addition to,
313 and not in lieu of, the penalties required for a third
314 recruiting offense pursuant to s. 1006.20(2)(b). A
315 certificateholder who serves a period of probation is not
316 disqualified from employment opportunities within a school
317 district.

318
319 ===== T I T L E A M E N D M E N T =====

320 And the title is amended as follows:

321 Delete lines 32 - 35

322 and insert:

323 criteria; amending s. 1012.796, F.S.; revising school
324 district and school reporting requirements for the
325 filing of complaints against educators and
326 administrators; requiring the Commissioner of
327 Education to determine if probable cause exists within
328 a specified timeframe; requiring certified educators
329 who are placed on probation to immediately notify a
330 specified office upon separation from, rather than



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331 termination of, employment; providing that such
332 educators are not disqualified from employment
333 opportunities within a school district;

By Senator Book

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1 A bill to be entitled
 2 An act relating to K-12 student safety; amending s.
 3 413.208, F.S.; exempting certain school district
 4 employees from level 2 background screenings under
 5 specified circumstances; amending s. 1006.07, F.S.;
 6 revising district school board duties to include
 7 security risk assessments; requiring certain self-
 8 assessments to be in a specified format; amending s.
 9 1011.62, F.S.; prohibiting certain teachers from
 10 receiving bonuses related to specified FTE student
 11 membership calculations; authorizing the State Board
 12 of Education to adopt rules for rescinding certain
 13 certifications or grades; amending s. 1012.315, F.S.;
 14 providing that certain persons are ineligible for
 15 employment in a school district under specified
 16 circumstances; amending s. 1012.36, F.S.; providing
 17 that certain persons are not exempt from specified
 18 certification requirements; amending s. 1012.56, F.S.;
 19 requiring certified educators to inform their
 20 employers within a specified time period after being
 21 arrested for, rather than convicted of, certain
 22 offenses; authorizing the Department of Education to
 23 deny applicants for certification if the applicant
 24 could be disciplined by the Education Practices
 25 Commission; authorizing the commission to impose
 26 specified penalties on such applicants under certain
 27 circumstances; amending s. 1012.57, F.S.; providing
 28 that an adjunct teaching certificate does not fulfill
 29 specified certification requirements; amending s.

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30 1012.795, F.S.; authorizing the commission to take
 31 certain actions against persons who meet specified
 32 criteria; amending s. 1012.796, F.S.; requiring
 33 certified educators who are placed on probation to
 34 immediately notify a specified office upon separation
 35 from, rather than termination of, employment;
 36 providing an effective date.
 37
 38 Be It Enacted by the Legislature of the State of Florida:
 39
 40 Section 1. Paragraph (b) of subsection (2) of section
 41 413.208, Florida Statutes, is amended to read:
 42 413.208 Service providers; quality assurance; fitness for
 43 responsibilities; background screening.—
 44 (2)
 45 (b) Level 2 background screening pursuant to chapter 435 is
 46 not required for the following persons:
 47 1. A licensed physician, nurse, or other professional who
 48 is licensed by the Department of Health and who has undergone
 49 fingerprinting and background screening as part of such
 50 licensure if providing a service that is within the scope of her
 51 or his licensed practice.
 52 2. A relative of the vulnerable person receiving services.
 53 For purposes of this section, the term "relative" means an
 54 individual who is the father, mother, stepfather, stepmother,
 55 son, daughter, brother, sister, grandmother, grandfather, great-
 56 grandmother, great-grandfather, grandson, granddaughter, uncle,
 57 aunt, first cousin, nephew, niece, husband, wife, father-in-law,
 58 mother-in-law, son-in-law, daughter-in-law, brother-in-law,

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59 sister-in-law, stepson, stepdaughter, stepbrother, stepsister,
60 half-brother, or half-sister of the vulnerable person.

61 3. An individual who provides proof of a current valid
62 background screening conducted pursuant to chapter 1012, if the
63 school district that required the background screening is the
64 service provider and the individual is working for the school
65 district in its capacity as a service provider.

66 Section 2. Subsection (6) of section 1006.07, Florida
67 Statutes, is amended to read:

68 1006.07 District school board duties relating to student
69 discipline and school safety.—The district school board shall
70 provide for the proper accounting for all students, for the
71 attendance and control of students at school, and for proper
72 attention to health, safety, and other matters relating to the
73 welfare of students, including:

74 (6) SAFETY AND SECURITY BEST PRACTICES.—Each school
75 district shall Use the Safety and Security Best Practices
76 developed by the Office of Program Policy Analysis and
77 Government Accountability to conduct a security risk assessment
78 at each public school and conduct a self-assessment of the
79 school districts' current safety and security practices using a
80 format prescribed by the department. Based on these assessment
81 self-assessment findings, the district school superintendent
82 shall provide recommendations to the district school board which
83 identify strategies and activities that the district school
84 board should implement in order to improve school safety and
85 security. Annually, each district school board must receive such
86 findings and the superintendent's recommendations the self-
87 assessment results at a publicly noticed district school board

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88 meeting to provide the public an opportunity to hear the
89 district school board members discuss and take action on the
90 ~~report~~ findings and recommendations. Each district school
91 superintendent shall report such findings ~~the self-assessment~~
92 ~~results~~ and school board action to the commissioner within 30
93 days after the district school board meeting.

94 Section 3. Paragraphs (o) and (t) of subsection (1) of
95 section 1011.62, Florida Statutes, are amended to read:

96 1011.62 Funds for operation of schools.—If the annual
97 allocation from the Florida Education Finance Program to each
98 district for operation of schools is not determined in the
99 annual appropriations act or the substantive bill implementing
100 the annual appropriations act, it shall be determined as
101 follows:

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

106 (o) *Calculation of additional full-time equivalent*
107 *membership based on successful completion of a career-themed*
108 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
109 *courses with embedded CAPE industry certifications or CAPE*
110 *Digital Tool certificates, and issuance of industry*
111 *certification identified on the CAPE Industry Certification*
112 *Funding List pursuant to rules adopted by the State Board of*
113 *Education or CAPE Digital Tool certificates pursuant to s.*
114 *1003.4203.—*

115 1.a. A value of 0.025 full-time equivalent student
116 membership shall be calculated for CAPE Digital Tool

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117 certificates earned by students in elementary and middle school
 118 grades.

119 b. A value of 0.1 or 0.2 full-time equivalent student
 120 membership shall be calculated for each student who completes a
 121 course as defined in s. 1003.493(1)(b) or courses with embedded
 122 CAPE industry certifications and who is issued an industry
 123 certification identified annually on the CAPE Industry
 124 Certification Funding List approved under rules adopted by the
 125 State Board of Education. A value of 0.2 full-time equivalent
 126 membership shall be calculated for each student who is issued a
 127 CAPE industry certification that has a statewide articulation
 128 agreement for college credit approved by the State Board of
 129 Education. For CAPE industry certifications that do not
 130 articulate for college credit, the Department of Education shall
 131 assign a full-time equivalent value of 0.1 for each
 132 certification. Middle grades students who earn additional FTE
 133 membership for a CAPE Digital Tool certificate pursuant to sub-
 134 subparagraph a. may not use the previously funded examination to
 135 satisfy the requirements for earning an industry certification
 136 under this sub-subparagraph. Additional FTE membership for an
 137 elementary or middle grades student may not exceed 0.1 for
 138 certificates or certifications earned within the same fiscal
 139 year. The State Board of Education shall include the assigned
 140 values on the CAPE Industry Certification Funding List under
 141 rules adopted by the state board. Such value shall be added to
 142 the total full-time equivalent student membership for grades 6
 143 through 12 in the subsequent year. CAPE industry certifications
 144 earned through dual enrollment must be reported and funded
 145 pursuant to s. 1011.80. However, if a student earns a

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146 certification through a dual enrollment course and the
 147 certification is not a fundable certification on the
 148 postsecondary certification funding list, or the dual enrollment
 149 certification is earned as a result of an agreement between a
 150 school district and a nonpublic postsecondary institution, the
 151 bonus value shall be funded in the same manner as other nondual
 152 enrollment course industry certifications. In such cases, the
 153 school district may provide for an agreement between the high
 154 school and the technical center, or the school district and the
 155 postsecondary institution may enter into an agreement for
 156 equitable distribution of the bonus funds.

157 c. A value of 0.3 full-time equivalent student membership
 158 shall be calculated for student completion of the courses and
 159 the embedded certifications identified on the CAPE Industry
 160 Certification Funding List and approved by the commissioner
 161 pursuant to ss. 1003.4203(5)(a) and 1008.44.

162 d. A value of 0.5 full-time equivalent student membership
 163 shall be calculated for CAPE Acceleration Industry
 164 Certifications that articulate for 15 to 29 college credit
 165 hours, and 1.0 full-time equivalent student membership shall be
 166 calculated for CAPE Acceleration Industry Certifications that
 167 articulate for 30 or more college credit hours pursuant to CAPE
 168 Acceleration Industry Certifications approved by the
 169 commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

170 2. Each district must allocate at least 80 percent of the
 171 funds provided for CAPE industry certification, in accordance
 172 with this paragraph, to the program that generated the funds.
 173 This allocation may not be used to supplant funds provided for
 174 basic operation of the program.

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175 3. For CAPE industry certifications earned in the 2013-2014
176 school year and in subsequent years, the school district shall
177 distribute to each classroom teacher who provided direct
178 instruction toward the attainment of a CAPE industry
179 certification that qualified for additional full-time equivalent
180 membership under subparagraph 1.:

181 a. A bonus of \$25 for each student taught by a teacher who
182 provided instruction in a course that led to the attainment of a
183 CAPE industry certification on the CAPE Industry Certification
184 Funding List with a weight of 0.1.

185 b. A bonus of \$50 for each student taught by a teacher who
186 provided instruction in a course that led to the attainment of a
187 CAPE industry certification on the CAPE Industry Certification
188 Funding List with a weight of 0.2.

189 c. A bonus of \$75 for each student taught by a teacher who
190 provided instruction in a course that led to the attainment of a
191 CAPE industry certification on the CAPE Industry Certification
192 Funding List with a weight of 0.3.

193 d. A bonus of \$100 for each student taught by a teacher who
194 provided instruction in a course that led to the attainment of a
195 CAPE industry certification on the CAPE Industry Certification
196 Funding List with a weight of 0.5 or 1.0.

197 Bonuses awarded pursuant to this paragraph shall be provided to
198 teachers who are employed by the district in the year in which
199 the additional FTE membership calculation is included in the
200 calculation. Bonuses shall be calculated based upon the
201 associated weight of a CAPE industry certification on the CAPE
202 Industry Certification Funding List for the year in which the
203

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204 certification is earned by the student. Any bonus awarded to a
205 teacher ~~pursuant to under~~ this paragraph is in addition to any
206 regular wage or other bonus the teacher received or is scheduled
207 to receive. A bonus may not be awarded to a teacher who fails to
208 maintain the security of any CAPE industry certification
209 examination or who otherwise violates the security or
210 administration protocol of any assessment instrument that may
211 result in a bonus being awarded to the teacher under this
212 paragraph.

213 (t) *Computation for funding through the Florida Education*
214 *Finance Program.*—The State Board of Education may adopt rules
215 establishing programs, industry certifications, and courses for
216 which the student may earn credit toward high school graduation
217 and the criteria under which a student's industry certification
218 or grade may be rescinded.

219 Section 4. Section 1012.315, Florida Statutes, is amended
220 to read:

221 1012.315 Disqualification from employment.—A person is
222 ineligible for educator certification or, ~~and instructional~~
223 ~~personnel and school administrators, as defined in s. 1012.01,~~
224 ~~are ineligible for~~ employment in any position that requires
225 direct contact with students in a district school system,
226 charter school, or private school that accepts scholarship
227 students under s. 1002.39 or s. 1002.395, if the person,
228 ~~instructional personnel, or school administrator~~ has been
229 convicted of:

230 (1) Any felony offense prohibited under any of the
231 following statutes:

232 (a) Section 393.135, relating to sexual misconduct with

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233 certain developmentally disabled clients and reporting of such
 234 sexual misconduct.

235 (b) Section 394.4593, relating to sexual misconduct with
 236 certain mental health patients and reporting of such sexual
 237 misconduct.

238 (c) Section 415.111, relating to adult abuse, neglect, or
 239 exploitation of aged persons or disabled adults.

240 (d) Section 782.04, relating to murder.

241 (e) Section 782.07, relating to manslaughter, aggravated
 242 manslaughter of an elderly person or disabled adult, aggravated
 243 manslaughter of a child, or aggravated manslaughter of an
 244 officer, a firefighter, an emergency medical technician, or a
 245 paramedic.

246 (f) Section 784.021, relating to aggravated assault.

247 (g) Section 784.045, relating to aggravated battery.

248 (h) Section 784.075, relating to battery on a detention or
 249 commitment facility staff member or a juvenile probation
 250 officer.

251 (i) Section 787.01, relating to kidnapping.

252 (j) Section 787.02, relating to false imprisonment.

253 (k) Section 787.025, relating to luring or enticing a
 254 child.

255 (l) Section 787.04(2), relating to leading, taking,
 256 enticing, or removing a minor beyond the state limits, or
 257 concealing the location of a minor, with criminal intent pending
 258 custody proceedings.

259 (m) Section 787.04(3), relating to leading, taking,
 260 enticing, or removing a minor beyond the state limits, or
 261 concealing the location of a minor, with criminal intent pending

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262 dependency proceedings or proceedings concerning alleged abuse
 263 or neglect of a minor.

264 (n) Section 790.115(1), relating to exhibiting firearms or
 265 weapons at a school-sponsored event, on school property, or
 266 within 1,000 feet of a school.

267 (o) Section 790.115(2)(b), relating to possessing an
 268 electric weapon or device, destructive device, or other weapon
 269 at a school-sponsored event or on school property.

270 (p) Section 794.011, relating to sexual battery.

271 (q) Former s. 794.041, relating to sexual activity with or
 272 solicitation of a child by a person in familial or custodial
 273 authority.

274 (r) Section 794.05, relating to unlawful sexual activity
 275 with certain minors.

276 (s) Section 794.08, relating to female genital mutilation.

277 (t) Chapter 796, relating to prostitution.

278 (u) Chapter 800, relating to lewdness and indecent
 279 exposure.

280 (v) Section 806.01, relating to arson.

281 (w) Section 810.14, relating to voyeurism.

282 (x) Section 810.145, relating to video voyeurism.

283 (y) Section 812.014(6), relating to coordinating the
 284 commission of theft in excess of \$3,000.

285 (z) Section 812.0145, relating to theft from persons 65
 286 years of age or older.

287 (aa) Section 812.019, relating to dealing in stolen
 288 property.

289 (bb) Section 812.13, relating to robbery.

290 (cc) Section 812.131, relating to robbery by sudden

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291 snatching.

292 (dd) Section 812.133, relating to carjacking.

293 (ee) Section 812.135, relating to home-invasion robbery.

294 (ff) Section 817.563, relating to fraudulent sale of

295 controlled substances.

296 (gg) Section 825.102, relating to abuse, aggravated abuse,

297 or neglect of an elderly person or disabled adult.

298 (hh) Section 825.103, relating to exploitation of an

299 elderly person or disabled adult.

300 (ii) Section 825.1025, relating to lewd or lascivious

301 offenses committed upon or in the presence of an elderly person

302 or disabled person.

303 (jj) Section 826.04, relating to incest.

304 (kk) Section 827.03, relating to child abuse, aggravated

305 child abuse, or neglect of a child.

306 (ll) Section 827.04, relating to contributing to the

307 delinquency or dependency of a child.

308 (mm) Section 827.071, relating to sexual performance by a

309 child.

310 (nn) Section 843.01, relating to resisting arrest with

311 violence.

312 (oo) Chapter 847, relating to obscenity.

313 (pp) Section 874.05, relating to causing, encouraging,

314 soliciting, or recruiting another to join a criminal street

315 gang.

316 (qq) Chapter 893, relating to drug abuse prevention and

317 control, if the offense was a felony of the second degree or

318 greater severity.

319 (rr) Section 916.1075, relating to sexual misconduct with

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320 certain forensic clients and reporting of such sexual

321 misconduct.

322 (ss) Section 944.47, relating to introduction, removal, or

323 possession of contraband at a correctional facility.

324 (tt) Section 985.701, relating to sexual misconduct in

325 juvenile justice programs.

326 (uu) Section 985.711, relating to introduction, removal, or

327 possession of contraband at a juvenile detention facility or

328 commitment program.

329 (2) Any misdemeanor offense prohibited under any of the

330 following statutes:

331 (a) Section 784.03, relating to battery, if the victim of

332 the offense was a minor.

333 (b) Section 787.025, relating to luring or enticing a

334 child.

335 (3) Any criminal act committed in another state or under

336 federal law which, if committed in this state, constitutes an

337 offense prohibited under any statute listed in subsection (1) or

338 subsection (2).

339 (4) Any delinquent act committed in this state or any

340 delinquent or criminal act committed in another state or under

341 federal law which, if committed in this state, qualifies an

342 individual for inclusion on the Registered Juvenile Sex Offender

343 List under s. 943.0435(1)(h)1.d.

344 Section 5. Subsection (3) is added to section 1012.36,

345 Florida Statutes, to read:

346 1012.36 Part-time teachers.—

347 (3) Persons employed under the provisions of this section

348 are not exempt from the requirements of s. 1012.55(2)(a).

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349 Section 6. Paragraph (b) of subsection (10) and subsection
 350 (12) of section 1012.56, Florida Statutes, are amended to read:
 351 1012.56 Educator certification requirements.—
 352 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 353 PERIODICALLY.—
 354 (b) A person may not receive a certificate under this
 355 chapter until the person's screening under s. 1012.32 is
 356 completed and the results have been submitted to the Department
 357 of Education or to the district school superintendent of the
 358 school district that employs the person. Every 5 years after
 359 obtaining initial certification, each person who is required to
 360 be certified under this chapter must be rescreened in accordance
 361 with s. 1012.32, at which time the school district shall request
 362 the Department of Law Enforcement to forward the fingerprints to
 363 the Federal Bureau of Investigation for federal criminal records
 364 checks. If, for any reason after obtaining initial
 365 certification, the fingerprints of a person who is required to
 366 be certified under this chapter are not retained by the
 367 Department of Law Enforcement under s. 1012.32(3)(a) and (b),
 368 the person must file a complete set of fingerprints with the
 369 district school superintendent of the employing school district.
 370 Upon submission of fingerprints for this purpose, the school
 371 district shall request the Department of Law Enforcement to
 372 forward the fingerprints to the Federal Bureau of Investigation
 373 for federal criminal records checks, and the fingerprints shall
 374 be retained by the Department of Law Enforcement under s.
 375 1012.32(3)(a) and (b). The cost of the state and federal
 376 criminal history checks required by paragraph (a) and this
 377 paragraph may be borne by the district school board or the

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

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378 employee. Under penalty of perjury, each person who is certified
 379 under this chapter must agree to inform his or her employer
 380 within 48 hours if arrested for ~~convicted of~~ any disqualifying
 381 offense while he or she is employed in a position for which such
 382 certification is required.
 383 (12) DENIAL OF CERTIFICATE.—
 384 (a) The Department of Education may deny an applicant a
 385 certificate if the department possesses evidence satisfactory to
 386 it that the applicant has committed an act or acts, or that a
 387 situation exists, for which the Education Practices Commission
 388 would be authorized to discipline a certified educator ~~revoke a~~
 389 ~~teaching certificate~~.
 390 (b) The decision of the department is subject to review by
 391 the Education Practices Commission upon the filing of a written
 392 request from the applicant within 20 days after receipt of the
 393 notice of denial. Upon review, the commission may impose one or
 394 more of the following penalties pursuant to s. 1012.796(7):
 395 1. Denial of an application.
 396 2. Bar from reapplication.
 397 3. Probation for a period of time.
 398 4. Restriction of the scope of practice.
 399 5. Issuance of a letter of reprimand.
 400 6. Referral of the teacher, administrator, or supervisor to
 401 the recovery network program provided in s. 1012.798 under such
 402 terms and conditions as the commission may specify.
 403 7. An administrative fine not to exceed \$2,000 for each
 404 count or separate offense.
 405 Section 7. Subsection (1) of section 1012.57, Florida
 406 Statutes, is amended to read:

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407 1012.57 Certification of adjunct educators.-
 408 (1) Notwithstanding ~~the provisions of~~ ss. 1012.32, 1012.55,
 409 and 1012.56~~7~~, or any other provision of law or rule to the
 410 contrary, district school boards shall adopt rules to allow for
 411 the issuance of an adjunct teaching certificate to any applicant
 412 who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10)
 413 and who has expertise in the subject area to be taught. An
 414 applicant shall be considered to have expertise in the subject
 415 area to be taught if the applicant demonstrates sufficient
 416 subject area mastery through passage of a subject area test. The
 417 adjunct teaching certificate shall be used for part-time
 418 teaching positions. The adjunct teaching certificate may not be
 419 used to fulfill the requirements of s. 1012.55(2)(a).

420 Section 8. Subsections (1) and (5) of section 1012.795,
 421 Florida Statutes, are amended to read:

422 1012.795 Education Practices Commission; authority to
 423 discipline.-

424 (1) The Education Practices Commission may deny an
 425 application for certification; may suspend the educator
 426 certificates ~~certificate~~ of any instructional personnel or
 427 school administrators, ~~person~~ as defined in s. 1012.01(2) or
 428 (3), for up to 5 years, thereby denying that person the right to
 429 teach or otherwise be employed by a district school board or
 430 public school in any capacity requiring direct contact with
 431 students for that period of time, after which the person holder
 432 may return to teaching as provided in subsection (4); may revoke
 433 the educator certificate of any person, thereby denying that
 434 person the right to teach or otherwise be employed by a district
 435 school board or public school in any capacity requiring direct

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436 contact with students for up to 10 years, with reinstatement
 437 subject to ~~the provisions of~~ subsection (4); may permanently
 438 revoke permanently the educator certificate of any person,
 439 thereby denying that person the right to teach or otherwise be
 440 employed by a district school board or public school in any
 441 capacity requiring direct contact with students; may suspend a
 442 person's ~~the~~ educator certificate, upon an order of the court or
 443 notice by the Department of Revenue relating to the payment of
 444 child support; or may impose any other penalty provided by law,
 445 if the person:

446 (a) Obtained or attempted to obtain an educator certificate
 447 by fraudulent means.

448 (b) Knowingly failed to report actual or suspected child
 449 abuse as required in s. 1006.061 or report alleged misconduct by
 450 instructional personnel or school administrators which affects
 451 the health, safety, or welfare of a student as required in s.
 452 1012.796.

453 (c) Has proved to be incompetent to teach or to perform
 454 duties as an employee of the public school system or to teach in
 455 or to operate a private school.

456 (d) Has been guilty of gross immorality or an act involving
 457 moral turpitude as defined by rule of the State Board of
 458 Education.

459 (e) Has had an educator certificate or other professional
 460 license sanctioned by this or any other ~~revocation, suspension,~~
 461 ~~or surrender in another~~ state or has had the authority to
 462 practice the regulated profession revoked, suspended, or
 463 otherwise acted against, including a denial of certification or
 464 licensure, by the licensing or certifying authority of any

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465 jurisdiction, including its agencies and subdivisions. The
 466 licensing or certifying authority's acceptance of a
 467 relinquishment, stipulation, consent order, or other settlement
 468 offered in response to or in anticipation of the filing of
 469 charges against the licensee or certificateholder shall be
 470 construed as action against the license or certificate.

471 (f) Regardless of adjudication, has been convicted or found
 472 guilty of, or entered a plea of guilty or nolo contendere to,
 473 ~~regardless of adjudication of guilt~~, a misdemeanor, a felony, or
 474 any other criminal charge, other than a minor traffic violation.

475 (g) Upon investigation, has been found guilty of personal
 476 conduct that seriously reduces that person's effectiveness as an
 477 employee of the district school board.

478 (h) Has breached a contract, as provided in s. 1012.33(2)
 479 or s. 1012.335.

480 (i) Has been the subject of a court order or notice by the
 481 Department of Revenue pursuant to s. 409.2598 directing the
 482 Education Practices Commission to suspend the certificate as a
 483 result of noncompliance with a child support order, a subpoena,
 484 an order to show cause, or a written agreement with the
 485 Department of Revenue.

486 (j) Has violated the Principles of Professional Conduct for
 487 the Education Profession prescribed by State Board of Education
 488 rules.

489 (k) Has otherwise violated the provisions of law, the
 490 penalty for which is the revocation of the educator certificate.

491 (l) Has violated any order of the Education Practices
 492 Commission.

493 (m) Has been the subject of a court order or plea agreement

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494 in any jurisdiction which requires the certificateholder to
 495 surrender or otherwise relinquish his or her educator's
 496 certificate. A surrender or relinquishment shall be for
 497 permanent revocation of the certificate. A person may not
 498 surrender or otherwise relinquish his or her certificate prior
 499 to a finding of probable cause by the commissioner as provided
 500 in s. 1012.796.

501 (n) Has been disqualified from educator certification under
 502 s. 1012.315.

503 (o) Has committed a third recruiting offense as determined
 504 by the Florida High School Athletic Association (FHSAA) pursuant
 505 to s. 1006.20(2)(b).

506 (p) Has violated test security rules as provided in s.
 507 1008.24.

508 (5) Each district school superintendent and the governing
 509 authority of each university lab school, state-supported school,
 510 private school, and the FHSAA shall report to the department the
 511 name of any person certified pursuant to this chapter ~~or~~
 512 ~~employed and qualified pursuant to s. 1012.39:~~

513 (a) Who has been convicted or found guilty of, who has had
 514 adjudication withheld, or who has pled guilty or nolo contendere
 515 to, a misdemeanor, a felony, or any other criminal charge, other
 516 than a minor traffic infraction;

517 (b) Who that official has reason to believe has committed
 518 or is found to have committed any act which would be a ground
 519 for revocation or suspension under subsection (1); or

520 (c) Who has been dismissed or severed from employment
 521 because of conduct involving any immoral, unnatural, or
 522 lascivious act.

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523 Section 9. Paragraphs (a) and (d) of subsection (7) of
524 section 1012.796, Florida Statutes, are amended to read:

525 1012.796 Complaints against teachers and administrators;
526 procedure; penalties.-

527 (7) A panel of the commission shall enter a final order
528 either dismissing the complaint or imposing one or more of the
529 following penalties:

530 (a) Denial of an application for a ~~teaching~~ certificate or
531 for an administrative or supervisory endorsement on a teaching
532 certificate. The denial may provide that the applicant may not
533 reapply for certification, and that the department may refuse to
534 consider that applicant's application, for a specified period of
535 time or permanently.

536 (d) Placement of the teacher, administrator, or supervisor
537 on probation for a period of time and subject to such conditions
538 as the commission may specify, including requiring the certified
539 teacher, administrator, or supervisor to complete additional
540 appropriate college courses or work with another certified
541 educator, with the administrative costs of monitoring the
542 probation assessed to the educator placed on probation. An
543 educator who has been placed on probation shall, at a minimum:

544 1. Immediately notify the investigative office in the
545 Department of Education upon employment or separation from
546 ~~termination of employment in the state~~ in any public or private
547 position requiring a Florida educator's certificate.

548 2. Have his or her immediate supervisor submit annual
549 performance reports to the investigative office in the
550 Department of Education.

551 3. Pay to the commission within the first 6 months of each

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552 probation year the administrative costs of monitoring probation
553 assessed to the educator.

554 4. Violate no law and fully comply with all district school
555 board policies, school rules, and State Board of Education
556 rules.

557 5. Satisfactorily perform his or her assigned duties in a
558 competent, professional manner.

559 6. Bear all costs of complying with the terms of a final
560 order entered by the commission.

561 The penalties imposed under this subsection are in addition to,
562 and not in lieu of, the penalties required for a third
563 recruiting offense pursuant to s. 1006.20(2)(b).

565 Section 10. This act shall take effect July 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on the
Environment and Natural Resources, *Chair*
Appropriations
Appropriations Subcommittee on Health and
Human Services
Education
Environmental Preservation and
Conservation
Health Policy
Rules

SENATOR LAUREN BOOK

Democratic Leader Pro Tempore
32nd District

January 12, 2018

Chair Dorothy Hukill
Committee on Education
415 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Hukill,

I respectfully request that you place SB 1548, relating to K-12 Student Safety, on the agenda of the Committee on Education at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book
Senate District 32

cc: Shruti Graf, Staff Director
Lauren Zaugg, Administrative Assistant

REPLY TO:

- 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/22/18

Meeting Date

SB 1548

Bill Number (if applicable)

Topic SB 1548- K 12 Student Safety

Amendment Barcode (if applicable)

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines Street

Phone 850-245-9633

Street

Tallahasee

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 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)

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

BILL: SB 1618

INTRODUCER: Senator Hukill

SUBJECT: Education

DATE: January 19, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1618 deletes an obsolete July 1, 2007, deadline for the Florida Department of Education to develop and operate an electronic individual education plan (IEP) for statewide use.

The bill takes effect July 1, 2018.

II. Present Situation:

Federal law requires states to make a free appropriate public education¹ available to all children with disabilities residing in the state between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school.² As the state educational agency, the Florida Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.³

States receiving Individuals with Disabilities Education Act funds must comply with detailed procedural requirements, including identifying, evaluating, and making placements for students with disabilities and for developing an individualized education program for each student.⁴

For each eligible child with a disability served by a school district, or other state agency that provides special education and related services directly, by contract, or through other

¹ “Free appropriate public education” means services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state education agency; include an appropriate preschool, elementary school, or secondary school education in the state; and are provided in conformity with an individualized education program. 20 U.S.C. s. 1401(9).

² 20 U.S.C. s. 1412(a).

³ 34 C.F.R. s. 300.149.

⁴ 20 U.S.C. s. 1412(a).

arrangements, an individual education plan (IEP) must be developed,⁵ reviewed, and revised.⁶ The IEP provides a clear statement of expected outcomes and the special education services and supports to be provided to the student.⁷

In 2006,⁸ the Legislature enacted legislation to require the DOE to develop and have an operating electronic IEP in place for potential statewide use by July 1, 2007.⁹ The law required the statewide system to be developed collaboratively with school districts and include input from school districts at that time developing or operating electronic IEP systems.¹⁰

III. Effect of Proposed Changes:

SB 1618 deletes an obsolete July 1, 2007, deadline for the Florida Department of Education (DOE) to develop and operate an electronic individual education plan (IEP) system for statewide use. The DOE has developed the required IEP system.¹¹

The bill takes effect July 1, 2018.

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.

⁵ An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services. Rule 6A-6-03028(3)(f), F.A.C.

⁶ Rule 6A-6.03028(3), F.A.C.

⁷ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Developing Quality Individual Educational Plans* (2015), available at <http://www.fl DOE.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 1.

⁸ Section 31, ch. 2006-74, L.O.F.

⁹ Section 1003.576, F.S.

¹⁰ *Id.*

¹¹ Email, Florida Department of Education (Jan. 17, 2018). The electronic IEP system developed by the DOE is within the Portal to Exceptional Education Resources (PEER). *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.576 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Hukill

14-01074-18

20181618__

1 A bill to be entitled
2 An act relating to education; amending s. 1003.576,
3 F.S.; removing an obsolete date; providing an
4 effective date.
5
6 Be It Enacted by the Legislature of the State of Florida:
7
8 Section 1. Section 1003.576, Florida Statutes, is amended
9 to read:
10 1003.576 Individual education plans for exceptional
11 students.—The Department of Education must develop and have an
12 operating electronic IEP system in place for ~~potential~~ statewide
13 use ~~no later than July 1, 2007~~. The statewide system shall be
14 developed collaboratively with school districts and must include
15 input from school districts currently developing or operating
16 electronic IEP systems.
17 Section 2. This act shall take effect July 1, 2018.

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

BILL: CS/SB 1756

INTRODUCER: Education Committee and Senator Simmons

SUBJECT: School Accountability

DATE: January 24, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Graf	ED	Fav/CS
2.			AED	
3.			AP	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1756 strengthens the accountability provisions for private schools that participate in state school choice scholarship programs, and applies such provisions consistently to the participating schools. Specifically, the bill:

- Expands the number of site visits to private schools that the Department of Education (DOE or department) must make and the scope of such visits to require the DOE to:
 - Annually visit at least 5 percent of private schools participating in state scholarship programs, with opportunities for follow-up visits.
 - Visit each private school that notifies the department of the school's intent to participate in a state scholarship program.
- Modifies the teacher qualification requirements for private schools that participate in state scholarship programs to require:
 - That the teachers teaching students in grade 2 or above hold a baccalaureate or higher degree from a regionally or nationally accredited college or university.
 - The private schools to report to the DOE and to parents, specified information regarding the qualifications of each teacher hired by such schools.
- Requires the Division of State Fire Marshall to annually provide to the DOE, a report of fire safety inspections of private schools that participate in a state scholarship program.
- Requires a private school that receives more than \$250,000 in funds from any state scholarship program in a state fiscal year to provide to the DOE a specified financial report from an independent certified public accountant.

- Specifies that a private school is ineligible to participate in a state scholarship program if the owner or operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

The bill takes effect July 1, 2018.

II. Present Situation:

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

III. Effect of Proposed Changes:

Florida law has established various scholarship programs to promote school choice and assist parents in the placement of their children in diverse educational settings including private schools.¹

During the 2016-2017 school year, 2,663 private schools² filed the annual private school database survey form³ to register with the Department of Education (DOE or department). Of the schools that filed the survey, 1,978 schools participated in at least one state scholarship program.⁴ The private schools that participated in a state scholarship program during the 2016-2017 school year, served 136,992 students.⁵

Currently, the following three state school choice scholarship programs, are available to students to attend private schools in the state:⁶

- The Florida Tax Credit Scholarship Program (FTC scholarship program), was established in 2001.⁷ The purpose of the FTC scholarship program is to encourage taxpayers to make private, voluntary contributions to non-profit scholarship-funding organizations (SFOs), expand educational opportunities for families that have limited financial resources, and improve the quality of education in this state by expanding the educational opportunities for children and creating incentives for schools to achieve excellence.⁸ During the 2016-2017 school year, 97,900 students attending 1,733 private schools received an FTC scholarship.⁹

¹ Sections 1002.385, 1002.39, and 1002.395, F.S.

² Florida Department of Education, *Florida's Private Schools – 2016-17 Annual Report*, available at <http://www.fldoe.org/core/fileparse.php/7562/urlt/Private-School-Report-2016-17.pdf>, at 2.

³ The Annual Database Survey includes a notarized statement ascertaining that the owner of the private school has complied with statutory requirements related to background screening, fingerprinting, and valid Florida teaching certificate. Section 1002.42(2)(b)-(c), F.S.; see also Florida Department of Education, *Florida's Private Schools – 2016-17 Annual Report*, available at <http://www.fldoe.org/core/fileparse.php/7562/urlt/Private-School-Report-2016-17.pdf>, at 1.

⁴ Email, Florida Department of Education (Jan. 12, 2018).

⁵ Step Up for Students, *2016-2017 Step Up For Students Annual Report*, available at https://www.stepupforstudents.org/wp-content/uploads/SU_AR_2017-16_Final_Online.pdf, at 8; see also Florida Department of Education, *Fact Sheet – McKay Scholarship Program* (Sep. 2017), available at http://www.fldoe.org/core/fileparse.php/5606/urlt/McKay_Aug_2017.pdf.

⁶ Sections 1002.385, 1002.39, and 1002.395, F.S.

⁷ Section 1002.395, F.S.; see s. 5, ch. 2001-225, L.O.F.

⁸ Section 1002.395(1)(b), F.S.

⁹ Step Up for Students, *2016-2017 Step Up For Students Annual Report*, available at https://www.stepupforstudents.org/wp-content/uploads/SU_AR_2017-16_Final_Online.pdf, at 8.

- The John M. McKay Scholarship for Students with Disabilities Program (McKay scholarship program) was established in 2002.¹⁰ The McKay scholarship program provides an option to attend a public school other than the one that the student is assigned, or to provide a scholarship to a private school of choice, to students with disabilities¹¹ who have an individual educational plan or a 504 accommodation plan.¹² The program is administered by the Department of Education (DOE).¹³ During the 2016-2017 school year, 31,499 special needs students attended 1,454 private schools.¹⁴
- The Gardiner Scholarship Program, was established in 2014¹⁵ to provide the option for a parent of an eligible child¹⁶ to better meet the individual educational needs of his or her child who has a disability.¹⁷ Funds are distributed to a qualified SFO to establish accounts for eligible students.¹⁸ During the 2016-2017 school year, 7,593 students¹⁹ received the Gardiner scholarship with the average student receiving 10,000 per scholarship award.²⁰

Requirements for Private Schools to Participate in State Scholarship Programs

A private school that chooses to participate in a state scholarship program must comply with the requirements specified in law such as meeting the applicable state and local health, safety, and welfare laws, code, and rules; employing teachers who meet specified requirements; and demonstrating fiscal soundness and accountability.²¹

¹⁰ Section 104, ch. 2002-387, L.O.F.

¹¹ 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; another health impairment; 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. Section 1002.39(1)(b), F.S.

¹² Section 1002.39(1), F.S.

¹³ Section 1002.39(6), F.S.

¹⁴ Florida Department of Education, *Fact Sheet – McKay Scholarship Program* (Sep. 2017), available at http://www.fldoe.org/core/fileparse.php/5606/urlt/McKay_Aug_2017.pdf.

¹⁵ Section 16, ch. 2014-184, L.O.F.

¹⁶ Section 1002.385(1) and (3), F.S.

¹⁷ Students with disabilities include K-12 students who are documented as having Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term “hospital or homebound” includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months. Section 1002.385(2)(d), F.S.

¹⁸ Section 1002.385, F.S.

¹⁹ Step Up for Students, *2016-2017 Step Up For Students Annual Report*, available at https://www.stepupforstudents.org/wp-content/uploads/SU_AR_2017-16_Final_Online.pdf, at 8.

²⁰ Florida Department of Education, *Fact Sheet – The Gardiner Scholarship Program* (Dec. 2017), available at http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner_Dec_2017.pdf.

²¹ Section 1002.421, F.S.; see also ss. 1002.385, 1002.39, and 1002.395, F.S.

Accordingly, a private school that chooses to participate in a state scholarship program must submit to the DOE, a Scholarship Compliance Form²² and has 60 days to resolve any outstanding compliance issues.²³ To renew the school's eligibility for participation in a state scholarship program, the participating private school must submit to the DOE, the Scholarship Compliance Form, Private School Annual Survey,²⁴ and fiscal soundness documentation.²⁵

Site Visits

Florida law specifies the requirements related to site visits by the DOE to private schools that participate in the FTC scholarship program and the McKay scholarship program. The Gardiner scholarship program requirements do not address site visits.

Number of Visits

Present Situation

Currently, the DOE:

- May not make more than 7 site visits each year to private schools that participate in the FTC scholarship program.²⁶ However, the department may make additional site visits at any time to a school that has received a notice of noncompliance or a notice of proposed action within the previous two years.²⁷
- May not make more than 3 random visits each year and may not make more than 1 random visit each year to the same private school in the McKay Scholarship Program.²⁸

Effect of Proposed Change

The bill requires the DOE to:

- Annually visit up to 5 percent of the schools participating in state scholarship programs and authorizes the department to visit up to 7 percent of such schools, which will include visits to schools participating in the FTC scholarship program, McKay scholarship program, Gardiner scholarship program, or another state scholarship program. As a result, this provision will likely annually impact an estimated 99–138 private schools participating in state scholarship

²² The Scholarship Compliance Form delineates private school reporting requirements specified pursuant to Section 1002.42, F.S., and statutory and regulatory requirements related to the areas of school location and contact information; school ownership; affiliation; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of the scholarship compliance form. Rule 6A-6.03315(4), F.A.C.

²³ Rule 6A-6.03315(3), F.A.C.

²⁴ The Department of Education must organize, maintain, and annually update a database of educational institutions within the state coming within the provisions of this section. There must be included in the database of each institution the name, address, and telephone number of the institution; the type of institution; the names of administrative officers; the enrollment by grade or special group (e.g., career education and exceptional child education); the number of graduates; the number of instructional and administrative personnel. Section 1002.42(2)(a), F.S.

²⁵ Fiscal soundness is demonstrated by filing with the Department of Education a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter. Section 1002.421(f)(1), F.S.

²⁶ Section 1002.395(9)(n)1., F.S.

²⁷ *Id.*

²⁸ Section 1002.385(6)(f)1., F.S.

programs.²⁹ Additionally, consistent with the requirement for private schools that participate in the FTC scholarship program,³⁰ the bill authorizes the department to make follow-up visits at any time to any school participating in a state scholarship program, which receives a notice of noncompliance or a notice of proposed action within the previous 2 years, or for a cause that affects the health, safety, and welfare of a student.³¹

- Visit each private school that notifies the department of the school's intent to participate in a state scholarship program. Currently, the department is not required to visit such schools.³²

Scope of Visits

Present Situation

The purpose of the site visits must be solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results.³³ This purpose of the site visits, specified in law, currently applies to the private schools that participate in the FTC scholarship program and the McKay scholarship program.

Effect of Proposed Change

The bill adds to the scope of the site visits to require the DOE to verify compliance with health, safety and welfare of students; and applies the scope for site visits consistently to private schools that participate in the FTC scholarship program, McKay scholarship program, Gardiner scholarship program, or another state scholarship program.

Specifically, the expansion of the purpose of the site visits to include a verification of health, safety, and welfare of students appears to be consistent with the expectations in Florida law specific to the health, safety, and welfare of students.

For instance, Florida law:

- Requires private schools to meet the state and local health, safety, and welfare laws, codes, and rules, as a condition for participating in a state scholarship program.³⁴

²⁹ Staff analysis based on 1,978 private schools that participated in at least one state scholarship program during 2016-2017 school year. Email, Florida Department of Education (Jan. 12, 2018).

³⁰ Section 1002.395(9)(n)1., F.S.

³¹ Currently, for the Florida Tax Credit (FTC) scholarship program and the McKay scholarship program, the Commissioner of Education (commissioner) must deny, suspend, or revoke a private school's participation in the McKay Scholarship program if it is determined that the private school has failed to comply with the specified requirements. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with the timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program. Sections 1002.39(7)(a)1., and 1002.395(11)(a)1., F.S.

³² Telephone interview with Florida Department of Education staff (Jan. 19, 2018). A new private school is a private school that did not have scholarship students during the current or previous school year. New schools may submit the Scholarship Compliance Form at any time; however, the department does not allow the school to enroll scholarship students until the school has adequately demonstrated compliance with all program requirements. Florida Department of Education, *2017 Scholarship Programs Accountability Report* (Dec. 2015), available at https://www.stepupforstudents.org/wp-content/uploads/Accountability_Report_Final_2017.pdf, at 7 of 25; see also Rule 6A-6.03315(1)(b) and (3), F.A.C.

³³ Sections 1002.39(6)(f)1., and 1002.395(9)(n)1., F.S.

³⁴ Section 1002.421(2)(g), F.S.

- Authorizes the Commissioner of Education (commissioner) to deny, suspend, or revoke a private school's participation in the McKay scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state in a manner contrary to the health, safety, or welfare of the public.³⁵ Florida law specifies a similar provision for the FTC scholarship program.³⁶

Increasing the number of site visits by the DOE and consistently applying the scope of visit to participating private schools may strengthen accountability for state scholarship programs.

During the 2016-2017 school year, 14 private schools were formally notified of the upcoming site visit via mail and e-mail.³⁷ Each site visit was conducted by three staff members from the Office of Independent Education and Parental Choice with the aid of the Site Visit Procedure Manual,³⁸ developed by the department.³⁹ Of the private schools that the department visited, 13 schools were not able to demonstrate compliance with the statutes related to program documentation at the time of the site visit, owing to:⁴⁰

- Incomplete documentation of teacher qualifications and background screening results,
- Insufficient evidence of required student records, and
- Missing insufficient compliance documentation for the physical location of the school.

However, all such schools were able to supply the required documentation and were able to continue uninterrupted participation in the scholarship programs.⁴¹

Teacher Qualifications

Present Situation

A private school that participates in a state scholarship program must employ or contract with teachers who:⁴²

- Hold baccalaureate or higher degrees,
- Have at least 3 years of experience in public or private schools, or
- Have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

³⁵ Section 1002.39(7)(a)2., F.S.

³⁶ Section 1002.395(11)(a)2., F.S.

³⁷ Florida Department of Education, *2017 Scholarship Programs Accountability Report* (Dec. 2015), available at https://www.stepupforstudents.org/wp-content/uploads/Accountability_Report_Final_2017.pdf, at 12 of 25.

³⁸ The manual identifies procedures to be followed by department staff conducting the site visits. The manual includes statutory references for each private school requirement and background information and copies of supporting compliance documentation submitted by the selected private schools. *Id.*

³⁹ Florida Department of Education, *2017 Scholarship Programs Accountability Report* (Dec. 2015), available at https://www.stepupforstudents.org/wp-content/uploads/Accountability_Report_Final_2017.pdf, at 12 of 25.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Section 1002.421(2)(h), F.S.

Effect of Proposed Change

The bill modifies the teacher qualification requirements for teachers employed by private schools that participate in state scholarship programs to:

- Apply the teacher qualifications specified in law⁴³ to teachers teaching students in grade 1 and below. The bill describes special skills to mean skills that are objectively identified.
- Require that the teachers teaching students in grade 2 or above hold a baccalaureate or higher degree from a college or university that is accredited by a regional or national accrediting agency recognized by the United States Department of Education.
- Require the private schools to report to the DOE, in a format developed by the department, specified information regarding the qualifications of each teacher hired by such schools, including but not limited to, an explanation of the objectively identified special skills or expertise of the applicable teachers. Additionally, the bill requires the private schools to provide to information regarding teacher qualifications to the parent of each student receiving a scholarship, by either posting such information on the school's website or by providing the information in a written form.

As a result, the bill raises the qualifications for teachers employed by private schools that participate in state scholarship programs. The reporting of teacher qualifications to the DOE may assist the department with its review of whether the private schools that participate in state scholarship programs comply with the specified requirements. Additionally, the transmittal of such information to parents may assist the parents in making decisions about the placement of their children in private schools that participate in state scholarship programs.

To be exempt from the background screening requirements under law,⁴⁴ the bill clarifies that an employee or contracted personnel must not be ineligible for employment based on the conditions specified in law,⁴⁵ in addition to meeting the existing requirements under law regarding holding a valid Florida teaching certificate and undergoing fingerprinting in accordance with the law.⁴⁶

Safety Inspection Reporting Requirements*Present Situation*

Florida law specifies the requirements for private schools to participate in state school choice scholarship programs.⁴⁷ The requirements include, but are not limited to, meeting applicable state and local health, safety, and welfare codes, and rules, including fire safety and building safety.⁴⁸

⁴³ Section 1002.421(2)(h), F.S.

⁴⁴ Section 1002.421(2)(i)4., F.S.

⁴⁵ A person is ineligible for educator certification, and instructional personnel and school administrators are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts state scholarship students under the FTC scholarship program or the McKay scholarship program, if the person, instructional personnel, or school administrator has been convicted of a felony offense, misdemeanor offense, criminal act, or delinquent act specified in law. Section 1012.315, F.S.

⁴⁶ Sections 1002.421(2)(i)4., and 1012.32, F.S.

⁴⁷ Section 1002.421, F.S.

⁴⁸ Section 1002.421(2)(g), F.S.

Currently, fire safety inspections of the private schools that participate in state scholarship programs are conducted by the local fire department.⁴⁹ The fire safety inspection reports are submitted by the private schools to the DOE.⁵⁰

Effect of Proposed Change

The bill requires the Division of State Fire Marshall to annually provide to the DOE, a fire safety inspection report, prepared by the local fire departments or by entities with whom they contract to conduct fire safety inspections of private schools, for each private school that participates in a state scholarship program.

The transmittal of fire safety inspection reports from the local entities that perform such inspections to the State Fire Marshall and further to the DOE may assist with strengthening the accountability for private schools that participate in state scholarship programs.

Financial Reporting Requirements

Florida law specifies financial reporting requirements for private schools and scholarship funding organizations.

Private Schools

Present Situation

A private school that participates in the FTC scholarship program, must provide a report from an independent certified public accountant who performs the agreed-upon procedures developed pursuant to the law if the private school receives more than \$250,000 in funds in a state fiscal year from that scholarship program.⁵¹ Florida law specifies a similar provision for the Gardiner scholarship program.⁵²

The private school must annually submit the report by September 15 to the scholarship funding organization that awarded the majority of the school's scholarship funds.⁵³ The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.⁵⁴

Effect of Proposed Change

The bill requires a private school that receives more than \$250,000 in funds from any state scholarship program in a state fiscal year to provide to the DOE a report of the balance sheet and statement of income expenditures in accordance with generally accepted accounting procedures from an independent certified public accountant who performs the agreed-upon procedures. Accordingly, the bill may assist with strengthening the financial accountability of private schools that participate in state scholarship programs.

⁴⁹ Email, Florida Department of Education (Jan. 11, 2018); *see also* Rule 6A-6.03315(4), F.A.C.

⁵⁰ *Id.*

⁵¹ Section 1002.395(8)(e), F.S.

⁵² Section 1002.385(8)(e), F.S.

⁵³ Sections 1002.385(8)(e), and 1002.395(8)(e), F.S.

⁵⁴ *Id.*

Scholarship Funding Organizations

Present Situation

An eligible nonprofit scholarship-funding organization is a state university; or an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is a charitable organization that:⁵⁵

- Is exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code;
- Is a Florida entity formed under chapter 605, chapter 607, or chapter 617 and whose principal office is located in the state; and
- Complies with SFO obligations and application requirements specified in law.⁵⁶

Scholarship Funding Organizations administer both the FTC scholarship program and the Gardiner scholarship program.⁵⁷ The DOE has approved Step Up for Students and A.A.A. Scholarship Foundation – FL, LLC to administer the FTC scholarship program and the Gardiner scholarship program.⁵⁸

Currently, under the FTC scholarship program, an SFO must participate in the joint development of agreed-upon procedures to be performed by an independent certified accountant if the SFO provided more than \$250,000 in scholarship funds to an eligible private school under the FTC scholarship program during the 2009-2010 state fiscal year.⁵⁹ Additionally, the SFO must also participate in a joint review of the agreed-upon procedures and guidelines by February 2013 and biennially thereafter, if the SFO provided more than \$250,000 in scholarship funds to an eligible private school under the FTC scholarship program during the state fiscal year preceding the biennial review.⁶⁰

Effect of Proposed Change

The bill modifies the financial reporting requirements for the SFOs by applying the specified requirements to SFOs that provide more than \$250,000 in scholarship awards under any state scholarship program.

Ineligibility of Private Schools to Participate in State Scholarship Programs

Present Situation

The DOE must suspend the payment of funds under the FTC scholarship program and the McKay scholarship program to a private school that knowingly fails to comply with the law, and must prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the

⁵⁵ Section 1002.395(2)(f), F.S.

⁵⁶ Section 1002.395(2)(f)3., (6), and (16), F.S.

⁵⁷ Sections 1002.385 and 1002.395, F.S.

⁵⁸ Florida Department of Education, *Scholarship Funding Organizations*, available at <http://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/> (last visited Jan. 19, 2018).

⁵⁹ Section 1002.395(6)(o)1.a., F.S.

⁶⁰ Section 1002.395(6)(o)1.b., F.S.

school complies.⁶¹ Additionally, Florida law specifies that for both the FTC scholarship program and the Gardiner scholarship program, if a private school is unable to meet the specified requirements or has consecutive years of material exceptions listed in the required report on agreed-upon procedures, the commissioner may determine that private school as ineligible to participate in that scholarship program.⁶² A similar provision exists for the McKay scholarship program.⁶³

Effect of Proposed Change

The bill clarifies that the failure or refusal of a private school to meet the applicable requirements specified in law, rather than knowingly failing or the inability, must constitute a basis for the ineligibility of that private school to participate in a state scholarship program. The bill applies this clarification consistently to the FTC scholarship program, McKay scholarship program, Gardiner scholarship program, or another state scholarship program under chapter 1002 of the Florida Statutes.

Additionally, the bill adds a criteria regarding ineligibility of a private school to participate in a state scholarship program to specify that a private school is ineligible to participate in a state scholarship program if the owner or operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

Finally, the bill updates the name of the Florida Personal Learning Scholarship Accounts Program to the Gardiner Scholarship Program, consistent with the law.

This bill takes effect July 1, 2018.

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.

⁶¹ Section 1002.421(4), F.S.

⁶² Sections 1002.385(8)(e) and 1002.395(8), F.S.

⁶³ Section 1002.39(8), F.S.

B. Private Sector Impact:

To be eligible to participate in state scholarship programs, SB 1756 requires a private school to meet the specified accountability provisions including, but not limited to, meeting the baccalaureate or higher degree requirement for teachers employed by such schools, which may increase costs for private schools that do not currently meet the specified requirements.

C. Government Sector Impact:

SB 1756 may require additional resources for the Department of Education to make site visits to more private schools, including the private schools that currently participate in state scholarship programs and private schools that notify the department of the schools' intent to participate in state scholarship programs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.10, 1002.20, 1002.385, 1002.39, 1002.395, 1002.421, 1006.061, 1012.315, and 1012.796.

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Education on January 22, 2018:

The committee substitute modifies the provision in the bill regarding teacher qualifications for teachers employed by private schools that participate in state scholarship programs with two clarifications to:

- Specify that teachers teaching students in grade 2 or above hold a baccalaureate or higher degree from a regionally or nationally accredited college or university, and applies the teacher qualifications specified in current law to teachers teaching students in grade 1 and below.
- Add a requirement for the private schools to report information regarding teacher qualifications to the parent of each student receiving a scholarship, by either posting such information on the school's website or by providing the information in a written form.

B. Amendments:

None.



430116

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
	.	
	.	
	.	

The Committee on Education (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 404 - 419

and insert:

(h) Employ or contract with teachers who:

1. Unless otherwise specified under this paragraph, hold
baccalaureate or higher degrees, have at least 3 years of
teaching experience in public or private schools, or have
objectively identified special skills, knowledge, or expertise
that qualifies them to provide instruction in subjects taught.

2. For teachers teaching students in grade 2 or above, hold



430116

12 baccalaureate or higher degrees from a university or college
13 that is accredited by a regional or national accrediting agency
14 recognized by the United States Department of Education.

15
16 The private school must report to the department, in a format
17 developed by the department, the qualifications of each teacher
18 hired by the school, including, but not limited to, an
19 explanation of the objectively identified special skills or
20 expertise of such teachers, as applicable. Additionally, the
21 private school must provide to the parent of each scholarship
22 student, on the school's website or on a written form provided
23 by the school, the qualifications of each classroom teacher.

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete line 37

28 and insert:

29 qualifications to the department and parents; revising
30 the

By Senator Simmons

9-01330-18

20181756__

1 A bill to be entitled
 2 An act relating to school accountability; amending s.
 3 1001.10, F.S.; revising the private schools to which
 4 the Department of Education is required to provide
 5 technical assistance and authorized staff; amending s.
 6 1002.20, F.S.; updating terminology; amending s.
 7 1002.385, F.S.; revising requirements for private
 8 schools that participate in the Gardiner Scholarship
 9 Program; specifying that the failure or refusal,
 10 rather than the inability of, a private school to meet
 11 certain requirements constitutes a basis for program
 12 ineligibility; amending s. 1002.39, F.S.; revising the
 13 purpose of department site visits at private schools
 14 participating in the John M. McKay Scholarships for
 15 Students with Disabilities Program; authorizing the
 16 department to make followup site visits at any time to
 17 certain private schools; requiring participating
 18 private schools to provide a specified report from an
 19 independent certified public accountant under certain
 20 circumstances; specifying that the failure or refusal,
 21 rather than the inability of, a private school to meet
 22 certain requirements constitutes a basis for program
 23 ineligibility; amending s. 1002.395, F.S.; revising
 24 obligations of eligible nonprofit scholarship-funding
 25 organizations participating in the Florida Tax Credit
 26 Scholarship Program; specifying that the failure or
 27 refusal, rather than the inability of, a private
 28 school to meet certain requirements constitutes a
 29 basis for program ineligibility; revising the purpose

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30 of department site visits at private schools
 31 participating in the Florida Tax Credit Scholarship
 32 Program; authorizing the department to make followup
 33 site visits at any time to certain private schools;
 34 amending s. 1002.421, F.S.; requiring a private school
 35 to employ or contract with teachers who meet certain
 36 qualifications and provide information about such
 37 qualifications to the department; revising the
 38 conditions under which a private school employee may
 39 be exempted from background screening requirements;
 40 specifying that a private school is ineligible to
 41 participate in certain scholarship programs under
 42 certain circumstances; requiring the department to
 43 annually visit certain private schools; authorizing
 44 the department to make certain follow-up site visits
 45 at any time; requiring the Division of State Fire
 46 Marshal to annually provide the department with fire
 47 safety inspection reports for certain private schools;
 48 requiring that certain private schools provide the
 49 department with a report from an independent certified
 50 public accountant under certain circumstances;
 51 amending s. 1006.061, F.S.; revising the applicability
 52 of certain child abuse, abandonment, and neglect
 53 provisions; amending s. 1012.315, F.S.; revising the
 54 applicability of certain provisions related to
 55 disqualification from employment for the conviction of
 56 specified offenses; amending s. 1012.796, F.S.;
 57 revising the applicability of a requirement that
 58 certain private schools file specified reports with

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59 the department for certain allegations against its
60 employees; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Subsections (4) and (5) of section 1001.10,
65 Florida Statutes, are amended to read:

66 1001.10 Commissioner of Education; general powers and
67 duties.—

68 (4) The Department of Education shall provide technical
69 assistance to school districts, charter schools, the Florida
70 School for the Deaf and the Blind, and private schools that
71 accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.
72 1002.395, or another state scholarship program under chapter
73 1002 in the development of policies, procedures, and training
74 related to employment practices and standards of ethical conduct
75 for instructional personnel and school administrators, as
76 defined in s. 1012.01.

77 (5) The Department of Education shall provide authorized
78 staff of school districts, charter schools, the Florida School
79 for the Deaf and the Blind, and private schools that accept
80 scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.
81 1002.395, or another state scholarship program under chapter
82 1002 with access to electronic verification of information from
83 the following employment screening tools:

84 (a) The Professional Practices' Database of Disciplinary
85 Actions Against Educators; and

86 (b) The Department of Education's Teacher Certification
87 Database.

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88
89 This subsection does not require the department to provide these
90 staff with unlimited access to the databases. However, the
91 department shall provide the staff with access to the data
92 necessary for performing employment history checks of the
93 instructional personnel and school administrators included in
94 the databases.

95 Section 2. Paragraph (b) of subsection (6) of section
96 1002.20, Florida Statutes, is amended to read:

97 1002.20 K-12 student and parent rights.—Parents of public
98 school students must receive accurate and timely information
99 regarding their child's academic progress and must be informed
100 of ways they can help their child to succeed in school. K-12
101 students and their parents are afforded numerous statutory
102 rights including, but not limited to, the following:

103 (6) EDUCATIONAL CHOICE.—

104 (b) *Private educational choices*.—Parents of public school
105 students may seek private educational choice options under
106 certain programs.

107 1. Under the McKay Scholarships for Students with
108 Disabilities Program, the parent of a public school student with
109 a disability may request and receive a McKay Scholarship for the
110 student to attend a private school in accordance with s.
111 1002.39.

112 2. Under the Florida Tax Credit Scholarship Program, the
113 parent of a student who qualifies for free or reduced-price
114 school lunch or who is currently placed, or during the previous
115 state fiscal year was placed, in foster care as defined in s.
116 39.01 may seek a scholarship from an eligible nonprofit

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 117 scholarship-funding organization in accordance with s. 1002.395.

118 3. Under the Gardiner Scholarship Program ~~Florida Personal~~
 119 ~~Learning Scholarship Accounts Program~~, the parent of a student
 120 with a qualifying disability may apply for a Gardiner personal
 121 ~~learning~~ scholarship to be used for individual educational needs
 122 in accordance with s. 1002.385.

123 Section 3. Subsection (8) of section 1002.385, Florida
 124 Statutes, is amended to read:

125 1002.385 The Gardiner Scholarship.—

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

128 (a) Comply with all requirements for private schools
 129 participating in state school choice scholarship programs
 130 pursuant to s. 1002.421.

131 (b) Provide to the organization, upon request, all
 132 documentation required for the student's participation,
 133 including the private school's and student's fee schedules.

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

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

138 2. Annually administering or making provision for students
 139 participating in the program in grades 3 through 10 to take one
 140 of the nationally norm-referenced tests identified by the
 141 Department of Education or the statewide assessments pursuant to
 142 s. 1008.22. Students with disabilities for whom standardized
 143 testing is not appropriate are exempt from this requirement. A
 144 participating private school shall report a student's scores to
 145 the parent.

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146 3. Cooperating with the scholarship student whose parent
 147 chooses to have the student participate in the statewide
 148 assessments pursuant to s. 1008.22 or, if a private school
 149 chooses to offer the statewide assessments, administering the
 150 assessments at the school.

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

154 b. A participating private school shall submit a request in
 155 writing to the Department of Education by March 1 of each year
 156 in order to administer the statewide assessments in the
 157 subsequent school year.

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

161 (e) Provide a report from an independent certified public
 162 accountant who performs the agreed-upon procedures developed
 163 under s. 1002.395(6)(c) if the private school receives more than
 164 \$250,000 in funds from scholarships awarded under this chapter
 165 ~~section~~ in a state fiscal year. A private school subject to this
 166 paragraph must annually submit the report by September 15 to the
 167 organization that awarded the majority of the school's
 168 scholarship funds. The agreed-upon procedures must be conducted
 169 in accordance with attestation standards established by the
 170 American Institute of Certified Public Accountants.

171
 172 If a private school fails or refuses ~~is unable~~ to meet the
 173 requirements of this subsection or has consecutive years of
 174 material exceptions listed in the report required under

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175 paragraph (e), the commissioner may determine that the private
 176 school is ineligible to participate in the program.

177 Section 4. Paragraph (f) of subsection (6) and subsection
 178 (8) of section 1002.39, Florida Statutes, are amended to read:

179 1002.39 The John M. McKay Scholarships for Students with
 180 Disabilities Program.—There is established a program that is
 181 separate and distinct from the Opportunity Scholarship Program
 182 and is named the John M. McKay Scholarships for Students with
 183 Disabilities Program.

184 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 185 shall:

186 (f)1. Conduct ~~random~~ site visits to private schools
 187 participating in the John M. McKay Scholarships for Students
 188 with Disabilities Program as authorized under s. 1002.421(7).
 189 The purposes purpose of the site visits are is solely to verify
 190 compliance with the provisions of subsection (7) aimed at
 191 protecting the health, safety, and welfare of students and to
 192 verify the information reported by the schools concerning the
 193 enrollment and attendance of students, the credentials of
 194 teachers, background screening of teachers, and teachers'
 195 fingerprinting results, which information is required by rules
 196 of the State Board of Education, subsection (8), and s.
 197 1002.421. The Department of Education may ~~not~~ make followup more
 198 than three ~~random~~ site visits at any time to any school that has
 199 received a notice of noncompliance or a notice of proposed
 200 action within the previous 2 years pursuant to subsection (7)
 201 each year and may not make more than one random site visit each
 202 year to the same private school.

203 2. Annually, by December 15, report to the Governor, the

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204 President of the Senate, and the Speaker of the House of
 205 Representatives the Department of Education's actions with
 206 respect to implementing accountability in the scholarship
 207 program under this section and s. 1002.421, any substantiated
 208 allegations or violations of law or rule by an eligible private
 209 school under this program concerning the enrollment and
 210 attendance of students, the credentials of teachers, background
 211 screening of teachers, and teachers' fingerprinting results and
 212 the corrective action taken by the Department of Education.

213 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 214 eligible to participate in the John M. McKay Scholarships for
 215 Students with Disabilities Program, a private school may be
 216 sectarian or nonsectarian and must:

217 (a) Comply with all requirements for private schools
 218 participating in state school choice scholarship programs
 219 pursuant to s. 1002.421.

220 (b) Provide to the department all documentation required
 221 for a student's participation, including the private school's
 222 and student's fee schedules, at least 30 days before any
 223 quarterly scholarship payment is made for the student pursuant
 224 to paragraph (11)(e). A student is not eligible to receive a
 225 quarterly scholarship payment if the private school fails to
 226 meet this deadline.

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

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

231 2. Cooperating with the scholarship student whose parent
 232 chooses to participate in the statewide assessments pursuant to

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233 s. 1008.22.

234 (d) Maintain in this state a physical location where a

235 scholarship student regularly attends classes.

236 (e) If the private school that participates in a state

237 scholarship program under this chapter receives more than

238 \$250,000 in funds from scholarships awarded under chapter 1002

239 in a state fiscal year, provide an annual report from an

240 independent certified public accountant who performs the agreed-

241 upon procedures developed under s. 1002.395(6)(o). Such a

242 private school must annually submit the required report by

243 September 15 to the organization that awarded the majority of

244 the school's scholarship funds. The agreed-upon procedures must

245 be conducted in accordance with attestation standards

246 established by the American Institute of Certified Public

247 Accountants.

248

249 The failure or refusal inability of a private school to meet the

250 requirements of this subsection shall constitute a basis for the

251 ineligibility of the private school to participate in the

252 scholarship program as determined by the department.

253 Section 5. Paragraph (o) of subsection (6), subsection (8),

254 and paragraph (n) of subsection (9) of section 1002.395, Florida

255 Statutes, are amended to read:

256 1002.395 Florida Tax Credit Scholarship Program.—

257 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING

258 ORGANIZATIONS.—An eligible nonprofit scholarship-funding

259 organization:

260 (o)1.a. Must participate in the joint development of

261 agreed-upon procedures to be performed by an independent

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262 certified public accountant as required under paragraph (8) (e)

263 if the scholarship-funding organization provided more than

264 \$250,000 in scholarship funds to an eligible private school

265 under this ~~chapter section~~ during the ~~2009-2010~~ state fiscal

266 year. The agreed-upon procedures must uniformly apply to all

267 private schools and must determine, at a minimum, whether the

268 private school has been verified as eligible by the Department

269 of Education under paragraph (9) (c); has an adequate accounting

270 system, system of financial controls, and process for deposit

271 and classification of scholarship funds; and has properly

272 expended scholarship funds for education-related expenses.

273 During the development of the procedures, the participating

274 scholarship-funding organizations shall specify guidelines

275 governing the materiality of exceptions that may be found during

276 the accountant's performance of the procedures. The procedures

277 and guidelines shall be provided to private schools and the

278 Commissioner of Education by March 15, 2011.

279 b. Must participate in a joint review of the agreed-upon

280 procedures and guidelines developed under sub-subparagraph a.,

281 by February 2013 and biennially thereafter, if the scholarship-

282 funding organization provided more than \$250,000 in scholarship

283 funds to an eligible private school under this ~~chapter section~~

284 during the state fiscal year preceding the biennial review. If

285 the procedures and guidelines are revised, the revisions must be

286 provided to private schools and the Commissioner of Education by

287 March 15, 2013, and biennially thereafter.

288 c. Must monitor the compliance of a private school with

289 paragraph (8) (e) if the scholarship-funding organization

290 provided the majority of the scholarship funding to the school.

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291 For each private school subject to paragraph (8) (e), the
 292 appropriate scholarship-funding organization shall notify the
 293 Commissioner of Education by October 30, 2011, and annually
 294 thereafter of:

295 (I) A private school's failure to submit a report required
 296 under paragraph (8) (e); or

297 (II) Any material exceptions set forth in the report
 298 required under paragraph (8) (e).

299 2. Must seek input from the accrediting associations that
 300 are members of the Florida Association of Academic Nonpublic
 301 Schools when jointly developing the agreed-upon procedures and
 302 guidelines under sub-subparagraph 1.a. and conducting a review
 303 of those procedures and guidelines under sub-subparagraph 1.b.

304
 305 Information and documentation provided to the Department of
 306 Education and the Auditor General relating to the identity of a
 307 taxpayer that provides an eligible contribution under this
 308 section shall remain confidential at all times in accordance
 309 with s. 213.053.

310 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
 311 private school may be sectarian or nonsectarian and must:

312 (a) Comply with all requirements for private schools
 313 participating in state school choice scholarship programs
 314 pursuant to s. 1002.421.

315 (b) Provide to the eligible nonprofit scholarship-funding
 316 organization, upon request, all documentation required for the
 317 student's participation, including the private school's and
 318 student's fee schedules.

319 (c) Be academically accountable to the parent for meeting

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320 the educational needs of the student by:

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

323 2. Annually administering or making provision for students
 324 participating in the scholarship program in grades 3 through 10
 325 to take one of the nationally norm-referenced tests identified
 326 by the Department of Education or the statewide assessments
 327 pursuant to s. 1008.22. Students with disabilities for whom
 328 standardized testing is not appropriate are exempt from this
 329 requirement. A participating private school must report a
 330 student's scores to the parent. A participating private school
 331 must annually report by August 15 the scores of all
 332 participating students to the Learning System Institute
 333 described in paragraph (9) (j).

334 3. Cooperating with the scholarship student whose parent
 335 chooses to have the student participate in the statewide
 336 assessments pursuant to s. 1008.22 or, if a private school
 337 chooses to offer the statewide assessments, administering the
 338 assessments at the school.

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

342 b. A participating private school must submit a request in
 343 writing to the Department of Education by March 1 of each year
 344 in order to administer the statewide assessments in the
 345 subsequent school year.

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

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349 (e) Provide a report from an independent certified public
 350 accountant who performs the agreed-upon procedures developed
 351 under paragraph (6) (o) if the private school receives more than
 352 \$250,000 in funds from scholarships awarded under this chapter
 353 ~~section~~ in a state fiscal year. A private school subject to this
 354 paragraph must annually submit the report by September 15 to the
 355 scholarship-funding organization that awarded the majority of
 356 the school's scholarship funds. The agreed-upon procedures must
 357 be conducted in accordance with attestation standards
 358 established by the American Institute of Certified Public
 359 Accountants.

360
 361 If a private school fails or refuses ~~is unable~~ to meet the
 362 requirements of this subsection or has consecutive years of
 363 material exceptions listed in the report required under
 364 paragraph (e), the commissioner may determine that the private
 365 school is ineligible to participate in the scholarship program
 366 as determined by the Department of Education.

367 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
 368 Education shall:

369 (n)1. Conduct site visits to private schools participating
 370 in the Florida Tax Credit Scholarship Program as authorized
 371 under s. 1002.421(7). The ~~purposes~~ purpose of the site visits
 372 are is solely to verify compliance with the provisions of
 373 subsection (11) aimed at protecting the health, safety, and
 374 welfare of students and to verify the information reported by
 375 the schools concerning the enrollment and attendance of
 376 students, the credentials of teachers, background screening of
 377 teachers, and teachers' fingerprinting results. ~~The Department~~

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378 ~~of Education may not make more than seven site visits each year;~~
 379 ~~however,~~ The department may make followup ~~additional~~ site visits
 380 at any time to any school that, pursuant to subsection (11), has
 381 received a notice of noncompliance or a notice of proposed
 382 action within the previous 2 years.

383 2. Annually, by December 15, report to the Governor, the
 384 President of the Senate, and the Speaker of the House of
 385 Representatives the Department of Education's actions with
 386 respect to implementing accountability in the scholarship
 387 program under this section and s. 1002.421, any substantiated
 388 allegations or violations of law or rule by an eligible private
 389 school under this program concerning the enrollment and
 390 attendance of students, the credentials of teachers, background
 391 screening of teachers, and teachers' fingerprinting results and
 392 the corrective action taken by the Department of Education.

393 Section 6. Present subsection (7) of section 1002.421,
 394 Florida Statutes, is amended and redesignated as subsection
 395 (11), a new subsection (7) and subsections (8), (9), and (10)
 396 are added to that section, and paragraphs (h) and (i) of
 397 subsection (2) and subsections (4) and (5) of that section are
 398 amended, to read:

399 1002.421 Accountability of private schools participating in
 400 state school choice scholarship programs.—

401 (2) A private school participating in a scholarship program
 402 must be a Florida private school as defined in s. 1002.01(2),
 403 must be registered in accordance with s. 1002.42, and must:

404 (h) Employ or contract with teachers who hold baccalaureate
 405 or higher degrees from a university or college that is
 406 accredited by a regional or national accrediting agency

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407 recognized by the United States Department of Education, and
408 who:

409 1. Have at least 3 years of teaching experience in public
410 or private schools; ~~or~~ or

411 2. Have objectively identified special skills, knowledge,
412 or expertise that qualifies them to provide instruction in
413 subjects taught.

414

415 The private school must report to the department, in a format
416 developed by the department, the qualifications of each teacher
417 hired by the school, including, but not limited to, an
418 explanation of the objectively identified special skills or
419 expertise of such teachers, as applicable.

420 (i) Require each employee and contracted personnel with
421 direct student contact, upon employment or engagement to provide
422 services, to undergo a state and national background screening,
423 pursuant to s. 943.0542, by electronically filing with the
424 Department of Law Enforcement a complete set of fingerprints
425 taken by an authorized law enforcement agency or an employee of
426 the private school, a school district, or a private company who
427 is trained to take fingerprints and deny employment to or
428 terminate an employee if he or she fails to meet the screening
429 standards under s. 435.04. Results of the screening shall be
430 provided to the participating private school. For purposes of
431 this paragraph:

432 1. An "employee or contracted personnel with direct student
433 contact" means any employee or contracted personnel who has
434 unsupervised access to a scholarship student for whom the
435 private school is responsible.

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436 2. The costs of fingerprinting and the background check
437 shall not be borne by the state.

438 3. Continued employment of an employee or contracted
439 personnel after notification that he or she has failed the
440 background screening under this paragraph shall cause a private
441 school to be ineligible for participation in a scholarship
442 program.

443 4. An employee or contracted personnel holding a valid
444 Florida teaching certificate who has been fingerprinted pursuant
445 to s. 1012.32 and who is not ineligible for employment pursuant
446 to s. 1012.315 is not required to comply with the provisions of
447 this paragraph.

448 (4) A private school that accepts scholarship students
449 under this chapter ~~s. 1002.39~~ ~~or s. 1002.395~~ must:

450 (a) Disqualify instructional personnel and school
451 administrators, as defined in s. 1012.01, from employment in any
452 position that requires direct contact with students if the
453 personnel or administrators are ineligible for such employment
454 under s. 1012.315.

455 (b) Adopt and faithfully implement policies establishing
456 standards of ethical conduct for instructional personnel and
457 school administrators. The policies must require all
458 instructional personnel and school administrators, as defined in
459 s. 1012.01, to complete training on the standards; establish the
460 duty of instructional personnel and school administrators to
461 report, and procedures for reporting, alleged misconduct by
462 other instructional personnel and school administrators which
463 affects the health, safety, or welfare of a student; and include
464 an explanation of the liability protections provided under ss.

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39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(c) Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

The department shall suspend the payment of funds under this chapter ~~ss. 1002.39 and 1002.395~~ to a private school that knowingly fails or refuses to comply with this subsection, and shall prohibit the school from enrolling new scholarship

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students, for 1 fiscal year and until the school complies.

(5) The ~~failure or refusal inability~~ of a private school to meet the requirements of this section shall constitute a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department.

Additionally, a private school is ineligible to participate in a state scholarship program under this chapter if the owner or operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

(7) (a) The department must annually visit at least 5 percent, and may annually visit up to 7 percent, of the private schools that participate in the state scholarship programs under this chapter. Site visits required under subsection (8) are not included in the annual site visits authorized under this paragraph.

(b) The purposes of the site visits are to verify compliance with the provisions of this section aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, as required by rules of the State Board of Education and this section.

(c) The department may make followup site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years, or for a cause that affects the health, safety, and welfare of a student.

(8) (a) The department shall visit each private school that

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523 notifies the department of the school's intent to participate in
 524 a state scholarship program under this chapter.

525 (b) The purpose of the site visit is to determine that the
 526 school meets the applicable state and local health, safety, and
 527 welfare codes and rules pursuant to this section.

528 (9) The Division of State Fire Marshal shall annually
 529 provide to the department a fire safety inspection report,
 530 prepared by the local fire departments or by entities with whom
 531 they contract to perform fire safety inspections of private
 532 schools, for each private school that participates in a state
 533 scholarship program under this chapter.

534 (10) If a private school that participates in a state
 535 scholarship program under this chapter receives more than
 536 \$250,000 in funds from the scholarships awarded under chapter
 537 1002 in a state fiscal year, the school must provide to the
 538 department a report of the balance sheet and statement of income
 539 expenditures in accordance with generally accepted accounting
 540 procedures from an independent certified public accountant who
 541 performs the agreed-upon procedures.

542 (11)-(7) The State Board of Education shall adopt rules
 543 pursuant to ss. 120.536(1) and 120.54 to administer and enforce
 544 this section.

545 Section 7. Section 1006.061, Florida Statutes, is amended
 546 to read:

547 1006.061 Child abuse, abandonment, and neglect policy.—Each
 548 district school board, charter school, and private school that
 549 accepts scholarship students under s. 1002.385, s. 1002.39, or
 550 s. 1002.395, or another state scholarship program under chapter
 551 1002 shall:

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552 (1) Post in a prominent place in each school a notice that,
 553 pursuant to chapter 39, all employees and agents of the district
 554 school board, charter school, or private school have an
 555 affirmative duty to report all actual or suspected cases of
 556 child abuse, abandonment, or neglect; have immunity from
 557 liability if they report such cases in good faith; and have a
 558 duty to comply with child protective investigations and all
 559 other provisions of law relating to child abuse, abandonment,
 560 and neglect. The notice shall also include the statewide toll-
 561 free telephone number of the central abuse hotline.

562 (2) Post in a prominent place at each school site and on
 563 each school's Internet website, if available, the policies and
 564 procedures for reporting alleged misconduct by instructional
 565 personnel or school administrators which affects the health,
 566 safety, or welfare of a student; the contact person to whom the
 567 report is made; and the penalties imposed on instructional
 568 personnel or school administrators who fail to report suspected
 569 or actual child abuse or alleged misconduct by other
 570 instructional personnel or school administrators.

571 (3) Require the principal of the charter school or private
 572 school, or the district school superintendent, or the
 573 superintendent's designee, at the request of the Department of
 574 Children and Families, to act as a liaison to the Department of
 575 Children and Families and the child protection team, as defined
 576 in s. 39.01, when in a case of suspected child abuse,
 577 abandonment, or neglect or an unlawful sexual offense involving
 578 a child the case is referred to such a team; except that this
 579 does not relieve or restrict the Department of Children and
 580 Families from discharging its duty and responsibility under the

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581 law to investigate and report every suspected or actual case of
 582 child abuse, abandonment, or neglect or unlawful sexual offense
 583 involving a child.

584 (4) (a) Post in a prominent place in a clearly visible
 585 location and public area of the school which is readily
 586 accessible to and widely used by students a sign in English and
 587 Spanish that contains:

588 1. The statewide toll-free telephone number of the central
 589 abuse hotline as provided in chapter 39;

590 2. Instructions to call 911 for emergencies; and

591 3. Directions for accessing the Department of Children and
 592 Families Internet website for more information on reporting
 593 abuse, neglect, and exploitation.

594 (b) The information in paragraph (a) must be put on at
 595 least one poster in each school, on a sheet that measures at
 596 least 11 inches by 17 inches, produced in large print, and
 597 placed at student eye level for easy viewing.

598

599 The Department of Education shall develop, and publish on the
 600 department's Internet website, sample notices suitable for
 601 posting in accordance with subsections (1), (2), and (4).

602 Section 8. Section 1012.315, Florida Statutes, is amended
 603 to read:

604 1012.315 Disqualification from employment.—A person is
 605 ineligible for educator certification, and instructional
 606 personnel and school administrators, as defined in s. 1012.01,
 607 are ineligible for employment in any position that requires
 608 direct contact with students in a district school system,
 609 charter school, or private school that accepts scholarship

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610 students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or
 611 another state scholarship program under chapter 1002, if the
 612 person, instructional personnel, or school administrator has
 613 been convicted of:

614 (1) Any felony offense prohibited under any of the
 615 following statutes:

616 (a) Section 393.135, relating to sexual misconduct with
 617 certain developmentally disabled clients and reporting of such
 618 sexual misconduct.

619 (b) Section 394.4593, relating to sexual misconduct with
 620 certain mental health patients and reporting of such sexual
 621 misconduct.

622 (c) Section 415.111, relating to adult abuse, neglect, or
 623 exploitation of aged persons or disabled adults.

624 (d) Section 782.04, relating to murder.

625 (e) Section 782.07, relating to manslaughter, aggravated
 626 manslaughter of an elderly person or disabled adult, aggravated
 627 manslaughter of a child, or aggravated manslaughter of an
 628 officer, a firefighter, an emergency medical technician, or a
 629 paramedic.

630 (f) Section 784.021, relating to aggravated assault.

631 (g) Section 784.045, relating to aggravated battery.

632 (h) Section 784.075, relating to battery on a detention or
 633 commitment facility staff member or a juvenile probation
 634 officer.

635 (i) Section 787.01, relating to kidnapping.

636 (j) Section 787.02, relating to false imprisonment.

637 (k) Section 787.025, relating to luring or enticing a
 638 child.

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639 (l) Section 787.04(2), relating to leading, taking,
640 enticing, or removing a minor beyond the state limits, or
641 concealing the location of a minor, with criminal intent pending
642 custody proceedings.

643 (m) Section 787.04(3), relating to leading, taking,
644 enticing, or removing a minor beyond the state limits, or
645 concealing the location of a minor, with criminal intent pending
646 dependency proceedings or proceedings concerning alleged abuse
647 or neglect of a minor.

648 (n) Section 790.115(1), relating to exhibiting firearms or
649 weapons at a school-sponsored event, on school property, or
650 within 1,000 feet of a school.

651 (o) Section 790.115(2)(b), relating to possessing an
652 electric weapon or device, destructive device, or other weapon
653 at a school-sponsored event or on school property.

654 (p) Section 794.011, relating to sexual battery.

655 (q) Former s. 794.041, relating to sexual activity with or
656 solicitation of a child by a person in familial or custodial
657 authority.

658 (r) Section 794.05, relating to unlawful sexual activity
659 with certain minors.

660 (s) Section 794.08, relating to female genital mutilation.

661 (t) Chapter 796, relating to prostitution.

662 (u) Chapter 800, relating to lewdness and indecent
663 exposure.

664 (v) Section 806.01, relating to arson.

665 (w) Section 810.14, relating to voyeurism.

666 (x) Section 810.145, relating to video voyeurism.

667 (y) Section 812.014(6), relating to coordinating the

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668 commission of theft in excess of \$3,000.

669 (z) Section 812.0145, relating to theft from persons 65
670 years of age or older.

671 (aa) Section 812.019, relating to dealing in stolen
672 property.

673 (bb) Section 812.13, relating to robbery.

674 (cc) Section 812.131, relating to robbery by sudden
675 snatching.

676 (dd) Section 812.133, relating to carjacking.

677 (ee) Section 812.135, relating to home-invasion robbery.

678 (ff) Section 817.563, relating to fraudulent sale of
679 controlled substances.

680 (gg) Section 825.102, relating to abuse, aggravated abuse,
681 or neglect of an elderly person or disabled adult.

682 (hh) Section 825.103, relating to exploitation of an
683 elderly person or disabled adult.

684 (ii) Section 825.1025, relating to lewd or lascivious
685 offenses committed upon or in the presence of an elderly person
686 or disabled person.

687 (jj) Section 826.04, relating to incest.

688 (kk) Section 827.03, relating to child abuse, aggravated
689 child abuse, or neglect of a child.

690 (ll) Section 827.04, relating to contributing to the
691 delinquency or dependency of a child.

692 (mm) Section 827.071, relating to sexual performance by a
693 child.

694 (nn) Section 843.01, relating to resisting arrest with
695 violence.

696 (oo) Chapter 847, relating to obscenity.

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697 (pp) Section 874.05, relating to causing, encouraging,
698 soliciting, or recruiting another to join a criminal street
699 gang.

700 (qq) Chapter 893, relating to drug abuse prevention and
701 control, if the offense was a felony of the second degree or
702 greater severity.

703 (rr) Section 916.1075, relating to sexual misconduct with
704 certain forensic clients and reporting of such sexual
705 misconduct.

706 (ss) Section 944.47, relating to introduction, removal, or
707 possession of contraband at a correctional facility.

708 (tt) Section 985.701, relating to sexual misconduct in
709 juvenile justice programs.

710 (uu) Section 985.711, relating to introduction, removal, or
711 possession of contraband at a juvenile detention facility or
712 commitment program.

713 (2) Any misdemeanor offense prohibited under any of the
714 following statutes:

715 (a) Section 784.03, relating to battery, if the victim of
716 the offense was a minor.

717 (b) Section 787.025, relating to luring or enticing a
718 child.

719 (3) Any criminal act committed in another state or under
720 federal law which, if committed in this state, constitutes an
721 offense prohibited under any statute listed in subsection (1) or
722 subsection (2).

723 (4) Any delinquent act committed in this state or any
724 delinquent or criminal act committed in another state or under
725 federal law which, if committed in this state, qualifies an

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726 individual for inclusion on the Registered Juvenile Sex Offender
727 List under s. 943.0435(1)(h)1.d.

728 Section 9. Paragraph (e) of subsection (1) of section
729 1012.796, Florida Statutes, is amended to read:

730 1012.796 Complaints against teachers and administrators;
731 procedure; penalties.—

732 (1)

733 (e) If allegations arise against an employee who is
734 certified under s. 1012.56 and employed in an educator-
735 certificated position in any public school, charter school or
736 governing board thereof, or private school that accepts
737 scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.
738 1002.395, or another state scholarship program under chapter
739 1002, the school shall file in writing with the department a
740 legally sufficient complaint within 30 days after the date on
741 which the subject matter of the complaint came to the attention
742 of the school. A complaint is legally sufficient if it contains
743 ultimate facts that show a violation has occurred as provided in
744 s. 1012.795 and defined by rule of the State Board of Education.
745 The school shall include all known information relating to the
746 complaint with the filing of the complaint. This paragraph does
747 not limit or restrict the power and duty of the department to
748 investigate complaints, regardless of the school's untimely
749 filing, or failure to file, complaints and followup reports.

750 Section 10. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Dorothy L. Hukill, Chair
Committee on Education

Subject: Committee Agenda Request

Date: January 12, 2018

I respectfully request that **Senate Bill 1756**, relating to School Accountability, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "David Simmons".

Senator David Simmons
Florida Senate, District 9

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-18
Meeting Date

1756
Bill Number (if applicable)

43D116
Amendment Barcode (if applicable)

Topic School Accountability

Name Jane Moyer

Job Title Volunteer

Address 3119 Shamrock N

Phone 509-4361

Tallahassee FL 32309
City State Zip

Email moyerej57@msn.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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/22/18
Meeting Date

1756
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Sue Wolanski

Job Title parent

Address 146 Westminster

Phone 305 240 1565

Tavernier FL 33070
City State Zip

Email kingwolto@yahoo.com

Speaking: For Against Information

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

Representing Common Ground

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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1.22.2018
Meeting Date

1756
Bill Number (if applicable)

Topic School Accountability

Amendment Barcode (if applicable)

Name KEITH FLAUGH

Job Title MANAGING DIRECTOR, FL CITIZENS ALLIANCE

Address P.O. Box 697

Phone 239-250-3300

Mara Island FL 34146
City State Zip

Email KOFLAUGH@me.com

Speaking: For Against Information

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

Representing Florida Citizens 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-22-18

Meeting Date

1756

Bill Number (if applicable)

Topic School Accountability

Amendment Barcode (if applicable)

Name Jane Moyer

Job Title Volunteer

Address 3119 Shamrock N

Phone 509-4361

Street

Tallahassee

City

Fl

State

32309

Zip

Email moyerej57@flnsa.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.

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Appropriations Subcommittee on Higher Education
Education
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR WILTON SIMPSON

Majority Leader
10th District

January 22, 2018

The Honorable Dorothy Hukill
Chair, Education Committee
415 Knott Building
404 S. Monroe Street
Tallahassee, Florida 32399

Chair Hukill:

Please excuse me from today's Education Committee meeting.

Thank you.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson
10th District

REPLY TO:

- 330 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010
- 4076 Commercial Way, Spring Hill, Florida 34606 (352) 540-6074

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore