

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 Rules

BILL: CS/SB 1226

INTRODUCER: Education Committee and Senator Montford

SUBJECT: Education

DATE: April 7, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>Klebacha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>deMarsh-Mathues</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1226 repeals discontinued or unfunded programs, corrects cross references, removes antiquated effective dates, eliminates duplicate reporting requirements, repeals concluded pilot programs, and updates terminology.

The bill clarifies the graduation requirements for certain high school students. In the 2013 session the Legislature passed SB 1076 which, in part, dealt with course and testing requirements for high school graduation. The bill explains how the new graduation requirements impact students who were in high school before SB 1076 passed.

The bill removes references to repealed s. 1003.428, F.S., (old high school graduation requirements) and s. 1003.429, F.S., (old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (new standard high school diploma requirements), s. 1003.4281, F.S., (early high school graduation), and s. 1002.3105(5), F.S., (new 18-credit high school graduation option).

The bill has an effective date upon becoming law.

II. Present Situation:

CS/SB 1226 is a coordinated effort by the Governor, the Legislature, district school superintendents, and other education stakeholders to reduce regulation of public educational institutions. In October 2012, the Governor selected seven district school superintendents to

formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. The DOE distributed a statewide survey soliciting recommendations from the remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these continuing efforts.

III. Effect of Proposed Changes:

Auditor General Reporting Requirements

Section 11.45, F.S., requires the Auditor General (AG) to annually conduct a financial audit of all state universities and state colleges.¹ The AG is also required to annually conduct a financial audit of the accounts and records of all district school boards in counties with a population of fewer than 150,000.²

District school boards in counties with a population of more than 150,000 receive financial audits once every 3 years.³ The AG conducts operational audits of the accounts and records of state universities, state colleges, and district school boards at least every three years.⁴

Upon conclusion of an audit, the AG discusses the audit with the official whose office is subject to audit and if there are any findings provides a list of the AG's findings, which may be included in the audit report.⁵

However, the AG is only required to notify the Joint Legislative Auditing Committee (JLAC) of any audit review which indicates that a state university or state college has failed to take corrective action in response to a recommendation which was included in two preceding financial or operational audit reports.⁶ There is no requirement that the AG notify JLAC that a school district has failed to take corrective action in response to recommendations.

The bill amends s. 11.45, F.S., requiring the AG to notify the JLAC of any audit review which indicates that a school district has failed to take corrective action in response to a recommendation included in two preceding financial or operational audit reports.

Administrative Procedures Act - Agency Review, Revision, and Report

Chapter 120, F.S., the Administrative Procedures Act (APA), establishes the process for administrative rulemaking. Rulemaking authority is delegated by the Legislature⁷ through statute and authorizes or requires an agency to "adopt, develop, establish, or otherwise create" a rule.⁸

Section 120.74(1), F.S., requires agencies to review their rules and perform the following:

¹ Section 11.45(2)(c), F.S.

² Section 11.45(2)(d), F.S.

³ Section 11.45(2)(e), F.S.

⁴ Section 11.45(2)(f), F.S.

⁵ Section 11.45(4)(d), F.S.

⁶ Section 11.45(7)(j), F.S.

⁷ *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla.1st DCA 2000).

⁸ Section 120.52(17), F.S.

- Identify and correct deficiencies;
- Clarify and simplify rules;
- Delete obsolete or unnecessary rules;
- Delete rules that are redundant of statutes;
- Improve efficiency, reduce paperwork, or decrease cost to government and the private sector;
- Confer with agencies having concurrent jurisdiction and determine whether their rules can be coordinated; and
- Determine whether rules should be amended or repealed to reduce the impact on small business while meeting the stated objectives of the proposed rules.

By October 1 of each odd-numbered year, each agency must file a report with the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures Committee (JAPC), and each substantive committee of the Legislature, certifying, among other things, that the agency reviewed its rules in accordance with s. 120.74(1) F.S., and detailing changes made to the agency's rules as a result of the review.⁹

By July 1 of each year each agency must file with the President of the Senate, the Speaker of the House of Representatives, and the Administrative Procedures Committee a regulatory plan identifying and describing each rule the agency proposed to adopt for the 12 month period beginning on the July 1 reporting date and ending on the subsequent June 30,¹⁰ excluding emergency rules.¹¹

The bill amends s. 120.74, F.S., to exclude school districts, Florida College System (FCS) institutions, the Florida School for the Deaf and the Blind, and State University System (SUS) institutions from the rule review and reporting requirements. These entities otherwise adopt and review rules pursuant to specific requirements of law and are subject to legislative oversight by the various education committees.

Truancy Petition; Prosecution; Disposition

Section 984.151(1), F.S., authorizes the district school superintendent to file a truancy petition if the school determines that a student subject to compulsory school attendance has had at least 5 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.

The bill amends s. 984.151(1), F.S., allowing the district school superintendent's designee to file a truancy petition.

⁹ Section 120.74(2), F.S.

¹⁰ Section 120.74(3), F.S.

¹¹ Section 120.54(4)(a), F.S.

Education Governance Transfers

Section 1000.01(5), F.S.,¹² abolished the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Committee effective July 1, 2001. The powers, duties, functions, records, personnel, property, unexpended balances of appropriation allocations, other funds, administrative authority; administrative rules; pending issues, and existing contracts of the Board of Regents, the State Board of Community Colleges, the Articulation Coordinating Committee, and the Education Standards Commission were transferred to the State Board of Education (state board).

The bill repeals s. 1000.01(5), F.S., relating to the education governance transfers because the transfers have already occurred. The language is obsolete.

Regional Education Compact and Interstate Compact on Educational Opportunity for Military Children

Sections 1000.33 and 1000.37, F.S., requires the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact.

Regional Education Compact

The Regional Education Compact promotes the development and maintenance of regional education services and facilities in the Southern States in the professional, technological, scientific, literary, and other fields so as to provide greater educational advantages.¹³ The Southern Regional Education Board's website provides information on which states are participating in the Regional Education Compact.¹⁴

The Interstate Compact on Educational Opportunity for Military Children

The Interstate Compact on Educational Opportunity for Military Children enables member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families.¹⁵ Member states are required to establish an "Interstate Commission on Educational Opportunity" to oversee the governance of the compact. The commission's website provides information on which states are participating in the compact.¹⁶

¹² Formerly s. 229.003, F.S., (Florida education governance reorganization) as amended by Chapter 2001-170, s. 3, Laws of Fla.

¹³ Section 1000.32, F.S.

¹⁴ Southern Regional Education Board (SREB), *About SREB*, http://www.sreb.org/page/1068/about_SREB.html (last visited Mar. 10, 2014).

¹⁵ Section 1000.36, F.S.

¹⁶ Military Interstate Children's Compact Commission (MIC3), *MIC3 In The United States*, available at http://mic3.net/pages/contact/contactmic3_map.aspx (last visited Mar. 10, 2014).

The bill repeals ss. 1000.33 and 1000.37, F.S., requiring the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact. The information relating to the compacts and states that are members of the compacts can be located online.

Commissioner of Education

Section 1001.10(6)(h), F.S., provides the Commissioner of Education the power and duty to develop and implement a plan for cooperating with the federal government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purpose.

In 2006, this section of law was amended to require the commissioner to submit to the Legislature a proposed state plan for the reauthorization of the No Child Left Behind (NCLB) Act before the plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives were to appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed state plan.¹⁷

Florida has never sent a state plan to the United States Department of Education for the reauthorization of the NCLB Act. The bill repeals s. 1001.10(6)(h), F.S., due to the fact that states do not have authority to reauthorize or plan reauthorization of a federal law, only the United State Congress has that authority.

Section 1001.10(6)(k), F.S., requires the commissioner to maintain a Citizen Information Center responsible for the preparation, publication, and dissemination of user-friendly materials relating to K-12 scholarship programs and Voluntary Prekindergarten (VPK) Education programs. According to the Department of Education (DOE) there is no Citizen Information Center.¹⁸

The bill amends s. 1001.10(6), F.S., to remove the requirement for the commissioner to submit a reauthorization plan of the NCLB Act and removes the reference to the Citizen Information Center. However, the commissioner is still responsible for dissemination of materials relating to K-12 scholarship programs and VPK Education programs, which is done through various divisions within DOE.

Educational Television

Section 1001.25, F.S., authorizes DOE to establish a television network. DOE is required, through educational television or other electronic media, to extend educational services to all the state system of public education, except SUS institutions. DOE established a television network known as the Knowledge Network. The Knowledge Network was discontinued as of July 1, 2011. DOE only has on its website under public broadcasting links to public broadcasting system sites, the Florida Channel, and Florida Public Radio Stations. The bill repeals s. 1001.25, F.S.

¹⁷ Chapter 2006-74, s. 7, Laws of Fla.

¹⁸ Telephone conversation with staff, Florida Department of Education, Office of Governmental Relations (February 12, 2014).

Section 1001.26, F.S., provides that the public broadcasting system for Florida is administered by DOE pursuant to rules adopted by the state board. The DOE has not adopted rules. However, the law is self-executing and no rules are necessary.

The bill amends s. 1001.26, F.S., to:

- Remove the requirement that the state board adopt rules for the administration of the program.
- Revise DOE's administrative duties to simply distribute funds as appropriated by the Legislature.
- Remove the requirement that the public broadcasting system must complement and share resources with the instructional programming services of DOE and educational Ultra High Frequency (UHF), Very High Frequency (VHF), Educational Broadband Services (EBS), and Frequency Modulation (FM) stations in the state. DOE no longer provides instructional programming.
- Remove the requirement that the public broadcasting system must include support for new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or provide a significant new program service as defined by state board rule.¹⁹

The bill imports from repealed s. 1001.25, F.S., that the facilities, plant, or personnel of any educational television station that is supported in whole or in part by state funds may not be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office; that fair, open and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the state's citizens are fully informed about issues and candidates in campaigns; and that violation of any prohibition contained in this section is a misdemeanor of the second degree.

District School Superintendent Salary

Section 1001.47(7), F.S., provides that for fiscal year 2009 - 2010 the salary of each elected district school superintendent be reduced by two percent.

The bill repeals s. 1001.47(7), F.S., removing the authorization to reduce each elected district school superintendent's 2009 - 2010 salary by two percent. The reduction in the salaries of elected district school superintendents only applied to fiscal year 2009 - 2010.

Section 1001.50(6), F.S., encourages district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least five percent.

The bill repeals s. 1001.50(6), F.S., removing the option for district school boards and

¹⁹ FCC Rules Governing Public TV and Radio, *Non-Profit Media*, available at <http://transition.fcc.gov/osp/inc-report/INoC-31-Nonprofit-Media.pdf> (last visited Mar. 10, 2014).

superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least five percent. The reduction in the salaries of superintendent's annual remuneration only applied to fiscal year 2009 - 2010.

Transfer of Benefits

Section 1001.62, F.S., requires: "All local or special acts in force on July 1, 1968, that provide benefits for a Florida College System institution through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the FCS institution board of trustees." The transfer of benefits arising under local or special acts occurred in 1968.

The bill repeals s. 1001.62, F.S., removing outdated language relating to the transfer of benefits arising under local or special acts.

Controlled Open Enrollment Plan

Section 1002.31, F.S., authorizes, but does not require, each school district to offer controlled open enrollment,²⁰ yet requires each school district to develop a controlled open enrollment plan and submit the plan to the commissioner. Districts must develop a system of priorities for the controlled open enrollment plan that includes consideration of the following:

- An application process required to participate in the controlled open enrollment program.
- A process that allows parents to declare school preferences.
- A process that encourages placements of siblings within the same school.
- A lottery procedure used by the school district to determine student assignment.
- An appeal process for hardship cases.
- Procedures to maintain socioeconomic, demographic, and racial balance.
- Availability of transportation.
- A process that promotes strong parental involvement, including the designation of a parent liaison.
- A strategy that establishes a clearing house of information designed to assist parents in making informed choices.²¹

The bill amends s. 1002.31, F.S., requiring only the school districts offering controlled open enrollment to submit a controlled open enrollment plan to the commissioner.

Charter Schools and Charter Technical Career Centers

Section 1002.33(6)(a), F.S., requires as part of the charter school application process that applicants provide documentation of participation in training provided by the DOE, contrary to other law that requires training only after an applicant has been approved.²² This required training would have to be done before the applicant was approved to open a charter school.

²⁰ Florida Department of Education, Office of Independent Education & Parental Choice, *Controlled Open Enrollment*, available at <http://www.floridaschoolchoice.org/Information/ControlledOpenEnrollment>, (last visited Mar. 10, 2014).

²¹ Section 1003.31(5), F.S.

²² See s. 1003.33(6)(f), F.S.

Section 1002.34(6)(d), F.S., requires DOE to offer or arrange for training and technical assistance to charter technical career center applicants in developing business plans and estimating costs and income. The assistance must address estimating startup cost, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the center may be eligible to receive. The training must include instruction in accurate financial planning and good business practices. Charter technical career center applicants are required to participate in training provided by DOE before filing an application.

The bill amends ss. 1002.33(6)(a), and 1002.34(6)(d), F.S., removing the requirement that DOE train applicants before they have been approved in order to conform with changes made to the law in 2011²³ that simply requires DOE to offer or arrange for training and technical assistance to approved applicants. Approved applicants must participate in training at least 30 days before the first day of classes.²⁴

Charter Schools and Charter Technical Career Centers / Financial Conditions and Financial Emergencies

Section 1002.345, F.S., provides that a charter school or a charter technical career center is subject to an expedited review by the sponsor if one of the following occurs:

- Failure to provide for an audit.
- Failure to comply with reporting requirements.
- Receipt of an annual audit or monthly financial statement identifying a deteriorating financial condition, or notification of a financial emergency.

A sponsor must notify the charter school's or center's governing board within 7 business days after one of these conditions occurs. The commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or corrective action plan.

The bill amends s. 1002.345, F.S., reiterating that high-performing charter schools are only required to submit quarterly financial statements to their sponsors. The bill requires the sponsor to notify the commissioner of the need for an expedited review. This will provide the commissioner with a timeframe for when to expect the corrective action plan from the governing board and sponsor.

The bill also removes the requirement that the commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan. Whether a charter school or charter technical career center is subject to a financial recovery plan or corrective action plan is between the charter school or center and its sponsor, the school district – this has nothing to do with the state board. Requiring the commissioner to report such information to the state board is without consequence in that the state board is not authorized by law to do anything about the situation – it is a local issue, up until such time a school district revokes or refuses to renew a charter or center and the charter or center chooses to appeal to the state board.

²³ Chapter 2011-232, s. 3, Laws of Fla.

²⁴ Section 1002.33(6)(f), F.S.

John M. McKay Scholarship

The John M. McKay Scholarships for Students with Disabilities Program provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. To be eligible to receive a McKay Scholarship, the student must:

- Have received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and have a current individual educational plan (IEP) or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973;
- Have spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind; or
- Have been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program (FEFP) surveys, in any of the 5 years prior to 2010 - 2011 fiscal year; have a current IEP no later than June 30, 2011; and receive a first-time McKay Scholarship for the 2011-2012 school year.

Section 1002.39(2)(a)3., F.S., expanded the eligibility window for students to qualify for a McKay Scholarship for one year only. Students who spent any of the 5 years in public school prior to the 2010 - 2011 fiscal year could apply by June 30, 2011. This application period has expired. Students who qualified under this provision and received a McKay Scholarship will continue to receive the scholarship until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.

The bill amends s. 1002.39(2)(a)3., F.S., removing the outdated language expanding the eligibility window for students to qualify for a McKay Scholarship. The time parameter has expired.

K-8 Virtual School Programs

In 2003, the Legislature authorized DOE to create a minimum of two pilot K-8 virtual schools. The schools were established as independent, statewide public schools that use online and distance learning technology to deliver instruction to full-time students in kindergarten through grade eight.²⁵

In 2006, the Legislature removed the program's pilot status and statutorily codified the K-8 Virtual School Program as a statewide educational choice program within DOE.²⁶ The K-8 Virtual School Program is subject to annual legislative appropriation. The K-8 Virtual School Program reported 0 FTE in the 2012 - 2013 FEFP third calculation and .17 FTE for the 2012-2013 fifth calculation.

The bill repeals s. 1002.415, F.S., eliminating the K-8 Virtual School Program under this section because no students are enrolled. However, this does not eliminate the program because the

²⁵ Specific Appropriation 4D, Chapter 2003-397, s. 1, Laws of Fla.

²⁶ Chapter 2006-48, s. 1, Laws of Fla., codified at s. 1002.415, F.S.

program was transferred to Palm Beach and Palm Beach receives FEFP funding for this program.

Professional Credentials of Prekindergarten Instructors

Section 1002.65, F.S., enacted in 2004,²⁷ established aspirational goals for the 2010 - 2011 academic year that included the following:

- Each prekindergarten class will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and
- Each prekindergarten class composed of 11 or more students, in addition to the prekindergarten instructor who meets the degree requirements, the class will have at least one prekindergarten instructor who meets each of the following requirements:
 - The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - A child development associates credential issued by the National Credentialing Program of the Council for Professional Recognition (NCPCPR); or
 - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential issued by the NCPCPR.
 - The prekindergarten instructor must successfully complete an emergent literacy training course and a student performance standards training course.²⁸

Aspirational goals were also set for the 2013 - 2014 academic year, that each prekindergarten class will have at least one kindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child-development.²⁹

The bill repeals s. 1002.65, F.S., because the time parameter for meeting the aspirational goals for VPK instructors has expired.

Financial Literacy Cost Analysis

Section 1003.41(3), F.S., requires the commissioner to prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The commissioner is required to work with one or more nonprofit organizations with proven expertise in the area of personal finance, consider free resources that can be utilized for instructional materials, and provide data on the implementation of such a course in other states. The commissioner must provide the cost analysis to the President of the Senate and the Speaker of the House of Representatives by October 1, 2013.

On October 1, 2013, the commissioner provided the President of the Senate and the Speaker of the House of Representatives an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy.³⁰

²⁷ Chapter 2004-484, s. 1, Laws of Fla.

²⁸ Section 1002.55(3)(c), F.S.

²⁹ Section 1002.65(2)(b), F.S.

³⁰ Florida Department of Education, Office of the Commissioner of Education, Implementation of Financial Literacy Course (Oct. 2013) (on file with the Senate Committee on Education).

The bill amends s. 1003.41(3), F.S., removing obsolete language requiring the commissioner to provide a cost analysis.

School Assessment and Promotion

Middle Grades Promotion

Section 1003.4156(1)(b), F.S., provides that in order to be promoted from middle school to high school a student must successfully complete 3 middle grades or higher courses in mathematics. A middle grades school must offer at least 1 high school level mathematics course for which a student may earn high school credit. Successful completion of high school level Algebra I or Geometry courses is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment or, the Algebra I or Geometry assessment. Beginning with the 2011 - 2012 school year, to earn high school credit for Algebra I, a middle grades student was to have passed the Algebra I EOC assessment. Beginning in the 2012 - 2013 school year, to earn high school credit for Geometry a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade and earn a passing grade in the course.

The bill amends s. 1003.4156, F.S., eliminating the must pass Algebra I EOC requirement for a middle grades student to earn high school credit, but beginning with the 2013 - 2014 school year and thereafter, like Geometry, student performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade.

Section 1003.4156(1)(c), F.S., provides that to be promoted from middle grades to high school a student must successfully complete 3 middle grades or higher courses in social studies. Beginning with students entering grade 6 in the 2012 -2013 school year, one of these courses must be at least a one semester civics education course.

The bill establishes a transfer policy for a middle grades student who transfers into the state's public school system from out of the country, out of state, a private school, or a home education program. The policy provides that if a student transfers in after the beginning of the second term of the eighth grade the student is not required to meet the civics education requirement for promotion from middle grades, if the student's transcript documents passage of 3 courses in social studies or 2 year-long courses in social studies that included coverage of civics education.

Section 1008.22(3)(b)1., F.S., states that middle grades students enrolled in Algebra I or Geometry must take the statewide, standardized EOC assessment for those courses and are "not required" to take the corresponding grade-level Florida Comprehensive Assessment Test (FCAT). Because the law does not prohibit double testing some districts have so required.

The bill amends s. 1008.22(3)(b)1., F.S., providing that middle grade students enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and "shall not take" the corresponding subject and grade-level statewide, standardized assessment.

High School Graduation Requirements

In 2013, the Legislature passed CS/CS/SB 1076. The bill, in part, created a new section of law, s. 1003.4282, F.S., establishing high school graduation requirements for students entering grade 9 in the 2013 - 2014 school year and thereafter.

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;³¹ an 18-credit graduation option;³² or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) program CS/CS/SB 1076 created s. 1002.3105(5), F.S., which established the new 18-credit graduation option and repealed the old 18-credit college preparatory and career preparatory graduation options contained in s. 1003.429, F.S.

In addition, current law provides, in s. 1003.4281, F.S., that each school district must adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.

The bill removes references to repealed s. 1003.428, F.S., (Old high school graduation requirements) and s. 1003.429, F.S., (Old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (New standard high school diploma requirements), s. 1003.4281, F.S., (Early high school graduation), and s. 1002.3105(5), F.S. (New 18-credit high school graduation option).

Online Course Requirement

Section 1003.4282(4), F.S., requires at least one course within the 24 credits required for a standard high school diploma to be completed through online learning. However, an online driver education course is excluded from meeting the online course requirement.

The bill amends s. 1003.4282(4), F.S., providing that current law prohibiting use of a driver education course to meet the online course requirement only applies to students entering grade 9 in the 2013 - 2014 school year and thereafter. The law prohibiting an online driver education course from meeting the online course requirement for high school graduation was passed last session (SB 1076), along with the new high school graduation requirements. Only incoming students in grade 9 in 2013 – 2014 and thereafter are impacted by this change. Beginning with grade 9 students in the 2011 – 2012 school year, students were required to take an online course. If these students already met their online requirement with a driver education course, they should not be negatively impacted by last year's change in law.

Certificate of Completion

Section 1003.4282(7), F.S., provides that “a certificate of completion may be awarded to a student who fails to earn the required credits or achieve a 2.0 GPA must be awarded a certificate of completion by the state board.”

³¹ Section 1003.428, F.S.

³² Section 1002.3105(5), F.S.

The bill amends s. 1003.4282, F.S., to correctly provide that a student who earns the required 24 credits or 18 credits but fails to pass the required assessments or earn a 2.0 GPA must be awarded a certificate of completion. The bill also clarifies that a student awarded a certificate of completion may remain in high school for one additional year, either full-time or part-time, in order to receive special instruction designed to remedy his or her identified deficiencies.

Cohort Transition to New Graduation Requirements

CS/CS/SB 1076 did not repeal s. 1003.428, F.S., the old law dealing with high school graduation requirements for students entering grade 9 in the 2007 - 2008 school year and thereafter. Certain provisions in s. 1003.4282, F.S., the new graduation requirements, beginning with students entering grade 9 in the 2013 - 2014 school year, created by CS/CS/SB 1076, did reference, in part, students in earlier grade 9 cohorts. As a result, confusion arose as to what provisions of law applied to students entering grade 9 prior to the 2013 - 2014 school year.

The bill identifies, with specificity, all course and assessment requirements for students entering grade 9 before the 2010 - 2011 school year,³³ entering grade 9 in the 2010 - 2011 school year,³⁴ entering grade 9 in the 2011 - 2012 school year,³⁵ and entering grade 9 in the 2012 - 2013 school year.³⁶

The bill adds an automatic repeal date of July 1, 2020, to the new subsection of law that identifies, by grade 9 cohorts, all course and assessment requirements for graduating from high school with a standard diploma. The grade 9 students in the identified cohorts will have graduated from high school by 2017. The bill also provides that policy adopted in rule by a district school board may require for any cohort of students that performance on a statewide, standardized EOC assessment constitutes 30 percent of a student's final course grade.

³³ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁴ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry school year; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁵ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U. S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; and One online course.

³⁶ The requirements are four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; One online course.

Industry Certification

There are two ways in which students may use career education or industry certification courses to satisfy core academic credits required for a standard high school diploma. First, the DOE is required to develop, for approval by the state board, multiple, career education courses, or a series of courses that allow students to simultaneously earn career education course and academic course credit in courses required for graduation.³⁷ Second, students entering grade 9 in the 2013 - 2014 school year and thereafter may substitute industry certification courses that lead to college credit for up to 2 mathematics credits and up to 1 science credit.³⁸

The bill amends s. 1003.4282, F.S., to add that the industry certification that can be substituted for credit must have a statewide college credit articulation agreement approved by the state board. The bill provides that students who earn an industry certification for which there is a statewide college credit articulation agreement approved by the state board may not substitute certification for Algebra I, Geometry, or Biology I.

The bill also requires that if a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or U. S. History, the transferring course final grade and credit must be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

Student Assessments

Section 1008.22, F.S., requires the commissioner to design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The statewide, standardized assessment program must be designed and implemented to include the FCAT until replaced by new state assessments in English Language Arts (ELA) and mathematics.

The state board must adopt rules to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to new state assessments in ELA and mathematics.³⁹ The state board must also designate by rule a passing score for each statewide, standardized EOC and FCAT assessment. In addition the state board must designate a score for each statewide, standardized EOC assessment that indicates that a student is high achieving and has the potential to meet college readiness standards by the time the student graduates from high school.⁴⁰

The FCAT includes annual comprehensive assessments of reading in grades 3 through 10; comprehensive assessments of mathematics in grades 3 through 8; comprehensive assessments of writing at least once at the elementary, middle, and high school levels; and comprehensive assessments of science in the elementary and middle grades levels.⁴¹ In 2010, the Legislature

³⁷ Section 1003.4282(9)(a), F.S.

³⁸ Section 1003.4282(3)(b) and (c), F.S. (Effective for students entering 9th grade in the 2013 - 2014 school year and thereafter).

³⁹ Section 1008.22(3)(d)3., F.S.

⁴⁰ Section 1008.22(3)(d)2., F.S.

⁴¹ Section 1008.22(3)(a), F.S.

required the phased-in replacement of grades 9 and 10 FCAT Mathematics with the EOC assessments in Algebra I and Geometry and grade 11 FCAT Science with an EOC assessment in Biology I.⁴²

Section 1008.22(3)(c)2., F.S., states that a student with a disability for whom the IEP team determines that the statewide, standardized assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have assessment results waived for the purpose of receiving a course grade or a standard high school diploma. Such waiver must be designated on the student's transcript.

SB 1226:

- Removes the requirement that the state board designate an additional cut score on EOC assessments that identifies a student as high achieving because how high achieving a student is can be determined by the score the student receives on the assessment, i.e., Levels 1 - 5. Clarifies that a student's performance on the Algebra II and Biology I EOC assessment constitutes 30 percent of a student's final course grade, in conformance with s. 1003.4282, F.S.
- Specifies that the waiver of assessment results on a student's transcript must be limited to a statement that "performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable."
- Removes rulemaking requirements for the state board to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to new state assessments in ELA and mathematics. The commissioner is required to establish and publish on DOE's website an implementation schedule to transition from the statewide, standardized Reading and writing assessments to the ELA assessments and to the revised Mathematics assessments including the Algebra I and Geometry EOC assessments.

Scholar Designations

Section 1003.4285, F.S., provides that students may earn a Scholar designation if they satisfy additional course testing requirements exceeding the requirements for a standard high school diploma.

Students pursuing a Scholar designation must:

- Pass the 11th grade ELA assessment, effective when the state transitions to new assessments;
- Earn one credit in Algebra II and one credit in Statistics or an equally rigorous course. When the state transitions to new assessments, students must pass the Algebra II assessment;
- Pass the Biology I EOC assessment and earn one credit in Chemistry or Physics and one credit in an equally rigorous course;
- Pass the U.S. History EOC assessment;
- Earn two credits in the same foreign language; and
- Earn at least one credit in an AP, IB, AICE, or a dual enrollment course.

⁴² Section 1008.22(3)(b), F.S.

The bill amends s. 1003.4285, F.S., by adding a new requirement that beginning with students entering grade 9 in the 2014 - 2015 school year, a student must pass the statewide, standardized Geometry EOC assessment in order to earn a Scholar designation.

The bill provides that a student enrolled in an AP, IB, or AICE Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit meets the Scholar designation science requirement without having to take the statewide, standardized Biology I EOC assessment. The bill also provides that a student enrolled in an AP, IB, or AICE course that includes U.S. History topics, who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit meets the Scholar designation social studies requirement without having to take the statewide, standardized U.S. History EOC assessment.

Junior Reserve Officers' Training Corps

Section 1003.451, F.S., prohibits a school district from banning any branch of the United States Armed Forces or the U. S. Department of Homeland Security from establishing, maintaining, or operating a unit of the Junior Reserve Officers Training Corps (ROTC) at a public high school. A school district must grant military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to secondary school students, facilities, and grounds which the district grants to postsecondary educational institutions or prospective employers of students. The state board is authorized to adopt rules and take enforcement action against school districts that do not comply with these requirements.⁴³ However, the state board has not yet adopted rules to administer these provisions.

The bill repeals s. 1003.451(5), F.S., removing the authority for the state board to adopt rules to administer the section. The law is self-executing, therefore no rule is necessary.

Academically High-Performing School Districts

Section 1003.621(1)(a), F.S., requires that academically high-performing school districts must have no material weakness or instances of material noncompliance noted in their annual financial audits conducted by the AG.

The bill amends s. 1003.621(1)(a), F.S., to include a reference to s. 11.45, F.S., which requires the AG to conduct annual financial audits and operational audits of school districts every 3 years. The bill also deletes reference to the 2004 – 2005 school year, which was the year school districts could begin meeting the criteria for designation as an academically high-performing school district.

Adult High School Credit Program

Section 1004.02(4), F.S., defines “adult high school credit program” for purposes of chapter 1004 as “the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law,

⁴³ Section 1003.451(4) and (5), F.S.

the graduation standards for adults must be the same as those for secondary students.” The term “adult high school credit program” does not appear in chapter 1004.

The bill removes the definition of “adult high school credit program” and adds the following 18 credit graduation option for adult students:

- Four credits in English Language Arts;
- Four credits in mathematics;
- Three credits in science, two of the required three credits must have laboratory component;
- The laboratory requirement may be waived by the district school board;
- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or practical arts, or one other elective credit; and
- Three credits in electives.

To be eligible for an 18-credit graduation option, the student must earn a cumulative GPA of 2.0 on a 4.0 scale.

An adult seeking a 24-credit standard high school diploma may also substitute one elective credit for required credit in fine or performing arts, speech and debate, or practical arts. In addition, the science laboratory requirement may be waived by the district school board. Finally, the one credit in physical education may be substituted with an elective credit.

State University Degree Programs

In 2010, the Legislature authorized Florida Atlantic University (FAU) to offer a Doctor of Medicine degree program, subject to the approval of the Board of Governor (BOG).⁴⁴ On April 7, 2010, BOG approved the program at FAU.

In 2010, the Legislature authorized a Doctor of Pharmacy degree program at the University of South Florida (USF) and required the program to be physically located on the campus of the University of South Florida Polytechnic (USF Polytechnic).⁴⁵ On January 29, 2009, BOG approved the program at USF. The bill repeals obsolete language authorizing a Doctor of Medicine degree program at FAU and a Doctor of Pharmacy degree program at USF. Both programs have been approved by the BOG.

Johnnie B. Byrd, S., Alzheimer’s Center and Research Institute

The Legislature created the Florida Alzheimer’s Center and Research Institute in 2002,⁴⁶ and subsequently renamed it the Johnnie B. Byrd, Sr., Alzheimer’s Center and Research Institute (Byrd Institute) in 2004.⁴⁷ In 2009, the Legislature placed the Byrd Institute at the USF.⁴⁸

⁴⁴ Section 1004.3825, F.S.

⁴⁵ Chapter 2010-155, s. 6, Laws of Fla.

⁴⁶ Chapter 2002-387, s. 191, Laws of Fla.

⁴⁷ Chapter 2004-002, s. 5, Laws of Fla.

⁴⁸ Chapter 2009-060, s. 6, Laws of Fla.

The board of directors for the Johnnie B. Byrd, Sr. Alzheimer's Center and Research Institute was created to oversee the establishment of the Institute.⁴⁹

The bill repeals s. 1004.445(2), F.S., establishing the board of directors for the Johnnie Byrd Sr., Alzheimer's Center and Research Institute. Once the Byrd Institute was placed at USF there was no longer a need for a separate governing board.

Training School Consolidation Pilot Project

In 1999, the Legislature created the Training School Consolidation Pilot Projects.⁵⁰ The project established two "pilot training centers" to provide criminal justice training in Leon and St. Johns Counties: The Pat Thomas Center at Tallahassee Community College (now called the Pat Thomas Law Enforcement Academy) and The Criminal Justice Academy at St Johns River State College (now called the Criminal Justice Program). In 1999 the programs were transferred to FCS institutions. Accordingly, the programs are no longer pilot projects.

The bill repeals s. 1004.75, F.S., relating to the Training School Consolidation Pilot Projects.

Adults with Disabilities Workforce Education Pilot Program

The Adults with Disabilities Workforce Education Pilot Program was created in 2012 to operate for two years in Hardee, DeSoto, Manatee, and Sarasota Counties and provide the option of receiving a scholarship for instruction at private schools for up to 30 students who meet the following requirements:⁵¹

- Have a disability;⁵²
- Are 22 years of age;
- Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1003.428 or s. 1003.4282, F.S.;
- Do not have a standard high school diploma or a special high school diploma; and
- Receive supported employment services.⁵³

Students in the pilot program may continue to participate in the program until they graduate from high school or turn 30, whichever occurs first. The law specifies the criteria that must be met by employment service producers and private schools. The law provides for the funding source and the calculation methodology for the amount of the scholarship.

⁴⁹ Section 1004.445(2), F.S.

⁵⁰ Section 1004.75, F.S. (Formerly s. 240.384, F.S.).

⁵¹ Chapter 2012-134, Laws of Fla., s. 12, codified in s. 1004.935, F.S.

⁵² Under this provision, a student with a disability includes a student who is 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.

⁵³ Supported employment services means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

The bill provides for the continuation of the Adults with Disabilities Workforce Education Pilot program through June 30, 2016, and permits a student to remain in the program until he or she graduates from high school or reaches the age of 40, whichever occurs first.

Statewide School Safety Hotline

In 1995, the Legislature created a statewide crime-watch program in the public schools for the purpose of reducing student actions that were in violation of the code of student conduct.⁵⁴ In 1996, the Legislature authorized DOE to contract with the Florida Sheriffs Association to establish and operate a statewide toll-free school safety hotline for the purpose of reporting incidents that affect the safety and well-being of the school's population.⁵⁵ If a toll-free school safety hotline is established by contract with the Florida Sheriffs Association, the Florida Sheriffs Association must produce a quarterly report that evaluates the incidents that have been reported on the hotline.⁵⁶

The bill repeals s. 1006.141, F.S., relating to the Statewide School Safety Hotline.

Dating Violence and Abuse Prohibited

Section 1006.148(2), F.S., requires that each district school board adopt and implement a dating violence and abuse policy to be integrated into each school district's discipline policies.⁵⁷ DOE was required to develop by January 1, 2011, a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policies. On October 22, 2010, DOE provided district school boards with the model policy and training requirements.⁵⁸

The bill repeals s. 1006.148(2), F.S., requiring DOE to develop a dating violence and abuse model policy because DOE has already developed the model policy.

Use of Instructional Materials Allocation

Section 1006.40(2), F.S., requires each district school board to purchase current instructional materials to provide each student with a major tool of instruction in core courses. Such purchases must be made within the first 3 years after the effective date of the adoption cycle. For the 2012 - 2013 mathematics adoption, a district using comprehensive mathematics instructional materials adopted in 2009 - 2010 was to be deemed in compliance with the law if the district had provided each student with such additional state-adopted materials as was necessary to align the mathematics instructional materials to the new state standards.⁵⁹

The bill removes the 2012 - 2013 mathematics adoption language option. The bill amends s.

⁵⁴ Chapter 95-164, s. 2, Laws of Fla.

⁵⁵ Section 1006.141(1), F.S.

⁵⁶ Section 1006.141, F.S.

⁵⁷ Section 1006.148(1), F.S.

⁵⁸ Florida Department of Education, Office of Safe Schools, *Teen Dating Violence Prevention*, available at <http://www.fldoe.org/safeschools/TeenDatingViolence.asp> (last visited Mar. 10, 2014).

⁵⁹ Section 1006.40(2), F.S.

1006.40(2), F.S., specifying that a school board individually or as part of a consortium of school boards can purchase instructional materials if an instructional materials program has been implemented pursuant to s. 1006.283, F.S.⁶⁰

Student with Disabilities

Section 1007.02, F.S., defines the term “student with a disability,” and establishes a popular name for the section, i.e., Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act. However, the section refers to itself as an “Act” rather than a section. A law should not refer to “an Act” but should specify the sections of law to which the section of law is applicable. The popular name and the acronym are not used anywhere else in law.

The bill amends s. 1007.02, F.S., by removing the popular name and acronym. In addition, s. 1007.02, F.S., is amended to state that the definition of “student with a disability” is applicable to all of chapter 2007, F.S.

Public School Improvement

Section 1008.33(5) and (7), F.S., requires a school to implement one of the turnaround options listed in this section if the school earns a grade of “F” within 2 years of raising its grade from a grade of “F” or that earns a grade of “F” within 2 years after exiting the lowest-performing category under s. 3, chapter 2009 -144, L.O.F. A school classified in the lowest performing category before July 2012 is not required to continue implementing any turnaround options unless the school earns a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year. A school earning a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year may not restart the number of years it has been considered low performing.

The bill repeals s. 1008.33(5) and (7), F.S., removing the requirement to implement certain turnaround options because the time period for those options has expired.

Supplemental Educational Services

The federal requirement for Florida to provide supplemental educational services (SES) as originally prescribed by the No Child Left Behind Act of 2001 (NCLB) was waived with the approval of Florida’s ESEA Flexibility Request on February 9, 2012.⁶¹ Florida’s ESEA Flexibility Request was subsequently amended on July 27, 2012, to allow Florida to continue providing SES for the 2012 - 2013 school year.⁶²

All SES providers had to be approved by the DOE before services could be provided in the district. Eligible candidates included nonprofit and for-profit entities, as well as school districts. Approved providers were allowed to:

⁶⁰ Section 1006.283, F.S.

⁶¹ See Letter of Approval for Florida’s ESEA Waiver Request, (2012), available at <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>.

⁶² See Letter of Approval for Florida’s ESEA Waiver Exemption Request, (2012), available at <https://www.ed.gov/policy/eseaflex/secretary-letters/fl-amendment.pdf>.

- Set their fee for service within a specified range (\$5-\$70 per hour per student).
- Tutor up to 10 students simultaneously using the same instructor which is the equivalent of
- \$700 per hour for 10 students and 1 instructor.
- Self-report, to DOE, student learning gains, student attendance and completion data, and
- satisfaction surveys completed by parents, district administrators, and school principals. DOE used this information to apply a service designation to each provider of excellent, satisfactory, or unsatisfactory.⁶³

In 2011 - 2012, SES providers delivered an average of 19 hours of tutoring services per student at an average cost of \$1,050 per student.⁶⁴ However, a national study determined that SES programs delivering less than 40 hours of tutoring per year are unlikely to demonstrate statistically significant improvement in student growth math and reading gains.⁶⁵

The bill repeals s. 1008.331, F.S., removing the SES which is no longer required by federal law and not funded by this state. School districts on their own authority and through their funding sources can otherwise provide supplemental educational services.

Best Financial Management Practices for Florida School Districts

Section 1008.35, F.S., requires the commissioner to adopt best financial management practices to be implemented by school districts. The practices must be developed for, but not limited to, efficient use of resources, compliance with general acceptable accounting principles, performance accountability, and cost control. The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the AG are tasked with developing a system by which to review school district implementation of the best practices.⁶⁶ Furthermore, OPPAGA is responsible for conducting the reviews, subject to appropriation by the Legislature. The commissioner adopted the best financial management practices on September 4, 1997.⁶⁷ The entire best practices review was contingent upon funding. The Legislature has not funded the program since 2002.⁶⁸

The bill repeals s. 1008.35, F.S., which removes the requirement that the commissioner adopt best financial management practices.

Workforce Education Postsecondary Student Fees

Section 1009.22(3)(f), F.S., establishes a maximum increase in resident tuition for any school district or Florida College System institution during the 2007 - 2008 fiscal year of five percent

⁶³ Rule 6A-1.039, F.A.C.

⁶⁴ Telephone conversation with staff, Florida Department of Education, Bureau of School Improvement (Feb. 27, 2014).

⁶⁵ American Enterprise Institute for Public Policy Research, Center for American Progress, *Tightening up Title I: The implementation and effectiveness of supplemental education services: A review and recommendations for program improvement*, (2012), available at http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services_17150915643.pdf. (last visited Mar. 4, 2014).

⁶⁶ Section 1008.35(1), F.S.

⁶⁷ Office of Program Policy Analysis and Government Accountability, *Best Financial Management Practices for Florida School Districts*, Report No. 97-08, (Oct. 1997), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/9708rpt.pdf>. (last visited Mar. 10, 2014).

⁶⁸ Telephone conversation with staff, Florida Department of Education (Feb. 27, 2014).

over the tuition charged during the 2006 - 2007 fiscal year.

The bill repeals s. 1009.22(3)(f), F.S., regarding the obsolete 2007 - 2008 resident tuition increase language.

Seminole and Miccosukee Indian Scholarships

In 1963, the Legislature enacted the Seminole and Miccosukee Indian Scholarship program.⁶⁹ The purpose of the Seminole and Miccosukee Indian Scholarship program is to encourage and assist students from the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida to pursue postsecondary education. The program is administered by DOE and funding for the program must be provided in the General Appropriations Act (GAA).⁷⁰ The Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida determines the amount of the scholarship for their respective applicants within the amount of funds appropriated.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁷¹ Funding for the Seminole and Miccosukee Indian Scholarship program was last appropriated in 2001.⁷²

The bill repeals s. 1009.56, F.S., regarding the Seminole and Miccosukee Indian Scholarship program.

The Virgil Hawkins Fellows Assistance Program

In 1988, the Legislature enacted the Virgil Hawkins Fellows Assistance Program.⁷³ The Virgil Hawkins Fellows Assistance Program provides financial assistance for minority students to study law at the Florida State University, the University of Florida, the Florida Agricultural and Mechanical University, and the Florida International University.⁷⁴

Each student that remains in good standing as approved by the law school and pursuant to guidelines of the state board is entitled to receive an award for each academic term.⁷⁵ Funding for the program must be as provided in the GAA.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁷⁶ The Virgil Hawkins Fellows Assistance program was last appropriated funds in 2003.⁷⁷

The bill repeals s. 1009.69, F.S., relating to the Virgil Hawkins Fellows Assistance Program.

⁶⁹ Chapter 63-404, ss. 1-6, Laws of Fla.

⁷⁰ Section 1009.56(1), F.S.

⁷¹ Section 1009.96, F.S.

⁷² Specific Appropriation 93, Chapter 2001-253, s. 2, Laws of Fla.

⁷³ Chapter 88-099, s. 1, Laws of Fla.

⁷⁴ Section 1009.69(1), F.S.

⁷⁵ Section 1009.69(2), F.S.

⁷⁶ Section 1009.96, F.S.

⁷⁷ Specific Appropriation 134 and 135, Chapter 2003-397, s. 2, Laws of Fla.

Florida Higher Education Loan Authority Act

Part V of chapter 1009 provides a short title: “Florida Higher Education Loan Authority Act.” The Act, created in 1982⁷⁸ authorizes, by county ordinance or resolution, the creation of a “_____ County Education Loan Authority.” The Florida Higher Education Loan Authority Act was created to make loans to participating higher education institutions for the purpose of providing student loans. If a county ordinance/resolution is established, the law requires the loan authority to report annually to the commissioner. The only county that adopted such an ordinance (St. Johns) repealed its ordinance in 1995. The commissioner has not received any annual reports.⁷⁹

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁸⁰ The program has been inactive since 1995.⁸¹

The bill repeals Part V of chapter 1009, relating to the authority to create an Education Loan Authority.

School District Discretionary Tax

In 2009, the Legislature authorized district school boards to levy an additional 0.25 mills for critical capital outlay needs. Alternatively, the additional 0.25 mills may be levied for critical operating needs based on a supermajority vote of the district school board and passage of a voter approved referendum in the 2010 general election.⁸²

Legislation enacted in 2010, provided that in order for school districts to continue levying the additional 0.25 mills after the 2010 - 2011 fiscal year, the voters must have approved the referendum at the 2010 general election or at a subsequent election is held at any time. No more than one such election may be held during any 12-month period. Any millage so authorized could only be levied for a period not to exceed 2 years or until a change is made pursuant to another millage election, whichever occurs earlier.⁸³

In 2011, the Legislature amended the statute so that the authority for district school boards to levy the 0.25 mills would expire on June 30, 2011.⁸⁴

The bill repeals s. 1011.71(3)(b) and (c), F.S., removing the authority for district school boards to levy the additional 0.25 mills.

⁷⁸ Chapter 82-241, ss. 1-28, Laws of Fla. (Formerly chapter 240).

⁷⁹ E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

⁸⁰ Section 1009.96, F.S.

⁸¹ E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

⁸² Chapter 2009-059, s. 33, Laws of Fla., codified at s. 1011.71(3)(b), F.S.

⁸³ Chapter 2010-154, s. 30, Laws of Fla., amending s. 1011.71(3)(b), F.S.

⁸⁴ Chapter 2011-055, s. 36, Laws of Fla., amending s. 1011.71(3)(b), F.S.

Teacher Recruitment and Retention

Section 1012.05(2), F.S., requires DOE to develop, in consultation with school district staff, a long range plan for educator recruitment and retention and develop and implement a First Response Center and Teacher Lifeline Network to provide online support to beginning teachers and those that need assistance. The commissioner must take steps that provide flexibility and consistency in meeting the highly qualified teacher criteria defined in the NCLB Act of 2001 through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).⁸⁵

The bill amends s. 1012.05, F.S., by removing the requirement for DOE to develop a long-range plan for educator recruitment and retention. Many districts are not in need of teachers. Those districts needing teachers are better suited to develop recruitment and retention plans applicable to local needs.

The bill eliminates reference to the Teacher Lifeline Network and the First Response Center because the center and network do not exist. The bill removes reference to HOUSSE which no longer exists.

Professional Service Contract

Section 1012.33(9), F.S., provides that, for the 2009 - 2010 and 2010 - 2011 fiscal years, district school boards should not enter into a new professional services contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds. The restriction on district school boards does not extend past the 2010 – 2011 fiscal year.

The bill repeals s. 1012.33(9), F.S., relating to obsolete language affecting fiscal years 2009 - 2010 and 2010 - 2011.

Speech Language Services

Section 1012.44, F.S., requires the state board to review rules it adopted regarding speech-language services to school districts by October 1, 2003. The state board has reviewed the rules for speech-language services.

The bill amends s. 1012.44, F.S., removing the outdated language requiring the state board to review rules for speech-language services.

Address of Record

Section 1012.561, F.S., requires by January 1, 2005, that each educator and applicant for certification have on file with DOE a current mailing address. The January 1, 2005, date requirement has passed.

The bill amends s. 1012.561, F.S., removing the outdated reporting requirement.

⁸⁵ Section 1012.05(6), F.S.

Saving Clause

Section 1012.595, F.S., created in 1986,⁸⁶ requires each applicant who was issued a certificate by DOE prior to June 25, 1986, to be entitled to hold such certificate. The certificates are renewed in accordance with the provisions of chapter 86-156 L.O.F.⁸⁷

The bill amends s. 1012.595, F.S., removing the outdated language regarding applicants issued a certificate by DOE prior to June 25, 1986.

Remuneration for State University and Florida College System Presidents

In 2010, s. 1012.885(2), F.S., was created to state that FCS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.⁸⁸

In 2003, s. 1012.975 (2), F.S., was created to state that SUS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.⁸⁹

Both sections of law continue to provide conflicting restrictions on the annual remuneration for SUS presidents and FCS presidents.

The bill removes ss. 1012.885(2), and 1012.975(2), F.S., relating to the outdated \$225,000 remuneration provisions.

Continuing Education Training

Section 1012.98(12), F.S., requires teachers in grades 1 - 12 to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

The bill amends s. 1012.98(12), F.S., to include kindergarten teacher participation in continuing education training provided by the Department of Children and Families.

Substance of Contract

Section 1013.47, F.S., requires: "If 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1) laborers and mechanics

⁸⁶ Formerly s. 231.245 F.S.

⁸⁷ Sections of law relating to certification of educational personnel (ss. 231.15, 231.17, and 231.24, F.S.) were set for Sunset repeal on October 1, 1985, unless reviewed and reenacted by the Legislature. The Legislature passed CS/CS/HB 1357, which made various substantive and technical changes in the process used to grant initial and subsequent certificates. The Governor vetoed CS/CS/HB 1357. The DOE readopted the certification rules but, instead of referencing the repealed sections of law as authority for the rule, referenced other sections of law. The Joint Administrative Procedures Committee raised concerns about the law referenced in the rules. The DOE worked with the Legislature to resolve the issues and HB 1183 became law effective June 25, 1986.

⁸⁸ Chapter 2011-063, s. 39, Laws of Fla., Chapter 2012-134, s. 38, Laws of Fla., and Chapter 2013-405, s. 21, Laws of Fla.

⁸⁹ Chapter 2011-063, s. 41, Laws of Fla., Chapter 2012-134, s. 40, Laws of Fla., and Chapter 2013-045, s. 23, Laws of Fla.

employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.”

The bill amends s. 1013.47, F.S., to remove the above quoted language. Any federal (grant) funds appropriated for construction would include the necessary federal accountability requirements in accordance with the Davis-Bacon Act. There is no trust fund under 31 U.S.C. s. 1243(a)(1).

Toxic Substance in Construction

Section 1013.49, F.S., requires a contractor intending to use toxic substances enumerated in the Florida Substance List in the construction, repair, or maintenance of educational facilities to notify the district school superintendent or public postsecondary institution president in writing at least three working days prior to using the substance. Toxic substance usage is already governed by the Florida Building Code and the State Requirements for Educational Facilities.⁹⁰

The bill repeals s. 1013.49, F.S., removing duplicative requirements related to toxic substance.

Land Acquisition and Facilities Advisory Board

Section 1013.512, F.S., requires OPPAGA and the Auditor General to certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and Governor when significant deficiencies exist in a school district’s land acquisition and facilities operation processes. Upon receipt of certification, an advisory board must be appointed to help the district improve its deficient practices and report to the commissioner a district’s progress and corrective actions. “Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded.” Only one such board was ever appointed: The Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board. This board was dissolved in 2004.⁹¹ The bill repeals s. 1013.512, F.S., removing the authority to authorize a Land Acquisition and Facilities Advisory Board.

Emergency Rule Adoption

Section 20 of chapter 2010-24, L.O.F., authorizes the Department of Revenue (DOR) to adopt emergency rules for s. 1012.796, F.S.⁹² DOR states that the authority to adopt emergency rules is no longer needed.⁹³

The bill repeals Section 20 of chapter 2010-24, L.O.F., removing outdated DOR emergency rulemaking authority.

⁹⁰ E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

⁹¹ Office of Program Policy Analysis and Government Accountability, *Special Review-Land Acquisition Practices of the Miami-Dade County School Board*, Report No. 01-26 (May 2001), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0126rpt.pdf>. (last visited Mar. 10, 2014).

⁹² Section 1012.796, F. S.

⁹³ Telephone conversation with staff, Florida Department of Revenue (February 26, 2014).

The bill has an effective date upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.45, 120.74, 120.81, 409.1451, 496.404, 775.215, 984.151, 1000.21, 1001.10, 1001.26, 1002.20, 1002.31, 1002.3105, 1002.321, 1002.33, 1002.34, 1002.345, 1002.39, 1002.41, 1002.45, 1002.455, 1003.01, 1003.02, 1003.03, 1003.41, 1003.4156, 1003.4281, 1003.4282, 1003.4285, 1003.438, 1003.49, 1003.493, 1003.4935, 1003.57, 1003.621, 1004.0961, 1004.935, 1006.147, 1006.15, 1006.28, 1006.31, 1006.34, 1006.40, 1006.42, 1007.02, 1007.2615, 1007.263, 1007.264, 1007.265, 1007.271, 1008.22, 1008.25, 1008.33, 1008.3415, 1009.22, 1009.40, 1009.531,

1009.532, 1009.536, 1009.91, 1009.94, 1011.62, 1011.80, 1012.05, 1012.22, 1012.34, 1012.44, 1012.561, 1012.885, 1012.975, 1012.98, 1013.35 and 1013.47.

This bill repeals the following sections of the Florida Statutes: 1000.01 (5), 1000.33, 1000.37, 1001.25, 1001.47 (7), 1001.50 (6), 1001.62, 1001.73 (3), 1002.415, 1002.65, 1003.428, 1003.451 (5), 1004.02 (4), 1004.3825, 1004.387, 1004.445 (2), 1004.75, 1006.141, 1006.148 (2), 1008.331, 1008.35, 1009.56, 1009.69, 1009.99, 1009.991, 1009.992, 1009.993, 1009.994, 1009.995, 1009.996, 1009.9965, 1009.997, 1009.9975, 1009.9976, 1009.9977, 1009.9978, 1009.9979, 1009.998, 1009.9981, 1009.9982, 1009.9983, 1009.9984, 1009.9985, 1009.9986, 1009.9987, 1009.9988, 1009.9989, 1009.9990, 1009.9991, 1009.9992, 1009.9993, 1009.9994, 1011.71 (3) (b) and (c), 1011.76 (4), 1012.33 (9), 1012.595, 1013.49, and 1013.512.

The bill repeals section 20 of Chapter 2010-24, an unnumbered section of Florida law.

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 March 25, 2014:

The committee substitute:

- Omits the repeal of provisions relating to the Learning Gateway program;
- Adds the continuation of the Adults with Disabilities Workforce Education Pilot program through June 30, 2016, and permits a student to remain in the program until he or she graduates from high school or reaches the age of 40, whichever occurs first;
- Deletes reference to an obsolete provision related to district audits;
- Omits the repeal of the provision related to cooperative development and use of satellite facilities by private industry and district school boards; and
- Omits the provisions related to exemptions from ad valorem taxes for portions of land and facility used by charter schools.

- B. **Amendments:**

None.