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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2014	.	
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Appropriations Subcommittee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1002.385, Florida Statutes, is created
to read:

1002.385 Florida Personal Learning Scholarship Accounts.—

(1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning
Scholarship Accounts is established to provide the option for a
parent to better meet the individual educational needs of his or



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11 her eligible child.

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

13 (a) "Agency" means the Agency for Persons with
14 Disabilities.

15 (b) "Approved provider" means a provider approved by the
16 Agency for Persons with Disabilities, a health care practitioner
17 as defined in s. 456.001(4), or a provider approved by the
18 Department of Education pursuant to s. 1002.66.

19 (c) "Curriculum" means a complete course of study for a
20 particular content area or grade level, including any required
21 supplemental materials.

22 (d) "Disability" means, for a student in kindergarten to
23 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,
24 as defined in s. 393.063(4); Down syndrome, as defined in s.
25 393.063(13); an intellectual disability, as defined in s.
26 393.063(21); Prader-Willi syndrome, as defined in s.
27 393.063(25); Spina bifida, as defined in s. 393.063(36); for a
28 student in kindergarten, being a high-risk child, as defined in
29 s. 393.063(20)(a); or Williams syndrome.

30 (e) "Eligible postsecondary educational institution" means
31 a Florida College System institution, a state university, a
32 school district technical center, a school district adult
33 general education center, or an accredited nonpublic
34 postsecondary educational institution, as defined in s. 1005.02,
35 which is licensed to operate in the state pursuant to
36 requirements specified in part III of chapter 1005.

37 (f) "Eligible private school" means a private school, as
38 defined in s. 1002.01, which is located in this state, which
39 offers an education to students in any grade from kindergarten



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40 to grade 12, and which meets the requirements of:

41 1. Sections 1002.42 and 1002.421; and

42 2. A scholarship program under s. 1002.39 or s. 1002.395,
43 as applicable, if the private school participates in a
44 scholarship program under s. 1002.39 or s. 1002.395.

45 (g) "ILSP" means an individual learning services plan that
46 is developed for a student who participates in the program.

47 (h) "Parent" means a resident of this state who is a
48 parent, as defined in s. 1000.21.

49 (i) "Program" means the Florida Personal Learning
50 Scholarship Accounts established in this section.

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

55 (a) The student:

56 1. Is a resident of this state;

57 2. Is eligible to enroll in kindergarten through grade 12
58 in a public school in this state;

59 3. Has a disability as defined in paragraph (2) (d) and
60 meets the agency's eligibility criteria;

61 4. Has an ILSP developed by the agency in consultation with
62 the parent and written in accordance with rules of the Agency
63 for Persons with Disabilities; and

64 5. Complies with regular school attendance pursuant to s.
65 1003.01(13); and

66 (b) The parent has applied to the agency to participate in
67 the program by February 1 prior to the school year in which the
68 student will participate or an alternate date adopted by the



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69 agency in rule for any vacant, funded slots. The request must be
70 communicated directly to the agency in a manner that creates a
71 written or electronic record of the request and the date of
72 receipt of the request. The agency must notify the school
73 district and the Department of Education of the parent's intent
74 upon receipt of the parent's request.

75 (4) PROGRAM PROHIBITIONS.— A student is not eligible for
76 the program if:

77 (a) The student or student's parent has accepted any
78 payment, refund, or rebate, in any manner, from a provider of
79 any services received pursuant to subsection (5);

80 (b) The student's participation in the program has been
81 denied or revoked by the executive director of the Agency for
82 Persons with Disabilities pursuant to subsection (10); or

83 (c) The student's parent has forfeited participation in the
84 program for failure to comply with requirements pursuant to
85 subsection (11).

86 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
87 spent for the following purposes, according to the goals and
88 objectives identified in the student's ILSP:

89 (a) Instructional materials, including digital devices,
90 digital periphery devices, and assistive technology devices that
91 allow a student to access instruction or instructional content.

92 (b) Curriculum as defined in paragraph (2) (c).

93 (c) Specialized services by approved providers that are
94 selected by the parent and specified in the student's ILSP.

95 These specialized services may include, but are not limited to:

96 1. Applied behavior analysis services as provided in ss.
97 627.6686 and 641.31098.



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98 2. Services provided by speech-language pathologists as
99 defined in s. 468.1125.

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

101 4. Services provided by physical therapists as defined in
102 s. 486.021.

103 5. Services provided by listening and spoken language
104 specialists and an appropriate acoustical environment for a
105 child who is deaf or hard of hearing and who has received an
106 implant or assistive hearing device.

107 (d) Enrollment in, or tuition or fees associated with
108 enrollment in, an eligible private school, an eligible
109 postsecondary educational institution, a private tutoring
110 program authorized under s. 1002.43, a virtual program offered
111 by a department-approved private online provider that meets the
112 provider qualifications specified in s. 1002.45(2)(a), or an
113 approved online course offered pursuant to s. 1003.499 or s.
114 1004.0961.

115 (e) Fees for nationally standardized, norm-referenced
116 achievement tests, Advanced Placement examinations, industry
117 certification examinations, assessments related to postsecondary
118 education, or other assessments specified in the student's ILSP.

119 (f) Contributions to a Coverdell education savings
120 established pursuant to 26 U.S.C. s. 530 of the Internal Revenue
121 Code for the benefit of the eligible student.

122 (g) Contributions to the Stanley G. Tate Florida Prepaid
123 College Program pursuant to s. 1009.98, for the benefit of the
124 eligible student.

125 (h) Contracted services provided by a public school or
126 school district, including classes for the services specified in



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127 the ILSP or additional services. A student who receives services
128 under a contract under this paragraph shall not be considered to
129 be enrolled in a public school for eligibility purposes as
130 specified in subsection (3).

131
132 A specialized service provider, eligible private school,
133 eligible postsecondary educational institution, private tutoring
134 program provider, online or virtual program provider, public
135 school, school district, or other entity receiving payments
136 pursuant to this subsection may not share, refund, or rebate any
137 moneys from a Florida personal learning scholarship account with
138 the parent or participating student in any manner.

139 (6) TERM OF THE PROGRAM.—For purposes of continuity of
140 educational choice, the program payments made under this section
141 shall remain in force until a student participating in the
142 program participates in any of the prohibited activities
143 specified in subsection (4), has funds revoked by the agency
144 pursuant to subsection (10), graduates from high school, or
145 reaches 22 years of age, whichever occurs first.

146 (7) SCHOOL DISTRICT OBLIGATIONS.—

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

152 (b) The school district retains all current duties,
153 authority, and responsibilities as specified in the Florida K-20
154 Education Code.

155 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department



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156 shall:

157 (a) Maintain a list of eligible private schools as defined
158 in paragraph (2)(f) and private tutoring programs pursuant to s.
159 1002.43.

160 (b) Compare the list of students participating in the
161 program with the public school enrollment lists before each
162 program payment to avoid duplicate payments.

163
164 The department retains all current duties, authority, and
165 responsibilities as specified in the Florida K-20 Education
166 Code.

167 (9) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-
168 The Commissioner of Education retains all current duties,
169 authority, and responsibilities as specified in the Florida K-20
170 Education Code.

171 (10) AUTHORITY AND OBLIGATIONS OF THE EXECUTIVE DIRECTOR OF
172 THE AGENCY FOR PERSONS WITH DISABILITIES.-

173 (a) The executive director:

174 1. Shall deny, suspend, or revoke a student's participation
175 in the program if the health, safety, or welfare of the student
176 is threatened or fraud is suspected.

177 2. Shall deny, suspend, or revoke an authorized use of
178 program funds if the health, safety, or welfare of the student
179 is threatened or fraud is suspected.

180 3. May deny, suspend, or revoke an authorized use of
181 program funds for material failure to comply with this section
182 and applicable agency rules if the noncompliance is correctable
183 within a reasonable period of time. Otherwise, the executive
184 director shall deny, suspend, or revoke an authorized use for



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185 failure to materially comply with the law and rules adopted
186 under this section.

187 4. Shall require compliance by the appropriate party by a
188 date certain for all nonmaterial failures to comply with this
189 section and applicable agency rules. The executive director may
190 deny, suspend, or revoke program participation under this
191 section thereafter.

192 (b) In determining whether to deny, suspend, or revoke in
193 accordance with this subsection, the executive director may
194 consider factors that include, but are not limited to, acts or
195 omissions by a participating entity which led to a previous
196 denial or revocation of participation in an education
197 scholarship program under this chapter; failure to reimburse the
198 agency for program funds improperly received or retained by the
199 entity; imposition of a prior criminal sanction related to the
200 entity or its officers or employees; imposition of a civil fine
201 or administrative fine, license revocation or suspension, or
202 program eligibility suspension, termination, or revocation
203 related to an entity's management or operation; or other types
204 of criminal proceedings in which the entity or its officers or
205 employees were found guilty of, regardless of adjudication, or
206 entered a plea of nolo contendere or guilty to, any offense
207 involving fraud, deceit, dishonesty, or moral turpitude.

208 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
209 PARTICIPATION.—A parent who applies for program participation
210 under this section is exercising his or her parental option to
211 determine the appropriate placement or services that best meet
212 the needs of his or her student. To enroll an eligible student
213 in the program, the parent must sign an agreement with the



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214 agency and annually submit a notarized, sworn compliance
215 statement to the agency to:
216 (a) Affirm that the student is enrolled in a school or
217 program that meets minimum student attendance requirements as
218 provided in s. 1003.21.
219 (b) Comply with the ILSP and use the program funds only for
220 authorized purposes to meet the student's goals and objectives
221 in the ILSP as described in subsection (2).
222 (c) Provide for an appropriate assessment that documents
223 the student's demonstration of educational progress at a level
224 commensurate with her or his ability. The parent shall select
225 one of the following:
226 1. A norm-referenced assessment offered by the private
227 school, administered by a teacher who holds a valid Florida
228 professional certificate, if the parent selects the private
229 school option;
230 2. A statewide, standardized assessment pursuant to s.
231 1008.22, including the Florida Alternate Assessment, at the
232 location and time specified by the district in which the student
233 resides; or
234 3. Any other valid assessment as mutually agreed upon by
235 the parent and the district school superintendent of the
236 district in which the student resides.
237
238 A student who attends a public school must take the statewide,
239 standardized assessments pursuant to s. 1008.22.
240 (d) Affirm that the student takes all appropriate
241 assessments as specified in the student's ILSP. The parent is
242 responsible for transporting the student to the assessment site



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243 designated by the school district if the parent selects a
244 statewide, standardized assessment pursuant to s. 1008.22.

245 (e) Notify the school district that the student is
246 participating in the program if the parent chooses to enroll the
247 student in an eligible private school pursuant to paragraph
248 (2) (g), a home education program pursuant to s. 1002.41, a
249 scholarship program pursuant to this chapter, or a private
250 tutoring program authorized under s. 1002.43.

251 (f) Request participation in the program at least 60 days
252 before the date of the first program payment.

253 (g) Affirm that the student remains in good standing with
254 the provider or school if those options are selected by the
255 parent.

256 (h) Apply for admission of his or her child if the private
257 school option is selected by the parent.

258 (i) Annually renew participation in the program.

259 (j) Be responsible for the payment of all eligible expenses
260 in the excess of the amount of the personal learning scholarship
261 account in accordance with the terms agreed upon between the
262 parent and the provider.

263 (k) Affirm that the parent will not transfer any college
264 savings funds to another beneficiary.

265 (l) Affirm that the parent will not take possession of any
266 funding contributed by the state.

267 (m) Maintain a portfolio of records and materials which
268 must be preserved by the parent for 2 years and be made
269 available for inspection by the district school superintendent
270 or the superintendent's designee upon 15 days' written notice.

271 This paragraph does not require the superintendent to inspect



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272 the portfolio. The portfolio of records and materials consists
273 of:

274 1. A log of educational instruction and services which is
275 made contemporaneously with delivery of the instruction and
276 services and which designates by title any reading materials
277 used; and

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

280
281 A parent who fails to comply with this subsection forfeits the
282 personal learning scholarship account.

283 (12) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
284 eligible private school as defined in paragraph (2)(f) must:

285 (a) Comply with all requirements for private schools in ss.
286 1002.42 and 1002.421. A private school participating in a
287 scholarship program under s. 1002.39 or s. 1002.395 must also
288 comply with the requirements of that scholarship program.

289 (b) Provide to the agency, upon request, all documentation
290 required for the student's participation, including the private
291 school's and student's fee schedules.

292 (c) Be academically accountable to the parent for meeting
293 the educational needs of the student.

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

297
298 The inability of a private school to meet the requirements of
299 this subsection shall constitute a basis for the ineligibility
300 of the private school to participate in the scholarship program



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301 as determined by the Department of Education.
302 (13) AGENCY FOR PERSONS WITH DISABILITIES OBLIGATIONS.—
303 (a) The agency shall:
304 1. Monitor and provide oversight for the program.
305 2. Receive applications and determine student eligibility
306 in accordance with the requirements of this section. The agency
307 must notify the Department of Education of the applicants for
308 the program by February 1 prior to the school year in which the
309 student intends to participate and indicate how the student will
310 comply with regular school attendance pursuant to ss.
311 1003.01(13) and 1003.23.
312 3. Notify parents of their receipt of a scholarship on a
313 first-come, first-served basis based upon the funds provided for
314 this program in the General Appropriations Act.
315 4. Establish a date by which a parent must confirm initial
316 or continuing participation in the program and confirm the
317 establishment or continuance of a personal learning scholarship
318 account.
319 5. Establish a date and process by which students on the
320 wait list or late-filing applicants may be allowed to
321 participate in the program during the school year, within the
322 amount of funds provided for this program in the General
323 Appropriations Act.
324 6. Develop an ILSP, in consultation with the parent, which
325 documents the following:
326 a. That the student has an eligible disability.
327 b. Learning goals and objectives for the student which are
328 linked directly to how program funds will be spent for
329 authorized services.



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330 c. How attendance requirements in s. 1003.21 will be met.
331 d. How progress towards meeting the individual learning
332 goals and objectives will be assessed and documented for
333 purposes of continued participation in the program.
334 7. Assign a level of services category for each student
335 that documents the nature and intensity of services that the
336 student will need to meet the learning outcomes specified in his
337 or her ILSP. The level of services determines the amount of the
338 award for the student.
339 8. Receive an administrative fee of up to 10 percent from
340 the appropriation to operate the Personal Learning Scholarship
341 Accounts.
342 9. Establish and maintain a separate account for each
343 eligible student.
344 10. Establish and maintain a list of approved providers
345 pursuant to paragraph (2) (b).
346 11. Verify eligible expenditures prior to the distribution
347 of funds for any expenditures made pursuant to paragraphs (5) (a)
348 and (b). The review of expenditures for services in paragraphs
349 (5) (c) through (h) may be completed after the payment has been
350 made.
351 12. Develop a system for payment of benefits by electronic
352 funds transfer, including, but not limited to, debit cards,
353 electronic payment cards, or any other means of electronic
354 payment that the agency deems to be commercially viable or cost-
355 effective. Commodities or services related to the development of
356 such a system shall be procured by competitive solicitation
357 unless they are purchased from a state term contract pursuant to
358 s. 287.056.



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359 (b) The agency may contract for services.

360 (14) FUNDING AND PAYMENT.—

361 (a) Funding for the Personal Learning Scholarship Accounts
362 shall be provided in the General Appropriations Act which shall
363 specify the annual per service level for public school students,
364 private school students, home education students, students
365 receiving a scholarship pursuant to s. 1002.39 or s. 1002.395,
366 and students participating in a private tutoring program.

367 (b) Upon an eligible student's graduation from an eligible
368 postsecondary educational institution or after any period of 4
369 consecutive years after high school graduation in which the
370 student is not enrolled in an eligible postsecondary educational
371 institution, the student's personal learning scholarship account
372 shall be closed, and any remaining funds shall revert to the
373 state.

374 (c) Monies received pursuant to this section do not
375 constitute taxable income to the parent of an eligible student.

376 (15) OBLIGATIONS OF THE AUDITOR GENERAL.—The Auditor
377 General shall conduct an annual financial and operational audit
378 of accounts and records of the Personal Learning Scholarship
379 Accounts. As a part of this audit, the Auditor General shall
380 verify, at a minimum, the total amount of students served and
381 eligibility of reimbursement made by the agency and transmit
382 that information to the agency.

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

385 (17) SCOPE OF AUTHORITY.—This section does not expand the
386 regulatory authority of this state, its officers, or any school
387 district to impose additional regulation on participating



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388 private schools, nonpublic postsecondary educational
389 institutions, and private providers beyond those reasonably
390 necessary to enforce requirements expressly set forth in this
391 section.

392 (18) RULES.—The Agency for Persons with Disabilities shall
393 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
394 this section.

395 (19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL
396 YEAR.—

397 (a) The Agency for Persons with Disabilities shall, in
398 consultation with an advisory work group, develop an ILSP,
399 levels of services requirements, a system for payment of claims
400 and providers, and a system to document and assess progress
401 toward meeting the individual learning goals and objectives in
402 the ILSP. The advisory work group shall make specific
403 recommendations by October 1, 2014, to the agency. The agency
404 shall adopt rules to implement the recommendations of the
405 advisory group by December 31, 2014. The Commissioner of
406 Education, the executive director of the agency, the Chancellor
407 of the State University System, and the director of the Division
408 of Vocational Rehabilitation shall appoint staff to work on the
409 advisory group with representatives from the Center for Autism
410 and Related Disabilities (CARD) and the Florida Diagnostic and
411 Learning Resources System (FDLRS).

412 (b) Notwithstanding the provisions of this section related
413 to notification and eligibility timelines, the agency may enroll
414 parents in a statewide pilot program on a rolling schedule on a
415 first-come, first-served basis, no later than January 31, 2015,
416 within the amount of funds provided in the General



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417 Appropriations Act.

418 (c) There is hereby appropriated for the 2014-2015 fiscal
419 year to the Agency for Persons with Disabilities a sum of
420 \$18,400,000 from the Operations and Maintenance Trust Fund for
421 the Personal Learning Scholarship Accounts. From these funds,
422 \$1,500,000 shall be allocated for the advisory work group as
423 startup costs to the agency for planning and implementation of
424 the pilot program. For the pilot program, the agency shall
425 provide awards for eligible students which range from \$5,000 to
426 \$19,000 per recipient and shall be based on service levels
427 established by the agency. Public school students and students
428 who receive a scholarship pursuant to ss. 1002.39 and 1002.395
429 shall receive 50 percent of the designated amount for the
430 student's service level.

431 Section 2. Present subsection (10) of section 1003.4282,
432 Florida Statutes, is renumbered as subsection (11), and a new
433 subsection (10) is added to that section, to read:

434 1003.4282 Requirements for a standard high school diploma.-

435 (10) STUDENTS WITH DISABILITIES.-Beginning with students
436 entering grade 9 in the 2014-2015 school year, this subsection
437 applies to a student with a disability for whom the IEP team has
438 determined that the Florida Alternate Assessment is the most
439 appropriate measure of the student's skills.

440 (a) A parent of the student with a disability shall, in
441 collaboration with the individual education plan team pursuant
442 to s. 1003.5716, declare an intent for the student to graduate
443 from high school with either a standard high school diploma or a
444 certificate of completion. A student with a disability who does
445 not satisfy the standard high school diploma requirements



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446 pursuant to this section shall be awarded a certificate of
447 completion.

448 (b) The following options, in addition to the other options
449 specified in this section, may be used to satisfy the standard
450 high school diploma requirements, as specified in the student's
451 individual education plan:

452 1. A combination of course substitutions, assessments,
453 industry certifications, and other acceleration options
454 appropriate to the student's unique skills and abilities that
455 meet the criteria established by State Board of Education rule.

456 2. A portfolio of quantifiable evidence that documents a
457 student's mastery of academic standards through rigorous metrics
458 established by State Board of Education rule. A portfolio may
459 include, but is not limited to, documentation of work
460 experience, internships, community service, and postsecondary
461 credit.

462 (c) A student with a disability who meets the standard high
463 school diploma requirements in this section may defer the
464 receipt of a standard high school diploma if the student:

465 1. Has an individual education plan that prescribes special
466 education, transition planning, transition services, or related
467 services through age 21; and

468 2. Is enrolled in accelerated college credit instruction
469 pursuant to s. 1007.27, industry certification courses that lead
470 to college credit, a collegiate high school program, courses
471 necessary to satisfy the Scholar designation requirements, or a
472 structured work-study, internship, or pre-apprenticeship
473 program.

474 (d) A student with a disability who receives a certificate



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475 of completion and has an individual education plan that
476 prescribes special education, transition planning, transition
477 services, or related services through 21 years of age may
478 continue to receive the specified instruction and services.

479 (e) Any waiver of the statewide, standardized assessment
480 requirements by the individual education plan team, pursuant to
481 s. 1008.22(3)(c), must be approved by the parent and is subject
482 to verification for appropriateness by an independent reviewer
483 selected by the parent as provided for in s. 1003.572.

484 Section 3. Effective July 1, 2015, section 1003.438,
485 Florida Statutes, is repealed.

486 Section 4. Section 1003.5716, Florida Statutes, is created
487 to read:

488 1003.5716 Transition to postsecondary education and career
489 opportunities.—All students with disabilities who are 3 years of
490 age to 21 years of age have the right to a free, appropriate
491 public education. As used in this section, the term "IEP" means
492 individual education plan.

493 (1) To ensure quality planning for a successful transition
494 of a student with a disability to postsecondary education and
495 career opportunities, an IEP team shall begin the process of,
496 and develop an IEP for, identifying the need for transition
497 services before the student with a disability attains the age of
498 14 years in order for his or her postsecondary goals and career
499 goals to be identified and in place when he or she attains the
500 age of 16 years. This process must include, but is not limited
501 to:

502 (a) Consideration of the student's need for instruction in
503 the area of self-determination and self-advocacy to assist the



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504 student's active and effective participation in an IEP meeting;
505 and

506 (b) Preparation for the student to graduate from high
507 school with a standard high school diploma pursuant to s.
508 1003.4282 with a Scholar designation unless the parent chooses a
509 Merit designation.

510 (2) Beginning not later than the first IEP to be in effect
511 when the student turns 16, or younger, if determined appropriate
512 by the parent and the IEP team, the IEP must include the
513 following statements that must be updated annually:

514 (a) A statement of intent to pursue a standard high school
515 diploma and a Scholar or Merit designation, pursuant to s.
516 1003.4285, as determined by the parent.

517 (b) A statement of intent to receive a standard high school
518 diploma before the student reaches the age of 22 and a
519 description of how the student will fully meet the requirements
520 in s. 1003.428 or s. 1003.4282, as applicable, including, but
521 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that
522 meets the criteria specified in State Board of Education rule.
523 The IEP must also specify the outcomes and additional benefits
524 expected by the parent and the IEP team at the time of the
525 student's graduation.

526 (c) A statement of appropriate measurable long-term
527 postsecondary education and career goals based upon age-
528 appropriate transition assessments related to training,
529 education, employment, and, if appropriate, independent living
530 skills and the transition services, including courses of study
531 needed to assist the student in reaching those goals.

532 (3) Any change in the IEP for the goals specified in



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533 subsection (2) must be approved by the parent and is subject to
534 verification for appropriateness by an independent reviewer
535 selected by the parent as provided in s. 1003.572.

536 (4) If a participating agency responsible for transition
537 services, other than the school district, fails to provide the
538 transition services described in the IEP, the school district
539 shall reconvene the IEP team to identify alternative strategies
540 to meet the transition objectives for the student that are
541 specified in the IEP. However, this does not relieve any
542 participating agency of the responsibility to provide or pay for
543 any transition service that the agency would otherwise provide
544 to students with disabilities who meet the eligibility criteria
545 of that agency.

546 Section 5. Subsection (3) of section 1003.572, Florida
547 Statutes, is amended to read:

548 1003.572 Collaboration of public and private instructional
549 personnel.—

550 (3) Private instructional personnel who are hired or
551 contracted by parents to collaborate with public instructional
552 personnel must be permitted to observe the student in the
553 educational setting, collaborate with instructional personnel in
554 the educational setting, and provide services in the educational
555 setting according to the following requirements:

556 (a) The student's public instructional personnel and
557 principal consent to the time and place.

558 (b) The private instructional personnel satisfy the
559 requirements of s. 1012.32 or s. 1012.321.

560
561 For the purpose of implementing this subsection, a school



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562 district may not impose any requirements beyond those
563 requirements specified in this subsection or charge any fees.

564 Section 6. Section 1008.2121, Florida Statutes, is created
565 to read:

566 1008.2121 Students with severe cognitive or physical
567 disabilities; permanent exemption.—Based on information that a
568 reasonably prudent person would rely upon, including, but not
569 limited to, facts contained within an individual education plan
570 under s. 1008.212, documentation from an appropriate health care
571 provider, or certification from the district school board
572 superintendent, the Commissioner of Education shall
573 perfunctorily grant a permanent exemption to a student who
574 suffers from such a severe cognitive disability or physical
575 disability that the student permanently lacks the capacity to
576 take statewide, standardized assessments. The State Board of
577 Education shall adopt rules to administer this section,
578 including, but not limited to, expediting the exemption process
579 to demonstrate the utmost compassion and consideration for
580 meeting the parent's and student's needs.

581 Section 7. Paragraph (c) of subsection (5) and paragraph
582 (b) of subsection (6) of section 1008.25, Florida Statutes, are
583 amended to read:

584 1008.25 Public school student progression; remedial
585 instruction; reporting requirements.—

586 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

587 (c) The parent of any student who exhibits a substantial
588 deficiency in reading, as described in paragraph (a), must be
589 notified in writing of the following:

590 1. That his or her child has been identified as having a



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591 substantial deficiency in reading.

592 2. A description of the current services that are provided
593 to the child.

594 3. A description of the proposed supplemental instructional
595 services and supports that will be provided to the child that
596 are designed to remediate the identified area of reading
597 deficiency.

598 4. That if the child's reading deficiency is not remediated
599 by the end of grade 3, the child must be retained unless he or
600 she is exempt from mandatory retention for good cause.

601 5. Strategies for parents to use in helping their child
602 succeed in reading proficiency.

603 6. That the Florida Comprehensive Assessment Test (FCAT) is
604 not the sole determiner of promotion and that additional
605 evaluations, portfolio reviews, and assessments are available to
606 the child to assist parents and the school district in knowing
607 when a child is reading at or above grade level and ready for
608 grade promotion.

609 7. The district's specific criteria and policies for a
610 portfolio as provided in subparagraph (6)(b)4. and the evidence
611 required for a student to demonstrate mastery of Florida's
612 academic standards for English Language Arts. A parent of a
613 student in grade 3 who is identified anytime during the year as
614 being at risk of retention may request that the school
615 immediately begin collecting evidence for a portfolio.

616 ~~8.7.~~ The district's specific criteria and policies for
617 midyear promotion. Midyear promotion means promotion of a
618 retained student at any time during the year of retention once
619 the student has demonstrated ability to read at grade level.



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620 (6) ELIMINATION OF SOCIAL PROMOTION.—

621 (b) The district school board may only exempt students from
622 mandatory retention, as provided in paragraph (5) (b), for good
623 cause. A student who is promoted to grade 4 with a good cause
624 exemption shall be provided intensive reading instruction and
625 intervention that include specialized diagnostic information and
626 specific reading strategies to meet the needs of each student so
627 promoted. The school district shall assist schools and teachers
628 with the implementation of reading strategies for students
629 promoted with a good cause exemption which research has shown to
630 be successful in improving reading among students that have
631 reading difficulties. Good cause exemptions shall be limited to
632 the following:

633 1. Limited English proficient students who have had less
634 than 2 years of instruction in an English for Speakers of Other
635 Languages program.

636 2. Students with disabilities whose individual education
637 plan indicates that participation in the statewide assessment
638 program is not appropriate, consistent with the requirements of
639 State Board of Education rule.

640 3. Students who demonstrate an acceptable level of
641 performance on an alternative standardized reading or English
642 Language Arts assessment approved by the State Board of
643 Education.

644 4. A student who demonstrates through a student portfolio
645 that he or she is performing at least at Level 2 on FCAT Reading
646 or the common core English Language Arts assessment, as
647 applicable under s. 1008.22.

648 5. Students with disabilities who participate in FCAT



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649 Reading or the common core English Language Arts assessment, as
650 applicable under s. 1008.22, and who have an individual
651 education plan or a Section 504 plan that reflects that the
652 student has received intensive remediation in reading and
653 English Language Arts for more than 2 years but still
654 demonstrates a deficiency and was previously retained in
655 kindergarten, grade 1, grade 2, or grade 3.

656 6. Students who have received intensive reading
657 intervention for 2 or more years but still demonstrate a
658 deficiency in reading and who were previously retained in
659 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
660 years. A student may not be retained more than once in grade 3.

661 ~~7.6.~~ Students who have received intensive remediation in
662 reading and English Language Arts, as applicable under s.
663 1008.22, for 2 or more years but still demonstrate a deficiency
664 and who were previously retained in kindergarten, grade 1, grade
665 2, or grade 3 for a total of 2 years. Intensive instruction for
666 students so promoted must include an altered instructional day
667 that includes specialized diagnostic information and specific
668 reading strategies for each student. The district school board
669 shall assist schools and teachers to implement reading
670 strategies that research has shown to be successful in improving
671 reading among low-performing readers.

672 Section 8. Effective July 1, 2015, paragraph (c) of
673 subsection (1) of section 120.81, Florida Statutes, is amended
674 to read:

675 120.81 Exceptions and special requirements; general areas.—

676 (1) EDUCATIONAL UNITS.—

677 (c) Notwithstanding s. 120.52(16), any tests, test scoring



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678 criteria, or testing procedures relating to student assessment
679 which are developed or administered by the Department of
680 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.
681 1008.22, or s. 1008.25, or any other statewide educational tests
682 required by law, are not rules.

683 Section 9. Effective July 1, 2015, subsection (2) of
684 section 409.1451, Florida Statutes, is amended to read:

685 409.1451 The Road-to-Independence Program.—

686 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

687 (a) A young adult is eligible for services and support
688 under this subsection if he or she:

689 1. Was living in licensed care on his or her 18th birthday
690 or is currently living in licensed care; or was at least 16
691 years of age and was adopted from foster care or placed with a
692 court-approved dependency guardian after spending at least 6
693 months in licensed care within the 12 months immediately
694 preceding such placement or adoption;

695 2. Spent at least 6 months in licensed care before reaching
696 his or her 18th birthday;

697 3. Earned a standard high school diploma or its equivalent
698 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.
699 1003.435, ~~or s. 1003.438~~;

700 4. Has been admitted for enrollment as a full-time student
701 or its equivalent in an eligible postsecondary educational
702 institution as provided in s. 1009.533. For purposes of this
703 section, the term "full-time" means 9 credit hours or the
704 vocational school equivalent. A student may enroll part-time if
705 he or she has a recognized disability or is faced with another
706 challenge or circumstance that would prevent full-time



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707 attendance. A student needing to enroll part-time for any reason
708 other than having a recognized disability must get approval from
709 his or her academic advisor;

710 5. Has reached 18 years of age but is not yet 23 years of
711 age;

712 6. Has applied, with assistance from the young adult's
713 caregiver and the community-based lead agency, for any other
714 grants and scholarships for which he or she may qualify;

715 7. Submitted a Free Application for Federal Student Aid
716 which is complete and error free; and

717 8. Signed an agreement to allow the department and the
718 community-based care lead agency access to school records.

719 Section 10. Effective July 1, 2015, subsection (4) of
720 section 1007.263, Florida Statutes, is amended to read:

721 1007.263 Florida College System institutions; admissions of
722 students.—Each Florida College System institution board of
723 trustees is authorized to adopt rules governing admissions of
724 students subject to this section and rules of the State Board of
725 Education. These rules shall include the following:

726 (4) A student who has been awarded ~~a special diploma as~~
727 ~~defined in s. 1003.438~~ or a certificate of completion as defined
728 in s. 1003.428(7) (b) is eligible to enroll in certificate career
729 education programs.

730
731 Each board of trustees shall establish policies that notify
732 students about developmental education options for improving
733 their communication or computation skills that are essential to
734 performing college-level work, including tutoring, extended time
735 in gateway courses, free online courses, adult basic education,



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736 adult secondary education, or private provider instruction.

737 Section 11. Except as otherwise expressly provided in this
738 act, this act shall take effect upon becoming a law.

739

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

741 And the title is amended as follows:

742 Delete everything before the enacting clause
743 and insert:

744 A bill to be entitled
745 An act relating to education; creating s. 1002.385,
746 F.S.; establishing the Florida Personal Learning
747 Scholarship Accounts; defining terms; specifying
748 criteria for students who are eligible to participate
749 in the program; identifying certain students who are
750 not eligible to participate in the program;
751 authorizing the use of awarded funds for specific
752 purposes; prohibiting specific providers, schools,
753 institutions, school districts, and other entities
754 from sharing, refunding, or rebating program funds;
755 specifying the terms of the program; requiring the
756 school district in which a student resides to provide
757 locations and times to take all statewide assessments;
758 providing that the school district retains all duties,
759 authority, and responsibilities specified in the
760 Florida K-20 Education Code; specifying the duties of
761 the Department of Education relating to the program;
762 providing that the Commissioner of Education retains
763 all current duties, authority, and responsibilities as
764 specified in the Florida K-20 Education Code;



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765 requiring the executive director of the Agency for
766 Persons with Disabilities to deny, suspend, or revoke
767 participation in the program or use of program funds
768 under certain circumstances; providing additional
769 factors under which the executive director may deny,
770 suspend, or revoke a participation in the program or
771 program funds; requiring a parent to sign an agreement
772 with the Agency for Persons with Disabilities to
773 enroll his or her child in the program which specifies
774 the responsibilities of a parent or student for using
775 funds in a personal learning scholarship account and
776 for submitting a compliance statement to the agency;
777 providing that a parent who fails to comply with the
778 responsibilities of the agreement forfeits the
779 personal learning scholarship account; providing
780 eligibility requirements and obligations for private
781 schools under the program; specifying agency
782 obligations under the program; authorizing the agency
783 to contract for services; providing for funding and
784 payment; providing the Auditor General's obligations
785 under the program; requiring the agency to adopt
786 rules; providing for implementation of the program in
787 a specified school year; providing an appropriation;
788 amending s. 1003.4282, F.S.; providing standard high
789 school diploma requirements for certain students with
790 disabilities; authorizing certain students with
791 disabilities to continue to receive certain
792 instructions and services; requiring an independent
793 review and a parent's approval to waive statewide,



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794 standardized assessment requirements by the IEP team;
795 repealing s. 1003.438, F.S., relating to special high
796 school graduation requirements for certain exceptional
797 students; creating s. 1003.5716, F.S.; providing that
798 certain students with disabilities have a right to
799 free, appropriate public education; requiring an
800 individual education plan (IEP) team to begin the
801 process of, and to develop an IEP for, identifying
802 transition services needs for a student with a
803 disability before the student attains a specified age;
804 providing requirements for the process; requiring
805 certain statements to be included and annually updated
806 in the IEP; providing that changes in the goals
807 specified in an IEP are subject to independent review
808 and parental approval; requiring the school district
809 to reconvene the IEP team to identify alternative
810 strategies to meet transition objectives if a
811 participating agency fails to provide transition
812 services specified in the IEP; providing that the
813 agency's failure does not relieve the agency of the
814 responsibility to provide or pay for the transition
815 services that the agency otherwise would have
816 provided; amending s. 1003.572, F.S.; prohibiting a
817 school district from imposing additional requirements
818 on private instructional personnel or charging fees;
819 creating s. 1008.2121, F.S.; requiring the
820 Commissioner of Education to permanently exempt
821 certain students with disabilities from taking
822 statewide, standardized assessments; requiring the



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823 State Board of Education to adopt rules; amending s.
824 1008.25, F.S.; requiring written notification relating
825 to portfolios to a parent of a student with a
826 substantial reading deficiency; requiring a student
827 promoted to a certain grade with a good cause
828 exemption to receive intensive reading instruction and
829 intervention; requiring a school district to assist
830 schools and teachers with the implementation of
831 reading strategies; revising good cause exemptions;
832 amending ss. 120.81, 409.1451, and 1007.263, F.S.;
833 conforming cross-references; providing effective
834 dates.