

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/CS/HB 1255 — Public School Accountability**

by Education Committee; K-20 Competitiveness Subcommittee, and Representative Adkins (CS/CS/SB 1696 by Budget Subcommittee on Education Pre-K -12 Appropriations, Education Pre-K - 12, and Senator Wise)

The bill is a comprehensive public school accountability package which will implement reforms in the following areas:

- Virtual Education—The bill requires school districts to provide students access to Florida Virtual School (FLVS) courses during and after the normal school day to provide uniformity among school districts and increase student access to the FLVS.
- Gift Ban—The bill prohibits school board members and their relatives from soliciting or accepting any gift in excess of \$50 from any person, vendor, potential vendor, or other entity doing business with the school district.
- Voluntary Prekindergarten Program (VPK) and kindergarten screening—The bill requires a VPK provider that is on probation and who seeks a good cause exemption to administer the statewide VPK enrollment screening, which the Department of Education (DOE) must adopt, to newly admitted VPK students. The provider must pay for the screening. The bill also repeals a numeric limitation on providers who fail to meet the kindergarten readiness rate.
- Digital Curriculum—The bill authorizes school districts to implement a digital curriculum for students in grades 6-12. DOE would develop a model curriculum to serve as a guide.
- Career and Professional Academies—The bill specifies criteria for middle school career and professional academies relating to alignment to high school career and professional academies, an opportunity to earn an industry certification and partnerships with the business community.
- Student Assessment and School Accountability—The bill:
  - Repeals the requirement for certain middle school students to take the Algebra I end-of-course assessment (EOC) in 2010-2011;
  - Revises the middle school grading formula to add the performance of students in high school courses with statewide standardized assessments and students who earn designated industry certifications;
  - Requires passage of civics for middle school promotion;
  - Provides that a determination of school grades for the Opportunity Scholarship Program (OSP) will be based on statewide assessments alone;
  - Provides that for purposes of calculating the performance category under differentiated accountability, the statewide assessments' portion of a school grade would be used in determining the appropriate performance category;
  - Provides for the assignment of scores from hospital/homebound students to be assigned to their home school;
  - Authorizes the Commissioner of Education to revise statewide testing dates; and

- Provides for postsecondary preparatory courses for high school students with designated academic deficiencies.
- Supplemental Education Services (SES)—The bill authorizes school districts to select pre and post methods for measuring student learning gains.
- Students with Disabilities—The bill:
  - Authorizes the waiver of certain EOC assessment requirements for students with disabilities;
  - Establishes training, accountability and reporting requirements for students who are restrained and secluded;
  - Provides that a McKay scholarship student who enters a Department of Juvenile Justice detention center for less than 21 days would not lose the scholarship;
  - Allows a parent of a child who is deaf or hard of hearing to enroll an eligible child in an auditory-oral education program and adds listening and spoken language specialists to eligible instructional services for exceptional students; and
  - Requires the Department of Education to revise the matrix of services for students with disabilities, which is used to determine exceptional education cost factors, beginning with the 2012-2013 school year.
- Budget Transparency—The bill requires school districts to post each proposed, tentative, and official budget on their websites and encourages school districts to provide additional information on their websites.
- Accelerated High School Graduation Options—The bill authorizes students to choose the 18 credit accelerated graduation option at any time during grades 9 through 12, rather than requiring a student to choose this option no later than grade 9.

If approved by the Governor, these provisions take effect July 1, 2011, except as otherwise provided in the bill.

*Vote: Senate 33-5; House 94-23*

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**Committee on Education Pre-K - 12**

**CS/HB 1329 — McKay Scholarships/Students With Disabilities**

by K-20 Innovation Subcommittee, Rep. Bileca, and others (CS/SB 1656 by Education Pre-K - 12 Committee and Senator Wise)

The bill allows a student with a disability to be eligible for a John M. McKay Scholarship for Students with Disabilities if he or she has an accommodation plan under section 504 of the federal Rehabilitation Act of 1973 (504 accommodation plan). However, the student would be ineligible if his or her plan was for six months or less.

The bill requires school districts to notify the parent of a student with a 504 accommodation plan about available school choice options by April 1 of each year and within ten days after a 504 accommodation plan is issued.

The bill allows parents of a student with a 504 accommodation plan to enroll their children in a public school in an adjacent school district which has available space, if the school has a program with the services agreed to in the 504 accommodation plan. Parents would be responsible for transportation.

The scholarship amount for the student would be based on the current student program cost factor generated by the student under the Florida Education Finance Program (FEFP).

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 28-9; House 98-17*

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**Committee on Education Pre-K - 12**

**CS/HB 1331 — School Choice**

by PreK-12 Appropriations Subcommittee, Rep. Bileca and others (SB 1822 by Senator Benacquisto)

The bill revises the eligibility criteria for participation in the Opportunity Scholarship Program (OSP) public school choice option to allow parents of students in failing schools the opportunity to send their children to another public school that is performing satisfactorily. Under the bill, a failing public school is a school that has received a “D” or an “F” grade and is designated as a low performing school.

A parent would be able to enroll his or her child in a higher performing school in another district with available space. If a parent chooses another district, the receiving district must accept the student and report him or her for funding. The parent is still responsible for transportation.

A student would have the opportunity to continue to attend a higher performing public school feeder pattern within the district until he or she graduates from high school. Under the bill, a student could remain in the feeder pattern of the school chosen under the OSP.

Finally, the bill repeals the provisions related to the OSP private school option to comport with existing case law.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 32-4; House 84-30*

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**CS/CS/CS/SB 1546 — School Choice**

by Committee on Education Pre-K - 12 and Senator Thrasher

This legislation creates and facilitates the development and expansion of high-performing charter schools and high-performing charter school systems. To qualify as high-performing, a school must have received:

- At least two “A” school grades and no grades below a “B” for the last three years; and
- Unqualified opinions and no financial audits indicating a state of financial emergency for the last three fiscal years.

Once a school or a system has met the requirements for a high-performing designation, it is authorized to replicate at the rate of one school per year. High-performing schools will also have greater flexibility to expand grade levels, enrollment capacity, and charter terms, and to consolidate with other high-performing charter schools.

To qualify as a high-performing system, the entity must:

- Operate at least three high-performing charter schools in the state;
- Operate a system of charter schools of which at least 50 percent are high-performing; and
- Not operate a charter school that has received a financial audit indicating a state of financial emergency.

High-performing systems are authorized to replicate at the rate of one charter school per year.

Charter virtual schools are ineligible for high-performing status.

This law encourages systems to work with disadvantaged students by authorizing charter schools in these situations more time to turn around a low-performing school.

This legislation limits the ability of a sponsor to deny a charter school application submitted by a high-performing charter school, by increasing the standard of proof to that of a clear and convincing standard. Sponsors who immediately terminate a charter must assume operation of the school pending completion of the appeal process or be liable for attorney’s fees and costs if the charter school prevails.

The charter school governing board is required to appoint a parental contact representative residing in the district, which replaces the residency requirement for the charter school governing board.

The Charter School Review Panel is abolished.

The Department of Education is required to conduct a study which examines various issues relating to charter schools, including the capital improvement millage fee distributed in

comparison to other public schools and the 5-percent administrative fee, and provide findings to the Governor and Legislature.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 33-6; House 87-27*

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**CS/HB 7087 — Education Law Repeals**

by Education Committee; K-20 Innovation Committee; K-20 Competitive Subcommittee; and Representative Fresen (CS/SB 1996 by Budget Committee and Pre-K - 12 Education Committee)

The bill repeals the requirement for students who took Algebra I in the middle grades from 2007-2008 through 2009-2010 to take the Algebra I end-of-course assessment in the 2010-2011 school year. Approximately, 39,600 students will not be required to take the Algebra I assessment, in some instances, several years after completion of the Algebra I course.

The bill also repeals programs that are not funded or are obsolete. The programs are:

- Digital Divide Council and the associated Pilot Project for Discounted Computers and Internet Access for Low-Income Students;
- Institute on Urban Policy and Commerce;
- Community and Faith-based Organizations Initiative;
- Community and Library Technology Access Partnership;
- Community computer access grant program;
- Adult Literacy Centers;
- Florida Literacy Corps;
- Preteacher and Teacher Education Pilot programs;
- Teacher Education Pilot Programs for High-Achieving Students;
- Merit Award Program; and
- Critical Teacher Shortage Program, which includes—Florida Teacher Scholarship and Forgivable Loan Program, Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program.

The bill repeals obsolete provisions of law governing the criteria for awarding continuing contracts and professional service contracts.

The bill also repeals a section of law found unconstitutional that prohibits any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution.

These provisions became law upon approval by the Governor on May 5, 2011.

*Vote: Senate 39-0; House 78-39*

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**CS/CS/HB 7197 — Digital Learning**

by Education Committee; Appropriations Committee; K-20 Innovation Subcommittee; and Rep. Stargel and others (CS/SB 1620 by Rules Committee and Senator Flores)

**Virtual Education Framework**

The bill revises the current framework and funding for virtual instruction in Florida. Beginning with the 2011-2012 school year, the bill expands the virtual instruction program by requiring school districts to provide at least three part-time and full-time virtual instruction program options, with the exception of certain smaller school districts that are required to provide one option to participate in part-time and full-time virtual instruction. Under the bill, a school district may fulfill the requirements through agreements with more than one school district, multidistrict contractual arrangements, and a school district operated program, as well as through a contract with the Florida Virtual School (FLVS) or an approved provider.

**Charter Schools**

Under the bill, a charter school would be permitted to operate a virtual charter school to provide full-time online instruction to eligible students in kindergarten through grade 12, subject to approval under s. 1002.33, F.S. The virtual charter school would contract with the FLVS or an approved provider or enter into an agreement with a school district.

Full-time virtual charter schools would be established by amending the existing charter or submitting a new application. They are subject to the same application process as are other charter schools. Virtual charter schools would be subject to all charter school requirements, with the exception of the provisions related to facilities, capital outlay, class size, administrative fees, and transportation.

The bill requires a charter school governing board to appoint a representative who resides in the same district where the charter school is located to resolve disputes and work with parents and the public. However, a single representative would be permitted to serve multiple charter schools if the board oversees multiple schools in the same district. The bill prohibits a sponsor from requiring board members to reside in the same district in which the charter school is located, if the school complies with the requirements for representation.

The bill also permits “blended-learning charter schools,” which combine traditional classroom instruction with online instruction; however, the schools may only offer this instruction to their full-time students in a classroom at the charter school.

**Providers**

The bill revises the criteria for approving providers. To be approved, all providers must have courses that meet the standards of the International Association for K-12 Online Learning or the

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Southern Regional Education Board, have the requisite plan for the curriculum and student performance accountability, have a method for determining if a student has satisfied grade level promotion and high school graduation requirements, and have instructional content and services that measure student proficiency in the Next Generation Sunshine State Standards. Providers would also be required to disclose to the public information that includes certification and physical location of instructional personnel, the curriculum, student-teacher ratios, student completion and promotion rates, and performance accountability outcomes for students, instructors, and schools.

## **Assessments**

The bill requires the online administration of all statewide end-of-course assessments, beginning in the 2014-2015 school year. Part-time FLVS public school students who take courses requiring statewide end-of-course assessments must take these assessments. Districts must provide access to the district's testing facilities for FLVS full-time public school students in kindergarten through grade 12.

## **Funding**

The bill revises the manner in which virtual instruction is funded. All virtual instruction options (the FLVS, school district operated virtual instruction programs, and virtual charter schools) would be funded through the Florida Education Finance Program (FEFP), as provided in the General Appropriations Act, but would not include funding for class size requirements. The FLVS would serve and receive funding for students in grades kindergarten through five.

Additionally, students in full-time programs could not be reported for more than 1.0 Full Time Equivalent (FTE). Beginning in the 2014-2015 fiscal year, the reported FTE and associated funding of students enrolled in courses requiring passage of an end-of-course assessment would be adjusted after the student completes the assessment.

School districts would be required to expend the difference between the amount funded for students participating in the program and the price paid for contractual services on the district's local instructional improvement system or other technological tools that are required to access electronic and digital instructional materials. Districts would also be required to report to the DOE the amount paid for contractual services and an itemized list of the purchases.

## **Accountability**

Under the bill, the FLVS would receive a school grade for students receiving full-time instruction. Additionally, the bill requires the DOE to develop an evaluation system for part-time providers of virtual instruction, which must include the percentage of students making learning gains, successfully passing end-of-course assessments, and taking and scoring a three or higher on Advanced Placement course exams.

## **Instructional Personnel**

The bill specifically permits a school district to issue adjunct certificates to qualified individuals. A district may renew an adjunct certificate and award another annual contract only if the individual is rated as effective or highly effective. The bill also specifies the certification requirements for instructional personnel providing direct instruction to students through a virtual environment or through a blended virtual and physical environment.

## **High School Graduation**

Students entering the ninth grade in 2011-2012 and thereafter would be required to take at least one online course in order to meet high school graduation requirements. The requirement is also deemed met if the student has taken an online course in grades six through eight or participates as a dually enrolled student in an online course offered by a postsecondary institution.

## **Student Eligibility and Access**

The bill authorizes the FLVS to directly offer virtual education in kindergarten through grade five and part-time education to students in grades four through 12. However, part-time instruction for fourth and fifth grade students is limited to public school students taking grade 6-8 courses for acceleration purposes. The FTE generated by the FLVS for fourth and fifth grade students must be part of the total FTE of 1.0 reported for the student for the fiscal year. To receive full-time instruction, a student in grades two through five must meet at least one of the statutory eligibility requirements.

The bill revises the eligibility requirements for students. Under the bill, students who were enrolled full-time in an FLVS program during the prior school year would be eligible for virtual instruction. Students entering kindergarten or first grade would be eligible without having to meet the requirement for prior year enrollment in a public school.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 27-12; House 98-19*