

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/SB 98 — Education**

by Judiciary Committee and Senators Siplin, Evers, Storms and Negron

The bill authorizes district school boards to adopt policies which would permit a student to deliver an inspirational message at a student assembly. The bill clarifies that students retain control over the decision to provide an inspirational message and the choice of student volunteers to deliver the message. The content of the message is entirely at the discretion of the student volunteer.

School district personnel are prohibited from involvement in the following:

- Determining whether an inspirational message is to be delivered;
- Selecting a student to deliver the message; and
- Monitoring or reviewing message content.

The bill provides as its purpose the formal or ceremonious observance of an occasion or event.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 31-8; House 88-27*

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/HB 285 — Sick Leave for School District Employees**

by K-20 Competitiveness Subcommittee and Rep. Harrell and others (CS/SB 874 Education Pre-K - 12 Committee and Senator Benacquisto)

The bill grants school districts the option of creating policies which permit district employees to donate their unused sick leave to a non-relative district employee. Recipients must have exhausted all of their own sick leave before using donated leave. Also, districts that implement these policies must require documentation from the physician of the person receiving the sick leave, establish a minimum number of sick leave days needed by the recipient before participating in the program, require unused transferred sick leave to be returned to the donating employee, and establish a minimum number of sick leave days a donating employee must retain after transferring sick leave days. Donated sick leave has no terminal value.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 39-0; House 119-0*

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/HB 291 — Youth Athletes**

by Health and Human Services Access Subcommittee and Rep. Renuart and others (CS/CS/SB 256 by Budget Committee; Budget Subcommittee on Pre-K – 12 Appropriations; and Senators Flores, Lynn, Negron, and Benacquisto)

This bill requires the Florida High School Athletic Association (FHSAA) and independent sanctioning authorities to adopt:

- Guidelines to educate coaches, officials, administrators, youth athletes and their parents or guardians about the risk of concussion and head injury; and
- Bylaws that require head-injured youth athletes to be immediately removed from play and not allowed to return until they submit a written clearance by an appropriate health care practitioner.

The FHSAA is required to adopt bylaws that provide the establishment and duties of the Sports Medicine Advisory Committee (SMAC) of the FHSAA, with the following representation:

- Eight medical or osteopathic physicians in any combination, provided that there is at least one osteopath;
- One chiropractor;
- One podiatrist;
- One dentist;
- Three licensed athletic trainers; and
- One current or retired high school head coach.

The designation and scope of an appropriate health care practitioner is to be defined by the SMAC of the FHSAA.

Parents or guardians are required to annually provide signed informed consent about concussion and head injury prior to their child's participation in athletics.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 39-0; House 116-0*

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/HB 465 — District School Board Bonds**

by Pre-K-12 Appropriations Subcommittee and Reps. Diaz and Bullard and others (CS/SB 750  
by Education<br>Pre-K—12 Committee and Senator Flores)

This bill revises the requirements for the form and duration of school district bonds to:

- Allow bonds to be issued for a period of 30 years, instead of 20 years, from the date of issuance, unless the Department of Education approves a longer period; and
- Remove the requirement that bonds bearing interest in excess of 2.99 percent must be callable beginning not later than 10 years from the date of issuance, thus allowing the school board to set the terms and the time period under which bonds will be callable.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 40-0; House 114-1*

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

**CS/CS/CS/HB 859 — Florida Tax Credit Scholarship Program**

by Education Committee; PreK-12 Appropriations Subcommittee; Finance and Tax Committee; and Rep. Corcoran and others (CS/SB 962 by Education Pre-K – 12 Committee and Senators Benacquisto, Haridopolos, Garcia, Bogdanoff, Bennett, Flores, Negron, Thrasher, Fasano, Wise, Hays, Norman, Siplin, Richter, Alexander, Storms, Altman, Gardiner, Simmons, Evers, and Oelrich)

The bill makes changes to the Florida Tax Credit (FTC) Scholarship Program, which allows private, voluntary contributions from corporate donors to nonprofit scholarship-funding organizations that provide scholarships to eligible students.

**Tax Credits**

The bill increases the \$218,750,000 maximum tax credit available in fiscal year 2012-2013 by \$10,250,000 to \$229 million. In fiscal year 2013-2014 and thereafter, the cap will continue to increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year.

**Eligible Students**

The bill allows a student who is eligible to enter kindergarten through fifth grade to receive an FTC scholarship without having to meet the prior year public school enrollment requirement. Also, the bill removes the household income level requirements for a student who is currently placed, or during the previous fiscal year was placed, in foster care.

**Participating Private Schools**

The bill authorizes private schools that participate in the FTC program to administer statewide assessments at the private school to students in grades three through ten. Upon request by a participating private school, the Department of Education (DOE) must provide the assessments and related materials at no cost. The number of scholarship students who may be assessed is contingent upon the terms and conditions in the DOE's contracts for assessments.

Private schools that administer the statewide assessments would be subject to State Board of Education rule and district policy for assessment protocol. Private schools would be responsible for reporting the scores of their students to the independent research organization that is charged with reporting student learning gains to the DOE. School districts and the DOE would provide the assessments and support to private schools that choose to administer these assessments.

Current law allows the DOE to make seven random site visits to participating private schools each year; however, no more than one site visit may be made each year to the same private school. The bill eliminates the requirement that the site visits be random. The DOE may make additional site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous two years.

The bill authorizes the Commissioner of Education to deny, suspend, or revoke a private school's participation in the program if the commissioner determines that an owner or operator of a private school has exhibited a previous pattern of failure to comply with the law related to the FTC program or private school accountability.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 32-8; House 92-24*

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**CS/HB 1037 — Eminent Domain**

by Community and Military Affairs Subcommittee Rep. Broxson and others (CS/SB 1348 by Education Pre-K – 12 Committee and Senators Wise and Gaetz)

This bill extends the power of eminent domain to the Florida School for the Deaf and the Blind (FSDB). The Board of Trustees of the FSDB would be required to get approval prior to any eminent domain action from the Administration Commission, which consists of the Governor and Cabinet.

All other public schools have been granted the power of eminent domain. This bill provides parity to the FSDB.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 38-0; House 115-0*

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**CS/HB 1357 — District School Boards**

by K-20 Competitiveness Subcommittee and Rep. Glorioso (CS/SB 620 Education Pre-K - 12 Committee and Senator Latvala)

The bill provides flexibility for a school district in scheduling the election of the school board chair by expanding the time period in which school districts are required to hold their school board organizational meetings in non-election years. The bill provides for the meeting to be held in November of each year, except during election years. During election years, the organizational meeting must be held on the same day in which newly elected members begin their terms. The bill only applies to school districts where school board chairs are not elected by a districtwide vote.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 40-0; House 115-0*



THE FLORIDA SENATE  
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**Committee on Education Pre-K - 12**

**CS/CS/CS/HB 1403 — High School Athletics**

by Education Committee; Rules and Calendar Committee; K-20 Competitiveness Subcommittee; and Rep. Stargel (CS/SB 1704 by Education Pre-K – 12 Committee and Senator Wise)

Under this bill, any high school, including a traditional public school, a charter school, a private school, a virtual school, and a home education cooperative, is eligible for membership in the Florida High School Athletic Association (FHSAA). Membership, however, is voluntary.

The bill clarifies eligibility for transfer students, so that they can continue to play as long as their transfer is approved by the district school board.

The FHSAA will be required to adopt bylaws for the following:

- Required background screening for investigators and reasonable conditions under which investigations can take place;
- Sanctions for coaches who have committed major violations; and
- Procedures and standards for student eligibility determination.

Due process protections will be preserved for student eligibility appeals when new evidence is available.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 21-18; House 78-34*

THE FLORIDA SENATE  
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**Committee on Education Pre-K - 12**

**CS/CS/HB 7059 — Acceleration Options in Public Education**

by Education Committee; Pre-K – 12 Appropriations Subcommittee; K-20 Innovation Subcommittee; and Rep. Stargel (CS/CS/SB 1368 by Budget Subcommittee on Education Pre-K – 12 Appropriations; Education Pre-K – 12 Committee; and Senators Gaetz, Lynn, and Gardiner)

***Career and Professional Education***

The bill provides that secondary schools would no longer be required to have a full-scale career academy in order to be eligible for industry certification bonus funding. This provision maintains the integrity of Career and Professional Education (CAPE) and the rigorous coursework required to attain industry certifications.

The bill provides middle school students the opportunity to attain the instructional technology tools necessary to prepare them for high school, college, and the workforce. Middle school students who attain the highest level of industry certification in a science, technology, engineering, and mathematics (STEM) area on the Industry Certification Funding List would generate bonus funding upon promotion to the ninth grade.

The bill also:

- Requires that the strategic plan developed by school districts, regional workforce boards, and postsecondary institutions address advisement and recruitment of students into career-themed courses and redirection of funds to support career courses and academies;
- Shortens the timeline for the curriculum review committee to approve or deny newly proposed workforce-related core courses;
- Requires the State Board of Education to adopt rules that include STEM industry certifications offered in middle school on the Industry Certified Funding List;
- Requires one career course for middle grade promotion that is focused on workforce trends and labor market demands; and
- Requires a student who enrolls in and completes a career-themed course to have opportunities to earn postsecondary credit when applicable.

***Performance Funding***

Under the bill, credit is funded based on a student's passing the statewide end-of-course assessment without taking the course. High school credits for courses that require an end-of-course assessment, after the third year of administering the assessment, will be funded only upon a student's passing the assessment.

***Early High School Graduation***

The bill provides an early graduation option for a student upon earning 24 credits that meet high school graduation requirements.

- • If a student graduates early, the district will receive funding for unpaid high school credits.
- For students who graduate one year early, funding may be provided up to the dollar equivalent of one full-time equivalent (FTE).
- For students who graduate one semester early, funding may be provided up to the dollar equivalent of one-half FTE.
- A student who graduates at the end of the first semester is eligible for a Bright Futures Scholarship to enter college in the spring term.

### ***Acceleration Options***

Under the bill, all students, not just secondary students, would participate in the Credit Acceleration Program. The bill also:

- Requires a school district to award credit to a student who attains a passing score on the corresponding statewide, standardized end-of-course assessment; and
- Creates options for accelerated instruction to eligible students in kindergarten through grade 12.

### ***Dual Enrollment Programs***

The bill provides student eligibility criteria for continued enrollment in dual enrollment courses. Additionally, the bill:

- Provides requirements for faculty members providing instruction in college credit dual enrollment courses;
- Provides curriculum standards for college credit dual enrollment courses;
- Authorizes participation at a Florida College System institution based upon capacity, as specified in the dual enrollment articulation agreement;
- Establishes the college credit hours for participation in an early admission program;
- Provides home education student eligibility criteria and requires a home education articulation agreement;
- Provides requirements for developing a school district and Florida College System institution dual enrollment articulation agreement;
- Repeals a provision that provides for school districts and postsecondary institutions to conduct Advanced Placement instruction within dual enrollment courses; and
- Requires the Department of Education to develop an electronic system for submitting dual enrollment articulation agreements for compliance review.

Finally, the bill eliminates an exemption from the Florida College System institution admission requirements for secondary students who are not participating in dual enrollment. These are students who are enrolled in college level instruction creditable toward an associate degree, but not towards a high school diploma.

If approved by the Governor, these provisions take effect July 1, 2012.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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*Vote: Senate 40-0; House 82-33*

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/CS/HB 7063 — Digital Learning**

by Education Committee; PreK-12 Appropriations Subcommittee; K-20 Innovation Subcommittee; and Rep. Stargel and others (CS/CS/SB 1402 by Budget Subcommittee on Education Pre-K - 12 Appropriations; Education Pre-K – 12 Committee; and Senator Gardiner)

The bill provides additional virtual instruction options for K-12 students by:

- Authorizing the Florida Virtual School (FLVS) to provide full-time and part-time instruction for students in kindergarten through grade 12;
- Limiting the combined total of all full time equivalent (FTE) students reported by the FLVS and the school district to 1.0 FTE for full-time students in kindergarten through grade 12 and part-time students in kindergarten through grade 5;
- Authorizing exceptional student education (ESE), English for Speakers of Other Languages (ESOL), and other weighted program funding for students in a full-time FLVS, district virtual instruction program, and a virtual charter school;
- Expanding the part-time district virtual instruction program to students enrolled in kindergarten through grade 12 courses;
- Expanding eligibility for participation in virtual education programs to students in grades 2 through 5 who are enrolled in a full-time virtual program without having to meet the prior public school enrollment requirement;
- Providing that school district virtual instruction must be reported by the school district providing the instruction rather than the school district in which the student resides;
- Prohibiting a school district from requiring a student to take the online course required for high school graduation beyond the school day or in addition to the student's courses for the semester;
- Providing an exception from the current online course requirement for high school graduation for a student with a disability whose individual education plan indicates that an online course is not appropriate or for a student enrolled in a Florida high school for one academic year or less;
- Establishing that an individual who knowingly and willingly takes an online course or examination on behalf of another individual for compensation commits a second degree misdemeanor;
- Revising the qualifications for approval of virtual instruction providers to include an annual audit conducted by an independent certified public accountant pursuant to rules adopted by the Auditor General;
- Requiring full time virtual instruction programs to meet the school district requirements for public school ESE students who are enrolled in the program; and
- Providing standards for participation in interscholastic and intrascholastic extracurricular activities by students in a full-time FLVS program.

If approved by the Governor, these provisions take effect July 1, 2012

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*Vote: Senate 36-3; House 100-16*

THE FLORIDA SENATE  
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**Committee on Education Pre-K - 12**

**HB 7127 — School Improvement and Education Accountability**

by Education Committee and Rep. Fresen (CS/SB 1522 by Education Pre-K - 12 Committee and Senator Montford)

The bill aligns Florida's differentiated accountability system with the state's school grading system. The bill requires the Department of Education to identify public schools in need of intervention and support to improve student performance, based on school grades. All schools earning a grade of "D" or "F" are schools in need of intervention and support. The bill requires the State Board of Education to provide the most intensive intervention strategies to schools earning an "F" grade. Additionally, the bill revises the requirements for restructuring low performing schools.

The bill targets struggling students in need of additional support to close the achievement gap for all subgroups of students, which include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. The bill establishes the same differentiated accountability requirements for charter schools and traditional public schools.

Under the bill, at least 50 percent of a high school's grade would be based on statewide assessments and the remaining percentage on additional outcomes, such as students who earn industry certifications in high demand occupations and the graduation rate of at-risk students.

For the 2012-2013 school year, the bill requires school districts to use an amount equal to 15 percent of federal funds allocated under Title I, Part A of the Elementary and Secondary Education Act for supplemental educational services, such as tutoring and summer camps in reading and mathematics, for the lowest performing students in all Title I schools.

The bill also eliminates duplicative testing for middle school students who participate in high school courses that require an end-of-course assessment in Algebra I, geometry, or Biology I, therefore limiting the amount of time a student would be tested during the school year.

If approved by the Governor, these provisions take effect July 1, 2012

*Vote: Senate 40-0; House 82-31*