

Committee on Education

HB 21 — Background Screening for Noninstructional Contractors on School Grounds

by Rep. Perry and others (SB 318 by Senator Grimsley)

The bill requires the Department of Education to create a uniform, statewide photo identification badge signifying that a noninstructional contractor meets certain background screening and other requirements. The bill requires the Department of Education to determine a uniform cost that a school district may charge for a badge.

The bill requires a school district to issue the badge if a noninstructional contractor:

- Is a resident and citizen, or a permanent resident alien of the U.S.;
- Is at least 18 years old; and
- Meets the background screening standards in s. 1012.467, F.S.

The bill requires a noninstructional contractor to wear the badge in a visible manner at all times when on school grounds. The bill requires all school districts to recognize the badge, which means that noninstructional contractors who work for multiple districts would not be required to obtain and pay for multiple identification badges. The badge is valid for five years; however, a noninstructional contractor is required to return the badge to the school district within 48 hours of self-reporting an arrest for any disqualifying offense.

The bill does not apply to noninstructional contractors who are exempt from background screening requirements.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-0; House 117-0

Committee on Education

CS/CS/HB 113 — Distribution of Materials Harmful to Minors

by Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Rep. Diaz and others (CS/CS/SB 86 by Appropriations Committee; Education Committee; and Senators Flores and Benacquisto)

The bill creates a new offense making it a third-degree felony for an adult to knowingly distribute material harmful to a minor or to post materials harmful to a minor on public and private school property.

The bill defines school property as the grounds or facility of any public or private kindergarten, elementary school, middle school, junior high school, or secondary school.

The bill refers to current law to define “harmful to minors” as:

(a) Any picture, photograph, drawing, sculpture, motion picture film, videocassette, or similar visual representation or image of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse and which is harmful to minors; or

(b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter defined in s. 847.001, F.S., explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors.

The bill clarifies an exception for school-approved instructional materials used in the instruction of a subject by personnel defined in statute.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 36-0; House 115-3

Committee on Education

HB 209 — Lake-Sumter Community College Name Change

by Rep. Metz and others (SB 352 by Senator Hays)

The bill (Chapter 2013-24, L.O.F.) codifies a name change from “Lake-Sumter Community College” to “Lake-Sumter State College.”

These provisions were approved by the Governor and take effect July 1, 2013.

Vote: Senate 40-0; House 116-0

Committee on Education

CS/SB 284 — School Emergencies

by Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Negron

The bill establishes a process through which a private school can register to be notified at the same time the public school district is notified about an emergency occurrence in the local area that could threaten student safety.

The bill requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and model emergency management and emergency preparedness procedures. The emergency response agencies identified by a district school board must notify private schools within the school district of occurrences that threaten student safety if such private schools request notification of emergencies by opting into the district school board's emergency notification procedures.

The bill authorizes both public and private schools to maintain a supply of epinephrine auto-injectors in a secure location for use in an emergency situation by authorized students and trained school personnel. Schools that choose to purchase and maintain a supply of epinephrine auto-injectors must adopt a protocol developed by a licensed physician for the administration of an epinephrine auto-injection by trained school personnel.

The bill also provides immunity from liability for public and private school employees and agents for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 40-0; House 116-0

Committee on Education

CS/SB 454 — Florida College System Institution Police Officers

by Education Committee and Senator Benacquisto

The bill expands the jurisdiction of Florida College System institution police officers to enforce the law, consistent with the same authority that is provided to state university police officers. In particular, the bill authorizes college police officers to:

- Enforce laws within defined jurisdictional areas as agreed upon in a mutual aid agreement with another law enforcement agency;
- Enforce traffic laws when the violations occur within 1,000 feet of any college owned or controlled property or facilities;
- Enforce traffic laws beyond the 1,000-foot threshold when hot pursuit originates on college property or within 1,000 feet of college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement;
- Arrest persons for violations of state law or applicable county or city ordinances if the violation occurs on or within 1,000 feet of college owned or controlled property or facilities; and
- Arrest persons for violations of state law or applicable county or city ordinances beyond the 1,000-foot threshold when hot pursuit originates on college property or within 1,000 feet of college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 113-0

Committee on Education

CS/HB 461 — Deaf and Hard-of-Hearing Students

by Choice and Innovation Subcommittee; and Rep. Rooney and others (CS/CS/SB 150 by Appropriations Committee; Education Committee; and Senators Altman, Garcia, Bean and Bradley)

The bill clarifies the considerations that the individual educational plan (IEP) team must address to develop an IEP for a student who is deaf or hard-of-hearing. The bill also requires the Department of Education, in coordination with the Florida School for the Deaf and Blind and with input from stakeholders including representatives of the auditory oral community, to develop a model communication plan for use during the IEP development. The Department of Education must provide technical assistance regarding using the model communication plan.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-2; House 118-0

Committee on Education

CS/CS/HB 609 — Bullying in the Public School System

by Education Committee; K-12 Subcommittee; Reps. Fullwood, Campbell, and others (CS/SB 626 by Education Committee; Senator Bullard)

The bill amends the definition of bullying to include cyberbullying, and establishes new prohibitions for any technology-related activities that adversely affect the ability of a student to receive an education or that disrupt the orderly operation of school.

The bill defines cyberbullying as bullying through the use of:

- Specified technology or electronic communications;
- The creation of a webpage or weblog in which the creator;
- Assumes the identity of another person; or
- Knowingly impersonates another person; or
- The distribution of an electronic communication to more than one person or the posting of material on an electronic medium that is accessible to others.

The bill prohibits bullying or harassment through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if it:

- Substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school; or
- Substantially disrupts the education process or orderly operation of a school.

Current law prohibits bullying or harassment through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 educational institution. The bill expands current law to prohibit the bullying or harassment of any public K-12 student or employee:

- During a public K-12 education program or activity;
- During a school-related or school-sponsored program or activity;
- On a public K-12 school bus; or
- Through a computer, computer system, or computer network that, regardless of ownership, is:
 - Physically located on school property; or
 - At school-related or school-sponsored programs or activities.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 118-0

Committee on Education

CS/CS/HB 801 — Certified School Counselors

by Education Committee; Education Appropriations Subcommittee; Rep. Eagle and others
(CS/SB 154 by Education Committee and Senators Detert and Clemens)

The bill substitutes “certified school counselor” for the term “guidance counselor” to reflect current requirements that persons employed as school counselors be certified as set forth by law and State Board of Education rule.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-0; House 114-0

Committee on Education

CS/CS/SB 1076 — Career and Professional Education

by Appropriations Committee; Education Committee; and Senators Legg, Stargel, Brandes, Benacquisto, Bean, and Sobel

Chapter 2013-27, L.O.F., aligns education with economic opportunity for graduates of Florida's public schools, colleges, and universities to better prepare students for their future work. The law revises educational programs and targets funding to foster students' development of technology skills in prekindergarten through college and to increase opportunities for students to earn industry certifications in high school and college.

Integration of Technology into the Classroom

The law establishes new requirements that integrate technology skills and knowledge into K-12 classrooms. The law:

- Expands software applications for students with disabilities in pre-K through grade 12;
- Requires the middle grades career and education planning course to be internet-based and to emphasize entrepreneurship skills; and
- Requires new mechanisms for students to demonstrate digital skills and knowledge:
- A Florida Cyber Security Recognition and a Florida Digital Arts Recognition for elementary school students; and
- A Florida Digital Tools Certificate for middle school students.

By December 31, 2013, the law requires the Department of Education to contract with one or more technology companies or affiliated non-profit organizations that have industry certifications on the Industry Certification Funding List or the Postsecondary Education Industry Certification Funding List to develop the new recognitions and certificate. The law requires the recognitions and the certificate to be available to all public school students in elementary schools and middle schools, respectively, at no cost to the school district or charter school.

High School Graduation and Assessment Requirements

Florida Standard High School Diploma

The law redefines one rigorous standard high school diploma for students entering 9th grade in the 2013-2014 school year at 24 credits that include:

- 4 English credits.
- Must pass the 10th grade English/Language Arts assessment
- 4 Mathematics credits, including Algebra I, Geometry and 2 additional courses; a rigorous industry certification that leads to college credit can satisfy up to 2 math credits.
- Must pass the Algebra I end-of-course assessment
- Geometry and Algebra II end-of-course assessments count as 30% of grade

- 3 Science credits, including Biology I and 2 additional courses; a rigorous industry certification that leads to college credit can satisfy 1 science credit.
- Biology end-of-course assessment counts as 30% of grade
- 3 Social Studies credits, including U.S. History; World History; .5 credit in Economics (including financial literacy); and .5 credit in U.S. Government.
- U.S. History end-of-course assessment counts as 30% of grade
- 1 Fine or Performing Arts, Speech and Debate, or Practical Arts credit.
- 1 Physical Education credit.
- 8 Elective credits.

High School Diploma Designations

The law establishes new Scholar and Merit diploma designations for current and future high school students earning a standard high school diploma:

- Students may earn a Scholar designation if they satisfy course and testing requirements above-and-beyond those required for a standard diploma (e.g., earn credit in Algebra II and Chemistry or Physics and an equally rigorous science course, pass the Biology I end-of-course (EOC) assessment, and pass future English Language Arts and Algebra II assessments as applicable).
- Students pursuing a Merit designation must attain one or more industry certifications. Rigorous industry certification courses that lead to college credit may satisfy up to two math credits and one science credit.

The law repeals the statute that established the 18-credit accelerated high school diploma, but retains the opportunity as an Academically Challenging Curriculum to Enhance Learning (ACCEL) option for students. The law further repeals obsolete statutes related to the Florida Secondary School Redesign Act and high school graduation requirements that applied to students who entered grade 9 prior to 2007-2008.

Assessments

In addition to high school graduation requirements, the law further revises assessment requirements as follows:

- The middle school Civics end-of-course assessment is changed from a “must pass” requirement to 30 percent of the final course grade.
- Middle grade students scoring Level 1 or Level 2 on FCAT Reading or Math may receive remediation through either a remediation course or a content area course.
- The State Board of Education is required to adopt a concordant score for the 10th grade FCAT Reading assessment and a comparative score for the Algebra I end-of-course assessment.
- The State Board of Education is required to adopt a schedule to transition to English/Language Arts and Mathematics assessments.

The law codifies the Next Generation Sunshine State Standards to reflect subject area standards adopted by the State Board of Education. The standards are for the subject areas of English language arts, science, mathematics, and social studies. Visual and performing arts, physical education, health, and foreign language standards must include distinct grade-level expectations for the knowledge and skills a student is expected to acquire.

Performance Funding

The law establishes performance funding provisions for public schools, school district workforce education programs, Florida College System institutions, and state universities to reward education entities that align programs with economic demands.

Florida Education Finance Program Funding

The law:

- Streamlines Florida Education Finance Program (FEFP) funding for industry certifications earned in high school to establish two levels for funding:
- A weight of 0.1 for industry certifications that do not articulate for college credit, and
- A weight of 0.2 for industry certifications that articulate for college credit.
- Creates a bonus program for teachers of industry certification courses; and
- Expands existing bonus programs for Advance Placement and International Baccalaureate teachers.

Postsecondary Industry Certification Funding

The law requires the State Board of Education to approve a Postsecondary Industry Certification Funding List at least annually. The list will be used to determine annual performance funding distributions to school district technical centers and Florida College System institutions that provide instruction leading to rigorous industry certifications.

State University Performance Funding

The law specifies state university performance funding in three areas: computer and information technology; high-demand programs as identified by the Board of Governors (BOG) using a gap analysis; and, cloud virtualization and related large data management.

Methodology for Allocation of Performance Funds

By October 31, 2013, the law requires the State Board of Education and the Board of Governors to recommend to the Legislature a mechanism for allocating performance funding to Florida College System institutions and state universities based on three employment outcomes: percentage of graduates employed or enrolled in further education; the average wages of employed graduates; and, the average cost per graduate.

College and Career Planning

The law requires initiatives to help students focus on their future work while they are still in school and to target technical programs to industry needs.

Career Readiness Initiatives

The law:

- Establishes a process for developing career education courses that enable students to simultaneously earn credit in the career course and core academic credit required for high school graduation.
- Increases the emphasis on financial literacy by incorporating financial literacy into the required high school economics course.
- Requires students entering adult general education programs after July 1, 2013, to complete “Action Steps to Employment” activities prior to the completion of the first term. The action steps include identifying employment opportunities, creating a personalized employment goal, conducting an inventory of one’s skills and knowledge, and upgrading skills, as necessary.
- Authorizes a school board to create a Technical Center Governing Board to better target local employment and industry certification needs.

Talent Retention Program

The law creates a new “Talent Retention Program”, lead by the State University System Chancellor in cooperation with the Commissioner of Education, to encourage middle and high school students who indicate an interest in or aptitude for physics or mathematics to continue their postsecondary education at a state university with excellent departments in selected fields.

Preeminent State Research Universities

The law creates a mechanism for designating Preeminent State Research Universities, based on institutional performance on 12 statutorily-established metrics.

- A state university that achieves 12 of 12 metrics is authorized to operate an Institute for Online Learning that offers high-quality, fully online bachelor degree programs at an affordable cost (no more than 75% of the tuition rate specified for resident, Florida students).
- A state university that achieves 11 of the 12 metrics is authorized to operate a University Enhancement Initiative to further advance the university’s national excellence.

Complete Florida Degree Program

The law revises a degree completion pilot program as the Complete Florida Degree Program which will be a formal program for online bachelor degree options in state universities, coordinated through the University of West Florida in collaboration with other state universities.

\$10,000 Bachelor's Degree

The law provides for a \$10,000 Bachelor Degrees at Florida College System institutions by authorizing the waiver of Florida College System tuition and fees for the purpose of offering baccalaureate degrees for state residents for which the cost for the degree program does not exceed \$10,000.

These provisions became law upon approval by the Governor on April 22, 2013.

Vote: Senate 33-7; House 116-0

Committee on Education

CS/SB 1096 — Repeal of Education Provisions

by Education Committee and Senator Montford

The bill reduces regulation of public educational institutions by repealing redundant, outdated, or unnecessary statutory or reporting requirements.

Specifically, the bill affects the following provisions:

- Amends s. 403.7032(3), F.S., eliminating the recycling reporting requirement for K-12 public schools.
- Repeals s. 1001.435, F.S., relating to the K-12 foreign language curriculum, as the purpose of this statute has been accomplished.
- Repeals subsections (4), (6), and (9) of s. 1002.23, F.S., relating to the parent-response center, school board reporting of parent involvement rules, and state board review.
- Repeals s. 1002.361, F.S., relating to a direct support organization (DSO) for the Florida School for the Deaf and the Blind, as no DSO exists and the Florida School for the Deaf and the Blind has no future intent to create one.
- Repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, which is no longer in existence. The bill also amends s. 1011.61, F.S., which is a conforming provision.
- Repeals s. 1003.4285(1), F.S., relating to the major area of interest diploma designation, which is now obsolete due to the repeal of the corresponding graduation requirement.
- Repeals s. 1003.43, F.S., relating to the general requirements for high school graduation for students entering 9th grade before the 2007-08 school year. Despite repeal, these requirements will remain applicable to any students still enrolled in Florida public schools who were subject to them at the time they entered 9th grade.
- Repeals s. 1003.453(2), F.S., relating to online posting of school wellness and physical education policies, thereby removing the outdated requirement that the Department of Education post links to school wellness policies on its website.
- Repeals s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program, as the program is not currently being implemented by school districts.
- Repeals s. 1004.05, F.S., which created the Substance Abuse Training Programs. These programs are inactive and unfunded.
- Repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. This program has not been implemented and has not received funding since FY 1999-2000.
- Repeals s. 1004.77, F.S., relating to Centers of Technology Innovation, as an inactive program.
- Repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-Work Transition and amends s. 1006.025, F.S., which is a

conforming provision. These requirements have been supplanted by other provisions governing workforce preparation and education planning.

- Repeals s. 1006.035, F.S., which created the Dropout Reentry and Mentor Project. This project is no longer operational and has received no funding in over 10 years.
- Repeals s. 1006.051, F.S., which created the Sunshine Workforce Solutions Grant Program. The program was never implemented or funded.
- Repeals s. 1006.09(1)(d), F.S., relating to duties of school principals for student discipline and school safety, as the information reported is duplicative.
- Repeals ss. 1006.17 and 1006.70, F.S., relating to sponsorship of athletic activities similar to those for which scholarships are offered.
- Repeals s. 1006.65, F.S., relating to safety issues in courses offered by public postsecondary institutions. According to the Department of Education, these safety policies are already required by federal law and accrediting bodies and included in affiliation contracts with hospitals and law enforcement agencies.
- Repeals s. 1007.21, F.S., relating to readiness for postsecondary education and the workplace, as this provision is duplicative.
- Repeals s. 1008.31(3)(d) and (e), F.S., relating to paperwork reduction. Although intended to reduce paperwork, the provision creates more paperwork.
- Repeals s. 1009.68, F.S., relating to the Florida Minority Medical Education Program.
- Repeals s. 1012.58, F.S., creating the Transition to Teaching Program, which is inactive and no longer funded.
- Repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program centralized electronic management system pilot program, as authority for the program has expired.
- Repeals s. 1013.231, F.S., relating to reduction in energy consumption by the Florida College System institutions and universities, as the purpose has been served.
- Repeals s. 1013.32, F.S., relating to exceptions to recommendations in educational plant surveys. A separate provision of law similarly authorizes the commissioner to waive survey requirements upon school district request.
- Repeals ss. 1013.42 and 1013.72, F.S., relating to the School Infrastructure Thrift program, which has not been funded since FY 2004-05.
- Repeals ss. 1013.502 and 1013.721, F.S., relating to the A Business Community School Program.
- Repeals s. 1013.64(7), F.S., relating to exceptions to Special Facility Construction Account millage contribution requirements, as the last exception expires June 30, 2013.
- Repeals s. 1013.73(7), F.S., relating to effort index grants, which are no longer funded.
- Repeals rulemaking provisions of:
 - ss. 1001.26(3), 1002.32(10), 1007.35(10), and 1009.85, F.S., as unnecessary because the statutes are self-executing.
 - s. 1003.433(5), F.S., as unnecessary due to duplicative statutory authority.
 - s. 1004.435(5)(c) and (d), F.S., as unnecessary due to Board of Governor's constitutional authority.
 - s. 1004.45(2)(g), F.S., as unnecessary because the Florida State University property in question belongs to the Ringling estate and not to the university.

These provisions became law upon approval by the Governor on April 29, 2013.
Vote: Senate 38-0; House 114-0

Committee on Education

CS/SB 1108 — Exceptional Student Education

by Education Committee and Senators Gardiner, Thrasher, Ring, Gaetz, Abruzzo, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Detert, Diaz de la Portilla, Evers, Flores, Galvano, Garcia, Gibson, Grimsley, Hays, Hukill, Joyner, Latvala, Lee, Legg, Margolis, Montford, Negrón, Richter, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, and Thompson

The bill provides mechanisms for increased parental involvement and specifies school and program accountability requirements.

Parental Involvement

The bill creates a new framework for parents to participate in the individual education plan (IEP) process, encourages collaboration between public school and private instructional personnel to avoid duplication or conflicting services or plans, and provides for an extraordinary exemption from administration of a statewide standardized assessment or alternate assessment.

Parental Consent

The bill prohibits districts from interfering with meetings in which a parent invites another person to attend. Parental consent on an IEP is required for Exceptional Student Education (ESE) center placement and Florida Alternate Assessment (FAA) and instruction decisions, unless the school district documents that reasonable efforts have been made to obtain consent, the parent failed to respond, or approval was obtained through due process. An IEP team meeting must be held to make these decisions.

At the initial IEP meeting, the bill requires each school district to provide a parent with information on the amount of funds that the district receives from the state appropriation for each of the five ESE support levels for a full-time student (i.e., Level 1, Level 2, Level 3, Level 4, and Level 5).

Collaboration

The bill authorizes private instructional personnel who are employed by the parent or under contract to observe a student in a public school setting or provide services in the educational setting at a time agreed upon by the private instructional personnel and the school.

Extraordinary Exemption

The bill also provides a process for granting an extraordinary exemption from administration of a statewide standardized assessment or alternate assessment for a student with a disability who has not had allowable accommodations offered due to technology limitations in the testing administration program or whose assessment results would reflect the student's condition rather

than student achievement. The bill also provides for an exemption, based on an IEP team determination, as well as a process for requesting an exemption from testing during a particular testing window. The latter request would be made to the district superintendent with a recommendation by him or her to the Commissioner of Education. A parent would be permitted to appeal the decision.

Accountability

The bill defines an ESE center as a separate public school that is not accessible to nondisabled peers and provides for the choice of a school grade or school improvement rating, at the discretion of the center. The bill specifies that the student achievement scores and learning gains of students with a disability who have only been enrolled in or attended an ESE center for grades K -12 are not included in the home school's grade if the student receives a rating of "emergent," which is a FAA performance category.

Program Assessment

The bill requires a district and school to complete a Best Practices in Inclusive Education assessment with a Florida Inclusion Network facilitator. The assessment is designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels.

Federal Funding

The bill establishes requirements for the reimbursement of federal funds to charter schools, including Title I, Title II, and Individuals with Disabilities Education Improvement Act of 2004 (IDEA) funds. The sponsor must reimburse the charter school on a monthly basis for all invoices submitted by charter schools for federal funds available for the benefit of charter schools and students.

Renewal of Professional Educator Certificate

The bill requires applicants to earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities, for renewal of a professional educator certificate. The requirement may not, however, add to the total hours required by the Department of Education for continuing education or inservice training.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-0; House 118-0

Committee on Education

CS/CS/SB 1388 — Instructional Materials

by Appropriations Committee; Education Committee; and Senator Montford

The bill retains the existing statewide instructional materials process, except to:

- Require school districts that participate in the state adoption process to purchase instructional materials in the first three years of the adoption cycle; and
- Require instructional materials to reference statewide standards in the teacher's manual, not at the point of student use.

The bill provides school districts, or a consortium of school districts, with flexibility to implement their own instructional materials review, approval, adoption and purchase program.

The bill authorizes school districts implementing their own instructional materials program to:

- Adopt rules implementing the program;
- Annually certify to the Department of Education that all instructional materials adopted for core courses are aligned with all applicable state standards;
- Require reviewers to comply with the standards and duties applicable to the state level instructional materials reviewers; and
- Use up to 50 percent of the annual allocation for the purchase of digital or electronic instructional materials that align with state standards by FY 2015-2016.

The bill authorizes school districts to collect fees from publishers who submit instructional materials for review, provided:

- The fees do not exceed the actual cost to review a publisher submission, or \$3,500, whichever is less; and
- The fees are not used to cover the actual cost of substitute teachers for instructional staff that serve as an instructional materials reviewer.

The bill provides school districts that implement their own instructional materials program with discretion to:

- Purchase instructional materials off the state-adopted list;
- Requisition instructional materials from the publisher's depository;
- Follow the same review cycle used for state instructional materials; and
- Purchase materials that have intellectual content which assist in the instruction of a subject or course, when purchasing materials not on the state adopted list.

For school districts implementing their own instructional materials program, the bill requires publishers to:

- Offer most-favored nations pricing, and automatically reduce the price of the instructional materials if a lower price is offered elsewhere in the United States; and
- Comply with the same duties that are applicable to publishers for the state level review.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 40-0; House 117-0

Committee on Education

CS/CS/SB 1664 — Education Personnel

by Appropriations Committee; Education Committee; and Senator Legg

The bill revises criteria for evaluating classroom teachers, other instructional personnel, and school administrators for purposes of the performance pay schedule in s. 1012.22, F.S. The bill also revises requirements for state-approved educator preparation programs, educator and principal certification, and the Florida Teachers Lead Program.

Performance Evaluations and Assessments

The bill requires the Department of Education (DOE), through the performance evaluation system approval process, to ensure that the provisions of the bill are implemented.

The bill reiterates existing law authorizing the percentage of a classroom teacher's or school administrator's performance evaluation that is based upon student performance to be reduced from 50 percent to 40 percent, if less than three years of student data are available. The bill requires the DOE to approve district-determined factors that are used in the remaining portion of performance evaluations.

Classroom Teachers

The student learning growth portion of a classroom teacher's evaluation must be based only on the performance of his or her students. For courses associated with a statewide assessment, a student achievement measure may be used, if there is no approved statewide growth formula for the assessment. For courses associated with a school district assessment, a student achievement measure may be used if it is a more appropriate measure of performance. The remaining portion of the evaluation would continue to be based on instructional practice.

Other Instructional Personnel

The student learning growth portion of evaluations for other instructional personnel would be based on student performance data that reflects their actual contributions to the performance of students assigned to their areas of responsibility. The remaining portion of their evaluations would continue to be based on instructional practice and professional and job responsibilities.

School Administrators

The student learning growth portion of a school administrator's performance evaluation would be based on the performance of the students attending his or her school. The remainder of the evaluation would continue to be based on indicators that include the recruitment and retention of effective or highly effective teachers, improvement in the percentage of classroom teachers evaluated at the effective or highly effective level, other leadership practices that result in improved student outcomes, and professional responsibilities.

Assessments

The student assessment data used in performance evaluations would continue to be based on statewide assessments or school district assessments. Under the bill, a school district would be required to approve and publish district-mandated testing administration schedules on its website and report the schedules to the Department of Education by October 1, annually.

State-Approved Educator Preparation Programs

The bill provides a new accountability framework for the approval of teacher preparation programs that is based on performance outcome metrics. The bill requires the Commissioner of Education to determine continued approval of each program based on specific metrics including placement rate data, retention rate data, student performance by subgroups, and critical teacher shortage.

Traditional programs

The bill requires each state-approved teacher preparation program to include in its uniform core curricula: Florida Educator Accomplished Practices, state-adopted student content standards, reading instruction, content literacy and mathematical practices, strategies for the instruction of English language learners and students with disabilities, and school safety. Institutions must annually report to the DOE the status of each candidate who is admitted into the program under a waiver of admission requirements.

The bill requires each candidate to:

- Be instructed and assessed on the uniform core curriculum in his or her program concentration.
- Demonstrate his or her ability to positively impact student learning growth during a field experience prior to program completion.
- Demonstrate sufficient mastery of general knowledge as a prerequisite for admission into the undergraduate program, and a baccalaureate degree from an accredited institution for admission into graduate level programs.
- Pass all portions of the Florida Teacher Certification examination prior to program completion.

For clinical instructors and sites, the bill:

- Specifies the qualifications for instructors in postsecondary teacher preparation programs who instruct or supervise field experience courses or internships in which candidates demonstrate an impact on student learning growth.
- Specifies the qualifications for district and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships.
- Requires that the candidate's pre-service field experiences include a diverse population of students in a variety of settings.

- Requires the selection of school sites for pre-service field experiences to be based on the qualifications of supervisory personnel and the needs of candidates.

For each teacher preparation program, the bill:

- Requires each institutional program evaluation plan to include how the institution addresses continuous program improvement.
- Revises the current requirement that each teacher preparation program provide additional training to a graduate who is employed in a Florida public school. For a graduate who receives a rating of “developing” or “unsatisfactory” on his or her performance evaluation two years immediately following completion of the program or initial certification, his or her teacher preparation program would be required to provide additional training by the program at no expense to the educator or employer.
- Requires that the continued approval of a program is contingent upon specific performance measures for programs and program completers.
- Requires institutions and their programs to provide evidence of their capacity to meet requirements for continued approval.

Educator Preparation Institutes

The bill provides criteria for the DOE to approve an institute’s competency-based certification program. An educational plan is required for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification. The bill requires students to have field experiences with a diverse population of students in a variety of settings. Personnel who instruct or supervise field experiences must meet additional qualifications.

The bill authorizes qualified private providers to offer competency-based certification programs, if approved by the Department of Education, based on a proven history of delivering high-quality teacher preparation. The provider must submit evidence from other state recipients of its services and data showing the successful performance of its completers based on student achievement.

District Programs

The bill allows rather than requires each school district to provide a competency-based professional development certification program. The bill authorizes the Commissioner of Education to determine continued approval of each district’s program based upon specified performance measures for programs, as well as program completers.

The bill specifies the professional content knowledge for each district program participant and requires passing scores on subject area and professional education competency examinations, as well as mastery of general knowledge.

The bill also establishes new requirements for peer mentors of district programs. A peer mentor must hold a valid educator certificate, provide evidence of proven effectiveness, have at least

three years of teaching experience, or be a peer evaluator under a school district's evaluation system.

Professional Certification

The bill requires the State Board of Education to adopt rules authorizing an individual to be eligible for a temporary certificate in educational leadership if he or she passes the Florida Educational Leadership Examination, holds a bachelor's degree or higher degree from an accredited postsecondary institution, provides evidence of successful executive management or leadership experience, and is mentored by a state-certified school administrator. Additionally, the bill allows the State Board of Education to adopt rules to provide for the acceptance of college course credits recommended by the American Council for Education (ACE) to satisfy specific certification requirements shown on an official ACE transcript.

Florida Teachers Lead Program

The bill changes the name of the program to the Florida Teachers Classroom Supply Assistance Program and requires that local contributions be added to the funds allocated by the state when calculating each teacher's proportionate share.

Professional Development System

The bill allows rather than requires each school principal to establish and maintain a professional development plan for each employee assigned to the school.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 29-6; House 110-7

Committee on Education

CS/CS/SB 1720 — Education

by Appropriations Committee; Education Committee; and Senator Galvano

The bill requires Florida College System institutions to implement developmental education, creates an Office of K-20 Articulation in the Department of Education, revises postsecondary general education requirements, gives the Board of Governors stronger oversight authority over state universities, and revises a number of statutes to improve accountability in K-12 and postsecondary education.

Developmental Education in Florida College System Institutions

The bill restructures remedial college preparatory instruction as developmental education and requires Florida College System institutions to provide developmental education that is more tailored to the specific communication and computation skills a student needs to develop to be successful in performing college-level work. The bill does not repeal non-credit courses but requires colleges to offer developmental education options a student may pursue while also enrolled in college-credit courses. Students whose test scores indicate the need for developmental education must be advised of options and may enroll in the developmental education options of their choice.

The bill specifies that two groups of students must not be required to take the common placement test or to enroll in developmental education:

- Students who entered 9th grade in a Florida public school in 2003-2004 or thereafter and who earned a standard Florida high school diploma; or
- Students who are serving as active duty members of the United States Armed Services.

Students who are not required to be tested or to enroll in developmental education may request assessment and may enroll in developmental education if they wish.

The bill requires:

- By October 31, 2013, the State Board of Education to establish by rule the test scores a student must achieve on the common placement test in order to perform college level-work;
- By December 31, 2013, the State Board of Education to approve a series of meta-majors and academic pathways and identify the gateway courses to the meta-majors;
- By March 1, 2014, Florida College System institutions to submit developmental education plans to the Chancellor of the Florida College System for implementation beginning no later than fall 2014; and
- Each Florida College System institution and the Florida College System Chancellor to submit annual accountability reports to the state beginning in 2015.

Revision of General Education Requirements

The bill reinstates the general education credit hour requirement to 36 semester hours from the proposed 30 hours; extends implementation of the revised core course requirements for one year, from 2014-15 to 2015-16; and allows for the inclusion of an additional core course option.

Office of K-20 Articulation

The bill creates a new Office of K-20 Articulation in the Department of Education to support the work of the Higher Education Coordinating Council and the Articulation Coordinating Committee. The bill also revises duties of the Articulation Coordinating Committee and revises membership and duties of the Higher Education Coordinating Council.

Postsecondary Education Accountability

The bill:

- Gives the Board of Governors stronger oversight authority over state universities in regard to laws, rules, and regulations.
- For education accountability purposes, establishes dates by which licensed private postsecondary institutions must report data to the Commission for Independent Education and nonprofit independent colleges and universities must report data to the Department of Education.
- Transfers oversight of the Moffitt Cancer Center and Research Institute's lease from the Board of Governors to the University of South Florida.
- Provides rule making authority regarding penalties for not reporting child abuse at postsecondary institutions.

Access to Postsecondary Education

The bill:

- Raises the cap on the number of fee exemptions a Florida College System institution may grant from 40 to 54 full-time-equivalent students or one percent of the institution's total full-time equivalent enrollment, whichever is greater;
- Repeals the Free Application for Federal Student Aid requirement for Bright Futures Scholarships and for Florida Resident Access Grant and Access to Better Learning and Education tuition assistance grants; and
- Authorizes a Florida College System institution to establish a differential out-of-state fee for non-resident distance learners.

K-12 Accountability

The bill:

- Specifies minimum sample size and minimum percentage of students tested in order for schools to receive a school grade or school improvement rating, and defines "colocated schools" for purposes of school accountability.

- Requires specified content to be included on student report cards that are distributed to parents.
- Directs the Department of Education to develop criteria for issuing and revoking master school identification (MSID) numbers.
- Requires the Division of Law Revision and Information to prepare a reviser's bill for 2014 to change the term GED test to high school equivalency examination, throughout the statutes, thereby increasing a student's options for attaining a high school equivalency diploma.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-3; House 117-0

Committee on Education

CS/CS/HB 7009 — K-12 Education

by Education Committee; Appropriations Committee; Rep. Moraitis and others (CS/SB 1630 by Appropriations Committee and Senators Legg and Bean)

The bill strengthens accountability and increases flexibility for charter schools; creates a District Innovation Schools of Technology; provides flexibility for maximum class size compliance calculations for district schools of choice; prohibits a student from having teachers in consecutive years that have a rating of “unsatisfactory” or “needs improvement;” and requires successful load testing of technology and online assessments before implementation.

Charter Schools

The bill provides various measures to strengthen the financial and performance accountability of charter schools. These accountability provisions:

- Prohibit a governing board member (or spouse) from being an employee of a charter school or an employee of a charter school’s management organization;
- Require a uniform monthly financial statement summary sheet based upon two forms from the Governmental Accounting Standard Board;
- Require charter schools to maintain a website that contains certain information relating to decision makers and financial stability; and
- Prohibit expenditures above \$10,000 upon a school receiving a notice of termination or closing. Additionally, the provisions:
 - Prohibit acceleration clauses in contracts; and
 - Grant a sponsor clawback authority to recoup improperly expended funds.

The bill also expands charter school flexibility. These provisions:

- Prohibit a sponsor from requiring a charter school to comply with updated policies until incorporated in the charter agreement;
- Authorize a school district to enter into nonexclusive interlocal agreements to issue permits to a charter school on behalf of governmental permitting entities. This is a voluntary option for all parties;
- Place certain district school board and superintendent duties on the charter school governing board and administrative personnel in order to enable a charter school to create its own:
 - Compensation and salary schedules; and
 - Employee evaluation system, procedures and criteria;
- Authorize a charter school to have at-will employees and to release at-will and annual contract employees without cause; and
- Authorize charter schools to pay a \$500 fee to have a sponsor review a draft application for material deficiencies.

The bill authorizes high-performing charter schools to increase enrollment once per school year up to facility capacity. When a high-performing charter school requests to consolidate charters, the bill creates deadlines for a sponsor to provide a high-performing charter school a draft charter agreement and for the parties to negotiate the charter agreement.

The bill creates an undesignated section of law that requires the Department of Education to develop a proposed statewide, standard charter contract and a proposed definition of “management company.” Additionally, the bill requires the Department of Education to consult and negotiate with school districts and charter schools, and provide the proposed standard charter contract to the Governor, the President of the Senate, and the Speaker of the House of Representative by November 1, 2013.

District Innovation School of Technology

The bill creates s. 1002.451, F.S., authorizing a District Innovation School of Technology for the purpose of developing the innovative use of industry-leading technology while requiring high student academic achievement and accountability, in exchange for flexibility and exemption from certain provisions of ch. 1000-1013, F.S. (i.e., the Education Code). The exemption from the Education Code is similar to that provided to charter schools.

A district school board is eligible to apply to the State Board of Education for a performance contract to operate an Innovation School of Technology if the district meets certain student enrollment, financial, and performance accountability requirements. A district school board may apply to the State Board of Education to establish additional Innovation Schools of Technology if other requirements are subsequently met. Three or more contiguous school districts may apply to enter into a joint performance contract as a Region of Technology.

The bill requires an Innovation School of Technology to adopt and implement a blended learning program, and be open to any student covered in an interdistrict agreement or residing in the school district. The bill permits enrollment preferences for students who identify the Innovation School of Technology as the student’s preferred choice pursuant to the district’s controlled open enrollment plan.

The school district of an Innovation School of Technology must submit an annual report to the State Board of Education, President of the Senate, and Speaker of the House of Representatives by December 1 of each year. The report must delineate the performance of the Innovation School of Technology as it relates to the academic performance of students.

School District Maximum Class Size Compliance Calculation

The bill requires the calculation for compliance with maximum class size pursuant to be the average number of students at the school level for a school or program that is a public school of choice (i.e., virtual instruction program, magnet school, alternative school, special program, advanced placement, and dual enrollment).

Prohibit Consecutive Unsatisfactory Teachers

The bill prohibits a high school or middle school student from being assigned a classroom teacher that has received a performance evaluation rating of “needs improvement” or “unsatisfactory” if that child was taught by a classroom teacher that had received either of these evaluation ratings in the same subject area the previous school year.

The bill prohibits an elementary school student from being assigned a classroom teacher that has received a performance evaluation rating of “needs improvement” or “unsatisfactory” if that child was taught by a classroom teacher that had received either of these evaluation ratings in the previous school year.

The bill provides an exception for extracurricular courses, subject to parental written consent.

Successful Load Testing of Technology Infrastructure and Online Assessments

The bill creates an undesignated section of law that prohibits the Department of Education from fully implementing online common core assessments for Next Generation Sunshine State Standards in English/language arts and mathematics for all K-12 public school students until the technology infrastructure, connectivity, and capacity of all public schools and school districts has been load tested and independently verified as ready for successful deployment and implementation.

The bill also requires the technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments, including online assessments, to be load tested and independently verified as appropriate, adequate, efficient, and sustainable.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 31-7; House 76-42

Committee on Education

CS/HB 7029 — Education regarding Digital Learning

by Education Committee; and Rep. Diaz and others (CS/CS/SB 904 by Rules Committee; Education Committee; and Senator Brandes)

The bill creates the Florida Approved Courses and Tests (FACT) Initiative, expands student choice regarding online education, and includes accountability provisions for the Florida Virtual School.

Florida Approved Courses and Tests (FACT) Initiative

The bill requires that the FACT Initiative be implemented beginning in the 2015-2016 school year to expand student choice in selecting high-quality online courses, including, but not limited to, massive open online courses (MOOCs) in Algebra I, biology, geometry, and civics, and remedial education associated with courses that are measured by statewide standardized assessments. Providers of Florida approved courses must meet certain requirements that are similar to virtual instruction program provider requirements.

The bill requires the Department of Education to contract with a qualified contractor to conduct a comprehensive study on online courses including MOOCs and competency-based online courses. The findings of the study must be provided by the Department of Education to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2014.

K-12 Online Education

The bill also requires the Department of Education to develop an online catalog of digital learning courses and provide specific information for such courses. The Department of Education must also provide identifiers for courses that are used for blended learning.

The bill removes blended learning courses provided by traditional public schools and charter schools and Florida approved courses from the definition of core curricular courses for purposes of class size requirements. In addition, the bill authorizes students to take online courses across district lines and requires that access to courses be provided to students during the normal school day.

The bill authorizes school districts to contract with qualified contractors to administer and proctor statewide standardized assessments.

Florida Virtual School

The bill requires the Florida Virtual School to annually submit detailed reports to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education regarding the operations, accomplishments, marketing, assets and liabilities, financial audits, and

accountability mechanism for the Florida Virtual School Global. In addition, the Florida Virtual School must annually report the cost of providing services to students through the Florida Virtual School and the Florida Virtual School Global.

The bill requires the Auditor General to conduct an operational audit of the Florida Virtual School and the Florida Virtual School Global and submit findings to the President of the Senate and the Speaker of the House of Representatives by January 31, 2014.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 27-12; House 90-25

Committee on Education

CS/HB 7165 — Early Learning

by Appropriations Committee; and Rep. O'Toole and others (CS/CS/SB 1722 by Appropriations Committee; Education Committee; and Senator Legg)

The bill changes the governance structure of the Office of Early Learning by establishing the Office of Early Learning within the Department of Education's Office of Independent Education and Parental Choice. The Office of Early Learning must be administered by an executive director who is fully accountable to the Commissioner of Education. The bill requires that the Office of Early Learning independently exercise all power, duties, and functions prescribed by law and must not be construed as part of the K-20 education system.

The bill increases accountability and transparency in the administration of early learning programs by:

- Requiring the Office of Early Learning to:
 - Adopt a list of approved curricula and a process for reviewing and approving provider's curriculum that meets the performance standards.
 - Identify a preassessment and postassessment for school readiness program participants.
 - Adopt a statewide, standardized contract to be used by coalitions with each school readiness program provider.
 - Coordinate with other agencies to perform data matches on individuals or families participating in the School Readiness program.
- Revising procurement and expenditure requirements for early learning coalitions.
- Revising the methodology for calculating the market rate schedule to require that the Office of Early Learning biennially calculate the market rate at the average of the market rate by program care level and provider type in a predetermined geographic market.
- Revising the eligibility criteria for the enrollment of children in the School Readiness program.
- Requiring the Office of Early Learning and each early learning coalition to limit expenditures to no more than 22 percent of funds for any combination of administrative costs, nondirect services, and quality activities in any fiscal year.
- Including provisions for fraud investigations and penalties for early learning coalitions, providers, and parents who submit false information.
- Requiring private providers to maintain a minimum level of general liability insurance, any required workers' compensation, and any required reemployment assistance or unemployment compensation.
- Requiring the Early Learning Advisory Council to periodically analyze and provide recommendations to the office on the effective and efficient use of local, state, and federal funds; the content of professional development training programs; and best practices for the development and implementation of coalition plans.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 115-0