

SB 514 by Flores; (Compare to CS/H 0313) Gender-Specific School Pilot Project

228992	D	S	RCS	AED, Bean	Delete everything after	04/02 09:10 AM
215812	A	S	WD	AED, Galvano	Delete L.49 - 51.	04/02 09:10 AM

CS/SB 530 by ED, Flores; (Similar to CS/CS/H 0355) Postsecondary Education Textbook and Instructional Materials Affordability

967002	D	S	L	RCS	AED, Detert	Delete everything after	04/02 09:10 AM
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SB 886 by Montford; (Similar to CS/H 0337) Florida Teachers Classroom Supply Assistance Program

CS/SB 950 by ED, Stargel; (Compare to CS/CS/1ST ENG/H 0433) Education

328710	D	S	RCS	AED, Bean	Delete everything after	04/02 10:59 AM
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CS/SB 1512 by ED, Stargel (CO-INTRODUCERS) Thrasher, Gardiner, Galvano; (Compare to H 0895) Students with Disabilities

499310	D	S	RCS	AED, Bean	Delete everything after	04/02 10:15 AM	
743988	AA	S	L	RCS	AED, Thrasher	Delete L.259 - 262:	04/02 10:15 AM
893754	AA	S	L	RCS	AED, Thrasher	Delete L.222 - 239:	04/02 10:15 AM
325376	AA	S	L	RCS	AED, Thrasher	Delete L.363:	04/02 10:15 AM
913212	AA	S	L	RCS	AED, Thrasher	Delete L.146 - 154:	04/02 10:15 AM
374990	AA	S	L	RCS	AED, Thrasher	Delete L.418 - 424:	04/02 10:16 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON EDUCATION
Senator Galvano, Chair
Senator Montford, Vice Chair

MEETING DATE: Wednesday, April 2, 2014
TIME: 9:00 —11:00 a.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Galvano, Chair; Senator Montford, Vice Chair; Senators Abruzzo, Bean, Benacquisto, Bullard, Detert, Hukill, Legg, Richter, Sachs, Simmons, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 514 Flores (Compare CS/H 313)	Gender-Specific School Pilot Project; Requiring the Department of Education to administer a pilot project in certain school districts in which an elementary school is designated as a Gender-Specific School; requiring school administrators and instructional personnel to participate in certain professional development; providing for funding for pilot project implementation, etc. ED 03/18/2014 Favorable AED 04/02/2014 Fav/CS AP	Fav/CS Yeas 12 Nays 0
2	CS/SB 530 Education / Flores (Similar CS/CS/H 355)	Postsecondary Education Textbook and Instructional Materials Affordability; Requiring the State Board of Education and the Board of Governors to adopt textbook and instructional materials affordability policies, procedures, and guidelines; providing requirements for the use of adopted undergraduate textbooks and instructional materials and authorizing exceptions; requiring a public postsecondary institution to post in its course registration system and on its website information relating to required and recommended textbooks and instructional materials and prices thereof, etc. ED 03/11/2014 Fav/CS AED 04/02/2014 Fav/CS AP	Fav/CS Yeas 12 Nays 0
3	SB 886 Montford (Similar CS/H 337)	Florida Teachers Classroom Supply Assistance Program; Revising procedures for distributing program funds to classroom teachers, etc. ED 03/11/2014 Favorable AED 04/02/2014 Favorable AP	Favorable Yeas 12 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education
Wednesday, April 2, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 950 Education / Stargel (Compare CS/CS/H 433)	Education; Authorizing a school district to assign to a school that has earned failing grades certain newly hired instructional personnel; revising the powers of a district school superintendent to include authorization to assign certain newly hired instructional personnel to a school that has earned failing grades based on the judgment of a school principal; deleting obsolete provisions relating to acceptable means of demonstrating mastery of professional development; revising certain requirements for the renewal or reinstatement of a professional certificate, etc. ED 03/11/2014 Fav/CS AED 04/02/2014 Fav/CS AP	Fav/CS Yeas 12 Nays 0
5	CS/SB 1512 Education / Stargel (Compare H 895, CS/H 5103, CS/H 7117, H 7167, S 1446, CS/S 1642)	Students with Disabilities; Establishing the Florida Personalized Accounts for Learning; specifying criteria for students who are eligible to participate in the program; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; requiring a school district to notify the parent regarding the option to participate in the program; specifying the school district's responsibilities for completing a matrix of services and notifying the Department of Education of the completion of the matrix, etc. ED 03/11/2014 Workshop-Discussed ED 03/18/2014 Fav/CS AED 04/02/2014 Fav/CS AP	Fav/CS Yeas 11 Nays 1

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 514

INTRODUCER: Senator Flores

SUBJECT: Gender-Specific School Pilot Project

DATE: April 1, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McLaughlin</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

Senate Bill 514 establishes a gender-specific school pilot program for public schools meeting certain requirements.

Specifically, the bill creates an undesignated section of Florida law that requires the Department of Education (DOE) to administer a two-year Gender-Specific School Pilot Project in one elementary school in each of five school districts with populations of more than 100,000 kindergarten through grade 12 students.

The bill requires the Office of Program Policy and Government Accountability (OPPAGA) to submit a report comparing the academic performance of students in each of the gender-specific schools in this pilot program with the academic performance of students in the other public elementary schools in the district by December 31, 2016.

The bill requires funds be appropriated by the Legislature to implement the pilot project.

The bill provides an effective date of July 1, 2014.

II. Present Situation:

Under Florida law, a district school board may establish and maintain single-gender schools as long as the district makes available a substantially equal school.¹ Participation in single-gender schools must be voluntary.² At least every two years, the school district must evaluate each single-gender school to ensure compliance with federal regulations.³

¹ Section 1002.311(1), F.S.

² Section 1002.311(2)(a), F.S.

³ Section 1002.311(2)(b), F.S.

There are 54 single-gender schools in 33 school districts in Florida.⁴ A variety of school models employ single-gender classes, e.g., alternative schools, charter schools, virtual schools, and traditional public schools.⁵

III. Effect of Proposed Changes:

The bill establishes a gender-specific school pilot program for public schools meeting certain requirements. Under the proposed pilot program, school districts:

- Must apply and be chosen for the pilot project;
- May operate one pilot project school which must have at least 350 students;
- Must open enrollment to all students within the school district, and may not restrict enrollment to students residing in the school's attendance zone;
- Must separate core courses into boys-only and girls-only classes during instruction in core subject areas; and
- Must select a professional development provider to assist with scheduling and instructional strategies and require administrators and teachers to participate in the professional development.

Districts operating single-gender schools under this pilot program would be required to comply with existing state law⁶ and federal regulations,⁷ as well as the additional requirements of the pilot program.

OPPAGA is required to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, comparing the academic performance of students enrolled in the pilot project with the academic performance of students in other public elementary schools in the district.

Funds to implement the pilot project are required by the bill to be appropriated by the Legislature and allocated to school districts by the DOE.

The bill provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴ Telephone conversation with staff, Florida Department of Education, Office of Governmental Relations (Mar. 10, 2014).

⁵ *Id.*

⁶ Section 1002.311, F.S.

⁷ 34 C.F.R. s.106.34.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 514 requires the Legislature to appropriate funds to implement the pilot project. The DOE did not provide an analysis of this bill so specific costs for implementation of this pilot project have not been determined. The bill also requires each pilot project school's administrative and instructional personnel to participate in professional development delivered by a provider from a DOE-developed list. School districts have multiple sources of professional development funding that could be used to implement the pilot. Costs to implement this pilot project are expected to be minimal for the DOE. SB 2500, the proposed Fiscal-Year 2014-2015 Senate General Appropriations Bill, does not include an appropriation for this pilot project.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
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Appropriations Subcommittee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 1002.311, Florida
Statutes, is amended to read:

1002.311 Single-gender programs authorized.—

(2) A district school board that establishes a single-
gender class, extracurricular activity, or school:

(a) May not require participation by any student. The



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11 district school board must ensure that participation in the
12 single-gender class, extracurricular activity, or school is
13 voluntary.

14 (b) Must evaluate each single-gender class, extracurricular
15 activity, or school in the school district at least once every 2
16 years in order to ensure that it is in compliance with this
17 section and 34 C.F.R. s. 106.34.

18 (c) Must comply with the following requirements when
19 establishing a gender-specific elementary, middle, or high
20 school:

21 1. Separate into grade-level boys-only classes and girls-
22 only classes during instruction in core courses.

23 2. Offer open enrollment to all students within the school
24 district.

25 3. Require the school's administrative and instructional
26 personnel to participate in professional development that
27 includes scheduling and instructional strategies.

28 4. Provide to the department a comparison of the academic
29 performance of students in the gender-specific elementary,
30 middle, or high school with the academic performance of students
31 in other public elementary, middle, or high schools, as
32 appropriate, in the school district.

33 Section 2. This act shall take effect July 1, 2014.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete everything before the enacting clause
38 and insert:

39 A bill to be entitled



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40 An act relating to single-gender public school
41 programs; amending s. 1002.311, F.S.; providing
42 requirements for a district school board when
43 establishing a gender-specific elementary, middle, or
44 high school; requiring school administrative and
45 instructional personnel to participate in professional
46 development; providing accountability requirements;
47 providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/02/2014	.	
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Appropriations Subcommittee on Education (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 49 - 51.

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

And the title is amended as follows:

Delete lines 11 - 12

and insert:

requiring the Office of Program Policy

By Senator Flores

37-00485-14

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A bill to be entitled

An act relating to the Gender-Specific School pilot project; requiring the Department of Education to administer a pilot project in certain school districts in which an elementary school is designated as a Gender-Specific School; providing criteria for selection as a Gender-Specific School and requirements for instruction and enrollment; requiring school administrators and instructional personnel to participate in certain professional development; providing for funding for pilot project implementation; requiring the Office of Program Policy Analysis and Government Accountability to provide a report on the academic performance of students; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The Department of Education shall administer a Gender-Specific School pilot project to be implemented during the 2014-2015 and 2015-2016 school years in school districts in the state. A district that has more than 100,000 kindergarten through grade 12 students is eligible to participate in the pilot project. A district shall submit to the department a request to participate, and the department shall select five districts in which one elementary school within each district shall be designated as a "Gender-Specific School." A school participating in the pilot project must have a student enrollment of at least 350 students.

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(2) (a) Students in a Gender-Specific School shall be separated by grade-level into boys-only classes and girls-only classes during instruction in the core subject areas. For classes for which a school has only one teacher for a subject area, such as foreign language, the students may be combined in a regular classroom setting. The students shall have coeducational opportunities during school lunch periods, recess, and other school activities.

(b) Enrollment in a Gender-Specific School is open to students residing in the school district in which the school is located and may not be restricted to enrollment of students residing in the attendance zone served by the school. Student enrollment in a school may not exceed the building capacity.

(3) The department shall develop a list of professional development providers to assist participating schools with scheduling and instructional strategies. A school district shall select a professional development provider from the department's list and require the school's administrative and instructional personnel to participate in the professional development.

(4) Funds to implement the pilot project shall be appropriated by the Legislature and allocated to school districts by the department.

Section 2. The Office of Program Policy Analysis and Government Accountability shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2016, a report comparing the academic performance of students in schools participating in the Gender-Specific School pilot project with the academic performance of students in other public elementary schools in

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 the district.

60 Section 3. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: CS/SB 530

INTRODUCER: Education Committee and Senator Flores

SUBJECT: Postsecondary Education Textbook and Instructional Materials Affordability

DATE: April 1, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hand</u>	<u>Klebacha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 530 revises and applies textbook requirements to instructional materials; expands the dates of availability and type of information pertaining to textbooks and instructional materials that is available to students; requires greater visibility of cost information associated with textbooks and instructional materials; requires minimum adoption cycles; requires new reporting requirements; and creates a task force to research options to reduce the cost of textbooks and instructional materials for all students.

The fiscal impact of the bill is indeterminate.

The bill takes effect July 1, 2014.

II. Present Situation:

Currently Florida College System (FCS) institutions and state universities are required to post on their websites, not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course for the term. The list must include the International Standard Book Number (ISBN) for each required textbook and specific information necessary to identify the specific textbook required for each course.¹

¹ Section 1004.085(3), F.S.

The State Board of Education (SBE) and the Board of Governors (BOG) of the State University System (SUS) are required to have policies, procedures, and guidelines for implementation by FCS institutions and state universities that further efforts to minimize the costs of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. In accordance with these statutory requirements, the SBE adopted Rule 6A-14.092, F.A.C.,² in January 2009, and the BOG adopted Regulation 8.003 in March 2009.³

III. Effect of Proposed Changes:

The bill revises and applies textbook requirements to instructional materials; expands the dates of availability and type of information pertaining to textbooks and instructional materials that are available to students; requires greater visibility of cost information associated with textbooks and instructional materials; requires minimum adoption cycles; requires new reporting requirements; and creates a task force to research options to reduce the cost of textbooks and instructional materials for all students.

Instructional Materials

The bill defines instructional materials and applies the same provisions to instructional materials as it currently does to textbooks.⁴

Textbook Information Requirements

The bill lengthens the timeframe for FCS institutions and state universities to have certain information hyperlinked and posted prominently in the course registration system and on its website 14 days before the first day of student registration. The information remains the same, except that the following is added:

- Recommended, in addition to required, textbooks and instructional materials.
- The new and used retail price and the rental price for required and recommended textbooks and other materials for purchase at the institution's bookstore or other bookstore, including the website or other contact information for the bookstore.

Rules and Regulations

The bill provides that SBE and BOG rules and regulations must:

- Require that textbooks or instructional materials for an undergraduate course remain in use for a minimum of three (3) years, unless an exception is approved by the institution's President or designee. An exception must be based upon a determination that the new edition differs significantly and substantially from earlier versions and that there is value to the student in changing to the new edition. The number of exemptions granted, including the

² See <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.092> (last visited March 7, 2014)

³ See http://www.flbog.edu/documents_regulations/regulations/8_003_Textbook_Adoption.pdf. However, in 2010, the Legislature amended these statutory requirements to add the above-noted provisions relating to open-access textbooks. Section 4, Chapter 2010-255, L.O.F. The SBE and BOG have not updated their noted rules and procedures to include these open-access textbook provisions. See <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.092> (last visited March 7, 2014), http://www.flbog.edu/documents_regulations/regulations/8_003_Textbook_Adoption.pdf.

⁴ The bill also includes the cost of instructional materials, along with the current requirement of the cost of textbooks, to the online tuition structure for the preeminent state research university institute for online learning.

rationale to approve each exception, must annually be reported to the institution's board and maintained on the institution's website.

- Require that textbooks or instructional materials for undergraduate courses in which a dual enrollment student may be enrolled, remain in use for a minimum of five (5) years.

Reporting Requirements

The bill requires each FCS institution and state university to annually report to the Chancellor of the FCS or the Chancellor of the SUS:

- The cost of textbooks and other instructional materials, by course and course section.
- The adoption cycles for high-demand courses as determined by the chancellors.
- Specific initiatives of the institution which reduce the cost of textbooks and instructional materials.
- The number of courses and course selections that were not able to meet the textbook and instructional materials posting deadline.
- Additional information as determined by the chancellors.

A new annual report is added requiring that, by December 31 of each year, the chancellors compile their respective FCS institution and state university reports and submit a comprehensive report to the Governor, BOG, the President of the Senate, and the Speaker of the House of Representatives.

Each FCS institution and state university must annually send to the SBE or BOG, as applicable, electronic copies of its current textbook and instructional materials affordability policies and procedure, which the SBE or BOG must link to on their respective website.

The bill requires the Governor to appoint a task force to research options and determine the best method to reduce the cost of print and digital textbooks and instructional materials for all students. Task force members include the Chancellors of the FCS and SUS, students who are currently enrolled in a public postsecondary institution, representatives from FCS institutions and state universities, textbook and instructional materials publishers, and bookstore owners or managers. The task force must consider several things, such as bulk purchasing of e-books, expanding the use of open-access textbooks, and textbook and instructional materials rental options. The task force is required to submit recommendations to the Governor, President of the Senate, and the Speaker of the House of Representatives by July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under CS/SB 530, postsecondary students, or their families, may save money if the students have sufficient information and time to find the best value for their textbooks and instructional materials.

C. Government Sector Impact:

As reported by the Division of Florida Colleges, institutional costs associated with providing additional information to students and reporting requirements are indeterminate and vary by college. Associated costs can be absorbed within current resources.⁵ No cost data was provided by the Board of Governors for the State University System, but costs are likely indeterminate and vary by university.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1004.085 and 1001.7065.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on March 11, 2014

The committee substitute:

- Defines “instructional materials.”
- Requires a 3 year adoption cycle for textbooks and instructional materials for undergraduate courses, unless an exception is granted by the institution’s President,

⁵ Florida Department of Education, Senate Bill 530 Agency Legislative Bill Analysis (January 15, 2014) (on file with the Senate Appropriations Subcommittee on Education).

and requires a minimum 5 year adoption cycle for undergraduate courses in which a dual-enrollment student may be enrolled.

- Retains the authority to adopt textbooks and instructional materials policies and procedures at the state level.
- Requires the Governor to appoint a task force for recommendations to reduce the cost of print and digital textbooks and instructional materials.
- Requires the provision of varying individual institutions textbook and instructional materials information to be provided to their respective state chancellor, with certain information posted on the Florida Virtual Campus' website.
- Requires the cost benefits of open-access textbooks and instructional materials, including comparison with the cost benefits of publishers' textbooks and instructional materials, to be included guidelines that encourage course instructors and academic departments to participate in the development, adoption and review of open-access textbooks and instructional materials.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
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Appropriations Subcommittee on Education (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 1004.085, Florida Statutes, is amended to read:

1004.085 Textbook and instructional materials affordability.—

(1) As used in this section, the term "instructional materials" means educational materials for use within a course



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11 that may be available in printed or digital format.

12 (2)-(1) An ~~Ne~~ employee of a Florida College System
13 institution or state university may not demand or receive any
14 payment, loan, subscription, advance, deposit of money, service,
15 or anything of value, present or promised, in exchange for
16 requiring students to purchase a specific textbook or
17 instructional material for coursework or instruction.

18 (3)-(2) An employee may receive:

19 (a) Sample copies, instructor copies, or instructional
20 materials. These materials may not be sold for any type of
21 compensation if they are specifically marked as free samples not
22 for resale.

23 (b) Royalties or other compensation from sales of textbooks
24 or instructional materials that include the instructor's own
25 writing or work.

26 (c) Honoraria for academic peer review of course materials.

27 (d) Fees associated with activities such as reviewing,
28 critiquing, or preparing support materials for textbooks or
29 instructional materials pursuant to guidelines adopted by the
30 State Board of Education or the Board of Governors.

31 (e) Training in the use of course materials and learning
32 technologies.

33 (4)-(3) Each Florida College System institution ~~institutions~~
34 and state university ~~universities~~ shall post prominently in the
35 course registration system and on its website ~~on their websites,~~
36 as early as is feasible, but at least 14 ~~not less than 30~~ days
37 before ~~prior to~~ the first day of student registration ~~class~~ for
38 each term, a hyperlink to lists ~~list~~ of each ~~textbook~~ required
39 and recommended textbooks and instructional materials for each



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40 course and course section offered at the institution during the
41 upcoming term. The lists ~~posted list~~ must include:

42 (a) The International Standard Book Number (ISBN) for each
43 required and recommended textbook and instructional material.

44 (b) For a textbook or instructional material for which an
45 ISBN is not available, ~~textbook or~~ other identifying
46 information, which must include, at a minimum, all of the
47 following: the title, all authors listed, publishers, edition
48 number, copyright date, published date, and other relevant
49 information necessary to identify the specific textbook or
50 instructional material ~~textbooks~~ required and recommended for
51 each course.

52 (c) The new and used retail price and the rental price, if
53 applicable, for a required and recommended textbook or
54 instructional material for purchase at the institution's
55 designated bookstore or other specified vendor, including the
56 website or other contact information for the bookstore.

57
58 The State Board of Education and the Board of Governors shall
59 include in the policies, procedures, and guidelines adopted
60 under subsection (5) ~~(4)~~ certain limited exceptions to this
61 notification requirement for courses ~~classes~~ added after the
62 notification deadline. An institution that is unable to comply
63 with this subsection by the 2014 fall semester must provide a
64 quarterly report to the State Board of Education or to the Board
65 of Governors, as applicable, documenting the institution's
66 efforts to be in compliance with this subsection by the 2015
67 fall semester.

68 (5) ~~(4)~~ The State Board of Education and the Board of



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69 Governors each shall adopt textbook and instructional materials
70 affordability policies, procedures, and guidelines for
71 implementation by Florida College System institutions and state
72 universities, respectively, that further efforts to minimize the
73 cost of textbooks and instructional materials for students
74 attending such institutions while maintaining the quality of
75 education and academic freedom. The policies, procedures, and
76 guidelines shall, at a minimum, require ~~provide for~~ the
77 following:

78 (a) That textbook and instructional material adoptions are
79 made with sufficient lead time to bookstores so as to confirm
80 availability of the requested materials and, where possible,
81 ensure maximum availability of used textbooks and instructional
82 materials books.

83 (b) That, in the textbook and instructional material
84 adoption process, the intent to use all items ordered,
85 particularly each individual item sold as part of a bundled
86 package, is confirmed by the course instructor or the academic
87 department offering the course before the adoption is finalized.

88 (c) That a course instructor or the academic department
89 offering the course determines, before a textbook or
90 instructional material is adopted, the extent to which a new
91 edition differs significantly and substantively from earlier
92 versions and the value to the student of changing to a new
93 edition or the extent to which an open-access textbook or
94 instructional material may exist and be used.

95 (d) That a textbook or instructional material for an
96 undergraduate course shall remain in use for a minimum of 3
97 years in that undergraduate course, unless an exception is



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98 approved by the institution's president or designee. An
99 exception must be based upon a determination that the new
100 edition differs significantly and substantially from earlier
101 versions and that there is value to the student in changing to
102 the new edition. The institution's president or designee shall
103 annually report to the institution's board of trustees all
104 exceptions granted, including the rationale used to approve each
105 exception. The annual report shall be maintained on the
106 institution's website.

107 (e)~~(d)~~ That the establishment of policies shall address the
108 availability of required and recommended textbooks and
109 instructional materials to students otherwise unable to afford
110 the cost, including consideration of the extent to which an
111 open-access textbook or instructional material may be used.

112 (f)~~(e)~~ That course instructors and academic departments are
113 encouraged to participate in the development, adaptation, and
114 review of open-access textbooks and instructional materials and,
115 in particular, open-access textbooks and instructional materials
116 for high-demand general education courses.

117 (g) That postsecondary institutions consult with school
118 districts with which they have a dual enrollment articulation
119 agreement to identify practices that impact the cost to school
120 districts of dual enrollment textbooks and instructional
121 materials, including, but not limited to, the length of time
122 that textbooks and instructional materials remain in use and the
123 costs associated with digital materials.

124 (h) That cost-benefit analyses be conducted regularly in
125 comparing options to ensure that students get the highest
126 quality product at the lowest available price.



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127 (6) Each Florida College System institution and state
128 university shall report annually to the Chancellor of the
129 Florida College System or the Chancellor of the State University
130 System, as applicable, the cost of undergraduate textbooks and
131 instructional materials, by course and course section; the
132 adoption cycles for high-enrollment courses as determined by the
133 chancellors; specific initiatives of the institution that reduce
134 the cost of textbooks and instructional materials; the number of
135 courses and course sections that were not able to meet the
136 textbook and instructional materials posting deadline; and
137 additional information as determined by the chancellors.

138 Annually, by December 31, the chancellors shall compile the
139 institution reports and submit a comprehensive report to the
140 Governor, the President of the Senate, and the Speaker of the
141 House of Representatives.

142 (7) Each Florida College System institution and state
143 university shall send annually to the State Board of Education
144 or the Board of Governors, as applicable, electronic copies of
145 its current textbook and instructional materials affordability
146 policies and procedures. The State Board of Education and the
147 Board of Governors shall provide a link to this information on
148 their respective websites.

149 (8) (a) The Governor shall appoint a task force which
150 includes the Chancellor of the Florida College System, the
151 Chancellor of the State University System, students who are
152 currently enrolled in a public postsecondary institution, and
153 representatives from Florida College System institutions, state
154 universities, school districts, textbook and instructional
155 materials publishers, and bookstore owners or managers.



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156 (b) The task force shall research options to reduce the
157 cost of print and digital textbooks and instructional materials
158 for all students. The task force shall use the information
159 provided pursuant to subsections (5) and (6) to determine the
160 best methods to reduce costs and must, at a minimum, consider
161 the following:

162 1. Reducing the cost of textbooks and instructional
163 materials by any existing Florida College System or State
164 University System initiative.

165 2. Purchasing bulk quantities of e-textbooks.

166 3. Increasing the availability and use of affordable
167 digital textbooks and learning objects for faculty and students.

168 4. Supporting efficient used book sales, buyback sales, and
169 student peer-to-peer sales.

170 5. Expanding the use of open-access textbooks and
171 instructional materials.

172 6. Researching textbook and instructional materials rental
173 options.

174 7. Developing online portals at each institution that will
175 assist students in buying, renting, selling, and sharing
176 textbooks and instructional materials.

177 8. Analyzing the feasibility of expanding and enhancing
178 digital access platforms that are developed with and used by
179 campus stores for the purpose of helping students acquire the
180 correct and least expensive required course materials.

181 9. Determining the cost of instructional materials for dual
182 enrollment students on school districts.

183 (c) By July 1, 2015, the task force shall submit
184 recommendations to the Governor, the President of the Senate,



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185 and the Speaker of the House of Representatives.

186 Section 2. Paragraph (k) of subsection (4) of section
187 1001.7065, Florida Statutes, is amended to read:

188 1001.7065 Preeminent state research universities program.-

189 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
190 ONLINE LEARNING.-A state research university that, as of July 1,
191 2013, meets all 12 of the academic and research excellence
192 standards identified in subsection (2), as verified by the Board
193 of Governors, shall establish an institute for online learning.
194 The institute shall establish a robust offering of high-quality,
195 fully online baccalaureate degree programs at an affordable cost
196 in accordance with this subsection.

197 (k) The university shall establish a tuition structure for
198 its online institute in accordance with this paragraph,
199 notwithstanding any other provision of law.

200 1. For students classified as residents for tuition
201 purposes, tuition for an online baccalaureate degree program
202 shall be set at no more than 75 percent of the tuition rate as
203 specified in the General Appropriations Act pursuant to s.
204 1009.24(4) and 75 percent of the tuition differential pursuant
205 to s. 1009.24(16). No distance learning fee, fee for campus
206 facilities, or fee for on-campus services may be assessed,
207 except that online students shall pay the university's
208 technology fee, financial aid fee, and Capital Improvement Trust
209 Fund fee. The revenues generated from the Capital Improvement
210 Trust Fund fee shall be dedicated to the university's institute
211 for online learning.

212 2. For students classified as nonresidents for tuition
213 purposes, tuition may be set at market rates in accordance with



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214 the business plan.

215 3. Tuition for an online degree program shall include all
216 costs associated with instruction, materials, and enrollment,
217 excluding costs associated with the provision of textbooks and
218 instructional materials pursuant to s. 1004.085 and physical
219 laboratory supplies.

220 4. Subject to the limitations in subparagraph 1., tuition
221 may be differentiated by degree program as appropriate to the
222 instructional and other costs of the program in accordance with
223 the business plan. Pricing must incorporate innovative
224 approaches that incentivize persistence and completion,
225 including, but not limited to, a fee for assessment, a bundled
226 or all-inclusive rate, and sliding scale features.

227 5. The university must accept advance payment contracts and
228 student financial aid.

229 6. Fifty percent of the net revenues generated from the
230 online institute of the university shall be used to enhance and
231 enrich the online institute offerings, and 50 percent of the net
232 revenues generated from the online institute shall be used to
233 enhance and enrich the university's campus state-of-the-art
234 research programs and facilities.

235 7. The institute may charge additional local user fees
236 pursuant to s. 1009.24(14) upon the approval of the Board of
237 Governors.

238 8. The institute shall submit a proposal to the president
239 of the university authorizing additional user fees for the
240 provision of voluntary student participation in activities and
241 additional student services.

242 Section 3. This act shall take effect July 1, 2014.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to postsecondary education textbook
and instructional materials affordability; amending s.
1004.085, F.S.; defining the term "instructional
materials"; requiring the State Board of Education and
the Board of Governors to adopt textbook and
instructional materials affordability policies,
procedures, and guidelines; providing requirements for
the use of adopted undergraduate textbooks and
instructional materials and authorizing exceptions;
requiring a public postsecondary institution to post
in its course registration system and on its website,
within a specified timeframe, information relating to
required and recommended textbooks and instructional
materials and prices thereof; requiring annual
reporting of textbook and instructional materials cost
information and affordability policies and procedures
to certain entities; requiring the Governor to appoint
a task force to research options to reduce the cost of
textbooks and instructional materials; providing task
force membership and duties; amending s. 1001.7065,
F.S.; conforming provisions; providing an effective
date.

By the Committee on Education; and Senator Flores

581-02474-14

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1 A bill to be entitled
 2 An act relating to postsecondary education textbook
 3 and instructional materials affordability; amending s.
 4 1004.085, F.S.; defining the term "instructional
 5 materials"; requiring the State Board of Education and
 6 the Board of Governors to adopt textbook and
 7 instructional materials affordability policies,
 8 procedures, and guidelines; revising requirements for
 9 those policies, procedures, and guidelines; providing
 10 requirements for the use of adopted undergraduate
 11 textbooks and instructional materials and authorizing
 12 exceptions; requiring a public postsecondary
 13 institution to post in its course registration system
 14 and on its website information relating to required
 15 and recommended textbooks and instructional materials
 16 and prices thereof; requiring annual reporting of
 17 textbook and instructional materials cost information
 18 and affordability policies and procedures; requiring
 19 the Governor to appoint a task force to research
 20 options to reduce the cost of textbooks and
 21 instructional materials; providing task force
 22 membership and duties; amending s. 1001.7065, F.S.;
 23 conforming provisions; providing an effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Section 1004.085, Florida Statutes, is amended
 28 to read:
 29 1004.085 Textbook and instructional materials

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 affordability.-

31 (1) As used in this section, the term "instructional
 32 materials" means educational materials for use within a course
 33 which may be available in printed or digital format.

34 (2)(1) An ~~no~~ employee of a Florida College System
 35 institution or state university may not demand or receive any
 36 payment, loan, subscription, advance, deposit of money, service,
 37 or anything of value, present or promised, in exchange for
 38 requiring students to purchase a specific textbook or
 39 instructional material for coursework or instruction.

40 (3)(2) An employee may receive:

41 (a) Sample copies, instructor copies, or instructional
 42 materials. These materials may not be sold for any type of
 43 compensation if they are specifically marked as free samples not
 44 for resale.

45 (b) Royalties or other compensation from sales of textbooks
 46 or instructional materials that include the instructor's own
 47 writing or work.

48 (c) Honoraria for academic peer review of course materials.

49 (d) Fees associated with activities such as reviewing,
 50 critiquing, or preparing support materials for textbooks or
 51 instructional materials pursuant to guidelines adopted by the
 52 State Board of Education or the Board of Governors.

53 (e) Training in the use of course materials and learning
 54 technologies.

55 (4)(3) Each Florida College System institution ~~institutions~~
 56 and state university ~~universities~~ shall post prominently in the
 57 course registration system and on its website ~~on their websites~~,
 58 as early as is feasible, but at least 14 ~~not less than 30~~ days

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59 ~~before~~ ~~prior to~~ the first day of student registration ~~class~~ for
 60 each term, a hyperlink to lists ~~list~~ of each ~~textbook~~ required
 61 and recommended textbooks and instructional materials for each
 62 course and course section offered at the institution during the
 63 upcoming term. The ~~lists~~ ~~posted list~~ must include:

64 (a) The International Standard Book Number (ISBN) for each
 65 required and recommended textbook and instructional material.

66 (b) For a textbook or instructional material for which an
 67 ISBN is not available, textbook or other identifying
 68 information, which must include, at a minimum, all of the
 69 following: the title, all authors listed, publishers, edition
 70 number, copyright date, published date, and other relevant
 71 information necessary to identify the specific textbook or
 72 instructional material ~~textbooks~~ required and recommended for
 73 each course.

74 (c) The new and used retail price and the rental price, if
 75 applicable, for a required and recommended textbook or
 76 instructional material for purchase at the institution's
 77 designated bookstore or other specified vendor, including the
 78 website or other contact information for the bookstore.

79
 80 The State Board of Education and the Board of Governors shall
 81 include in the policies, procedures, and guidelines adopted
 82 under subsection (5) ~~(4)~~ certain limited exceptions to this
 83 notification requirement for courses ~~classes~~ added after the
 84 notification deadline.

85 (5) ~~(4)~~ The State Board of Education and the Board of
 86 Governors each shall adopt textbook and instructional materials
 87 affordability policies, procedures, and guidelines for

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88 implementation by Florida College System institutions and state
 89 universities, respectively, that further efforts to minimize the
 90 cost of textbooks and instructional materials for students
 91 attending such institutions while maintaining the quality of
 92 education and academic freedom. The policies, procedures, and
 93 guidelines shall, at a minimum, require ~~provide for~~ the
 94 following:

95 (a) That textbook and instructional material adoptions are
 96 made with sufficient lead time to bookstores so as to confirm
 97 availability of the requested materials and, where possible,
 98 ensure maximum availability of used textbooks and instructional
 99 materials ~~books~~.

100 (b) That, in the textbook and instructional material
 101 adoption process, the intent to use all items ordered,
 102 particularly each individual item sold as part of a bundled
 103 package, is confirmed by the course instructor or the academic
 104 department offering the course before the adoption is finalized.

105 (c) That a course instructor or the academic department
 106 offering the course determines, before a textbook or
 107 instructional material is adopted, the extent to which a new
 108 edition differs significantly and substantively from earlier
 109 versions and the value to the student of changing to a new
 110 edition or the extent to which an open-access textbook or
 111 instructional material may exist and be used.

112 (d) That a textbook or instructional material for an
 113 undergraduate course shall remain in use for a minimum of 3
 114 years in that undergraduate course unless an exception is
 115 approved by the institution's president or designee. An
 116 exception must be based upon a determination that the new

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117 edition differs significantly and substantially from earlier
 118 versions and that there is value to the student in changing to
 119 the new edition. The institution's president or designee shall
 120 annually report to the institution's board of trustees all
 121 exceptions granted, including the rationale used to approve each
 122 exception. The annual report shall be maintained on the
 123 institution's website.

124 (e)(d) That the establishment of policies shall address the
 125 availability of required and recommended textbooks and
 126 instructional materials to students otherwise unable to afford
 127 the cost, including consideration of the extent to which an
 128 open-access textbook or instructional material may be used.

129 (f)(e) That course instructors and academic departments are
 130 encouraged to participate in the development, adaptation, and
 131 review of open-access textbooks and instructional materials and,
 132 in particular, open-access textbooks and instructional materials
 133 for high-demand general education courses. The cost benefits of
 134 such efforts should be taken into consideration, including
 135 comparison with the cost benefits of textbooks and instructional
 136 materials produced by publishers.

137 (g) That, for an undergraduate course in which a dual
 138 enrollment student may be enrolled, a textbook or instructional
 139 material remain in use for a minimum of 5 years.

140 (6) Each Florida College System institution and state
 141 university shall report annually to the Chancellor of the
 142 Florida College System or the Chancellor of the State University
 143 System, as applicable, the cost of undergraduate textbooks and
 144 instructional materials, by course and course section; the
 145 adoption cycles for high-enrollment courses as determined by the

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146 chancellors; specific initiatives of the institution which
 147 reduce the cost of textbooks and instructional materials; the
 148 number of courses and course sections that were not able to meet
 149 the textbook and instructional materials posting deadline; and
 150 additional information as determined by the chancellors.
 151 Annually, by December 31, the chancellors shall compile the
 152 institution reports and submit a comprehensive report to the
 153 Governor, the President of the Senate, and the Speaker of the
 154 House of Representatives.

155 (7) Each Florida College System institution and state
 156 university shall send annually to the State Board of Education
 157 or the Board of Governors, as applicable, electronic copies of
 158 its current textbook and instructional materials affordability
 159 policies and procedures. The State Board of Education and the
 160 Board of Governors shall provide a link to this information on
 161 their respective websites.

162 (8) (a) The Governor shall appoint a task force that
 163 includes the Chancellor of the Florida College System, the
 164 Chancellor of the State University System, students who are
 165 currently enrolled in a public postsecondary institution, and
 166 representatives from Florida College System institutions, state
 167 universities, textbook and instructional materials publishers,
 168 and bookstore owners or managers.

169 (b) The task force shall research options to reduce the
 170 cost of print and digital textbooks and instructional materials
 171 for all students. The task force shall use the information
 172 provided pursuant to subsections (5) and (6) to determine the
 173 best methods to reduce costs and must, at a minimum, consider
 174 the following:

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175 1. An existing Florida College System or State University
 176 System initiative to reduce the cost of textbooks and
 177 instructional materials.

178 2. Bulk purchasing of e-textbooks.

179 3. Expanding the use of open-access textbooks and
 180 instructional materials.

181 4. Textbook and instructional materials rental options.

182 5. The development of online portals at each institution
 183 which will assist students in buying, renting, selling, and
 184 sharing textbooks and instructional materials.

185 (c) By July 1, 2015, the task force shall submit
 186 recommendations to the Governor, the President of the Senate,
 187 and the Speaker of the House of Representatives.

188 Section 2. Paragraph (k) of subsection (4) of section
 189 1001.7065, Florida Statutes, is amended to read:

190 1001.7065 Preeminent state research universities program.—

191 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 192 ONLINE LEARNING.—A state research university that, as of July 1,
 193 2013, meets all 12 of the academic and research excellence
 194 standards identified in subsection (2), as verified by the Board
 195 of Governors, shall establish an institute for online learning.
 196 The institute shall establish a robust offering of high-quality,
 197 fully online baccalaureate degree programs at an affordable cost
 198 in accordance with this subsection.

199 (k) The university shall establish a tuition structure for
 200 its online institute in accordance with this paragraph,
 201 notwithstanding any other provision of law.

202 1. For students classified as residents for tuition
 203 purposes, tuition for an online baccalaureate degree program

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204 shall be set at no more than 75 percent of the tuition rate as
 205 specified in the General Appropriations Act pursuant to s.
 206 1009.24(4) and 75 percent of the tuition differential pursuant
 207 to s. 1009.24(16). No distance learning fee, fee for campus
 208 facilities, or fee for on-campus services may be assessed,
 209 except that online students shall pay the university's
 210 technology fee, financial aid fee, and Capital Improvement Trust
 211 Fund fee. The revenues generated from the Capital Improvement
 212 Trust Fund fee shall be dedicated to the university's institute
 213 for online learning.

214 2. For students classified as nonresidents for tuition
 215 purposes, tuition may be set at market rates in accordance with
 216 the business plan.

217 3. Tuition for an online degree program shall include all
 218 costs associated with instruction, materials, and enrollment,
 219 excluding costs associated with the provision of textbooks and
 220 instructional materials pursuant to s. 1004.085 and physical
 221 laboratory supplies.

222 4. Subject to the limitations in subparagraph 1., tuition
 223 may be differentiated by degree program as appropriate to the
 224 instructional and other costs of the program in accordance with
 225 the business plan. Pricing must incorporate innovative
 226 approaches that incentivize persistence and completion,
 227 including, but not limited to, a fee for assessment, a bundled
 228 or all-inclusive rate, and sliding scale features.

229 5. The university must accept advance payment contracts and
 230 student financial aid.

231 6. Fifty percent of the net revenues generated from the
 232 online institute of the university shall be used to enhance and

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233 enrich the online institute offerings, and 50 percent of the net
234 revenues generated from the online institute shall be used to
235 enhance and enrich the university's campus state-of-the-art
236 research programs and facilities.

237 7. The institute may charge additional local user fees
238 pursuant to s. 1009.24(14) upon the approval of the Board of
239 Governors.

240 8. The institute shall submit a proposal to the president
241 of the university authorizing additional user fees for the
242 provision of voluntary student participation in activities and
243 additional student services.

244 Section 3. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 886

INTRODUCER: Senator Montford

SUBJECT: Florida Teachers Classroom Supply Assistance Program

DATE: April 1, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Letarte</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SB 886 revises provisions of the Florida Teachers Classroom Supply Assistance Program (Program) and provides flexibility for school districts to distribute funds to classroom teachers sooner for the purchase of supplemental materials and supplies.

The bill requires school districts to calculate an identical amount from the funds available to the school districts for the program for each classroom teacher to be employed by the district or a charter school in the district on September 1st of each year. The district school board and each charter school board may provide a classroom teacher his or her proportional share of program funds by August 1st, if determined eligible for program funds by July 1st. A teacher determined eligible for Program funds after July 1st must be provided with his or her proportional share of Program funds by September 30th. At present, program funds must be disbursed by September 30th.

This bill does not affect the total funds allocated for the Program and does not have a fiscal impact to the state.

The bill takes effect on July 1, 2014.

II. Present Situation:

The Florida Teachers Classroom Supply Assistance Program

The Florida Teachers Classroom Supply Assistance Program (Program) provides funds for classroom teachers to purchase supplemental materials and supplies for public school students assigned to them.¹ Program funds are appropriated by the Legislature in the General

¹ Section 1012.71, F.S.

Appropriations Act and distributed to each school district by the Commissioner of Education based on each district's unweighted full-time equivalent student enrollment.² The district school board calculates and distributes each classroom teacher's proportionate share of funds by September 30th of each year.³

A signed statement acknowledging receipt of the funds is required of each classroom teacher.⁴ Additionally, a teacher must keep receipts for at least four years to show that funds were spent in accordance with Program requirements.⁵ Any unused funds must be returned to the district school board at the end of the school year.⁶

Senate Bill 2500, the 2014-2015 proposed General Appropriations Bill, appropriates \$45,286,750 to the Program, which is the same as the 2013-2014 fiscal year appropriation.⁷

III. Effect of Proposed Changes:

The bill revises provisions of the Florida Teachers Classroom Supply Assistance Program to allow school districts to have the flexibility to distribute funds to classroom teachers sooner for the purchase of supplemental materials and supplies for public school students assigned to them.

The bill requires school districts to calculate an identical amount from the funds available to the school districts for the program for each classroom teacher who will be employed by the district or a charter school in the district on September 1st. As of July 1st, if a teacher is expected to be employed by a school district or a charter school in the district on September 1st, the district school board and each charter school board may provide the teacher with the teacher's proportionate share of funds by August 1st. If a teacher's expected employment is determined after July 1st, the district school board and each charter school board must provide the teacher with the teacher's proportionate share of funds by September 30th. At present, funds from the Florida Teachers Classroom Supply Assistance Program must be distributed by September 30th.

The bill takes effect on July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

² Section 1012.71(2), F.S. Funds from the Program may not be used to purchase equipment. *Id.*

³ Section 1012.71(3), F.S. The funds are distributed by any appropriate means as determined by the district school board. *Id.*

⁴ Section 1012.71(4), F.S.

⁵ *Id.*

⁶ *Id.* "[F]unds that are returned to the district board shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored, as applicable." *Id.*

⁷ Specific Appropriation 87, s. 2, ch. 2013-40, L.O.F. (providing the amount appropriated to the Teachers Lead Program under Specific Appropriations 7 and 87); *see also* Specific Appropriation 7, s. 1 ch. 2013-40, L.O.F. The Program was originally named the Florida Teachers Lead Program and was renamed the Florida Teachers Classroom Supply Assistance Program in 2013. Section 10, ch. 2013-185, L.O.F.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

This

C. Government Sector Impact:

SB 886 does not have a fiscal impact to the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1012.71 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Montford

3-00881A-14

2014886__

A bill to be entitled

An act relating to the Florida Teachers Classroom Supply Assistance Program; amending s. 1012.71, F.S.; revising procedures for distributing program funds to classroom teachers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 1012.71, Florida Statutes, is amended to read:

1012.71 The Florida Teachers Classroom Supply Assistance Program.—

(3) From the funds allocated to each school district and any funds received from local contributions for the Florida Teachers Classroom Supply Assistance Program, the district school board shall calculate an identical amount for each classroom teacher who is expected to be employed by the school district or a charter school in the district on September 1 of each year, which is that teacher's proportionate share of the total amount allocated to the district from state funds and funds received from local contributions. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. For a classroom teacher determined eligible on July 1, the district school board and each charter school board may provide the teacher with his or her total proportionate share by August 1 based on the estimate of the number of teachers who will be employed on September 1. For a classroom teacher determined eligible after July 1, the district school board and each charter school board shall provide the

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~~each classroom~~ teacher with his or her total proportionate share by September 30. The proportionate share may be provided of each year by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card. If a debit card is used, an identifier must be placed on the front of the debit card which clearly indicates that the card has been issued for the Florida Teachers Classroom Supply Assistance Program. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause.

Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: CS/SB 950

INTRODUCER: Education Committee and Senator Stargel

SUBJECT: Education

DATE: April 1, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>Klebacha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 950 revises K-12 educator certification requirements to authorize the use of additional assessment options, align competencies across preparation program types, and provide flexibility for training and inservice requirements.

The bill authorizes the State Board of Education to adopt rules regarding additional examinations that may be used by teacher certification applicants to demonstrate mastery of subject area knowledge.

The bill requires that scientifically based reading instruction must be included in a district competency-based professional development certification program.

The bill permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam.

With respect to renewal of a professional certificate, the bill provides that an applicant may renew a subject area specialization by passing a State Board of Education approved subject area test or another standardized examination in lieu of college course credit or inservice points.

In addition, the bill requires the State Board of Education to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.

The bill permits the assignment of newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

This bill does not have a fiscal impact on the state.

The bill provides an effective date of July 1, 2014.

II. Present Situation:

Educator Certification

An educator in a traditional public school, including a charter school, must hold a certificate issued by the Florida Department of Education (DOE).¹ The DOE issues professional certificates,² temporary certificates,³ and athletic coaching certificates.⁴ In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught.⁵ An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.⁶

To be eligible to seek certification, a person must meet the following basic eligibility requirements:⁷

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions and provide true, accurate, and complete information;
- Hold a bachelor’s or higher degree from an accredited institution of higher learning⁸ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;⁹
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;

¹ Sections 1012.55(1) and 1002.33(12)(f), F.S. District school boards and charter school governing boards are authorized to hire noncertificated individuals to serve in an instructional capacity or as paraprofessionals. Rule 6A-1.0502, F.A.C, and ss. 1002.33(12)(f) and 1012.55(1)(c),

² Section 1012.56(7)(a), F.S. and Rule 6A-4.004(1), F.A.C. The professional certificate is valid for five years and is renewable. Section 1012.56(7)(a), F.S., and Rule 6A-4.004(3), F.A.C.

³ Section 1012.56(7), F.S., and Rule 6A-4.004(1)(a), F.A.C. The temporary certificate is valid for three years and is nonrenewable.

⁴ Rule 6A-4.004(4), F.A.C.

⁵ Section 1012.57(1), F.S.

⁶ Section 1012.57(4), F.S.

⁷ Sections 1012.32, 1012.315 and 1012.56(2)(a)-(f), F.S.

⁸ Section 1012.56(2)(c), F.S., and Rule 6A-4.003(1), F.A.C.

⁹ For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study. Section 1012.56(2)(c), F.S.

- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of an educator.

Eligibility Requirements for a Temporary Certificate

To be eligible for a temporary certificate, an applicant must:

- Meet the basic eligibility requirements for certification;¹⁰
- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;¹¹ and
- Either:
 - Demonstrate mastery of subject area knowledge (*e.g.*, passage of the appropriate subject area exam);¹² or
 - Complete the subject content requirements specified in rules adopted by the State Board of Education.¹³

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year of the date of employment.¹⁴ If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.¹⁵

Eligibility Requirements for a Professional Certificate

To be eligible for a professional certificate, an applicant must:

- Meet the basic eligibility requirements for certification;¹⁶
- Demonstrate mastery of general knowledge;¹⁷
- Demonstrate mastery of subject area knowledge;¹⁸ and
- Demonstrate mastery of professional preparation and education competence.¹⁹

Demonstration of Mastery of General Knowledge

Mastery of general knowledge may be demonstrated through any of the following methods:

- Achieving a passing score on the General Knowledge Test;²⁰

¹⁰ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

¹¹ Rule 6A-4.004(1)(a)2., F.A.C.

¹² Section 1012.56(7)(b), F.S., and Rule 6A-4.0021(9), F.A.C. *See also Subject Area Knowledge*, Department of Education http://www.fldoe.org/edcert/mast_sub.asp (last visited March 7, 2014)

¹³ Section 1012.56(7)(b), F.S.

¹⁴ Section 1012.56(7), F.S.

¹⁵ *Id.*

¹⁶ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

¹⁷ Section 1012.56(2)(g) and (3), F.S.

¹⁸ Section 1012.56(2)(h) and (5), F.S.

¹⁹ Section 1012.56(2)(i) and (6), F.S.

²⁰ Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Language Skills, English Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.

- Achieving a passing score on the College-Level Academic Skills Test (CLAST) taken before July 1, 2002;²¹
- Having a valid professional standard teaching certificate issued by another state,²² by the National Board for Professional Teaching Standards (NBPTS),²³ or a national educator credentialing board approved by the State Board of Education;²⁴
- Completing two semesters of successful teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the DOE as having a quality program.²⁵

Demonstration of Mastery of Subject Area Knowledge

Mastery of subject area knowledge may be demonstrated through any of the following methods:²⁶

- Achieving a passing score on the appropriate subject area exam required by State Board of Education rule;²⁷
- Attaining oral and written proficiency scores above the intermediate level on exams administered by the American Council on the Teaching of Foreign Languages (ACTFL) and completing a bachelor's or higher degree;²⁸
- For certification in any subject area for which there is no subject area exam, completing the specialization requirements specified in rules adopted by the State Board of Education and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer;²⁹
- For a subject coverage requiring a master's or higher degree, achieving a passing score on the subject area examination specified in rules adopted by the State Board of Education and completing the subject area specialization requirements specified in rules adopted by the State Board of Education; or³⁰

²¹ Section 1012.56(3)(b), F.S.

²² Section 1012.56(3)(c), F.S.

²³ Section 1012.56(3)(d), F.S.

²⁴ *Id.*

²⁵ Section 1012.56(3)(e), F.S.

²⁶ The DOE has identified subject areas and the corresponding subject area exams. See *Florida Teacher Certification Examinations (FTCE)* <https://app1.fldoe.org/ftce/Portal/FtceTests.aspx> (last visited March 8, 2014), and *Florida Certification Coverages*, <http://www.fldoe.org/edcert/subjlist.asp> (last visited March 8, 2014).

²⁷ Section 1012.56(5)(a), F.S. Rule 6A-4.0243, F.A.C., specifies the specialization requirements for certification in the following world languages: Arabic, Chinese, Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Russian, Spanish, and Turkish. There are subject area exams for French, German, Latin, and Spanish. See http://www.fldoe.org/edcert/sub_exams.asp (last visited March 8, 2014).

²⁸ Section 1012.56(5)(b), F.S. and Rule 6A-4.0243(1)(e), F.A.C.; See American Council on the Teaching of Foreign Languages (ACTFL), *Certified Proficiency Testing Program*, <http://www.actfl.org/professional-development/certified-proficiency-testing-program> (last visited March 8, 2014); Language Testing International (ACTFL Language Testing Office), *ACTFL Certified Proficiency Testing Program: Oral And Writing Proficiency Testing for State of Florida Prospective Teachers*, http://dev5.lti-inc.net/acad_fl2n.cfm (last visited March 8, 2014).

²⁹ Section 1012.56(5)(c), F.S.

³⁰ Section 1012.56(5)(d), F.S.

- Holding a valid professional standard teaching certificate issued for a subject area by another state, by NBPTS, or by an educator credentialing board approved by the State Board of Education.³¹

Demonstration of Mastery of Professional Preparation and Education Competence

Mastery of professional preparation and education competence may be demonstrated through any of the following methods:

- Achieving a passing score on the professional education competency exam required by rules adopted by the State Board of Education and:
 - Completing an approved teacher preparation program at a Florida or out-of-state postsecondary educational institution;³²
 - Completing a competency-based professional development certification program offered by a school district or completing an Educator Preparation Institute program;³³ or
 - Completing professional preparation courses specified in State Board of Education rule and completing an approved professional education competence demonstration program;³⁴
- Holding a valid professional standard teaching certificate issued by another state, NBPTS, or a national educator credentialing board approved by the State Board of Education;³⁵ or
- Documenting completion of two semesters of successful college teaching experience in a Florida College System institution, state university, or an accredited private college or university that awards an associate's or higher degree or at a nonaccredited institution of higher education identified by the DOE as having a quality program.³⁶

Professional Certificate Renewal and Reinstatement

A state-issued professional certificate must be renewed every five years.³⁷ An educator must submit an application,³⁸ pay a fee,³⁹ and earn at least six college credits or 120 inservice points to renew professional certification.⁴⁰ At least three college credits or equivalent inservice points must be earned in each subject area for which renewal is sought.⁴¹

An expired professional certificate may be reinstated if the applicant:⁴²

- Submits an application for reinstatement;

³¹ Section 1012.56(5)(e) and (f), F.S. and Rule 6A-4.002(1)(i)-(j), F.A.C. See also *NBPTS Certificate Subjects and Corresponding Subjects in Florida*, <http://www.fldoe.org/edcert/nbpts-chart.asp> (last visited March 8, 2014).

³² Section 1012.56(6)(a) and (b), F.S.

³³ Section 1012.56(6)(g) and (8)(a)6., F.S.

³⁴ Section 1012.56(6)(f), F.S.

³⁵ Section 1012.56(6)(c) and (d), F.S.

³⁶ Section 1012.56(6)(e), F.S.

³⁷ Section 1012.585(2)(a), F.S.

³⁸ Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

³⁹ Section 1012.585(1)(a), F.S.

⁴⁰ Section 1012.585(3)(a), F.S.

⁴¹ Section 1012.585(3)(a), F.S.

⁴² Sections 1012.32 and 1012.585(5), F.S. and Rule 6A-4.0051(7), F.A.C.

- Submits to fingerprinting and background screening; and
- In the five years immediately preceding the application for reinstatement, completes the college credit and inservice point requirements for renewal and passes the subject area exam for each subject area to be reinstated.

Postsecondary Educator Preparation Programs

Florida provides several pathways to meet professional teacher certification requirements, including traditional teacher preparation programs provided by universities and colleges for individuals seeking a degree.⁴³ The Educator Preparation Institutes (EPI) and school district competency-based professional development certification programs provide individuals who already have baccalaureate degrees with professional training on the competencies needed for professional certification.⁴⁴

The law provides special requirements for peer mentors and postsecondary instructors and school district personnel who instruct and supervise students during their clinical experiences.⁴⁵ During field experience courses or internships, all school district personnel and instructional personnel who supervise or direct teacher preparation students in traditional teacher preparation programs and educator preparation institutes must:

- Have evidence of “clinical educator” training;
- Hold a valid state-issued professional certificate;
- Have at least three years of teaching experience in prekindergarten through grade 12; and
- Have earned an “effective” or “highly effective” rating on the prior year’s performance evaluation or be a peer evaluator under the district’s approved evaluation system.⁴⁶

Educator Performance Evaluations

Components of the each school district’s instructional personnel and school administrator performance evaluation system are divided into three parts: performance of students; instructional practice or leadership; (for instructional or administrative personnel, respectively); and professional responsibilities.⁴⁷ Florida’s educator evaluation system differentiates among four levels: highly effective; effective; needs improvement; or, for instructional personnel in the first three years of employment who need improvement, developing;⁴⁸ and unsatisfactory.⁴⁹

Assignment of Classroom Teachers to Schools Graded “D” or “F”

Current law prohibits school districts from assigning a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools graded “D” or “F”.⁵⁰ Each school district must annually certify to the

⁴³ Section s. 1004.04, F.S.

⁴⁴ Sections 1004.85 and 1012.56(8)(a), F.S.

⁴⁵ Sections 1004.04(5), 1004.85(6)., and 1012.56(8)(a)3., F.S.

⁴⁶ Sections 1004.04(5)(b) and 1004.85(6), F.S.

⁴⁷ Section 1012.34(3)(a), F.S.

⁴⁸ Section 1012.34(3)(a), F.S., requires newly hired teachers to be evaluated at least twice in the first year of teaching.

⁴⁹ Section 1012.34(2)(e), F.S.

⁵⁰ Section 1012.2315(2), F.S.

Commissioner of Education that this requirement has been met.⁵¹ If the Commissioner determines that a school district is not in compliance with this provision, the State Board of Education must be notified and must take action pursuant to s. 1008.32, F.S., to require compliance.⁵²

School Grades

Current law provides that the criteria for designating school performance grades for elementary schools, middle schools, and high schools, are based on a combination of student achievement, student learning gains, the improvement of the lowest 25th percentile of students in the school in Reading or English Language Arts and Mathematics, as measured by standardized statewide assessments, unless these students are exhibiting satisfactory performance.⁵³ For middle schools and high schools, there are additional criteria for participation and performance in accelerated courses.⁵⁴ Additionally, high school criteria include graduation rates, postsecondary readiness, performance on statewide, standardized end-of-course assessments, and the growth or decline in specific high school data components.⁵⁵

The law specifies the letter grades used to designate school performance: “A,” schools making excellent progress; “B,” schools making above average progress; “C,” schools making satisfactory progress; “D,” schools making less than satisfactory progress; and “F,” schools failing to make adequate progress.⁵⁶

III. Effect of Proposed Changes:

Educator Certification

The bill revises K-12 educator certification requirements to authorize the use of additional assessment options, align competencies across preparation program types, and provide flexibility for training and inservice requirements.

The bill deletes reference to the obsolete CLAST test that was used as a way to demonstrate mastery of general knowledge. According to the DOE, more than a decade has passed since this provision was enacted to provide a transition period for educator certification applicants who earned a passing score on the CLAST prior to July 1, 2002.⁵⁷

The bill authorizes the State Board of Education to adopt by rule additional examinations that may be used by applicants to demonstrate mastery of subject area knowledge.⁵⁸ The board may adopt not only the world language exams administered by ACTFL, but also standardized subject area content knowledge examinations for which Florida has no examinations.

⁵¹ *Id.*

⁵² *Id.* Section 1008.32, F.S., provides for the State Board of Education’s oversight authority for the performance of district school boards in enforcing all laws and rules.

⁵³ Section 1008.34(3)(b), F.S.,

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Section 1008.34(2), F.S.

⁵⁷ E-mail, Department of Education, March 7, 2014. On file with the Senate Education Committee.

⁵⁸ *Id.*

The bill requires that scientifically based reading instruction must be included in a district competency-based professional development program. According to the DOE, this provision aligns the program with the competencies required in other educator preparation programs approved by the department.⁵⁹

With respect to renewal of a professional certificate, the bill provides that an applicant may renew a subject area specialization by passing a subject area test approved by the State Board of Education or another standardized examination in lieu of college course credit or inservice points.

The bill permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam.

In addition, the bill requires the State Board of Education to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.⁶⁰ This will allow a teacher who holds a professional certificate to use college credits or inservice points earned through training in teaching students with disabilities, in excess of six semester hours during one certificate-validity period, toward renewal of the professional certificate during subsequent validity periods. For a teacher with a temporary certificate, the rules must allow college credits or inservice points earned through training in teaching of such students to be used toward renewal of the teacher's first professional certificate.

The bill requires the State Board of Education to adopt rules that would require an applicant for reinstatement of an expired professional certificate to earn a minimum of one college credit, or the equivalent inservice points, in the area of instruction for teaching students with disabilities. The credit may be included as one of the six college credits or equivalent inservice points the applicant must earn during the five years immediately preceding reinstatement of the expired certificate.

Assignment of Classroom Teachers to Schools Graded “D” or “F”

Beginning July 1, 2014, the bill permits a school district to assign newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification. Such newly hired instructional personnel must:

- Have received an “effective” rating or “highly effective” rating in the immediate prior year's performance evaluation;

⁵⁹ E-mail, Department of Education, March 7, 2014. On file with the Senate Education Committee.

⁶⁰ Pursuant to section 9 of chapter 2013-236, L.O.F., codified in s. 1012.585(3)(e), F.S., an applicant for renewal of a professional certificate must earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities. The law also provides that this requirement may not add to the total hours required by the DOE for continuing education or inservice training. This requirement is effective beginning July 1, 2014. Rule 6A-4.0051(6) and (7)(e), F.A.C., specifies how an educator may satisfy the one credit or 20 inservice points required for renewal of the certificate.

- Have successfully completed a professional education training program provided by Teach for America,⁶¹ hold a certificate issued pursuant to s. 1012.56, F.S., and hold a probationary contract pursuant to s. 1012.335(2)(a), F.S.;⁶² or
- Hold a probationary contract pursuant to s. 1012.335(2)(a), F.S., hold a certificate issued pursuant to s. 1012.56, F.S., have successful teaching experience, and, in the judgment of the school principal, students would benefit from the placement of that individual.

A district school superintendent may assign newly hired instructional personnel to the school if he or she holds a probationary contract pursuant to s. 1012.335(2)(a), F.S., holds a certificate issued pursuant to s. 1012.56, F.S., has successful teaching experience, and, in the judgment of the school principal, students would benefit from the placement of that individual.

The bill provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁶¹ In order to be eligible for Teach for America's 2015 corps, an applicant must have: a bachelor's degree by June 2015; a 2.50 undergraduate GPA; and proof of U.S. citizenship, national/permanent resident status, or deferred action for childhood arrivals. Corps members participate in the TFA training and development program. *See* https://www.teachforamerica.org/online/info/signUp.wbfl;jsessionid=37B6993DCF07D14AE14FE13B8576EB4D?_flowId=signUp-flow&_flowExecutionKey=e1s1, and <http://www.teachforamerica.org/why-teach-for-america/training-and-support> (last visited March 12, 2014). According to the DOE, a Teach for America teacher, like any other new teacher candidate, may currently obtain a temporary Florida educator certificate that is valid for three years, provided he or she has a major in the certification subject or passes the Florida subject area test. Once employed all teachers on a temporary certificate must pass the general knowledge certification test in the first year to maintain employment. E-mail, Department of Education, March 12, 2014. On file with the Senate Education Committee.

⁶² Beginning July 1, 2011, each individual newly hired as instructional personnel by the district school board must be awarded a probationary contract. Upon successful completion of the probationary contract, the district school board may award an annual contract. Section 1012.335(2)(a), F.S. A probationary contract must be awarded regardless of previous employment in another school district or state. Section 1012.335(1)(c), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 950 does not have a fiscal impact on the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1012.2315, 1012.27, 1012.56, and 1012.585.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Committee on March 11, 2014:

The committee substitute:

- Permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam; and
- Permits the assignment of newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (5) of section
1004.04, Florida Statutes, is amended to read:

1004.04 Public accountability and state approval for
teacher preparation programs.—

(5) PRESERVICE FIELD EXPERIENCE.—All postsecondary
instructors, school district personnel and instructional



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11 personnel, and school sites preparing instructional personnel
12 through preservice field experience courses and internships
13 shall meet special requirements. District school boards may pay
14 student teachers during their internships.

15 (b)1. All school district personnel and instructional
16 personnel who supervise or direct teacher preparation students
17 during field experience courses or internships taking place in
18 this state in which candidates demonstrate an impact on student
19 learning growth must have evidence of "clinical educator"
20 training, a valid professional certificate issued pursuant to s.
21 1012.56, and at least 3 years of teaching experience in
22 prekindergarten through grade 12 and must have earned an
23 effective or highly effective rating on the prior year's
24 performance evaluation under s. 1012.34 or be a peer evaluator
25 under the district's evaluation system approved under s.
26 1012.34. The State Board of Education shall approve the training
27 requirements.

28 2. All instructional personnel who supervise or direct
29 teacher preparation students during field experience courses or
30 internships in another state in which candidates demonstrate
31 impact on student learning growth, through a Florida online or
32 distance program, must have received "clinical educator"
33 training or its equivalent in that state, hold a valid
34 professional certificate issued by the state in which the field
35 experience takes place, and have at least 3 years of teaching
36 experience in prekindergarten through grade 12.

37 3. All instructional personnel who supervise or direct
38 teacher preparation students during field experience courses or
39 internships in which candidates demonstrate impact on student



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40 learning growth, on a United States military base in another
41 country through a Florida online or distance program, must have
42 received "clinical educator" training or its equivalent, hold a
43 valid professional certificate issued by the United States
44 Department of Defense or a state or territory of the United
45 States, and have at least 3 years of teaching experience in
46 prekindergarten through grade 12.

47 Section 2. Subsection (2) of section 1012.2315, Florida
48 Statutes, is amended to read:

49 1012.2315 Assignment of teachers.-

50 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".-

51 (a) A school district ~~districts~~ may not assign a higher
52 percentage than the school district average of temporarily
53 certified teachers, teachers in need of improvement, or out-of-
54 field teachers to schools graded "D" or "F" pursuant to s.
55 1008.34.

56 (b) Beginning July 1, 2014, a school district may assign an
57 individual newly hired as instructional personnel to a school
58 that has earned a grade of "F" in the previous year or any
59 combination of three consecutive grades of "D" or "F" in the
60 previous 3 years pursuant to s. 1008.34 if the individual:

61 1. Has received an effective rating or highly effective
62 rating in the immediate prior year's performance evaluation
63 pursuant s. 1012.34;

64 2. Is enrolled in a professional education training program
65 provided by Teach for America, holds a certificate issued
66 pursuant to s. 1012.56, and holds a probationary contract
67 pursuant to s. 1012.335(2) (a); or

68 3. Holds a probationary contract pursuant to s.



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69 1012.335(2)(a), holds a certificate issued pursuant to s.
70 1012.56, and has successful teaching experience and if, in the
71 judgment of the school principal, students would benefit from
72 the placement of that individual.

73

74 Each school district shall annually certify to the Commissioner
75 of Education that the requirements in this subsection have this
76 ~~requirement has~~ been met. If the commissioner determines that a
77 school district is not in compliance with this subsection, the
78 State Board of Education shall be notified and shall take action
79 pursuant to s. 1008.32 in the next regularly scheduled meeting
80 to require compliance.

81 Section 3. Subsection (1) of section 1012.27, Florida
82 Statutes, is amended to read:

83 1012.27 Public school personnel; powers and duties of
84 district school superintendent.—The district school
85 superintendent is responsible for directing the work of the
86 personnel, subject to the requirements of this chapter, and in
87 addition the district school superintendent shall perform the
88 following:

89 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—

90 (a) Recommend to the district school board duties and
91 responsibilities which need to be performed and positions which
92 need to be filled to make possible the development of an
93 adequate school program in the district.

94 (b) Recommend minimum qualifications of personnel for these
95 various positions, and nominate in writing persons to fill such
96 positions.

97 (c)



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98

99 ~~The district school superintendent's recommendations for filling~~
100 ~~instructional positions at the school level must~~ Consider
101 nominations received from school principals of the respective
102 schools for filling instructional positions at the school level.

103 (d) Comply with s. 1012.2315(2)(b) for the assignment of
104 newly hired individuals to schools described in s.
105 1012.2315(2)(b).

106

107 Before transferring a teacher who holds a professional teaching
108 certificate from one school to another under this subsection,
109 the district school superintendent shall consult with the
110 principal of the receiving school and allow the principal to
111 review the teacher's records, including student performance
112 demonstrated under s. 1012.34, and interview the teacher. If, in
113 the judgment of the principal, students would not benefit from
114 the placement, an alternative placement may be sought. A
115 principal may refuse the placement in accordance with s.
116 1012.28(6).

117 Section 4. Subsections (3), (5), and (6) and paragraphs (a)
118 and (b) of subsection (8) of section 1012.56, Florida Statutes,
119 are amended to read:

120 1012.56 Educator certification requirements.—

121 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
122 demonstrating mastery of general knowledge are:

123 (a) Achievement of passing scores on the general knowledge
124 ~~basic skills~~ examination required by state board rule;

125 ~~(b) Achievement of passing scores on the College Level~~
126 ~~Academic Skills Test earned prior to July 1, 2002;~~



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127 ~~(b)-(e)~~ Documentation of a valid professional standard
128 teaching certificate issued by another state;

129 ~~(c)-(d)~~ Documentation of a valid certificate issued by the
130 National Board for Professional Teaching Standards or a national
131 educator credentialing board approved by the State Board of
132 Education; ~~or~~

133 ~~(d)-(e)~~ Documentation of two semesters of successful, full-
134 time teaching in a Florida College System institution, state
135 university, or private college or university that awards an
136 associate or higher degree and is an accredited institution or
137 an institution of higher education identified by the Department
138 of Education as having a quality program; or

139 (e) Effective July 1, 2015, achievement of passing scores,
140 identified in state board rule, on national or international
141 examinations that test comparable content and relevant standards
142 in the verbal, analytical writing, and quantitative reasoning
143 skills, including, but not limited to, the verbal, analytical
144 writing, and quantitative reasoning portions of the Graduate
145 Record Examination. Passing scores identified in state board
146 rule must be at approximately the same level of rigor as is
147 required to pass the general knowledge examinations.

148 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
149 demonstrating mastery of subject area knowledge are:

150 (a) For a subject requiring only a baccalaureate degree for
151 which a Florida subject area examination has been developed,
152 achievement of a passing score ~~scores~~ on the Florida-developed
153 subject area examination specified in examinations required by
154 state board rule, which may include, but need not be limited to,
155 world languages in Arabic, Chinese, Farsi, French, German,



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156 ~~Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese,~~
157 ~~Portuguese, Russian, and Spanish;~~

158 (b) For a subject for which a Florida subject area
159 examination has not been developed, achievement of a passing
160 score on a standardized examination specified in state board
161 rule, including, but not limited to, passing scores on both the
162 oral proficiency and written proficiency examinations ~~Completion~~
163 ~~of a bachelor's degree or higher and verification of the~~
164 ~~attainment of an oral proficiency interview score above the~~
165 ~~intermediate level and a written proficiency score above the~~
166 ~~intermediate level on a test administered by the American~~
167 ~~Council on the Teaching of Foreign Languages for which there is~~
168 ~~no Florida-developed examination;~~

169 (c) For a subject for which a Florida subject area
170 examination has not been developed or a standardized examination
171 has not been specified in state board rule, completion of the
172 subject area specialization requirements specified in state
173 board rule and verification of the attainment of the essential
174 subject matter competencies by the district school
175 superintendent of the employing school district or chief
176 administrative officer of the employing state-supported or
177 private school ~~for a subject area for which a subject area~~
178 ~~examination has not been developed and required by state board~~
179 ~~rule;~~

180 (d) For a subject requiring a master's or higher degree,
181 completion of the subject area specialization requirements
182 specified in state board rule ~~for a subject coverage requiring a~~
183 ~~master's or higher degree~~ and achievement of a passing score on
184 the Florida-developed subject area examination or a standardized



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185 examination specified in state board rule;

186 (e) Documentation of a valid professional standard teaching
187 certificate issued by another state; or

188 (f) Documentation of a valid certificate issued by the
189 National Board for Professional Teaching Standards or a national
190 educator credentialing board approved by the State Board of
191 Education.

192

193 School districts are encouraged to provide mechanisms for ~~those~~
194 middle grades ~~school~~ teachers holding only a K-6 teaching
195 certificate to obtain a subject area coverage for middle grades
196 through postsecondary coursework or district add-on
197 certification.

198 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
199 COMPETENCE.—Acceptable means of demonstrating mastery of
200 professional preparation and education competence are:

201 (a) Successful completion of an approved teacher
202 preparation program at a postsecondary educational institution
203 within this state and achievement of a passing score on the
204 professional education competency examination required by state
205 board rule;

206 (b) Successful completion of a teacher preparation program
207 at a postsecondary educational institution outside Florida and
208 achievement of a passing score on the professional education
209 competency examination required by state board rule;

210 (c) Documentation of a valid professional standard teaching
211 certificate issued by another state;

212 (d) Documentation of a valid certificate issued by the
213 National Board for Professional Teaching Standards or a national



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214 educator credentialing board approved by the State Board of
215 Education;

216 (e) Documentation of two semesters of successful, full-time
217 teaching in a Florida College System institution, state
218 university, or private college or university that awards an
219 associate or higher degree and is an accredited institution or
220 an institution of higher education identified by the Department
221 of Education as having a quality program and achievement of a
222 passing score on the professional education competency
223 examination required by state board rule;

224 (f) Successful completion of professional preparation
225 courses as specified in state board rule, successful completion
226 of a professional preparation and education competence
227 ~~demonstration~~ program pursuant to paragraph (8) (b), and
228 achievement of a passing score on the professional education
229 competency examination required by state board rule;

230 (g) Successful completion of a professional development
231 ~~preparation alternative~~ certification and education competency
232 program, outlined in paragraph (8) (a); or

233 (h) Successful completion of a competency-based ~~an~~
234 ~~alternative~~ certification program pursuant to s. 1004.85 and
235 achievement of a passing score on the professional education
236 competency examination required by state board rule ~~of the State~~
237 ~~Board of Education.~~

238
239 The State Board of Education may adopt rules to approve specific
240 teacher preparation programs that are not identified in this
241 subsection which may be used to meet requirements for mastery of
242 professional preparation and education competence.



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243 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
244 COMPETENCY PROGRAM.—

245 (a) The Department of Education shall develop and each
246 school district may provide a cohesive competency-based
247 professional development certification and education competency
248 program by which members of a school district's instructional
249 staff may satisfy the mastery of professional preparation and
250 education competence requirements specified in ~~this~~ subsection
251 (6) and state board rules ~~of the State Board of Education~~.

252 Participants must hold a state-issued temporary certificate. A
253 school district that implements the program shall provide a
254 competency-based certification program developed by the
255 Department of Education or developed by the district and
256 approved by the Department of Education. The program shall
257 include the following ~~components~~:

258 1. A minimum period of initial preparation before assuming
259 duties as the teacher of record.

260 2. An option for collaboration between school districts and
261 other supporting agencies or educational entities for
262 implementation.

263 3. An experienced peer-mentor component ~~peer mentors~~. Each
264 individual selected by the district as a peer mentor must hold a
265 valid professional certificate issued pursuant to this section,
266 must have earned at least 3 years of teaching experience in
267 prekindergarten through grade 12, and must have earned an
268 effective or highly effective rating on the prior year's
269 performance evaluation under s. 1012.34 or be a peer evaluator
270 under the district's evaluation system approved under s.
271 1012.34.



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272 4. An assessment of teaching performance aligned to the
273 district's system for personnel evaluation under s. 1012.34
274 which provides for:

275 a. An initial evaluation of each educator's competencies to
276 determine an appropriate individualized professional development
277 plan.

278 b. A summative evaluation to assure successful completion
279 of the program.

280 5. Professional education preparation content knowledge
281 that includes, but is not limited to, the following:

282 a. The state ~~state-adopted student content~~ standards
283 provided in s. 1003.41, including scientifically based reading
284 instruction, content literacy, and mathematical practices, for
285 each subject identified on the temporary certificate.

286 b. The educator-accomplished practices approved by the
287 state board.

288 c. A variety of data indicators for monitoring student
289 progress.

290 d. Methodologies for teaching students with disabilities.

291 e. Methodologies for teaching students of limited English
292 proficiency ~~English language learners~~ appropriate for each
293 subject area identified on the temporary certificate.

294 f. Techniques and strategies for operationalizing the role
295 of the teacher in assuring a safe learning environment for
296 students.

297 6. Required achievement of passing scores on the subject
298 area and professional education competency examination required
299 by State Board of Education rule. Mastery of general knowledge
300 must be demonstrated as described in subsection (3).



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301 (b)1. Each school district must and a state supported
302 public school or a private school may develop and maintain a
303 system by which members of the instructional staff may
304 demonstrate mastery of professional preparation and education
305 competence as required by law. Each program must be based on
306 classroom application of the Florida Educator Accomplished
307 Practices and instructional performance and, for public schools,
308 must be aligned with the district's evaluation system approved
309 under s. 1012.34.

310 2. The Commissioner of Education shall determine the
311 continued approval of programs implemented under this paragraph,
312 based upon the department's review of performance data. The
313 department shall review the performance data as a part of the
314 periodic review of each school district's professional
315 development system required under s. 1012.98.

316 Section 5. Subsection (17) of section 1012.56, Florida
317 Statutes, is repealed.

318 Section 6. Subsections (3) and (5) of section 1012.585,
319 Florida Statutes, are amended to read:

320 1012.585 Process for renewal of professional certificates.—

321 (3) For the renewal of a professional certificate, the
322 following requirements must be met:

323 (a) The applicant must earn a minimum of 6 college credits
324 or 120 inservice points or a combination thereof. For each area
325 of specialization to be retained on a certificate, the applicant
326 must earn at least 3 of the required credit hours or equivalent
327 inservice points in the specialization area. Education in
328 "clinical educator" training pursuant to s. 1004.04(5)(b) and
329 credits or points that provide training in the area of



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330 scientifically researched, knowledge-based reading literacy and
331 computational skills acquisition, exceptional student education,
332 normal child development, and the disorders of development may
333 be applied toward any specialization area. Credits or points
334 that provide training in the areas of drug abuse, child abuse
335 and neglect, strategies in teaching students having limited
336 proficiency in English, or dropout prevention, or training in
337 areas identified in the educational goals and performance
338 standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be
339 applied toward any specialization area. Credits or points earned
340 through approved summer institutes may be applied toward the
341 fulfillment of these requirements. Inservice points may also be
342 earned by participation in professional growth components
343 approved by the State Board of Education and specified pursuant
344 to s. 1012.98 in the district's approved master plan for
345 inservice educational training, including, but not limited to,
346 serving as a trainer in an approved teacher training activity,
347 serving on an instructional materials committee or a state board
348 or commission that deals with educational issues, or serving on
349 an advisory council created pursuant to s. 1001.452.

350 (b) In lieu of college course credit or inservice points,
351 the applicant may renew a subject area specialization ~~area~~ by
352 passage of a state board approved Florida-developed subject area
353 examination or, if a Florida subject area examination has not
354 been developed, a standardized examination specified in state
355 board rule ~~test~~.

356 (c) If an applicant wishes to retain more than two
357 specialization areas on the certificate, the applicant shall be
358 permitted two successive validity periods for renewal of all



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359 specialization areas, but must earn no fewer than 6 college
360 course credit hours or the equivalent in any one validity
361 period.

362 (d) The State Board of Education shall adopt rules for the
363 expanded use of training for renewal of the professional
364 certificate for educators who are required to complete training
365 in teaching students of limited English proficiency or students
366 with disabilities and training in the teaching of reading as
367 follows:

368 1. A teacher who holds a professional certificate may use
369 college credits or inservice points earned through training in
370 teaching students of limited English proficiency or students
371 with disabilities ~~completed in English for Speakers of Other~~
372 ~~Languages training~~ and training in the teaching of reading in
373 excess of 6 semester hours during one certificate-validity
374 period toward renewal of the professional certificate during the
375 subsequent validity periods.

376 2. A teacher who holds a temporary certificate may use
377 college credits or inservice points earned through training in
378 teaching students of limited English proficiency or students
379 with disabilities ~~completed in English for Speakers of Other~~
380 ~~Languages training~~ and training in the teaching of reading
381 toward renewal of the teacher's first professional certificate.
382 Such training must not have been included within the degree
383 program, and the teacher's temporary and professional
384 certificates must be issued for consecutive school years.

385 (e) Beginning July 1, 2014, an applicant for renewal of a
386 professional certificate must earn a minimum of one college
387 credit or the equivalent inservice points in the area of



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388 instruction for teaching students with disabilities. The
389 requirement in this paragraph may not add to the total hours
390 required by the department for continuing education or inservice
391 training.

392 (5) The State Board of Education shall adopt rules to allow
393 the reinstatement of expired professional certificates. The
394 department may reinstate an expired professional certificate if
395 the certificateholder:

396 (a) Submits an application for reinstatement of the expired
397 certificate.

398 (b) Documents completion of 6 college credits during the 5
399 years immediately preceding reinstatement of the expired
400 certificate, completion of 120 inservice points, or a
401 combination thereof, in an area specified in paragraph (3)(a) to
402 include the credit required under paragraph (3)(e).

403 (c) During the 5 years immediately preceding reinstatement
404 of the certificate, achieves a passing score on the Florida-
405 developed subject area examination or, if a Florida subject area
406 examination has not been developed, a standardized examination
407 specified in state board rule ~~test~~ for each subject to be shown
408 on the reinstated certificate.

409
410 The requirements of this subsection may not be satisfied by
411 subject area examinations ~~tests~~ or college credits completed for
412 issuance of the certificate that has expired.

413 Section 7. Subsection (6) of section 1012.98, Florida
414 Statutes, is amended to read:

415 1012.98 School Community Professional Development Act.—

416 (6) An organization of private schools or consortium of



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417 charter schools which has no fewer than 10 member schools in
418 this state, which publishes and files with the Department of
419 Education copies of its standards, and the member schools of
420 which comply with the provisions of part II of chapter 1003,
421 relating to compulsory school attendance, may also develop a
422 professional development system that includes a master plan for
423 inservice activities. The system and inservice plan must be
424 submitted to the commissioner for approval pursuant to state
425 board rules ~~of the State Board of Education.~~

426 Section 8. This act shall take effect July 1, 2014.

427
428 ===== T I T L E A M E N D M E N T =====

429 And the title is amended as follows:

430 Delete everything before the enacting clause
431 and insert:

432 A bill to be entitled
433 An act relating to educator certification; amending s.
434 1004.04, F.S.; providing requirements for certain
435 instructional personnel who supervise or direct
436 preservice field experience courses or internships;
437 amending s. 1012.2315, F.S.; authorizing a school
438 district to assign to a school that has earned failing
439 grades certain newly hired instructional personnel;
440 amending s. 1012.27, F.S.; revising the powers of a
441 district school superintendent to include filling
442 instructional positions and assigning newly hired
443 instructional personnel; amending s. 1012.56, F.S.;
444 deleting an obsolete provision; revising acceptable
445 means of demonstrating mastery of general knowledge,



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446 subject area knowledge, and professional preparation
447 and education competence; authorizing the State Board
448 of Education to adopt rules; revising components of a
449 competency-based professional development
450 certification and education competency program;
451 repealing s. 1012.56(17), F.S., relating to a study to
452 compare the performance of certain certificateholders;
453 amending s. 1012.585, F.S.; revising certain
454 requirements for the renewal or reinstatement of a
455 professional certificate; amending s. 1012.98, F.S.;
456 authorizing a consortium of certain charter schools to
457 develop a professional development system; providing
458 an effective date.

By the Committee on Education; and Senator Stargel

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1 A bill to be entitled
 2 An act relating to education; amending s. 1012.2315,
 3 F.S.; authorizing a school district to assign to a
 4 school that has earned failing grades certain newly
 5 hired instructional personnel; amending s. 1012.27,
 6 F.S.; revising the powers of a district school
 7 superintendent to include authorization to assign
 8 certain newly hired instructional personnel to a
 9 school that has earned failing grades based on the
 10 judgment of a school principal; amending s. 1012.56,
 11 F.S.; deleting obsolete provisions relating to
 12 acceptable means of demonstrating mastery of
 13 professional development; revising acceptable means of
 14 demonstrating mastery of subject area knowledge;
 15 conforming terminology; revising components of a
 16 competency-based professional development
 17 certification program; amending s. 1012.585, F.S.;
 18 revising certain requirements for the renewal or
 19 reinstatement of a professional certificate; providing
 20 an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsection (2) of section 1012.2315, Florida
 25 Statutes, is amended to read:

26 1012.2315 Assignment of teachers.—

27 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

28 (a) A school district ~~districts~~ may not assign a higher
 29 percentage than the school district average of temporarily

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30 certified teachers, teachers in need of improvement, or out-of-
 31 field teachers to schools graded "D" or "F" pursuant to s.
 32 1008.34.

33 (b) Beginning July 1, 2014, a school district may assign an
 34 individual newly hired as instructional personnel to a school
 35 that has earned a grade of "F" in the previous year or any
 36 combination of three consecutive grades of "D" or "F" in the
 37 previous 3 years pursuant to s. 1008.34 if the individual:

38 1. Has received an effective rating or highly effective
 39 rating in the immediate prior year's performance evaluation
 40 pursuant s. 1012.34;

41 2. Has successfully completed a professional education
 42 training program provided by Teach for America, holds a
 43 certificate issued pursuant to s. 1012.56, and holds a
 44 probationary contract pursuant to s. 1012.335(2)(a); or

45 3. Holds a probationary contract pursuant to s.
 46 1012.335(2)(a), holds a certificate issued pursuant to s.
 47 1012.56, has successful teaching experience, and, in the
 48 judgment of the school principal, students would benefit from
 49 the placement of that individual.

50
 51 Each school district shall annually certify to the Commissioner
 52 of Education that the requirements in this subsection have this
 53 ~~requirement~~ has been met. If the commissioner determines that a
 54 school district is not in compliance with this subsection, the
 55 State Board of Education shall be notified and shall take action
 56 pursuant to s. 1008.32 in the next regularly scheduled meeting
 57 to require compliance.

58 Section 2. Subsection (1) of section 1012.27, Florida

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59 Statutes, is amended to read:

60 1012.27 Public school personnel; powers and duties of
61 district school superintendent.—The district school
62 superintendent is responsible for directing the work of the
63 personnel, subject to the requirements of this chapter, and in
64 addition the district school superintendent shall perform the
65 following:

66 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—

67 (a) Recommend to the district school board duties and
68 responsibilities which need to be performed and positions which
69 need to be filled to make possible the development of an
70 adequate school program in the district.

71 (b) Recommend minimum qualifications of personnel for these
72 various positions, and nominate in writing persons to fill such
73 positions.

74
75 For the purpose of this subsection, the district school
76 superintendent's recommendations for filling instructional
77 positions at the school level must consider nominations received
78 from school principals of the respective schools. The district
79 school superintendent may assign an individual newly hired as
80 instructional personnel to a school that has earned a grade of
81 "F" in the previous year or any combination of three consecutive
82 grades of "D" or "F" in the previous 3 years pursuant to s.
83 1008.34 if the individual holds a probationary contract pursuant
84 to s. 1012.335(2) (a), holds a certificate issued pursuant to s.
85 1012.56, has successful teaching experience, and, in the
86 judgment of the school principal, students would benefit from
87 the placement of that individual. Before transferring a teacher

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88 who holds a professional teaching certificate from one school to
89 another, the district school superintendent shall consult with
90 the principal of the receiving school and allow the principal to
91 review the teacher's records, including student performance
92 demonstrated under s. 1012.34, and interview the teacher. If, in
93 the judgment of the principal, students would not benefit from
94 the placement, an alternative placement may be sought. A
95 principal may refuse the placement in accordance with s.
96 1012.28(6).

97 Section 3. Subsections (3), (5), and (6) and paragraph (a)
98 of subsection (8) of section 1012.56, Florida Statutes, are
99 amended to read:

100 1012.56 Educator certification requirements.—

101 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
102 demonstrating mastery of general knowledge are:

103 (a) Achievement of passing scores on the basic skills
104 examination required by state board rule;

105 ~~(b) Achievement of passing scores on the College Level~~
106 ~~Academic Skills Test earned prior to July 1, 2002;~~

107 (b)(e) A valid professional standard teaching certificate
108 issued by another state;

109 (c)(d) A valid certificate issued by the National Board for
110 Professional Teaching Standards or a national educator
111 credentialing board approved by the State Board of Education; or

112 (d)(e) Documentation of two semesters of successful
113 teaching in a Florida College System institution, state
114 university, or private college or university that awards an
115 associate or higher degree and is an accredited institution or
116 an institution of higher education identified by the Department

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117 of Education as having a quality program.

118 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
119 demonstrating mastery of subject area knowledge are:

120 (a) Achievement of passing scores on subject area
121 examinations required by state board rule for subjects requiring
122 no more than a bachelor's degree, which may include, but need
123 not be limited to, world languages in Arabic, Chinese, Farsi,
124 French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian,
125 Japanese, Portuguese, Russian, and Spanish;

126 (b) Completion of a bachelor's degree or higher and
127 verification of the attainment of a passing score, as specified
128 in state board rule, on a subject area content knowledge
129 examination an oral proficiency interview score above the
130 intermediate level and a written proficiency score above the
131 intermediate level on a test administered by the American
132 Council on the Teaching of Foreign Languages or a standardized
133 assessment approved by state board rule for certification
134 subjects for which there is no Florida-developed examination;

135 (c) Completion of the subject area specialization
136 requirements specified in state board rule and verification of
137 the attainment of the essential subject matter competencies by
138 the district school superintendent of the employing school
139 district or chief administrative officer of the employing state-
140 supported or private school for a subject area for which a
141 subject area examination has not been developed ~~and required~~ by
142 state board rule;

143 (d) Completion of the subject area specialization
144 requirements specified in state board rule for a subject
145 coverage requiring a master's or higher degree and achievement

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146 of a passing score on the subject area examination or a
147 standardized examination or assessment approved as specified in
148 state board rule;

149 (e) A valid professional standard teaching certificate
150 issued by another state; or

151 (f) A valid certificate issued by the National Board for
152 Professional Teaching Standards or a national educator
153 credentialing board approved by the State Board of Education.

154
155 A school district is ~~districts~~ are encouraged to provide
156 mechanisms for those middle school teachers holding only a K-6
157 teaching certificate to obtain a subject area coverage for
158 middle grades through postsecondary coursework or district add-
159 on certification.

160 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
161 COMPETENCE.—Acceptable means of demonstrating mastery of
162 professional preparation and education competence are:

163 (a) Completion of an approved teacher preparation program
164 at a postsecondary educational institution within this state and
165 achievement of a passing score on the professional education
166 competency examination required by state board rule;

167 (b) Completion of a teacher preparation program at a
168 postsecondary educational institution outside Florida and
169 achievement of a passing score on the professional education
170 competency examination required by state board rule;

171 (c) A valid professional standard teaching certificate
172 issued by another state;

173 (d) A valid certificate issued by the National Board for
174 Professional Teaching Standards or a national educator

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175 credentialing board approved by the State Board of Education;

176 (e) Documentation of two semesters of successful teaching
177 in a Florida College System institution, state university, or
178 private college or university that awards an associate or higher
179 degree and is an accredited institution or an institution of
180 higher education identified by the Department of Education as
181 having a quality program;

182 (f) Completion of professional preparation courses as
183 specified in state board rule, successful completion of a
184 professional education competence demonstration program pursuant
185 to paragraph (8) (b), and achievement of a passing score on the
186 professional education competency examination required by state
187 board rule;

188 (g) Successful completion of a professional development
189 ~~preparation alternative~~ certification and education competency
190 program, outlined in paragraph (8) (a); ~~or~~

191 (h) Successful completion of a competency-based ~~an~~
192 ~~alternative~~ certification program pursuant to s. 1004.85 and
193 achievement of a passing score on the professional education
194 competency examination required by rule of the State Board of
195 Education; ~~or-~~

196 (i) Successful completion of a professional education
197 training program provided by Teach for America and achievement
198 of a passing score on the professional education competency
199 examination required by rule of the State Board of Education.

200 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
201 COMPETENCY PROGRAM.—

202 (a) The Department of Education shall develop and each
203 school district may provide a cohesive, competency-based

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204 professional development certification program by which members
205 of a school district's instructional staff may satisfy the
206 mastery of professional preparation and education competence
207 requirements specified in this subsection and rules of the State
208 Board of Education. Participants must hold a state-issued
209 temporary certificate. A school district that implements the
210 program shall provide a competency-based certification program
211 developed by the Department of Education or developed by the
212 district and approved by the Department of Education. The
213 program must ~~shall~~ include the following components:

214 1. A minimum period of initial preparation before assuming
215 duties as the teacher of record.

216 2. An option for collaboration between school districts and
217 other supporting agencies or educational entities for
218 implementation.

219 3. Experienced peer mentors. Each individual selected by
220 the district as a peer mentor must hold a valid professional
221 certificate issued pursuant to this section, must have earned at
222 least 3 years of teaching experience in prekindergarten through
223 grade 12, and must have earned an effective or highly effective
224 rating on the prior year's performance evaluation under s.
225 1012.34 or be a peer evaluator under the district's evaluation
226 system approved under s. 1012.34.

227 4. An assessment of teaching performance aligned to the
228 district's system for personnel evaluation under s. 1012.34
229 which provides for:

230 a. An initial evaluation of each educator's competencies to
231 determine an appropriate individualized professional development
232 plan.

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233 b. A summative evaluation to assure successful completion
234 of the program.

235 5. Professional education preparation content knowledge
236 that includes, but is not limited to, the following:

237 a. The state-adopted student content standards, including
238 scientifically based reading instruction, content literacy, and
239 mathematical practices, for each subject identified on the
240 temporary certificate.

241 b. The educator-accomplished practices approved by the
242 state board.

243 c. A variety of data indicators for monitoring student
244 progress.

245 d. Methodologies for teaching students with disabilities.

246 e. Methodologies for teaching English language learners
247 appropriate for each subject area identified on the temporary
248 certificate.

249 f. Techniques and strategies for operationalizing the role
250 of the teacher in assuring a safe learning environment for
251 students.

252 6. Required achievement of passing scores on the subject
253 area and professional education competency examination required
254 by State Board of Education rule. Mastery of general knowledge
255 must be demonstrated as described in subsection (3).

256 Section 4. Paragraphs (b) and (d) of subsection (3) and
257 paragraph (b) of subsection (5) of section 1012.585, Florida
258 Statutes, are amended to read:

259 1012.585 Process for renewal of professional certificates.-

260 (3) For the renewal of a professional certificate, the
261 following requirements must be met:

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262 (b) In lieu of college course credit or inservice points,
263 the applicant may renew a specialization area by passage of a
264 ~~state-board-approved state-board-approved~~ subject area test,
265 including another standardized examination or assessment.

266 (d) The State Board of Education shall adopt rules for the
267 expanded use of training for renewal of the professional
268 certificate for educators who are required to complete training
269 in teaching students of limited English proficiency, training in
270 teaching students with disabilities, and training in the
271 teaching of reading as follows:

272 1. A teacher who holds a professional certificate may use
273 college credits or inservice points completed in training in
274 English for Speakers of Other Languages, in teaching students
275 with disabilities, English-for-Speakers-of-Other-Languages
276 ~~training~~ and ~~training~~ in the teaching of reading in excess of 6
277 semester hours during one certificate-validity period toward
278 renewal of the professional certificate during the subsequent
279 validity periods.

280 2. A teacher who holds a temporary certificate may use
281 college credits or inservice points completed in training in
282 English for Speakers of Other Languages, in teaching students
283 with disabilities, English-for-Speakers-of-Other-Languages
284 ~~training~~ and ~~training~~ in the teaching of reading toward renewal
285 of the teacher's first professional certificate. Such training
286 must not have been included within the degree program, and the
287 teacher's temporary and professional certificates must be issued
288 for consecutive school years.

289 (5) The State Board of Education shall adopt rules to allow
290 the reinstatement of expired professional certificates. The

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291 department may reinstate an expired professional certificate if
292 the certificateholder:

293 (b) Documents completion of 6 college credits during the 5
294 years immediately preceding reinstatement of the expired
295 certificate, completion of 120 inservice points, or a
296 combination thereof, in an area specified in paragraph (3)(a) to
297 include the credit specified in paragraph (3)(e).

298

299 The requirements of this subsection may not be satisfied by
300 subject area tests or college credits completed for issuance of
301 the certificate that has expired.

302 Section 5. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: CS/SB 1512

INTRODUCER: Education Committee and Senator Stargel and others

SUBJECT: Students with Disabilities

DATE: April 1, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>Klebacha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1512 creates a new scholarship program called “Personalized Accounts for Learning” for kindergarten through grade 12 students with a disability, repeals the Special Diploma, and creates new pathways for students with disabilities who meet the requirements to earn a standard diploma.

The new scholarship program created by the bill:

- Specifies parent and student eligibility requirements, prohibitions, responsibilities and obligations;
- Delineates allowable expenditures related to elementary, secondary and postsecondary education expenses; and
- Provides funding, payment, and accountability responsibilities.

In addition to repealing the Special Diploma and Special Certificate of Completion as options for public school students effective July 1, 2015, the bill:

- Requires postsecondary goals and career transition planning processes begin before a student with a disability turns age 14.
- Provides students with disabilities with an additional opportunity to satisfy the requirements for a standard high school diploma.

Additionally, the bill allows a student with a disability to defer receipt of the standard high school diploma if the individual education plan (IEP) prescribes special education or services through age 21 and the student meets high school graduation and other requirements.

Under the bill, the Commissioner of Education must grant a permanent exemption to a student who suffers from such a severe cognitive disability or physical disability that the student permanently lacks the capacity to take statewide, standardized assessments. The State Board of Education must adopt rules that include expediting the exemption process.

The bill prohibits a school district from imposing any additional requirements and from charging fees associated with 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.

Finally, the bill provides that parents of a student with a substantial reading deficiency must be provided with specific information related to the criteria, policies, and evidence used to review a portfolio. The bill also creates a new, good cause exemption from retaining a 3rd grade student and prohibits a student from being retained more than once in the 3rd grade.

Senate Bill 2500, the Fiscal Year 2014-2015 proposed General Appropriations Bill, appropriates \$18.4 million for this program based on the estimated number of students who would meet the eligibility requirements for this program and the specified funding levels for those students.

The bill provides an effective date of July 1, 2014, unless otherwise provided.

II. Present Situation:

Individuals with Disabilities Education Act (IDEA)¹

Federal law requires states to make a free appropriate public education available to all children with disabilities residing in the state between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school.² As the state educational agency, the Florida Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.³

For each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, an individual educational plan (IEP) or individual family support plan must be developed, reviewed, and revised.⁴ In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, results of the

¹ 20 U.S.C. §.1400 et. seq., as amended by P.L. 108-446; 34 C.F.R. § 300.17.

² 20 U.S.C. § 1412(a)(1).

³ 20 U.S.C. § 1412(a)(11). 34 C.F.R. § 300.149.

⁴ Rule 6A-6.03028(3), F.A.C.

initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child, as well as special factors.⁵

States receiving Individuals with Disabilities Education (IDEA) funds must comply with detailed procedural requirements, including identifying, evaluating, and making placements for students with disabilities and for developing an individualized education program for each student.⁶

Transition to Postsecondary Education and the Workforce

Citing research that students with disabilities are less likely than their peers to successfully transition from high school to postsecondary education or the workforce, the U.S. General Accounting Office (GAO) notes that those students face several longstanding challenges accessing services that may assist them, including services such as tutoring, vocational training, and assistive technology.⁷ Eligible students with disabilities are entitled to transition planning services during high school, but after leaving high school, to receive services that facilitate their transition they must apply as adults and establish eligibility for programs administered by multiple federal agencies.⁸ Students with disabilities may face delays in service and end up on waitlists if these programs are full.⁹

The IDEA requires that beginning not later than the first IEP to be in effect when the student turns 16, school officials must include in the IEP measurable postsecondary goals related to training, education, employment, and where appropriate, independent living skills.¹⁰ The IEP also must specify the transition services¹¹ needed to assist the student in reaching those goals.¹² School officials are required to invite the student to a meeting where the transition services

⁵ 20 U.S.C. s. 1414(d)(3)(A) and (B).

⁶ 20 U.S.C. § 1415.

⁷ *Students with Disabilities, Better Coordination Could Lessen Challenges in the Transition from High School*, U.S. Government Accounting Office (GAO), GAO-12-594, July 12, 2012. See <http://gao.gov/products/GAO-12-594> (last visited February 22, 2014). Florida participated in the GAO review of federal programs.

⁸ *Id.* Students remain eligible for transition planning and services, as well as other IDEA services, until they graduate from high school with a regular high school diploma or exceed the earlier of age 21 or the eligibility age for a free appropriate public education under state law. 20 U.S.C. § 1412(a)(1)(B)-(C), 34 C.F.R. § 300.102(a)(3)(i) and (ii), and Rule 6A-6.03028(1)(a), F.A.C. While federal law authorizes students to receive a free appropriate public education up until age 22, eligibility for students aged 18-21 is determined by states. 20 U.S.C. § 1412(a)(1) and 34 C.F.R. § 300.102. In addition to IDEA, there are a range of services to support students with disabilities in their transition out of high school. The programs vary in the target population served, services provided, grant funding amounts, and other characteristics. In addition, they are administered through various federal agencies, each with its own eligibility requirements and application processes. GAO-12-594, July 12, 2012. Federally funded programs that provide transition services, as defined in the GAO report, are often delivered through state and local entities that have flexibility on how to administer services. *Id.*

⁹ *Students with Disabilities, Better Coordination Could Lessen Challenges in the Transition from High School*, U.S. Government Accounting Office (GAO), GAO-12-594, July 12, 2012.

¹⁰ 20 U.S.C. § 1414(d)(1)(A)(i)(VIII).

¹¹ Under IDEA, transition services are defined as a coordinated set of activities that (1) is designed to be within a results-oriented process focused on improving the academic and functional achievement of a child with a disability to facilitate the child's movement from school to post-school activities; (2) is based on the individual child's needs, strengths, preferences, and interests; and (3) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. 20 U.S.C. § 1401(34). Transition services are also defined in Rule 6A-6.03411(1)(nn), F.A.C.

¹² 20 U.S.C. § 1414(d)(1)(A)(i)(VIII).

detailed in the IEP are discussed.¹³ When appropriate, they also must invite a representative of any participating outside agency that is likely to be responsible for providing or paying for services, with the prior consent of the parent or student who has reached the age of majority.¹⁴

During a Florida student's eighth grade year or during the school year of the student's 14th birthday, whichever occurs first, the IEP for a student with a disability must contain a statement of whether he or she is pursuing a course of study leading to a standard high school diploma or a special diploma.¹⁵ Current law provides that nothing limits or restricts the right of an exceptional student solely to a special diploma or special certificate of completion.¹⁶ A student must, upon proper request, be afforded the opportunity to fully meet all requirements and procedures in law¹⁷ and qualify for a standard diploma upon graduation.¹⁸

Florida High School Diploma

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;¹⁹ an 18-credit graduation option;²⁰ or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) curriculum.²¹ In addition, current law requires each school district to adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.²² A student who fails to meet the required credits or achieve a 2.0 GPA must be awarded a certificate of completion.²³ The state is not obligated to provide special education and related services to a student with a disability who has graduated from high school with a standard diploma.²⁴ This provision does not apply to a student who has graduated from high school, but has not been awarded a regular high school diploma.²⁵ A standard diploma does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate of completion or a general educational development credential (GED).²⁶

¹³ 20 U.S.C. § 1414(d)(1)(B)(vi), 34 C.F.R. § 300.321, and Rule 6A-6.03028(3)(c)7., F.A.C.

¹⁴ 20 U.S.C. § 1414(d)(1)(B)(vi), 34 C.F.R. § 300.321(b)(3), and Rule 6A-6.03028(3)(c)8., F.A.C. At the discretion of the parent or the agency, the IEP team may include other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. 20 U.S.C. § 1414(d)(1)(B)(vi), 34 C.F.R. § 300.321(a)(6) and (c), and Rule 6A-6-6.03028(3)(c)6., F.A.C.

¹⁵ Rule 6A-1.09961(2)(b), F.A.C., and Rule 6A-6.03028(3)(h)8., F.A.C.

¹⁶ Section 1003.438, F.S.

¹⁷ Sections 1003.428 or 1003.4282, F.S., as applicable.

¹⁸ Section 1003.438, F.S.

¹⁹ Section 1003.428, F.S., established high school graduation requirements beginning with students entering grade 9 in the 2007-2008 school year. Section 1003.4282, F.S., established high school graduation requirements for students entering grade 9 in the 2013-2014 school year and thereafter.

²⁰ Section 1002.3105(5), F.S. Effective July 1, 2013, students may earn a standard high school diploma in 18 credits by achieving a 2.0 GPA; earning credit in the same 15 English Language Arts, mathematics, science, social studies, and fine and performing arts courses required under the traditional 24-credit option; and earning 3 elective credits, instead of the 6 electives required by the 24-credit option.

²¹ Sections 1003.428 and 1003.4282, F.S.

²² Section 1003.4281, F.S.,

²³ Section 1003.4282(7), F.S.

²⁴ 20 U.S.C. § 1412(a)(1)(B)-(C), 34 C.F.R. § 300.102(a)(3)(i), and Rule 6A-6.03028(1)(a), F.A.C.

²⁵ 34 C.F.R. § 300.102(a)(3)(ii).

²⁶ 20 U.S.C. § 1412(a)(1)(B)-(C), 34 C.F.R. § 300.102(a)(3)(i), and Rule 6A-6.03028(1)(a), F.A.C.

Florida Special Diploma

A student with a disability²⁷ must be awarded a special diploma upon meeting a combination of state and district school board requirements that are included in the district-adopted student progression plan.²⁸ School boards may award special diplomas based on two options.²⁹ For students entering ninth grade in or after 1999-2000, special diploma requirements for the first option must include:³⁰

- Demonstration of proficiency at the independent, supported, or participatory level of each Florida academic standard for a special diploma, as determined through the IEP process;³¹ or
- Mastery of Florida's academic standards through successful completion of courses that meet graduation requirements for a standard diploma;³² and
- Completion of the minimum number of course credits for a special diploma as prescribed by the school board.³³

The second option requires district school boards to include procedures for determining and certifying mastery of demonstrated employment and community competencies to ensure that the student:³⁴

- Has achieved all the annual goals and short-term objectives which were specified on the IEP related to the employment and community competencies;
- Is employed in a community-based job, for the number of hours per week specified in the student's training plan, for the equivalent of one semester, and paid a minimum wage in compliance with the requirements of the Fair Labor Standards Act; and
- Has mastered the employment and community competencies specified in a training plan. The training plan must be developed and signed by the student, parent, teacher, and employer prior to placement in employment.

Each school board must develop procedures for ensuring that students may select and move between the special diploma options, if both options are provided by the school district, and between courses of study leading to standard or special diplomas, as appropriate.³⁵ A student who meets all special requirements of the district school board, but fails to meet the appropriate special state minimum requirements must be awarded a special certificate of completion.³⁶

²⁷ Section 1003.438, F.S., applies to a student who has been identified, in accordance with State Board of Education rules, as a student with a disability who has an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; and other health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; or a student who is deaf or hard of hearing or dual sensory impaired.

²⁸ Section 1003.438, F.S., Rule 6A-1.09401(1) and (3), F.A.C., and Rule 6A-1.09961(2)(c), F.A.C.

²⁹ Rule 6A-1.09961(1), F.A.C.

³⁰ Rule 6A-1.09961(1), F.A.C.

³¹ Rule 6A-1.09961(12)(a), F.A.C.

³² Rule 6A-1.09961(13), F.A.C.

³³ Rule 6A-1.09961(12)(b), F.A.C.

³⁴ Rule 6A-1.09961(14), F.A.C. The DOE notes that students seeking this option may also earn course credits, which are determined by the school board. The DOE also notes that in 2012, eight districts reported that they did not offer this option. DOE correspondence, February 24, 2014. On file with the Senate Education committee.

³⁵ Rule 6A-1.09961(2)(a), F.A.C.

³⁶ Section 1003.438, F.S.

Extraordinary Exemption

Current law provides a process for granting an extraordinary exemption from administration of a statewide, standardized assessment for a student with a disability who is prevented by a circumstance or condition from physically demonstrating the mastery of acquired skills that are measured by a statewide standardized assessment.³⁷ The IEP team may request an exemption from testing during a particular testing window.³⁸ The request must be made to the district superintendent who must make a recommendation to the Commissioner of Education. A parent is permitted to appeal the Commissioner's decision.³⁹

III. Effect of Proposed Changes:

Personalized Accounts for Learning

The bill creates a Personalized Accounts for Learning scholarship program for kindergarten through grade 12 students who have a disability. The bill authorizes creation of personalized accounts for individual students, specifies parent and student obligations, delineates allowable expenditures related to elementary, secondary and postsecondary education, and provides funding and payment responsibilities.⁴⁰

Student Eligibility

A parent may establish and maintain a personalized account if his or her child:

- Is a resident of this state;
- Is eligible to enroll in kindergarten through grade 12 in a Florida public school;
- Has a disability and is eligible for exceptional student education (ESE) support Levels 3, 4, or 5; and
- Has an Individual Education Plan (IEP) written in accordance with State Board of Education rule.

Students who are enrolled in a public school⁴¹ or a school that provides educational services in Department of Juvenile Justice commitment programs are not eligible. Students are not eligible if they are receiving an educational scholarship pursuant to chapter 1002, F. S. Additionally, a student is not eligible if:

- The student or student's parent has accepted any payment, refund, or rebate from a provider of any services received while participating in the program;
- The student's participation in the program has been denied or revoked by the Commissioner of Education; or

³⁷ Section 1008.212, F.S.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Disability means autism, as defined in s. 393.063(3), F.S.; cerebral palsy, as defined in s. 393.063(4), F.S.; Down syndrome, as defined in s. 393.063(13), F.S.; an intellectual disability, as defined in s. 393.063(21), F.S.; Prader-Willi syndrome, as defined in s. 393.063(25), F.S.; or Spina bifida, as defined in s. 393.063(36), F.S.; Williams syndrome; and, for a student in kindergarten, being a high-risk child, as defined in s. 393.063(20)(a), F.S.

⁴¹ This includes the Florida School for the Deaf and the Blind, the Florida Virtual School, the College-Preparatory Boarding Academy, a developmental research school, a charter school, or a virtual education program authorized under s. 1002.45, F.S.

- The student's parent has forfeited participation in the program for failure to comply with the program's requirements.

Parent and Student Obligations

A parent who applies for program participation is exercising his or her parental option to determine the appropriate placement or services that best meet the needs of his or her child.

Parents are responsible for the following:

- Signing an agreement with the Florida Department of Education (DOE) and annually submitting a notarized, sworn compliance statement to the department to:
 - Affirm that the student meets minimum student attendance requirements;⁴²
 - Use funds only for authorized purposes;
 - Affirm that the student takes all appropriate standardized assessments, as specified in the student's IEP;⁴³
- Requesting participation in the program at least 60 days before the date of the first program payment;
- Affirming that the student remains in good standing with the provider or school if those options are selected by the parent;
- Affirming that the parent will not transfer any college savings funds to another beneficiary and will not take possession of any funding contributed by the state;
- Applying for admission of his or her child to a private school if this option is selected by the parent;
- Annually renewing participation in the program;⁴⁴
- Designating in writing the authorized financial institution to receive payment of program funds and maintaining a separate personalized account for learning at that institution; and
- Maintaining a portfolio of records for two years to document student learning and requiring it to be available for inspection upon 15 days written notice from the district school superintendent.

A parent who fails to comply with these requirements forfeits the personalized account.

Funding and Payment

When a parent indicates that he or she wants to participate in the program, the child may or may not have a matrix of services. Under current law, only public school students with education cost factors for support levels IV and V must have a matrix that documents the services that each

⁴² Pursuant to s. 1003.01, F.S., "regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21, F.S., may be achieved by attendance in: a public school supported by public funds; a parochial, religious, or denominational school; a private school supported in whole or in part by tuition charges or by endowments or gifts; a home education program that meets the requirements of chapter 1002, F.S.; or a private tutoring program that meets the requirements of chapter 1002, F.S. *See also* ss. 1003.21 and 1003.24, F.S.

⁴³ A student must take the appropriate assessments that are specified in the IEP. The bill requires the assessment scores to be reported to an independent research organization for evaluation. This entity must report to the DOE the year-to-year learning gains of participating students. There is a similar requirement for the Florida Tax Credit Scholarship Program in s. 1002.395(9)(j), F.S.

⁴⁴ Under the bill, a student who was previously eligible for participation in the program remains eligible to apply for renewal even if there were changes to the student's IEP.

student will receive.⁴⁵ The nature and intensity of the services on the matrix must be consistent with the services in the student's IEP.⁴⁶ School districts must complete a matrix of services for all students participating in the program.

The bill provides for the calculation of funds to be awarded for a student in a manner consistent with the funding methodology for calculating a scholarship for the John M. McKay Scholarship for Students with Disabilities Program.⁴⁷ The amount of funds awarded to the personalized accounts for each eligible student equal 90 percent of the calculated amount that would be allocated for a student receiving a McKay Scholarship.

The districts must report all students participating in the program. The DOE must notify authorized financial institutions of the students who are approved to participate in the program. Participating students who were previously reported in the Florida Education Finance Program (FEFP) and nonpublic school students⁴⁸ must be reported separately. Before the first payment, the DOE must have all documentation required for participating students. The DOE is responsible for transferring funds, as applicable, from a school district's total funding entitlement under the FEFP or from an appropriation for disbursement by the Chief Financial Officer to a personalized account at an authorized institution on behalf of the parent and student.

Allowable Expenditures

Funds from the personalized account may be used for the following, as specified in the student's IEP:

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content;
- Curriculum;
- Specialized services selected by the parent and specified in the student's IEP, including, but not limited to applied behavior analysis services⁴⁹ and services provided by speech-language pathologists,⁵⁰ occupational therapists,⁵¹ physical therapists,⁵² and listening and spoken language specialists;⁵³

⁴⁵ Section 1011.62(1)(e), F.S.

⁴⁶ *Id.*

⁴⁷ Section 1002.39 (10)(a), F.S. McKay Scholarships are calculated to be equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the calculated amount. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. The calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. The calculated amount shall include the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

⁴⁸ Nonpublic school students are awarded funds on a first-come, first-served basis.

⁴⁹ See ss. 627.6686 and 641.31098, F.S.

⁵⁰ See s. 468.1125, F.S.

⁵¹ See s. 468.203, F.S.

⁵² See s. 486.021, F.S.

⁵³ Providers must be approved by the DOE or the Agency for Persons with Disabilities (APD). The DOE maintains a list of approved providers. Providers may request approval from the department. If a provider is not on the current DOE-approved

- Enrollment in, or tuition or fees associated with enrollment in, an eligible private school, an eligible postsecondary educational institution, a private tutoring program,⁵⁴ a virtual program offered by a DOE-approved private online provider,⁵⁵ or an approved online course;⁵⁶
- Fees for assessments specified in the student's IEP;
- Contributions to a Coverdell education savings account for the benefit of the eligible student;⁵⁷ and
- Contracted services provided by a public school or school district, including classes and extracurricular programs for the services specified in the IEP or additional services.

A student who receives services under a contract is not considered to be enrolled in a public school for eligibility purposes.

A specialized service provider, eligible private school, eligible postsecondary educational institution, private tutoring program provider, online or virtual program provider, public school, school district, or other entity receiving payments may not share, refund, or rebate any moneys from the personalized account to the parent or participating student.

Term of the Program

Under the bill, the payments made remain in force until a student fails to comply with the program requirements, has funds revoked by the Commissioner of Education, or returns to a public school, graduates from high school, or reaches 22 years of age, whichever occurs first. A participating student who enrolls in a public school or public school program is considered to have returned to a public school.

Commissioner of Education

The bill requires the Commissioner to deny, suspend, or revoke a student's participation in the program or the use of program funds, if the student's health, safety, or welfare is in jeopardy or fraud is suspected. The Commissioner may also deny, suspend, or revoke the use of program funds for material noncompliance with law and rules.

Department of Education

The DOE's responsibilities include making payments to a parent's personalized account at an authorized financial institution, requiring audits of the program and personalized accounts, and

list, parents may request approval of a specified provider who must meet criteria (e.g., licensure or certification in an applicable field of study and delivery of services according to professionally accepted standards). Rule 6A-6.03033, F.A.C. See also http://www.floridaearlylearning.com/providers/provider_menu/specialized_instructional_services_providers.aspx (last visited March 19, 2014). All APD iBudget Waiver providers must be enrolled by the Agency for Healthcare Administration as a Medicaid provider and also sign a contract with APD to render waiver services. E-mail, APD, March 13, 2014. On file with the Senate Committee on Education. Service descriptions and a list eligible providers are available at http://www.flddresources.org/html/service_descriptions.htm (last visited March 19, 2014).

⁵⁴ See s. 1002.43, F.S.

⁵⁵ See s. 1002.45(2)(a), F.S.

⁵⁶ See ss. 1003.499 or 1004.0961, F.S.

⁵⁷ 26 U.S.C. § 530 of the Internal Revenue Code.

developing an electronic system of payment for authorized expenditures. The State Board of Education must adopt rules to administer the system.

Chief Financial Officer

The Chief Financial Officer must conduct audits related to the program.

Transition Planning

Under the bill, the postsecondary goals and career transition planning process begins before a student with a disability turns 14 so that a plan is in place by the time he or she turns 16. The IEP must include specific components, including a statement of measurable, long term postsecondary and career education goals, a statement of intent to pursue a standard high school diploma, as determined by the parent, and a description of how the student will fully meet the standard high school diploma requirements. Any change in goals must be approved by the parent and is subject to an independent review.

High School Graduation⁵⁸

The bill repeals the special diploma and the special certificate of completion as graduation options for students with disabilities, effective July 1, 2015.⁵⁹

The bill provides students who have an intellectual or cognitive disability with the opportunity to satisfy the requirements for a standard high school diploma through the following:

- A combination of appropriate course substitutions, assessments, industry certifications, and other options that meet the criteria specified in State Board of Education rule.
- A portfolio of quantifiable evidence documenting a student's mastery of academic standards using rigorous metrics that are specified in State Board of Education rule.⁶⁰

These provisions apply to students entering grade 9 in the 2014-2015 school year and thereafter.

The bill allows a student to defer receipt of the standard high school diploma if the IEP prescribes special education or services through age 21, the student meets the high school graduation requirements, and is enrolled in accelerated college credit instruction, industry certification courses that lead to college credit, a collegiate high school program, courses

⁵⁸ The importance of making informed decisions about diploma options for students with disabilities has been underscored in recent reports by the National Center for Learning Disabilities, *A Critical Look at the Graduation Rate of Students with Disabilities*, 2013, and the National Center on Educational Outcomes, *Diploma Options, Graduation Requirements, and Exit Exams for Youth with Disabilities*, 2012. See [http://www.nclcd.org/?_utma=56814325.123698153.1394924720.1394924720.1394924720.1&_utmb=56814325.1.10.1394924720&_utmc=56814325&_utmz=56814325.1394924720.1.1.utmcsr=bing|utmccn=\(organic\)|utmcmd=organic|utmctr=National%20Center%20for%20Learning%20Disabilities%2C%20A%20Critical%20Look%20at%20the%20Graduation%20Rate%20of%20Students%20with%20Disabilities%2C%202013%2C%20See&_utmv=-&_utmj=227182617http://ici.umn.edu/index.php?products/view/460](http://www.nclcd.org/?_utma=56814325.123698153.1394924720.1394924720.1394924720.1&_utmb=56814325.1.10.1394924720&_utmc=56814325&_utmz=56814325.1394924720.1.1.utmcsr=bing|utmccn=(organic)|utmcmd=organic|utmctr=National%20Center%20for%20Learning%20Disabilities%2C%20A%20Critical%20Look%20at%20the%20Graduation%20Rate%20of%20Students%20with%20Disabilities%2C%202013%2C%20See&_utmv=-&_utmj=227182617http://ici.umn.edu/index.php?products/view/460) (last visited March 15, 2014).

⁵⁹ The 2013 K-20 Students with Disabilities Education Pathway Task Force recommended the repeal of Florida's special diploma. The task force was created pursuant to Special Appropriation 129 in the General Appropriations Act, chapter 2013-40, L.O.F.

⁶⁰ A portfolio may consist of documented work experience, internships, and community service.

necessary to satisfy the Scholar designation requirements, or a structured work-study, internship, or pre-apprenticeship program. Additionally, the bill allows a student who receives a certificate of completion and has an IEP that prescribes special education, transition planning, transition services, or related services through 21 years of age to continue to receive the specified instruction and services.

Statewide, Standardized Assessments

A student who has a disability and for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have assessment results waived for the purpose of receiving a course grade and a standard high school diploma.⁶¹ The waiver must be designated on the student's transcript.

Based on information that a reasonably prudent person would rely upon, the Commissioner of Education must grant a permanent exemption to a student who suffers from such a severe cognitive disability or physical disability that the student permanently lacks the capacity to take statewide, standardized assessments. The State Board of Education must adopt rules that include expediting the exemption process.

Other

Current law 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.⁶² The bill prohibits a school district from imposing any additional requirements and from charging fees in such circumstances.

Any third-grade student scoring Level 1 on a statewide, standardized assessment for grade 3 students must be retained in third grade.⁶³ Some students may qualify for a good cause exemption and be promoted to fourth grade.⁶⁴ Through a student portfolio, a student may be promoted to fourth grade if he or she demonstrates at least a Level 2 performance on the statewide standardized assessment.⁶⁵

The bill provides that parents of a student with a substantial reading deficiency must be provided with specific information related to the criteria, policies and evidence used to review a portfolio. The bill allows the parent of a third grade student who is at risk of retention to request that the school immediately start compiling a portfolio. The bill also requires that a student who was

⁶¹ Section 1008.22(3)(c)2., F.S. This applies to any student who is documented as having an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia. Section 1007.02(2), F.S.

⁶² Section 1003.572(3), F.S. These personnel include licensed speech-language pathologists, occupational therapists, physical therapists, and psychologists and must meet the background screening requirements in s. 1012.32 or s. 1012.321, F.S.

⁶³ Section 1008.25(5)(b), F.S.

⁶⁴ Section 1008.25(6)(b), F.S.

⁶⁵ Section 1008.25(6)(b)4., F.S.

granted a good cause exemption be provided with intensive reading instruction and intervention. The bill creates a new good cause exemption from retention of a 3rd grade student who was previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of two years and received intensive reading intervention for two or more years, but still demonstrates a deficiency in reading. Additionally, the bill prohibits a student from being retained in 3rd grade more than once.

The bill provides an effective date of July 1, 2014, unless otherwise provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article IX, s. 1, Fla. Const., provides in part that “[a]dequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people require.” The Opportunity Scholarship Program (OSP) was found unconstitutional as fostering plural, nonuniform systems of education in direct violation of the constitutional mandate for a uniform system of free public schools in *Bush v. Holmes*, 919 So.2d 392 (Fla. 2006). However, the Florida Supreme Court also noted that “[w]e reject the suggestion by the State and amici that other publicly funded educational and welfare programs would necessarily be affected by our decision. Other educational programs, such as the program for exceptional students at issue in *Scavella*, are structurally different from the OSP, which provides a systematic private school alternative to the public school system mandated by our constitution.” *Id.* at 412.

Article I, s. 3., Fla. Const., provides in that that “[n]o revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.” The Opportunity Scholarship Program was found unconstitutional under the no-aid provision to the extent that the program authorized state funds to be paid to sectarian schools. *See, Bush v. Holmes*, 886 So.2d 340 (Fla. 1st DCA 2004). The First District Court of Appeal also noted in dicta in that decision that “nothing in the Florida no-aid provision would create a constitutional bar to state aid to a nonprofit institution that was not itself sectarian, even if the institution is affiliated with a religious order or

religious organization.” *Id.* at 362. Likewise, “[a] government program that merely purchase at market prices secular services or products from a church, synagogue, or mosque would not, by itself, violate the no-aid provision”, but “does not remove such social services program from examination under the no-aid provision.” *Council For Secular Humanism v. McNeil*, 44 So.3d 112, 119 (Fla. 1st DCA 2010)

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A family of a student with a disability eligible to participate in this program would decide which services would best meet their student’s needs and spend funds accordingly, within the limitations of the personalized account established under CS/SB 1512. Families of students not currently enrolled in a public school would be eligible for funding for authorized services, making those services more accessible and affordable.

C. Government Sector Impact:

Student eligibility for funding under the Personalized Accounts for Learning program is determined based on the student having a disability as defined in the bill and being eligible for exceptional student education (ESE) support Level 3, 4, or 5 services. Student-level funding is set at 90 percent of the amount a student would receive for a McKay Scholarship as follows:

- Level 3 students – approximately \$9,000 per year.
- Level 4 students – approximately \$11,000 per year.
- Level 5 students – approximately \$15,000 per year.

Senate Bill 2500, the Fiscal Year 2014-2015 proposed General Appropriations Bill, appropriates \$18.4 million for this program based on the specified funding levels and the estimated number of students who would meet the eligibility requirements for this program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.81, 409.1451, 1003.4282, 1003.572, 1007.263, and 1008.25.

This bill creates the following sections of the Florida Statutes: 1002.385, 1003.5716, and 1008.2121.

This bill repeals section 1003.438 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on March 18, 2014:

The committee substitute:

- Adds a definition of an “approved provider” to mean a provider approved by the Agency for Persons with Disabilities or approved by the Department of Education pursuant to s. 1002.66, F.S.;
- Adds that a student having Williams syndrome is eligible to participate in the program;
- Adds a new requirement that parents maintain a portfolio of records for two years to document student learning and further requires the portfolio to be available for inspection upon 15 days written notice from the district school superintendent;
- Adds a requirement for the State Board of Education to adopt rules to administer an electronic system of payment for authorized expenditures;
- Re-assigns to the Department of Education the Chief Financial Officer’s responsibility for payments to fund personalized accounts;
- Clarifies that only a student who has an intellectual or cognitive disability and who takes the Florida Alternate Assessment may use new criteria to satisfy standard high school diploma requirements;
- Adds a provision allowing the parent of a third grade student who is at risk of retention to request that the school immediately start compiling a portfolio;
- Adds a requirement that a student who was granted a good cause exemption be provided with intensive reading instruction and intervention and requires the school district to help schools and teachers meet this requirement;
- Creates a new good cause exemption from retaining a 3rd grade student who:
 - Received intensive reading intervention for two or more years, but still demonstrates a deficiency in reading; and
 - Was previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of two years;
- Adds a provision that prohibits a student from being retained in 3rd grade more than once;
- Eliminates the specialty high school diploma designation; and
- Makes technical and conforming changes.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1002.385 Florida Personal Learning Scholarship Accounts.—

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



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11 her eligible child.

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

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

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

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

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

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

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



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

41 1. Sections 1002.42 and 1002.421; and

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

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

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

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

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

55 (a) The student:

56 1. Is a resident of this state;

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

146 (7) SCHOOL DISTRICT OBLIGATIONS.—

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

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

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



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156 shall:

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

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

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

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

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

173 (a) The executive director:

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

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

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



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

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

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

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



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214 agency and annually submit a notarized, sworn compliance
215 statement to the agency to:

216 (a) Affirm that the student is enrolled in a school or
217 program that meets minimum student attendance requirements as
218 provided in s. 1003.21.

219 (b) Comply with the ILSP and use the program funds only for
220 authorized purposes to meet the student's goals and objectives
221 in the ILSP as described in subsection (2).

222 (c) Provide for an appropriate assessment that documents
223 the student's demonstration of educational progress at a level
224 commensurate with her or his ability. The parent shall select
225 one of the following:

226 1. A norm-referenced assessment offered by the private
227 school, administered by a teacher who holds a valid Florida
228 professional certificate, if the parent selects the private
229 school option;

230 2. A statewide, standardized assessment pursuant to s.
231 1008.22, including the Florida Alternate Assessment, at the
232 location and time specified by the district in which the student
233 resides; or

234 3. Any other valid assessment as mutually agreed upon by
235 the parent and the district school superintendent of the
236 district in which the student resides.

237
238 A student who attends a public school must take the statewide,
239 standardized assessments pursuant to s. 1008.22.

240 (d) Affirm that the student takes all appropriate
241 assessments as specified in the student's ILSP. The parent is
242 responsible for transporting the student to the assessment site



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

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

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

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

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

258 (i) Annually renew participation in the program.

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

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

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

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

271 This paragraph does not require the superintendent to inspect



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

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

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

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

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

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

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

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

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

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



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



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



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359 (b) The agency may contract for services.

360 (14) FUNDING AND PAYMENT.—

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

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

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

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

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

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



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

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

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

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

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



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417 Appropriations Act.

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

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

434 1003.4282 Requirements for a standard high school diploma.-

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

560

561 For the purpose of implementing this subsection, a school



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

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

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

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

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

586 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

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

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



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591 substantial deficiency in reading.

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

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

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

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

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

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

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



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620 (6) ELIMINATION OF SOCIAL PROMOTION.—

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

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

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

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

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

648 5. Students with disabilities who participate in FCAT



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

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

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

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

675 120.81 Exceptions and special requirements; general areas.—

676 (1) EDUCATIONAL UNITS.—

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



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

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

685 409.1451 The Road-to-Independence Program.—

686 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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736 adult secondary education, or private provider instruction.

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

739

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

741 And the title is amended as follows:

742 Delete everything before the enacting clause
743 and insert:

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



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



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



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



743988

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Thrasher) recommended the following:

Senate Amendment to Amendment (499310)

Delete lines 259 - 262

and insert:

(j) Be responsible for the payment of all eligible expenses in excess of the amount of the personal learning scholarship account.



893754

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Thrasher) recommended the following:

Senate Amendment to Amendment (499310)

Delete lines 222 - 239
and insert:

(c) Provide for an appropriate assessment that documents the student's demonstration of educational progress at a level commensurate with her or his ability, in accordance with the requirements for the academic program selected by the parent who enrolls the student in a private school pursuant to paragraph (2) (f), a home education program pursuant to s. 1002.41, or a



893754

11 scholarship program pursuant to s. 1002.39 or s. 1002.395.



325376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Thrasher) recommended the following:

1 **Senate Amendment to Amendment (499310)**
2
3 Delete line 363
4 and insert:
5 specify the annual amount per service level for public school
6 students,



913212

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Thrasher) recommended the following:

Senate Amendment to Amendment (499310) (with title amendment)

Delete lines 146 - 154
and insert:

(7) SCHOOL DISTRICT OBLIGATIONS.—The school district retains all current duties, authority, and responsibilities as specified in the Florida K-20 Education Code.

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



913212

11 And the title is amended as follows:
12 Delete lines 755 - 757
13 and insert:
14 specifying the terms of the program;



374990

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Thrasher) recommended the following:

Senate Amendment to Amendment (499310)

Delete lines 418 - 424
and insert:

(c) There is hereby appropriated for the 2014-2015 fiscal year to the Agency for Persons with Disabilities a sum of \$18,400,000 from the Operations and Maintenance Trust Fund for the implementation of the Personal Learning Scholarship Accounts Program. From these funds, \$1,500,000 shall be allocated to the Agency for Persons with Disabilities for startup costs for



374990

11 planning and implementation of the pilot program. For the pilot
12 program in the 2014-2015 fiscal year, the agency shall

By the Committee on Education; and Senators Stargel, Thrasher,
Gardiner, and Galvano

581-02750-14

20141512c1

1 A bill to be entitled
2 An act relating to students with disabilities;
3 creating s. 1002.385, F.S.; establishing the Florida
4 Personalized Accounts for Learning; defining terms;
5 specifying criteria for students who are eligible to
6 participate in the program; identifying certain
7 students who are not eligible to participate in the
8 program; authorizing the use of awarded funds for
9 specific purposes; prohibiting specific providers,
10 schools, institutions, school districts, and other
11 entities from sharing, refunding, or rebating program
12 funds; specifying the terms of the program; requiring
13 a school district to notify the parent regarding the
14 option to participate in the program; specifying the
15 school district's responsibilities for completing a
16 matrix of services and notifying the Department of
17 Education of the completion of the matrix; requiring
18 the department to notify the parent regarding the
19 amount of the awarded funds; authorizing the school
20 district to change the matrix under certain
21 circumstances; requiring the school district in which
22 a student resides to provide locations and times to
23 take all statewide assessments; requiring the school
24 district to notify parents of the availability of a
25 reevaluation; specifying the duties of the Department
26 of Education relating to the program; requiring the
27 Commissioner of Education to deny, suspend, or revoke
28 participation in the program or use of program funds
29 under certain circumstances; providing additional

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-02750-14

20141512c1

30 factors under which the commissioner may deny,
31 suspend, or revoke a participation in the program or
32 program funds; requiring a parent to sign an agreement
33 with the Department of Education to enroll his or her
34 child in the program which specifies the
35 responsibilities of a parent or student for using
36 funds in an account and for submitting a compliance
37 statement to the department; providing that a parent
38 who fails to comply with the responsibilities of the
39 agreement forfeits the personalized account for
40 learning; providing for funding and payments;
41 requiring the department to request from the
42 Department of Financial Services a sample of payments
43 from the authorized financial institution for
44 specified purposes; providing for the closing of a
45 student's account and reversion of funds to the state;
46 requiring the department to make payments to the
47 personalized accounts for learning at the authorized
48 financial institution, select an authorized financial
49 institution through a competitive bidding process to
50 administer the personalized accounts for learning, and
51 require audits of the authorized financial
52 institution's personalized accounts for learning;
53 requiring the Chief Financial Officer to conduct
54 audits; providing that the state is not liable for the
55 award or use of awarded funds; providing for the scope
56 of authority of the act; requiring the State Board of
57 Education to adopt rules to administer the program;
58 amending s. 1003.4282, F.S.; providing standard high

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581-02750-14

20141512c1

59 school diploma requirements for certain students with
 60 an intellectual disability or cognitive disability;
 61 authorizing certain students with disabilities to
 62 continue to receive certain instructions and services;
 63 requiring an independent review and a parent's
 64 approval to waive statewide, standardized assessment
 65 requirements by the IEP team; repealing s. 1003.438,
 66 F.S., relating to special high school graduation
 67 requirements for certain exceptional students;
 68 creating s. 1003.5716, F.S.; providing that certain
 69 students with disabilities have a right to free,
 70 appropriate public education; requiring an individual
 71 education plan (IEP) team to begin the process of, and
 72 to develop an IEP for, identifying transition services
 73 needs for a student with a disability before the
 74 student attains a specified age; providing
 75 requirements for the process; requiring certain
 76 statements to be included and annually updated in the
 77 IEP; providing that changes in the goals specified in
 78 an IEP are subject to independent review and parental
 79 approval; requiring the school district to reconvene
 80 the IEP team to identify alternative strategies to
 81 meet transition objectives if a participating agency
 82 fails to provide transition services specified in the
 83 IEP; providing that the agency's failure does not
 84 relieve the agency of the responsibility to provide or
 85 pay for the transition services that the agency
 86 otherwise would have provided; amending s. 1003.572,
 87 F.S.; prohibiting a school district from charging fees

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581-02750-14

20141512c1

88 or imposing additional requirements on private
 89 instructional personnel; creating s. 1008.2121, F.S.;
 90 requiring the Commissioner of Education to permanently
 91 exempt certain students with disabilities from taking
 92 statewide, standardized assessments; requiring the
 93 State Board of Education to adopt rules; amending s.
 94 1008.25, F.S.; requiring written notification relating
 95 to portfolios to a parent of a student with a
 96 substantial reading deficiency; requiring a student
 97 promoted to a certain grade with a good cause
 98 exemption to receive intensive reading instruction and
 99 intervention; requiring a school district to assist
 100 schools and teachers with the implementation of
 101 reading strategies; revising good cause exemptions;
 102 amending ss. 120.81, 409.1451, and 1007.263, F.S.;
 103 conforming cross-references; providing effective
 104 dates.

106 Be It Enacted by the Legislature of the State of Florida:

107
 108 Section 1. Section 1002.385, Florida Statutes, is created
 109 to read:

110 1002.385 Florida Personalized Accounts for Learning.—
 111 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personalized
 112 Accounts for Learning is established to provide the option for a
 113 parent to better meet the individual educational needs of his or
 114 her eligible child.
 115 (2) DEFINITIONS.—As used in this section, the term:
 116 (a) "Approved provider" means a provider approved by the

Page 4 of 31

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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20141512c1

117 Agency for Persons with Disabilities and a provider approved by
 118 the department pursuant to s. 1002.66.

119 (b) "Authorized financial institution" means the
 120 institution that is designated in writing by the parent to
 121 receive payment of program funds into the parent's personalized
 122 account for learning at such institution.

123 (c) "Chief Financial Officer" means the chief fiscal
 124 officer of this state, as defined in s. 17.001.

125 (d) "Curriculum" means a complete course of study for a
 126 particular content area or grade level, including any required
 127 supplemental materials.

128 (e) "Department" means the Department of Education.

129 (f) "Disability" means, for a student in kindergarten to
 130 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,
 131 as defined in s. 393.063(4); Down syndrome, as defined in s.
 132 393.063(13); an intellectual disability, as defined in s.
 133 393.063(21); Prader-Willi syndrome, as defined in s.
 134 393.063(25); or Spina bifida, as defined in s. 393.063(36); for
 135 a student in kindergarten, being a high-risk child, as defined
 136 in s. 393.063(20) (a); and Williams syndrome.

137 (g) "Eligible postsecondary educational institution" means
 138 a Florida College System institution, a state university, a
 139 school district technical center, a school district adult
 140 general education center, or an accredited nonpublic
 141 postsecondary educational institution, as defined in s. 1005.02,
 142 which is licensed to operate in the state pursuant to
 143 requirements specified in part III of chapter 1005.

144 (h) "Eligible private school" means a private school, as
 145 defined in s. 1002.01, which is located in this state, which

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146 offers an education to students in any grade from kindergarten
 147 to grade 12, and which meets requirements of ss. 1002.42 and
 148 1002.421.

149 (i) "IEP" means individual education plan.

150 (j) "Parent" means a resident of this state who is a
 151 parent, as defined in s. 1000.21.

152 (k) "Program" means the Florida Personalized Accounts for
 153 Learning established in this section.

154 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
 155 disability may request and receive from the state a Florida
 156 personalized account for learning for the purposes specified in
 157 subsection (5) if:

158 (a) The student:

159 1. Is a resident of this state;

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

162 3. Has a disability as defined in paragraph (2) (f) and is
 163 eligible for Level 3 to Level 5 services; and

164 4. Is the subject of an IEP written in accordance with
 165 rules of the State Board of Education; and

166 (b) The parent has requested from the department a
 167 participation in the program at least 60 days before the date of
 168 the first payment. The request must be communicated directly to
 169 the department in a manner that creates a written or electronic
 170 record of the request and the date of receipt of the request.
 171 The department must notify the district of the parent's intent
 172 upon receipt of the parent's request.

173 (4) PROGRAM PROHIBITIONS.—

174 (a) A student is not eligible for the program while he or

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175 she is:

176 1. Enrolled in a public school, including, but not limited
 177 to, the Florida School for the Deaf and the Blind, the Florida
 178 Virtual School, the College-Preparatory Boarding Academy, a
 179 developmental research school authorized under s. 1002.32, a
 180 charter school authorized under s. 1002.33, s. 1002.331, or s.
 181 1002.332, or a virtual education program authorized under s.
 182 1002.45;

183 2. Enrolled in a school operating for the purpose of
 184 providing educational services to youth in the Department of
 185 Juvenile Justice commitment programs;

186 3. Receiving a scholarship pursuant to the Florida Tax
 187 Credit Scholarship Program under s. 1002.395 or the John M.
 188 McKay Scholarships for Students with Disabilities Program under
 189 s. 1002.39; or

190 4. Receiving an educational scholarship pursuant to this
 191 chapter.

192 (b) A student is not eligible for the program if:

193 1. The student or student's parent has accepted any
 194 payment, refund, or rebate, in any manner, from a provider of
 195 any services received pursuant to subsection (5);

196 2. The student's participation in the program has been
 197 denied or revoked by the Commissioner of Education pursuant to
 198 subsection (9); or

199 3. The student's parent has forfeited participation in the
 200 program for failure to comply with requirements pursuant to
 201 subsection (10).

202 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
 203 spent for the following purposes, as specified in the student's

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204 IEP or the portion of the IEP regarding the transition of the
 205 student to postsecondary education and career opportunities
 206 pursuant to s. 1003.5716:

207 (a) Instructional materials, including digital devices,
 208 digital periphery devices, and assistive technology devices that
 209 allow a student to access instruction or instructional content.

210 (b) Curriculum as defined in paragraph (2) (d).

211 (c) Specialized services by approved providers that are
 212 selected by the parent and specified in the student's IEP. These
 213 specialized services may include, but are not limited to:

214 1. Applied behavior analysis services as provided in ss.
 215 627.6686 and 641.31098.

216 2. Services provided by speech-language pathologists as
 217 defined in s. 468.1125.

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

219 4. Services provided by physical therapists as defined in
 220 s. 486.021.

221 5. Services provided by listening and spoken language
 222 specialists and an appropriate acoustical environment for a
 223 child who is deaf or hard of hearing and who has received an
 224 implant or assistive hearing device.

225 (d) Enrollment in, or tuition or fees associated with
 226 enrollment in, an eligible private school, an eligible
 227 postsecondary educational institution, a private tutoring
 228 program authorized under s. 1002.43, a virtual program offered
 229 by a department-approved private online provider that meets the
 230 provider qualifications specified in s. 1002.45(2)(a), or an
 231 approved online course offered pursuant to ss. 1003.499 or
 232 1004.0961.

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233 (e) Fees for nationally standardized, norm-referenced
 234 achievement tests, Advanced Placement Examinations, industry
 235 certification examinations, assessments related to postsecondary
 236 education, or other assessments specified in the student's IEP.

237 (f) Contributions to a Coverdell education savings account
 238 established pursuant to 26 U.S.C. s. 530 of the Internal Revenue
 239 Code for the benefit of the eligible student.

240 (g) Contracted services provided by a public school or
 241 school district, including classes and extracurricular programs
 242 for the services specified in the IEP or additional services. A
 243 student who receives services under a contract under this
 244 paragraph shall not be considered to be enrolled in a public
 245 school for eligibility purposes as specified in subsection (4).

246 A specialized service provider, eligible private school,
 247 eligible postsecondary educational institution, private tutoring
 248 program provider, online or virtual program provider, public
 249 school, school district, or other entity receiving payments
 250 pursuant to this subsection may not share, refund, or rebate any
 251 moneys from the Florida Personalized Account for Learning with
 252 the parent or participating student in any manner.

253 (6) TERM OF THE PROGRAM.—For purposes of continuity of
 254 educational choice, the program payments made under this section
 255 shall remain in force until a student participating in the
 256 program participates in any of the prohibited activities
 257 specified in subsection (4), has funds revoked by the
 258 Commissioner of Education pursuant to subsection (9), or returns
 259 to a public school, graduates from high school, or reaches 22
 260 years of age, whichever occurs first. A participating student
 261

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262 who enrolls in a public school or public school program is
 263 considered to have returned to a public school for the purpose
 264 of determining the end of the program's term.

265 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

266 (a) By April 1 of each year and within 10 days after an IEP
 267 meeting, a school district shall notify the parent of the
 268 student who meets eligibility requirements under subsection (3)
 269 of the option to participate in the program.

270 (b)1. For a student with a disability who does not have a
 271 matrix of services under s. 1011.62(1)(e), the school district
 272 shall complete a matrix that assigns the student to one of the
 273 levels of service as they existed before the 2000-2001 school
 274 year.

275 2.a. Within 10 school days after a school district receives
 276 notification of a parent's request for participation in the
 277 program under this section, the school district shall notify the
 278 student's parent if the matrix of services has not been
 279 completed and inform the parent that the district is required to
 280 complete the matrix within 30 days after receiving notice of the
 281 parent's request for participation. This notice must include the
 282 required completion date for the matrix.

283 b. The school district shall complete the matrix of
 284 services for a student who is participating in the program and
 285 shall notify the department of the student's matrix level within
 286 30 days after receiving notification of a request to participate
 287 in the program. The school district must provide the student's
 288 parent with the student's matrix level within 10 school days
 289 after its completion.

290 c. The department shall notify the parent of the amount of

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291 the funds awarded within 10 days after receiving the school
 292 district's notification of the student's matrix level.

293 d. A school district may change a matrix of services only
 294 if the change is to correct a technical, typographical, or
 295 calculation error.

296 (c) For each student participating in the program who takes
 297 statewide, standardized assessments under s. 1008.22, the school
 298 district in which the student resides must notify the student
 299 and his or her parent about the locations and times to take all
 300 statewide, standardized assessments.

301 (d) For each student participating in the program, a school
 302 district shall notify the parent about the availability of a
 303 reevaluation at least every 3 years.

304 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 305 shall:

306 (a) Establish an annual enrollment period and a process in
 307 which a parent may apply to enroll his or her student in the
 308 program. The enrollment period shall begin on July 1 and end on
 309 May 1 of each year for applications for the following state
 310 fiscal year. All applications must be approved by June 1 of each
 311 year for program participation for the following fiscal year.

312 (b) Conduct or contract for annual audits of the program to
 313 ensure compliance with this section.

314 (c) Notify the authorized financial institution of students
 315 who are approved to participate in the program. The notice must
 316 be made annually by June 1, after the department processes all
 317 applications to participate in the program.

318 (d) Establish a process by which a person may notify the
 319 department of any violation of laws or rules relating to

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320 participation in the program. The department shall conduct an
 321 inquiry of all signed, written, and legally sufficient
 322 complaints that allege a violation of this section or make a
 323 referral to the appropriate agency for an investigation. A
 324 complaint is legally sufficient if it contains ultimate facts
 325 showing that a violation of this section or a violation of a
 326 rule adopted under this section has occurred. In order to
 327 determine legal sufficiency, the department may require
 328 supporting information or documentation from the complainant. A
 329 department inquiry is not subject to the requirements of chapter
 330 120.

331 (e) Compare the list of students participating in the
 332 program with the public school enrollment lists before each
 333 program payment to avoid duplicate payments.

334 (f) Select an independent research organization, which may
 335 be a public or private entity or university, to which
 336 participating entities must report the scores of students
 337 participating in the program on the standardized assessments
 338 administered by the schools as specified in the IEP.

339 1. The independent research organization shall annually
 340 issue a report to the department which includes:

341 a. The year-to-year learning gains of students
 342 participating in the program.

343 b. To the extent possible, a comparison of the learning
 344 gains of students in the program to the statewide learning gains
 345 of public school students having backgrounds similar to those of
 346 the students in the program. In order to minimize the costs and
 347 time that the independent research organization requires for
 348 analysis and evaluation, the department shall conduct analyses

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349 of assessment data from matched students in public schools and
 350 shall calculate the learning gains of control groups using a
 351 methodology outlined in the contract with the independent
 352 research organization.

353 c. The aggregate year-to-year learning gains of students in
 354 the program in each participating entity in which there are at
 355 least 30 participating students that have scores for tests for 2
 356 consecutive years at that entity.

357 2. The sharing and reporting of the learning gains of
 358 students pursuant to this paragraph must be in accordance with
 359 the Family Educational Rights and Privacy Act, 20 U.S.C. s.
 360 1232g, and shall be for the sole purpose of creating the annual
 361 report required under subparagraph 1. All parties shall preserve
 362 the confidentiality of such information as required by law. The
 363 independent research organization may not disaggregate data in
 364 its annual report to a level that identifies individual
 365 participating entities, except as required under sub-
 366 paragraph 1.c., or disclose the academic level of individual
 367 students.

368 3. The department shall publish on its website the annual
 369 report required by subparagraph 1.

370 (g) Coordinate with state-funded or federally funded
 371 benefits programs to advise a parent about the possible effect
 372 his or her child's participation in the program under this
 373 section may have on the child's eligibility for participating in
 374 those state-funded or federally funded benefits programs.

375 (h) Issue a report by December 15, 2014, and annually
 376 thereafter to the Governor, the President of the Senate, and the
 377 Speaker of the House of Representatives describing the

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378 implementation of accountability mechanisms for the program,
 379 identifying any substantial allegations and violations of a law
 380 or rule governing the program, and describing the corrective
 381 actions taken by the department relating to violations of a law
 382 or rule governing the program.

383 (9) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

384 (a) The Commissioner of Education:

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

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

391 3. May deny, suspend, or revoke an authorized use of
 392 program funds for material failure to comply with this section
 393 and applicable department rules if the noncompliance is
 394 correctable within a reasonable period of time. Otherwise, the
 395 commissioner shall deny, suspend, or revoke an authorized use
 396 for failure to materially comply with the law and rules adopted
 397 under this section.

398 4. Shall require compliance by the appropriate party by a
 399 date certain for all nonmaterial failures to comply with this
 400 section and applicable department rules. The commissioner may
 401 deny, suspend, or revoke program participation under this
 402 section thereafter.

403 (b) In determining whether to deny, suspend, or revoke in
 404 accordance with this subsection, the commissioner may consider
 405 factors that include, but are not limited to, acts or omissions
 406 by a participating entity which led to a previous denial or

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407 revocation of participation in an education scholarship program;
 408 failure to reimburse the department for program funds improperly
 409 received or retained by the entity; imposition of a prior
 410 criminal sanction related to the entity or its officers or
 411 employees; imposition of a civil fine or administrative fine,
 412 license revocation or suspension, or program eligibility
 413 suspension, termination, or revocation related to an entity's
 414 management or operation; or other types of criminal proceedings
 415 in which the entity or its officers or employees were found
 416 guilty of, regardless of adjudication, or entered a plea of nolo
 417 contendere or guilty to, any offense involving fraud, deceit,
 418 dishonesty, or moral turpitude.

419 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 420 PARTICIPATION.—A parent who applies for program participation
 421 under this section is exercising his or her parental option to
 422 determine the appropriate placement or services that best meet
 423 the needs of his or her student. To enroll an eligible student
 424 in the program, the parent must sign an agreement with the
 425 department and annually submit a notarized, sworn compliance
 426 statement to the department to:

427 (a) Affirm that the student meets minimum student
 428 attendance requirements as provided in s. 1003.21.

429 (b) Use the program funds only for authorized purposes, as
 430 described in subsection (5).

431 (c) Affirm that the student takes all appropriate
 432 standardized assessments as specified in the student's IEP. The
 433 parent is responsible for transporting the student to the
 434 assessment site designated by the school district.

435 (d) Request participation in the program at least 60 days

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436 before the date of the first program payment.

437 (e) Affirm that the student remains in good standing with
 438 the provider or school if those options are selected by the
 439 parent.

440 (f) Apply for admission of his or her child if the private
 441 school option is selected by the parent.

442 (g) Annually renew participation in the program.
 443 Notwithstanding any changes to the student's IEP, a student who
 444 was previously eligible for participation in the program shall
 445 remain eligible to apply for renewal as provided in subsection
 446 (6).

447 (h) Designate in writing the authorized financial
 448 institution to receive payment of program funds and maintain a
 449 separate personalized account for learning at that institution.

450 (i) Affirm that the parent will not transfer any college
 451 savings funds to another beneficiary.

452 (j) Affirm that the parent will not take possession of any
 453 funding contributed by the state.

454 (k) Maintain a portfolio of records and materials which
 455 must be preserved by the parent for 2 years and be made
 456 available for inspection by the district school superintendent
 457 or the superintendent's designee upon 15 days' written notice.
 458 This paragraph does not require the superintendent to inspect
 459 the portfolio. The portfolio of records and materials consists
 460 of:

461 1. A log of educational instruction and services which is
 462 made contemporaneously with delivery of the instruction and
 463 services and which designates by title any reading materials
 464 used; and

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465 2. Samples of any writings, worksheets, workbooks, or
 466 creative materials used or developed by the student.
 467
 468 A parent who fails to comply with this subsection forfeits the
 469 personalized account for learning.
 470 (11) FUNDING AND PAYMENT.—
 471 (a)1. The maximum funding amount granted for an eligible
 472 student with a disability, pursuant to subsection (3), shall be
 473 equivalent to the base student allocation in the Florida
 474 Education Finance Program multiplied by the appropriate cost
 475 factor for the educational program which would have been
 476 provided for the student in the district school to which he or
 477 she would have been assigned, multiplied by the district cost
 478 differential.
 479 2. In addition, an amount equivalent to a share of the
 480 guaranteed allocation for exceptional students in the Florida
 481 Education Finance Program shall be determined and added to the
 482 amount in subparagraph 1. The calculation shall be based on the
 483 methodology and the data used to calculate the guaranteed
 484 allocation for exceptional students for each district in chapter
 485 2000-166, Laws of Florida. Except as provided in subparagraph
 486 3., the calculation shall be based on the student's grade, the
 487 matrix level of services, and the difference between the 2000-
 488 2001 basic program and the appropriate level of services cost
 489 factor, multiplied by the 2000-2001 base student allocation and
 490 the 2000-2001 district cost differential for the sending
 491 district. The calculated amount must also include an amount
 492 equivalent to the per-student share of supplemental academic
 493 instruction funds, instructional materials funds, technology

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494 funds, and other categorical funds as provided in the General
 495 Appropriations Act.
 496 3. Until the school district completes the matrix required
 497 under paragraph (7) (b), the calculation shall be based on the
 498 matrix that assigns the student to support level 3 of services.
 499 When the school district completes the matrix, the amount of the
 500 payment shall be adjusted as needed.
 501 (b) The amount of the awarded funds shall be 90 percent of
 502 the calculated amount.
 503 (c) The school district shall report all students who are
 504 participating in the program. The participating students who
 505 have previously been included in the Florida Education Finance
 506 Program and are included in public school enrollment counts
 507 shall be reported separately from other students reported for
 508 purposes of the Florida Education Finance Program. Participating
 509 students who have been enrolled in nonpublic schools shall also
 510 be reported separately.
 511 (d) Following notification on July 1, September 1, December
 512 1, or February 1 of the number of program participants:
 513 1. For students who have been enrolled in public schools
 514 and are included in public school enrollment counts, the
 515 department shall transfer, from General Revenue funds only, the
 516 amount of the awarded program funds calculated pursuant to
 517 paragraph (b) from the school district's total funding
 518 entitlement under the Florida Education Finance Program and from
 519 authorized categorical accounts to a separate account for the
 520 program for quarterly disbursement to the personalized account
 521 for learning at an authorized financial institution on behalf of
 522 the parent and student; and

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523 2. For students who have been and will continue to be
 524 enrolled in nonpublic schools, the department shall also
 525 transfer from an appropriation for the program the amount
 526 calculated under paragraph (b) to a separate account for the
 527 program for quarterly disbursement to the personalized account
 528 for learning at an authorized financial institution on behalf of
 529 the parent and student. Nonpublic school students shall be
 530 provided awarded funds on a first-come, first-served basis.

531 (e) When a student enters the program, the department must
 532 receive, at least 30 days before the first quarterly program
 533 payment is made to the personalized account for learning for the
 534 student, all documentation required for the student's
 535 participation in the program.

536 (f) Upon notification by the department that it has
 537 received the documentation required under paragraph (d), the
 538 department shall make payments in four equal amounts no later
 539 than September 1, November 1, February 1, and April 1 of each
 540 academic year in which the awarded funds are in force. The
 541 initial payment shall be made after department verification of
 542 the establishment of the personalized account for learning at an
 543 authorized financial institution, and subsequent payments shall
 544 be made upon verification of parental obligations under
 545 subsection (10). Payment must be by individual warrant made
 546 payable to the personalized account for learning on behalf of
 547 the parent and student. The authorized financial institution
 548 shall mail or electronically process payments as directed by the
 549 parent for authorized uses.

550 (g) Subsequent to each payment, the department shall
 551 request from the Department of Financial Services a sample of

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552 payments from the authorized financial institution for
 553 authorized uses to endorsed warrants to review and confirm
 554 compliance with this section.

555 (h) Upon an eligible student's graduation from an eligible
 556 postsecondary educational institution or after any period of 4
 557 consecutive years after high school graduation in which the
 558 student is not enrolled in an eligible postsecondary educational
 559 institution, the student's personalized account for learning
 560 shall be closed, and any remaining funds shall revert to the
 561 state.

562 (i) The department shall make payments to fund personalized
 563 accounts for learning at the authorized financial institution
 564 pursuant to this section.

565 (j) The department shall develop a system for payment of
 566 benefits by electronic funds transfer, including, but not
 567 limited to, debit cards, electronic payment cards, or any other
 568 means of electronic payment that the department deems to be
 569 commercially viable or cost-effective. Commodities or services
 570 related to the development of such a system shall be procured by
 571 competitive solicitation unless they are purchased from a state
 572 term contract pursuant to s. 287.056. The State Board of
 573 Education shall adopt rules to administer this paragraph.

574 (k) The department shall require audits of the authorized
 575 financial institution's personalized accounts for learning
 576 pursuant to this section. The Chief Financial Officer shall
 577 conduct audits pursuant to this section.

578 (12) LIABILITY.—The state is not liable for the award or
 579 any use of awarded funds under this section.

580 (13) SCOPE OF AUTHORITY.—This section does not expand the

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581 regulatory authority of this state, its officers, or any school
 582 district to impose additional regulation on participating
 583 private schools, nonpublic postsecondary educational
 584 institutions, and private providers beyond those reasonably
 585 necessary to enforce requirements expressly set forth in this
 586 section.

587 (14) RULES.—The State Board of Education shall adopt rules
 588 pursuant to ss. 120.536(1) and 120.54 to administer this
 589 section. The rules must identify the appropriate school district
 590 personnel who must complete the matrix of services.

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

594 1003.4282 Requirements for a standard high school diploma.—

595 (10) STUDENTS WITH DISABILITIES.—Beginning with students
 596 entering grade 9 in the 2014-2015 school year, this subsection
 597 applies to a student with an intellectual or cognitive
 598 disability for whom the IEP team has determined that the Florida
 599 Alternate Assessment is the most appropriate measure of the
 600 student's skills.

601 (a) A parent of the student with a disability shall, in
 602 collaboration with the individual education plan team pursuant
 603 to s. 1003.5716, declare an intent for the student to graduate
 604 from high school with either a standard high school diploma or a
 605 certificate of completion. A student with a disability who does
 606 not satisfy the standard high school diploma requirements
 607 pursuant to this section shall be awarded a certificate of
 608 completion.

609 (b) The following options, in addition to the other options

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610 specified in this section, may be used to satisfy the standard
 611 high school diploma requirements, as specified in the student's
 612 individual education plan:

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

617 2. A portfolio of quantifiable evidence that documents a
 618 student's mastery of academic standards through rigorous metrics
 619 established by State Board of Education rule. A portfolio may
 620 include, but is not limited to, documentation of work
 621 experience, internships, community service, and postsecondary
 622 credit.

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

626 1. Has an individual education plan that prescribes special
 627 education, transition planning, transition services, or related
 628 services through age 21; and

629 2. Is enrolled in accelerated college credit instruction
 630 pursuant to s. 1007.27, industry certification courses that lead
 631 to college credit, a collegiate high school program, courses
 632 necessary to satisfy the Scholar designation requirements, or a
 633 structured work-study, internship, or pre-apprenticeship
 634 program.

635 (d) A student with a disability who receives a certificate
 636 of completion and has an individual education plan that
 637 prescribes special education, transition planning, transition
 638 services, or related services through 21 years of age may

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639 continue to receive the specified instruction and services.

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

645 Section 3. Effective July 1, 2015, section 1003.438,
 646 Florida Statutes, is repealed.

647 Section 4. Section 1003.5716, Florida Statutes, is created
 648 to read:

649 1003.5716 Transition to postsecondary education and career
 650 opportunities.—All students with disabilities who are 3 years of
 651 age to 21 years of age have the right to a free, appropriate
 652 public education. As used in this section, the term “IEP” means
 653 individual education plan.

654 (1) To ensure quality planning for a successful transition
 655 of a student with a disability to postsecondary education and
 656 career opportunities, an IEP team shall begin the process of,
 657 and develop an IEP for, identifying the need for transition
 658 services before the student with a disability attains the age of
 659 14 years in order for his or her postsecondary goals and career
 660 goals to be identified and in place when he or she attains the
 661 age of 16 years. This process must include, but is not limited
 662 to:

663 (a) Consideration of the student’s need for instruction in
 664 the area of self-determination and self-advocacy to assist the
 665 student’s active and effective participation in an IEP meeting;
 666 and

667 (b) Preparation for the student to graduate from high

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668 school with a standard high school diploma pursuant to s.
 669 1003.4282 with a Scholar designation unless the parent chooses a
 670 Merit designation.

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

675 (a) A statement of intent to pursue a standard high school
 676 diploma and a Scholar or Merit designation, pursuant to s.
 677 1003.4285, as determined by the parent.

678 (b) A statement of intent to receive a standard high school
 679 diploma before the student reaches the age of 22 and a
 680 description of how the student will fully meet the requirements
 681 in s. 1003.428 or s. 1003.4282, as applicable, including, but
 682 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that
 683 meets the criteria specified in State Board of Education rule.
 684 The IEP must also specify the outcomes and additional benefits
 685 expected by the parent and the IEP team at the time of the
 686 student’s graduation.

687 (c) A statement of appropriate measurable long-term
 688 postsecondary education and career goals based upon age-
 689 appropriate transition assessments related to training,
 690 education, employment, and, if appropriate, independent living
 691 skills and the transition services, including courses of study
 692 needed to assist the student in reaching those goals.

693 (3) Any change in the IEP for the goals specified in
 694 subsection (2) must be approved by the parent and is subject to
 695 verification for appropriateness by an independent reviewer
 696 selected by the parent as provided in s. 1003.572.

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697 (4) If a participating agency responsible for transition
 698 services, other than the school district, fails to provide the
 699 transition services described in the IEP, the school district
 700 shall reconvene the IEP team to identify alternative strategies
 701 to meet the transition objectives for the student that are
 702 specified in the IEP. However, this does not relieve any
 703 participating agency of the responsibility to provide or pay for
 704 any transition service that the agency would otherwise provide
 705 to students with disabilities who meet the eligibility criteria
 706 of that agency.

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

709 1003.572 Collaboration of public and private instructional
 710 personnel.—

711 (3) Private instructional personnel who are hired or
 712 contracted by parents to collaborate with public instructional
 713 personnel must be permitted to observe the student in the
 714 educational setting, collaborate with instructional personnel in
 715 the educational setting, and provide services in the educational
 716 setting according to the following requirements:

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

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

721
 722 For the purpose of implementing this subsection, a school
 723 district may not impose any requirements beyond those
 724 requirements specified in this subsection or charge any fees.

725 Section 6. Section 1008.2121, Florida Statutes, is created

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726 to read:

727 1008.2121 Students with severe cognitive or physical
 728 disabilities; permanent exemption.—Based on information that a
 729 reasonably prudent person would rely upon, including, but not
 730 limited to, facts contained within an individual education plan
 731 under s. 1008.212, documentation from an appropriate health care
 732 provider, or certification from the district school board
 733 superintendent, the Commissioner of Education shall
 734 perfunctorily grant a permanent exemption to a student who
 735 suffers from such a severe cognitive disability or physical
 736 disability that the student permanently lacks the capacity to
 737 take statewide, standardized assessments. The State Board of
 738 Education shall adopt rules to administer this section,
 739 including, but not limited to, expediting the exemption process
 740 to demonstrate the utmost compassion and consideration for
 741 meeting the parent's and student's needs.

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

745 1008.25 Public school student progression; remedial
 746 instruction; reporting requirements.—

747 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

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

751 1. That his or her child has been identified as having a
 752 substantial deficiency in reading.

753 2. A description of the current services that are provided
 754 to the child.

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755 3. A description of the proposed supplemental instructional
756 services and supports that will be provided to the child that
757 are designed to remediate the identified area of reading
758 deficiency.

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

762 5. Strategies for parents to use in helping their child
763 succeed in reading proficiency.

764 6. That the Florida Comprehensive Assessment Test (FCAT) is
765 not the sole determiner of promotion and that additional
766 evaluations, portfolio reviews, and assessments are available to
767 the child to assist parents and the school district in knowing
768 when a child is reading at or above grade level and ready for
769 grade promotion.

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

777 ~~8.7.~~ The district's specific criteria and policies for
778 midyear promotion. Midyear promotion means promotion of a
779 retained student at any time during the year of retention once
780 the student has demonstrated ability to read at grade level.

781 (6) ELIMINATION OF SOCIAL PROMOTION.—

782 (b) The district school board may only exempt students from
783 mandatory retention, as provided in paragraph (5)(b), for good

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784 cause. A student who is promoted to grade 4 with a good cause
785 exemption shall be provided intensive reading instruction and
786 intervention that include specialized diagnostic information and
787 specific reading strategies to meet the needs of each student so
788 promoted. The school district shall assist schools and teachers
789 with the implementation of reading strategies for students
790 promoted with a good cause exemption which research has shown to
791 be successful in improving reading among students that have
792 reading difficulties. Good cause exemptions shall be limited to
793 the following:

794 1. Limited English proficient students who have had less
795 than 2 years of instruction in an English for Speakers of Other
796 Languages program.

797 2. Students with disabilities whose individual education
798 plan indicates that participation in the statewide assessment
799 program is not appropriate, consistent with the requirements of
800 State Board of Education rule.

801 3. Students who demonstrate an acceptable level of
802 performance on an alternative standardized reading or English
803 Language Arts assessment approved by the State Board of
804 Education.

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

809 5. Students with disabilities who participate in FCAT
810 Reading or the common core English Language Arts assessment, as
811 applicable under s. 1008.22, and who have an individual
812 education plan or a Section 504 plan that reflects that the

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813 student has received intensive remediation in reading and
814 English Language Arts for more than 2 years but still
815 demonstrates a deficiency and was previously retained in
816 kindergarten, grade 1, grade 2, or grade 3.

817 6. Students who have received intensive reading
818 intervention for 2 or more years but still demonstrate a
819 deficiency in reading and who were previously retained in
820 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
821 years. A student may not be retained more than once in grade 3.

822 ~~7.6.~~ Students who have received intensive remediation in
823 reading and English Language Arts, as applicable under s.
824 1008.22, for 2 or more years but still demonstrate a deficiency
825 and who were previously retained in kindergarten, grade 1, grade
826 2, or grade 3 for a total of 2 years. Intensive instruction for
827 students so promoted must include an altered instructional day
828 that includes specialized diagnostic information and specific
829 reading strategies for each student. The district school board
830 shall assist schools and teachers to implement reading
831 strategies that research has shown to be successful in improving
832 reading among low-performing readers.

833 Section 8. Effective July 1, 2015, paragraph (c) of
834 subsection (1) of section 120.81, Florida Statutes, is amended
835 to read:

836 120.81 Exceptions and special requirements; general areas.—

837 (1) EDUCATIONAL UNITS.—

838 (c) Notwithstanding s. 120.52(16), any tests, test scoring
839 criteria, or testing procedures relating to student assessment
840 which are developed or administered by the Department of
841 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.

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842 1008.22, or s. 1008.25, or any other statewide educational tests
843 required by law, are not rules.

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

846 409.1451 The Road-to-Independence Program.—

847 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

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

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

858 3. Earned a standard high school diploma or its equivalent
859 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.
860 1003.435, ~~or s. 1003.438~~;

861 4. Has been admitted for enrollment as a full-time student
862 or its equivalent in an eligible postsecondary educational
863 institution as provided in s. 1009.533. For purposes of this
864 section, the term "full-time" means 9 credit hours or the
865 vocational school equivalent. A student may enroll part-time if
866 he or she has a recognized disability or is faced with another
867 challenge or circumstance that would prevent full-time
868 attendance. A student needing to enroll part-time for any reason
869 other than having a recognized disability must get approval from
870 his or her academic advisor;

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871 5. Has reached 18 years of age but is not yet 23 years of
872 age;

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

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

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

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

882 1007.263 Florida College System institutions; admissions of
883 students.—Each Florida College System institution board of
884 trustees is authorized to adopt rules governing admissions of
885 students subject to this section and rules of the State Board of
886 Education. These rules shall include the following:

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

891
892 Each board of trustees shall establish policies that notify
893 students about developmental education options for improving
894 their communication or computation skills that are essential to
895 performing college-level work, including tutoring, extended time
896 in gateway courses, free online courses, adult basic education,
897 adult secondary education, or private provider instruction.

898 Section 11. Except as otherwise expressly provided in this
899 act, this act shall take effect July 1, 2014.

①

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/14

Meeting Date

Topic TEXT BOOKS

Bill Number SB 530
(if applicable)

Name Ron SILVER

Amendment Barcode _____
(if applicable)

Job Title _____

Address 2031 NE 209 ST

Phone 305-502-1199

Street

MIAMI

City

FL

State

33179

Zip

E-mail RSILVER378@AOL.COM

Speaking: For Against Information

Representing NATIONAL ASSOCIATION OF COLLEGE STORES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

2

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/14
Meeting Date

Topic Textbook Affordability Bill Number SB 530
(if applicable)

Name Tom Auxter Amendment Barcode _____
(if applicable)

Job Title President, United Faculty of Florida, representing 23,000
faculty members in all SUS universities and half of public colleges

Address 2130 SW 78 Terrace Phone 352 219 0020
Street

Gainesville FL 32607 E-mail tauxter@aol.com
City State Zip

Speaking: For Against Information

Representing United Faculty of Florida

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

4

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-14

Meeting Date

Topic

SB 1512 ~~Strike~~ all

Bill Number

SB 1512

(if applicable)

Name

Margaret J. Hooper

Amendment Barcode

(if applicable)

Job Title

Public Policy Coordinator

Address

124 Merritts Drive

Phone

850 921-7263

Street

Tallahassee, FL 32311

E-mail

Margaret@FLPPC.org

City

State

Zip

Speaking:

For

Against

Information

Representing

Florida Dev. Dis Council

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-14

Meeting Date

Topic CS for SB vs PLA

Bill Number 1512 (if applicable)

Name Robyn Rennick

Amendment Barcode (if applicable)

Job Title Board member

Address 5246 Centerville Rd

Phone 893 2216

Street

Tallahassee

FL

32309

City

State

Zip

E-mail drills@talstar.com

Speaking: [X] For [] Against [] Information

Representing The Coalition of McKay Scholarship Schools

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: KN 412 Case:
Caption: Appropriations Subcommittee on Education

Type:
Judge:

Started: 4/2/2014 9:02:00 AM
Ends: 4/2/2014 10:36:05 AM Length: 01:34:06

9:02:04 AM Meeting Called to Order
9:02:12 AM Roll Call
9:02:40 AM Opening Remarks by Chair Galvano
9:02:47 AM Tab 1
9:02:52 AM SB 514 Sen Flores
9:03:00 AM Amendment #2 - 215812 Withdrawn
9:03:16 AM Strike-All Amendment 228992 - Adopted
9:04:41 AM Roll Call on SB 514 - FAV
9:05:12 AM Tab 2
9:05:24 AM CS/SB 530 Sen Flores
9:05:41 AM Motion to Hear - Strike-All Amendment 967002 - Adopted
9:07:32 AM Sen Sachs Question
9:09:36 AM Vice Chair Montford Question
9:13:28 AM Public Testimony
9:13:54 AM Ron Silver, National Association of College Students
9:19:04 AM Sen Montford Question
9:22:48 AM Sen Sachs Question
9:23:22 AM Tom Auxter, United Faculty of Florida
9:27:42 AM Vice Chair Montford Comments
9:29:14 AM Sen Flores Comments
9:30:47 AM Roll Call on CS/SB 530 - FAV
9:31:25 AM Tab 3
9:31:30 AM SB 886 by Sen Montford
9:32:05 AM Sen Sachs Question
9:33:36 AM Roll Call on SB 886 - FAV
9:34:06 AM Tab 4
9:34:09 AM CS/SB 950 by Sen Stargel
9:34:31 AM Strike-All Amendment 328710 - Adopted
9:35:36 AM Sen Bullard Question
9:38:26 AM Roll Call on CS/SB 950 - FAV
9:38:56 AM Tab 5
9:39:23 AM CS/SB 1512 by Sen Stargel
9:39:25 AM Strike-All Amendment 499310 - Adopted
9:42:43 AM Motion to Hear - Late Filed Amendment #1 - 913212 - Adopted
9:43:15 AM Amendment #2 - 893754 - Adopted
9:43:55 AM Amendment #3 - 743988 - Adopted
9:44:11 AM Vice Chair Montford Question
9:45:01 AM Amendment #4 -325376 - Adopted
9:46:12 AM Amendment #5 -374990 - Adopted
9:46:53 AM Sen Bullard Question
9:50:55 AM Sen Legg Question
9:55:44 AM Sen Simmons Question
9:57:52 AM Sen Thrasher Question
10:01:28 AM Vice Chair Montford Question
10:02:57 AM Chair Galvano Comments
10:03:26 AM Sen Sachs Question
10:04:29 AM Chair Galvano Comments
10:06:37 AM Vice Chair Montford Question
10:09:24 AM Sen Simmons Question
10:12:11 AM Sen Bullard Question
10:13:20 AM Chair Galvano Comments
10:13:38 AM Public Testimony

10:14:29 AM Margaret Hooper, Florida Development Disability Council
10:18:25 AM Robyn Rennick, Coalition of McKay Scholarship Schools
10:21:41 AM Sen Thrasher Comments
10:22:57 AM Sen Legg Comments
10:24:25 AM Sen Simmons Comments
10:25:24 AM Vice Chair Montford Comments
10:26:41 AM Sen Bullard Comments
10:30:20 AM Sen Benacquisto Comments
10:33:49 AM Roll Call Motion CS/SB 1512 - FAV
10:34:22 AM Motion to Allow Staff to make Necessary Technical Changes to the Bill
10:34:37 AM Sen Simmons Motion to show - VA - SB 950
10:34:50 AM Sen Bullard Question
10:35:27 AM Chair Galvano Comments
10:35:42 AM Sen Abruzzo Motion to show VA - SB 514
10:35:53 AM Meeting Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Chair*
Appropriations Subcommittee on Education
Appropriations Subcommittee on General
Government
Banking and Insurance
Children, Families, and Elder Affairs
Regulated Industries

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR NANCY C. DETERT

28th District

April 2, 2014

The Honorable Bill Galvano
Chairman
Senate Education Appropriations Committee
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Mr. Chairman:

I respectfully request that I be granted an excused absence from today's Senate Education Appropriations meeting due to personal reasons.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Nancy C. Detert".

Nancy C. Detert

NCD/ca

REPLY TO:

- 417 Commercial Court, Suite D, Venice, Florida 34292 (941) 480-3547 FAX: (941) 480-3549
- 416 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5028

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore