

Tab 1 SB 360 by Stargel (CO-INTRODUCERS) Grimsley; (Compare to CS/CS/H 00293) Middle School Study

490892	PCS	S		AED			04/17 12:33 PM
258976	D	S	RCS	AED, Stargel	Delete everything after		04/17 01:04 PM

Tab 2 SB 642 by Garcia (CO-INTRODUCERS) Artiles; (Similar to H 00559) Public Educational Facilities

883124	PCS	S		AED			04/17 12:34 PM
292400	A	S	RS	AED, Garcia	Delete L.42 - 45:		04/17 01:04 PM
663480	SA	S	RCS	AED, Garcia	Delete L.42 - 45:		04/17 01:04 PM
592138	A	S	RCS	AED, Montford	btw L.194 - 195:		04/17 01:04 PM

Tab 3 CS/SB 772 by ED, Rouson; (Similar to H 00371) Assistive Technology Devices

Tab 4 CS/SB 890 by ED, Bean (CO-INTRODUCERS) Montford; (Compare to CS/H 00907) Florida Endowment for Vocational Rehabilitation

140356	PCS	S		AED			04/14 03:47 PM
836882	A	S	RCS	AED, Bean	Delete L.73 - 247:		04/14 03:52 PM

Tab 5 SB 1222 by Bradley; (Similar to H 00781) School Grades

Tab 6 SB 1710 by Stargel (CO-INTRODUCERS) Grimsley; (Similar to CS/CS/H 07057) Education

525110	PCS	S		AED			04/17 12:34 PM
785980	A	S	RCS	AED, Stargel	Delete L.79 - 86:		04/17 01:04 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON PRE-K - 12
EDUCATION
Senator Simmons, Chair
Senator Young, Vice Chair

MEETING DATE: Thursday, April 13, 2017
TIME: 1:00—2:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Simmons, Chair; Senator Young, Vice Chair; Senators Broxson, Farmer, Grimsley, Lee, Montford, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 360 Stargel (Compare CS/CS/H 293)	Middle School Study; Requiring the Department of Education to conduct a comprehensive study of states with nationally recognized high-performing middle schools in reading and mathematics, etc. ED 03/06/2017 Favorable AED 04/13/2017 Fav/CS AP	Fav/CS Yeas 7 Nays 0
2	SB 642 Garcia (Similar H 559)	Public Educational Facilities; Providing requirements for determining the capacity of facilities in certain schools as reported in the Florida Inventory of School Houses, etc. ED 03/21/2017 Favorable AED 04/13/2017 Fav/CS AP	Fav/CS Yeas 8 Nays 0
3	CS/SB 772 Education / Rouson (Similar H 371)	Assistive Technology Devices; Revising provisions relating to the accessibility and use of assistive technology devices by persons with disabilities, etc. ED 03/21/2017 Fav/CS AED 04/13/2017 Favorable AP	Favorable Yeas 6 Nays 0
4	CS/SB 890 Education / Bean (Compare CS/H 907, S 2516)	Florida Endowment for Vocational Rehabilitation; Extending the date for future review and repeal of provisions governing the Florida Endowment for Vocational Rehabilitation, etc. ED 03/21/2017 Fav/CS AED 04/13/2017 Fav/CS AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on Pre-K - 12 Education
Thursday, April 13, 2017, 1:00—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1222 Bradley (Similar H 781)	School Grades; Providing that a school exhibits a feeder pattern for the purpose of designating school grades if at least a majority of its students are scheduled to be assigned to the graded school, etc. ED 03/21/2017 Workshop-Discussed ED 03/27/2017 Favorable AED 04/13/2017 Favorable AP	Favorable Yeas 8 Nays 0
6	SB 1710 Stargel (Similar CS/CS/H 7057)	Education; Designating the month of September as "American Founders' Month"; revising the duties of the Just Read, Florida! Office to include developing and providing access to certain resources for elementary schools; requiring postsecondary students to demonstrate civic literacy, etc. ED 04/03/2017 Favorable AED 04/13/2017 Fav/CS AP RC	Fav/CS Yeas 7 Nays 0

Other Related Meeting Documents



602-03791-17

Proposed Committee Substitute by Appropriations Subcommittee on
Pre-K - 12 Education

A bill to be entitled

An act relating to a middle school study; requiring the Department of Education to solicit for a contract to conduct a comprehensive study of states with nationally recognized high-performing middle schools in reading and mathematics; specifying areas that must be reviewed in conducting the study; requiring a report to the Governor, the State Board of Education, and the Legislature by a specified time; providing for expiration; providing an effective date.

WHEREAS, since 1998, Florida has seen a continuing trend of reading improvement in the elementary school grades, which has led to an increase of 17 percentage points in reading at or above proficiency for 4th grade students on the National Assessment of Educational Progress, while Florida's 8th grade students achieved only an increase of 7 percentage points, and

WHEREAS, since 2003, Florida's 4th grade students have demonstrated an increase of 11 percentage points in mathematics at or above proficiency on the national assessment, while Florida's 8th grade students have shown an increase of only 3 percentage points, and

WHEREAS, since 2013, Florida's middle school students' proficiencies on the national assessment in both reading and mathematics have remained flat or decreased, and

WHEREAS, Massachusetts, New Hampshire, Vermont,



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Connecticut, and New Jersey are the top performing states in the percentage of 4th and 8th grade students scoring at or above proficiency in reading on the national assessment, and

WHEREAS, Massachusetts, Minnesota, New Hampshire, New Jersey, and Washington are the top performing states in the percentage of 4th and 8th grade students scoring at or above proficiency in mathematics on the national assessment, and

WHEREAS, Florida's academic expectations for students in both reading and mathematics were raised in 2010 and 2014, and

WHEREAS, the performance of Florida's middle school students on the state assessments in reading has remained flat since the state's standards were raised, while their performance in mathematics increased slightly between 2015 and 2016, and

WHEREAS, success in the middle school grades is a predictor of academic success in high school and college and career readiness, NOW, THEREFORE,

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

Section 1. Comprehensive study on middle school performance.

(1) The Department of Education shall issue a competitive solicitation for a contract with private vendors to conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress.

(2) The study must include a review of at least all of the following:



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- 57 (a) Academic expectations and instructional strategies,
58 including:
59 1. Alignment of elementary and middle grades expectations
60 with high school graduation requirements;
61 2. Research-based instructional practices in reading and
62 mathematics, including those targeting low-performing and high-
63 performing students;
64 3. The rigor of the curriculum and courses and the
65 availability of accelerated courses;
66 4. The availability of student support services;
67 5. The sequence of courses and the prerequisites required
68 for advanced courses;
69 6. The availability of before- and after-school programs,
70 and efforts to address the summer gap between school years,
71 including related funding; and
72 7. The availability of other academic and noncore classes,
73 and electives.
74 (b) Attendance policies and student mobility issues.
75 (c) Teacher quality, including:
76 1. Teacher certification and recertification requirements;
77 2. Teacher preparedness to teach rigorous courses;
78 3. Teacher preparation specific to teaching middle school
79 students;
80 4. Teacher recruitment and vacancy issues;
81 5. Staff development requirements and the availability of
82 effective training;
83 6. Teacher collaboration and planning at the school and
84 district levels; and
85 7. Student performance data collection and dissemination.

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- 86 (d) Middle school administrator leadership and performance.
87 (e) Parental and community involvement.
88 (3) The department shall submit a report on the findings of
89 the comprehensive study and make recommendations to improve
90 middle school student performance to the Governor, the State
91 Board of Education, the President of the Senate, and the Speaker
92 of the House of Representatives by December 2017.
93 (4) This section expires upon submission of the final
94 report.
95 Section 2. This act shall take effect July 1, 2017.

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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 Pre-K - 12 Education

BILL: PCS/SB 360 (490892)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education and Senator Stargel

SUBJECT: Middle School Study

DATE: April 13, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 360 requires the Florida Department of Education (DOE) to issue a competitive bid for a private vendor to conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress. The DOE must submit a report on the findings of the study and make recommendations to improve middle school student performance to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives by December 2017.

Specifically, the study must review, at a minimum:

- Academic expectations and instructional strategies.
- Attendance policies and student mobility issues.
- Teacher quality.
- Middle school administrator leadership and performance.
- Parental and community involvement.

The bill requires the DOE to issue a competitive solicitation for a contract with private vendors to conduct the study. However, neither the bill nor SB 2500, the Senate General Appropriations Act for Fiscal Year 2017-2018, appropriates funds for the study.

The bill takes effect July 1, 2017.

II. Present Situation:

Florida's student assessment program for public schools specifies school district and student participation in certain state and national assessments.¹

Public School Student Assessment Program

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators and district staff.² The program must be designed to:³

- Assess the achievement level and annual learning gains of each student in English Language Arts (ELA) and mathematics and achievement level in all other subjects assessed.
- Provide data for making decisions regarding school accountability, recognition, and improvement of operations and management.
- Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school.
- Assess how well educational goals and curricular standards are met at the school, district, state, national, and international levels.
- Provide information to aid in the evaluation and development of educational programs and policies.
- Provide instructional personnel with information on student achievement of standards and benchmarks in order to improve instruction.

Statewide, Standardized Assessment Program

The Commissioner of Education (commissioner) is required to design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards.⁴

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments for:⁵
 - ELA;
 - Mathematics; and
 - Science.

¹ Section 1008.22(2)-(3), F.S.

² Section 1008.22(1), F.S. The data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars. *Id.*

³ *Id.*

⁴ Section 1008.22(3), F.S. The Next Generation Sunshine State Standards (NGSSS) establish the core content of the curricula to be taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire.

⁵ Section 1008.22(3)(a), F.S. Federal law requires students to be tested in reading or language arts and mathematics in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, students must be tested once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. 20 U.S.C. s. 6311(b)(3). The Florida Department of Education posts the Statewide Assessment Schedule on its website. Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule*, available at <https://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

- End-of-Course (EOC) assessments for:⁶
 - Civics;
 - United States History;
 - Algebra I;
 - Algebra II;⁷
 - Geometry; and
 - Biology I.

All statewide, standardized assessments and EOC assessments use scaled scores and achievement levels.⁸ Achievement levels range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.⁹

Trends in student performance on statewide, standardized reading, ELA, and mathematics assessments for the middle grades are indicated in the tables below. In the 2014-15 academic year, the Florida Standards Assessment (FSA) in ELA and Mathematics replaced the FCAT 2.0 assessments.

Reading and English Language Arts

The following table shows performance trends of students in grade 6 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.¹⁰

Performance of Students in Grade 6 on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0 Reading	17%	24%	29%	19%	10%
2011-12	FCAT 2.0 Reading	19%	24%	28%	19%	10%
2012-13	FCAT 2.0 Reading	19%	23%	28%	20%	10%
2013-14	FCAT 2.0 Reading	16%	23%	28%	20%	11%
2014-15	FSA ELA	24%	26%	22%	21%	8%
2015-16	FSA ELA	22%	26%	22%	21%	8%

The following table shows performance trends of students in grade 7 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.¹¹

Performance of Students in Grade 7 on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0 Reading	18%	24%	29%	19%	10%
2011-12	FCAT 2.0 Reading	18%	25%	29%	19%	11%

⁶ Section 1008.22(3)(b), F.S.

⁷ Students are not required to take the Algebra II EOC assessment. However, a student who selects Algebra II must take the Algebra II EOC assessment. Section 1003.4282(3)(b), F.S.

⁸ Section 1008.22(3)(e), F.S. and Rule 6A-1.09422, F.A.C.

⁹ *Id.*

¹⁰ Email, Florida Department of Education (Feb. 28, 2017).

¹¹ *Id.*

2012-13	FCAT 2.0 Reading	20%	23%	27%	19%	11%
2013-14	FCAT 2.0 Reading	21%	23%	27%	19%	11%
2014-15	FSA ELA	25%	24%	23%	18%	11%
2015-16	FSA ELA	27%	24%	22%	17%	10%

The following table shows performance trends of students in grade 8 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.¹²

Performance of Students in Grade 8 on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0 Reading	19%	28%	26%	17%	10%
2011-12	FCAT 2.0 Reading	17%	27%	26%	18%	12%
2012-13	FCAT 2.0 Reading	17%	27%	26%	19%	11%
2013-14	FCAT 2.0 Reading	18%	25%	25%	19%	12%
2014-15	FSA ELA	23%	22%	26%	18%	11%
2015-16	FSA ELA	22%	21%	26%	19%	12%

Mathematics

The following table shows performance trends of students in student in grade 6 scoring at each achievement level on the statewide, standardized mathematics assessment.¹³

Performance of Students in Grade 6 on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	22%	24%	26%	18%	9%
2011-12	FCAT 2.0	23%	25%	25%	18%	10%
2012-13	FCAT 2.0	23%	24%	25%	18%	10%
2013-14	FCAT 2.0	23%	23%	24%	19%	11%
2014-15	FSA Math	26%	24%	23%	19%	8%
2015-16	FSA Math	26%	24%	23%	18%	8%

The following table shows performance trends of students in grade 7 scoring at each achievement level on the statewide, standardized mathematics assessment.¹⁴

Performance of Students in Grade 7 on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	20%	24%	28%	18%	10%
2011-12	FCAT 2.0	20%	24%	27%	18%	10%
2012-13	FCAT 2.0	21%	24%	27%	18%	9%
2013-14	FCAT 2.0	21%	23%	28%	19%	9%
2014-15	FSA Math	25%	23%	27%	16%	9%
2015-16	FSA Math	27%	21%	27%	17%	9%

¹² Email, Florida Department of Education (Feb. 28, 2017).

¹³ *Id.*

¹⁴ *Id.*

The following table shows performance trends of students in grade 8 scoring at each achievement level on the statewide, standardized mathematics assessment.¹⁵

Performance of Students in Grade 8 on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	22%	22%	30%	16%	10%
2011-12	FCAT 2.0	22%	21%	30%	16%	11%
2012-13	FCAT 2.0	25%	24%	31%	14%	6%
2013-14	FCAT 2.0	28%	25%	29%	12%	6%
2014-15	FSA Math	29%	26%	26%	12%	7%
2015-16	FSA Math	28%	24%	26%	12%	10%

National and International Assessments

In addition to the administration of statewide, standardized assessments, Florida school districts are required to participate in the National Assessment of Educational Progress (NAEP), or similar national or international assessments,¹⁶ both for the national sample and for any state-by-state comparison programs, as directed by the commissioner.¹⁷

National Assessment of Educational Progress (NAEP)

The NAEP is the largest continuing, nationally representative assessment of students' knowledge and performance in a variety of subject areas, including but not limited to mathematics, reading, and writing.¹⁸ The NAEP provides results on subject matter achievement for student populations, subgroups of student populations, and under certain circumstances, by selected large urban schools districts.¹⁹ The NAEP in reading and mathematics is administered to a representative sample of students in grades 4 and 8 every two years.²⁰ The NAEP reports assessment results using three achievement levels:²¹

- Basic – A student achieving the Basic level demonstrates a partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.

¹⁵ *Id.*

¹⁶ International assessments allow Florida the opportunity to compare the performance of students in the United States to the performance of students in other countries around the world. Florida Department of Education, *National and International Assessments*, <http://www.fldoe.org/accountability/assessments/national-international-assessments/> (last visited March 3, 2017). Individual student participation in the assessments is voluntary, and parents can choose to have their child(ren) not participate as stipulated in federal law. *Id.* Florida participates in the Progress in International Reading Literacy Study (PIRLS), Program for International Student Assessment (PISA), Trends in International Mathematics and Science Study (TIMSS), and the International Computer Information Literacy Study (ICILS). *Id.* Participation in a specific international assessment is not specified in Florida law. Section 1008.22(2), F.S.

¹⁷ Section 1008.22(2), F.S.

¹⁸ National Center for Education Statistics, *NAEP Overview*, <https://nces.ed.gov/nationsreportcard/about/> (last visited March 3, 2017). Additional NAEP subject area assessments include science, the arts, civics, economics, geography, U.S History, and Technology and Engineering Literacy. *Id.*

¹⁹ *Id.*

²⁰ The Nation's Report Card, *Overview of the Nation's Report Card*, <https://www.nationsreportcard.gov/faq.aspx> (last visited March 3, 2017).

²¹ National Center for Education Statistics, *NAEP Achievement Levels*, <https://nces.ed.gov/nationsreportcard/achievement.aspx> (last visited March 3, 2017).

- Proficient – A student achieving the Proficient level demonstrates solid academic performance at the grade assessed.²²
- Advanced – A student achieving the Advanced level demonstrates superior performance.

Participation in the NAEP provides a basis for comparing the knowledge and skills of Florida students with students in other states and with the nation as a whole.²³

Reading

The following table shows performance trends of students in grade 8 scoring at each achievement level on the NAEP reading assessment compared to select states.²⁴

Performance of Students in Grade 8 on NAEP Reading Assessment					
Year	Jurisdiction	Below Basic	At Basic	At Proficient	At Advanced
2015	National Public	25%	42%	29%	3%
	Florida	25%	45%	28%	2%
	Connecticut	18%	39%	37%	6%
	Massachusetts	17%	37%	39%	6%
	New Hampshire	15%	40%	40%	5%
	New Jersey	20%	39%	35%	6%
	Vermont	17%	39%	38%	6%
2013	National Public	23%	42%	31%	4%
	Florida	23%	43%	30%	3%
	Connecticut	17%	38%	39%	6%
	Massachusetts	16%	36%	40%	8%
	New Hampshire	16%	40%	38%	6%
	New Jersey	15%	39%	40%	7%
	Vermont	16%	39%	39%	6%
2011	National Public	25%	43%	29%	3%
	Florida	27%	43%	27%	2%
	Connecticut	17%	39%	38%	6%
	Massachusetts	16%	38%	40%	6%
	New Hampshire	16%	44%	36%	4%
	New Jersey	16%	39%	39%	6%
	Vermont	18%	38%	39%	6%

²² National Center for Education Statistics, *NAEP Achievement Levels*, <https://nces.ed.gov/nationsreportcard/achievement.aspx> (last visited March 3, 2017). Students reaching this level have demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real world situations, and analytical skills appropriate to the subject matter. *Id.*

²³ Florida Department of Education, *National and International Assessments*, <http://www.fldoe.org/accountability/assessments/national-international-assessments/> (last visited March 3, 2017).

²⁴ Email, Florida Department of Education (Feb. 28, 2017).

The following table shows performance trends of students in grade 8 scoring at each achievement level on the NAEP mathematics assessment compared to select states.²⁵

Performance of Students in Grade 8 on NAEP Mathematics Assessment					
Year	Jurisdiction	Below Basic	At Basic	At Proficient	At Advanced
2015	National Public	30%	38%	24%	8%
	Florida	36%	38%	21%	5%
	Massachusetts	19%	30%	33%	18%
	Minnesota	18%	34%	35%	13%
	New Hampshire	16%	37%	34%	12%
	New Jersey	21%	32%	30%	16%
	Washington	26%	35%	28%	11%
2013	National Public	27%	39%	26%	8%
	Florida	30%	40%	24%	7%
	Massachusetts	14%	31%	36%	18%
	Minnesota	17%	35%	33%	14%
	New Hampshire	16%	38%	33%	13%
	New Jersey	18%	34%	33%	16%
	Washington	21%	37%	30%	12%
2011	National Public	28%	39%	26%	8%
	Florida	32%	40%	22%	4%
	Massachusetts	14%	34%	36%	15%
	Minnesota	17%	36%	34%	13%
	New Hampshire	18%	38%	33%	11%
	New Jersey	18%	35%	33%	14%
	Washington	23%	36%	29%	11%

III. Effect of Proposed Changes:

The bill requires the Florida Department of Education (DOE) to issue a competitive bid for a private vendor to conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states’ performance on the National Assessment of Educational Progress (NAEP). Specifically, the study must review, at a minimum:

- Academic expectation and instructional strategies, including:
 - Alignment of elementary and middle grades expectations with high school graduation requirements;
 - Research-based instructional practices in reading and mathematics, including those targeting low-performing and high-performing students;
 - The rigor of the curriculum and courses and the availability of accelerated courses;
 - The availability of student support services; and
 - The sequence of courses and the prerequisites required for advanced courses;
 - The availability of before- and after-school programs, and efforts to address the summer gap between school years, including related funding; and
 - The availability of other academic and noncore classes, and electives.

²⁵ Email, Florida Department of Education (Feb. 28, 2017).

- Attendance policies and student mobility issues.
- Teacher quality, including:
 - Teacher certification and recertification requirements;
 - Teacher preparedness to teach rigorous courses;
 - Teacher preparation specific to teaching middle school students;
 - Teacher recruitment and vacancy issues;
 - Staff development requirements and the availability of effective training;
 - Teacher collaboration and planning at the school and district levels; and
 - Student performance data collection and dissemination.
- Middle school administrator leadership and performance; and
- Parental and community involvement.

The comprehensive study will involve a review of factors that may contribute to student success. The findings and recommendations may assist the state in considering policy options to improve instruction and student performance in Florida based on a review of best practices of states with high-performing middle grade students in reading and mathematics. The bill indicates:

- Massachusetts, New Hampshire, Vermont, Connecticut, and New Jersey as the top performing states in the percentage of student in grades 4 and 8 who score at or above proficiency on the NAEP reading assessment; and
- Massachusetts, Minnesota, New Hampshire, New Jersey, and Washington as the top performing states in the percentage of student in grades 4 and 8 who score at or above proficiency on the NAEP mathematics assessment.

The bill requires the DOE to submit a report on the findings of the study, as well as recommendations to improve middle school student performance, to the Governor, State Board of Education, President of the Senate, and Speaker of the House of Representatives by December 2017. The bill provides for expiration of the provisions related to the comprehensive study of states after the submission of the final report.

The bill takes effect July 1, 2017.

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:

None.

C. Government Sector Impact:

This bill requires the DOE to issue a competitive solicitation for a contract with private vendors to conduct the required study. However, neither the bill nor SB 2500, the Senate General Appropriations Act for Fiscal Year 2017-2018, appropriates funds for the study.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section of the Florida law.

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

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

Recommended CS by Appropriations Subcommittee on Pre-K-12 Education on April 13, 2017:

The committee substitute:

- Requires the Department of Education to issue a competitive solicitation for a contract with private vendors to conduct the required study rather than conduct the study themselves.
- Adds additional components to the study.

B. Amendments:

None.



258976

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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	.	

Appropriations Subcommittee on Pre-K - 12 Education (Stargel)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Comprehensive study on middle school
performance.-

(1) The Department of Education shall issue a competitive
solicitation for a contract with private vendors to conduct a
comprehensive study of states with high-performing students in



258976

10 grades 6 through 8 in reading and mathematics, based on the
11 states' performance on the National Assessment of Educational
12 Progress.

13 (2) The study must include a review of at least all of the
14 following:

15 (a) Academic expectations and instructional strategies,
16 including:

17 1. Alignment of elementary and middle grades expectations
18 with high school graduation requirements;

19 2. Research-based instructional practices in reading and
20 mathematics, including those targeting low-performing and high-
21 performing students;

22 3. The rigor of the curriculum and courses and the
23 availability of accelerated courses;

24 4. The availability of student support services;

25 5. The sequence of courses and the prerequisites required
26 for advanced courses;

27 6. The availability of before- and after-school programs,
28 and efforts to address the summer gap between school years,
29 including related funding; and

30 7. The availability of other academic and noncore classes,
31 and electives.

32 (b) Attendance policies and student mobility issues.

33 (c) Teacher quality, including:

34 1. Teacher certification and recertification requirements;

35 2. Teacher preparedness to teach rigorous courses;

36 3. Teacher preparation specific to teaching middle school
37 students;

38 4. Teacher recruitment and vacancy issues;



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39 5. Staff development requirements and the availability of
40 effective training;

41 6. Teacher collaboration and planning at the school and
42 district levels; and

43 7. Student performance data collection and dissemination.

44 (d) Middle school administrator leadership and performance.

45 (e) Parental and community involvement.

46 (3) The department shall submit a report on the findings of
47 the comprehensive study and make recommendations to improve
48 middle school student performance to the Governor, the State
49 Board of Education, the President of the Senate, and the Speaker
50 of the House of Representatives by December 2017.

51 (4) This section expires upon submission of the final
52 report.

53 Section 2. This act shall take effect July 1, 2017.

54

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

56 And the title is amended as follows:

57 Delete everything before the enacting clause
58 and insert:

59 A bill to be entitled

60 An act relating to a middle school study; requiring
61 the Department of Education to solicit for a contract
62 to conduct a comprehensive study of states with
63 nationally recognized high-performing middle schools
64 in reading and mathematics; specifying areas that must
65 be reviewed in conducting the study; requiring a
66 report to the Governor, the State Board of Education,
67 and the Legislature by a specified time; providing for



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68 expiration; providing an effective date.

69

70 WHEREAS, since 1998, Florida has seen a continuing trend of
71 reading improvement in the elementary school grades, which has
72 led to an increase of 17 percentage points in reading at or
73 above proficiency for 4th grade students on the National

74 Assessment of Educational Progress, while Florida's 8th grade
75 students achieved only an increase of 7 percentage points, and

76 WHEREAS, since 2003, Florida's 4th grade students have
77 demonstrated an increase of 11 percentage points in mathematics
78 at or above proficiency on the national assessment, while
79 Florida's 8th grade students have shown an increase of only 3
80 percentage points, and

81 WHEREAS, since 2013, Florida's middle school students'
82 proficiencies on the national assessment in both reading and
83 mathematics have remained flat or decreased, and

84 WHEREAS, Massachusetts, New Hampshire, Vermont,
85 Connecticut, and New Jersey are the top performing states in the
86 percentage of 4th and 8th grade students scoring at or above
87 proficiency in reading on the national assessment, and

88 WHEREAS, Massachusetts, Minnesota, New Hampshire, New
89 Jersey, and Washington are the top performing states in the
90 percentage of 4th and 8th grade students scoring at or above
91 proficiency in mathematics on the national assessment, and

92 WHEREAS, Florida's academic expectations for students in
93 both reading and mathematics were raised in 2010 and 2014, and

94 WHEREAS, the performance of Florida's middle school
95 students on the state assessments in reading has remained flat
96 since the state's standards were raised, while their performance



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97 in mathematics increased slightly between 2015 and 2016, and
98 WHEREAS, success in the middle school grades is a predictor
99 of academic success in high school and college and career
100 readiness, NOW, THEREFORE,

By Senator Stargel

22-00378A-17

2017360__

A bill to be entitled

An act relating to a middle school study; requiring the Department of Education to conduct a comprehensive study of states with nationally recognized high-performing middle schools in reading and mathematics; requiring a report to the Governor, the State Board of Education, and the Legislature by a specified time; providing for expiration; providing an effective date.

WHEREAS, since 1998, Florida has seen a continuing trend of reading improvement in the elementary school grades, which has led to an increase of 17 percentage points in reading at or above proficiency for 4th grade students on the National Assessment of Educational Progress, while Florida's 8th grade students achieved only an increase of 7 percentage points, and

WHEREAS, since 2003, Florida's 4th grade students have demonstrated an increase of 11 percentage points in mathematics at or above proficiency on the national assessment, while Florida's 8th grade students have shown an increase of only 3 percentage points, and

WHEREAS, since 2013, Florida's middle school students' proficiencies on the national assessment in both reading and mathematics have remained flat or decreased, and

WHEREAS, Massachusetts, New Hampshire, Vermont, Connecticut, and New Jersey are the top performing states in the percentage of 4th and 8th grade students scoring at or above proficiency in reading on the national assessment, and

WHEREAS, Massachusetts, Minnesota, New Hampshire, New Jersey, and Washington are the top performing states in the percentage of 4th and 8th grade students scoring at or above proficiency in mathematics on the national assessment, and

WHEREAS, Florida's academic expectations for students in

Page 1 of 3

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

22-00378A-17

2017360__

both reading and mathematics were raised in 2010 and 2014, and
WHEREAS, the performance of Florida's middle school students on the state assessments in reading has remained flat since the state's standards were raised, while their performance in mathematics increased slightly between 2015 and 2016, and
WHEREAS, success in the middle school grades is a predictor of academic success in high school and college and career readiness, NOW, THEREFORE,

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

Section 1. Comprehensive study on middle school performance.

(1) The Department of Education shall conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress.

(2) The study must include a review, at a minimum, of all of the following:

(a) Academic expectations and instructional strategies, including:

1. Alignment of elementary and middle grades expectations with high school graduation requirements;

2. Research-based instructional practices in reading and mathematics, including those targeting low-performing students;

3. The rigor of the curriculum and courses and the availability of accelerated courses; and

4. The availability of student support services.

Page 2 of 3

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

22-00378A-17

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62 (b) Attendance policies and student mobility issues.
63 (c) Teacher quality, including:
64 1. Teacher certification and recertification requirements;
65 2. Teacher preparedness to teach rigorous courses;
66 3. Teacher recruitment and vacancy issues; and
67 4. Staff development requirements and the availability of
68 effective training.
69 (d) Middle school administrator leadership and performance.
70 (e) Parental and community involvement.
71 (3) The department shall submit a report on its findings
72 and make recommendations to improve middle school student
73 performance to the Governor, the State Board of Education, the
74 President of the Senate, and the Speaker of the House of
75 Representatives by December 2017.
76 (4) This section expires upon submission of the final
77 report.
78 Section 2. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-13-2017

Meeting Date

360

*Bill Number (if applicable)*Topic Middle School Study*Amendment Barcode (if applicable)*Name Cathy BoehmeJob Title Legislative SpecialistAddress 213 S Adams StreetPhone 850-224-7800*Street*TallahasseeFL32301Email cathy.boehme@floridaea.org*City**State**Zip*Speaking: For Against InformationWaive Speaking: In Support Against
*(The Chair will read this information into the record.)*Representing Florida Education AssociationAppearing at request of Chair: Yes NoLobbyist 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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

13 Apr 17
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

360
Bill Number (if applicable)

Topic Middle School Study

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy

Address 215 S Monroe St
Street

Phone 850 727-3712

Tallahassee FL
City State Zip

Email JamesM@excelined.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

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.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/13/17

Meeting Date

360

Bill Number (if applicable)

Topic Middle School Study

Amendment Barcode (if applicable)

Name Angie Gault

Job Title Legislative Chair

Address 1747 Orlando Central Pkwy

Phone 407-718-9925

Street

Orl

Fl

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida PTA

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.



883124

602-03785-17

Proposed Committee Substitute by Appropriations Subcommittee on
Pre-K - 12 Education

A bill to be entitled

An act relating to public educational facilities;
amending s. 1013.35, F.S.; providing requirements for
determining the capacity of facilities in certain
schools as reported in the Florida Inventory of School
Houses; amending s. 1013.37, F.S.; requiring the
Commissioner of Education to grant an exemption from
the State Requirements for Educational Facilities to a
district school board under certain circumstances;
requiring such district school board to comply with
certain Florida Building Code and Florida Fire
Prevention Code provisions; amending s. 1013.64, F.S.;
authorizing a district school board to use funds from
any source for the new construction of educational
plant space under certain circumstances; conforming
provisions to changes made by the act; providing an
effective date.

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

Section 1. Paragraph (b) of subsection (2) of section
1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan;
definitions; preparation, adoption, and amendment; long-term
work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
FACILITIES PLAN.—



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(b) The plan must also include a financially feasible
district facilities work program for a 5-year period. The work
program must include:

1. A schedule of major repair and renovation projects
necessary to maintain the educational facilities and ancillary
facilities of the district.

2. A schedule of capital outlay projects necessary to
ensure the availability of satisfactory student stations for the
projected student enrollment in K-12 programs. This schedule
shall consider:

a. The locations, capacities, and planned utilization rates
of current educational facilities of the district. The capacity
of existing satisfactory facilities, as reported in the Florida
Inventory of School Houses, must be compared to the capital
outlay full-time-equivalent student enrollment as determined by
the department, including all enrollment used in the calculation
of the distribution formula in s. 1013.64. For purposes of
determining the capacity of school facilities at K-8 schools, as
reported in the Florida Inventory of School Houses, a classroom
housing students in kindergarten through grade 5 is considered
an elementary school, and a classroom housing students in grades
6 through 8 is considered a middle school.

b. The proposed locations of planned facilities, whether
those locations are consistent with the comprehensive plans of
all affected local governments, and recommendations for
infrastructure and other improvements to land adjacent to
existing facilities. The provisions of ss. 1013.33(6), (7), and
(8) and 1013.36 must be addressed for new facilities planned
within the first 3 years of the work plan, as appropriate.



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57 c. Plans for the use and location of relocatable
58 facilities, leased facilities, and charter school facilities.
59 d. Plans for multitrack scheduling, grade level
60 organization, block scheduling, or other alternatives that
61 reduce the need for additional permanent student stations.
62 e. Information concerning average class size and
63 utilization rate by grade level within the district which will
64 result if the tentative district facilities work program is
65 fully implemented.
66 f. The number and percentage of district students planned
67 to be educated in relocatable facilities during each year of the
68 tentative district facilities work program. For determining
69 future needs, student capacity may not be assigned to any
70 relocatable classroom that is scheduled for elimination or
71 replacement with a permanent educational facility in the current
72 year of the adopted district educational facilities plan and in
73 the district facilities work program adopted under this section.
74 Those relocatable classrooms clearly identified and scheduled
75 for replacement in a school-board-adopted, financially feasible,
76 5-year district facilities work program shall be counted at zero
77 capacity at the time the work program is adopted and approved by
78 the school board. However, if the district facilities work
79 program is changed and the relocatable classrooms are not
80 replaced as scheduled in the work program, the classrooms must
81 be reentered into the system and be counted at actual capacity.
82 Relocatable classrooms may not be perpetually added to the work
83 program or continually extended for purposes of circumventing
84 this section. All relocatable classrooms not identified and
85 scheduled for replacement, including those owned, lease-



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86 purchased, or leased by the school district, must be counted at
87 actual student capacity. The district educational facilities
88 plan must identify the number of relocatable student stations
89 scheduled for replacement during the 5-year survey period and
90 the total dollar amount needed for that replacement.
91 g. Plans for the closure of any school, including plans for
92 disposition of the facility or usage of facility space, and
93 anticipated revenues.
94 h. Projects for which capital outlay and debt service funds
95 accruing under s. 9(d), Art. XII of the State Constitution are
96 to be used shall be identified separately in priority order on a
97 project priority list within the district facilities work
98 program.
99 3. The projected cost for each project identified in the
100 district facilities work program. For proposed projects for new
101 student stations, a schedule shall be prepared comparing the
102 planned cost and square footage for each new student station, by
103 elementary, middle, and high school levels, to the low, average,
104 and high cost of facilities constructed throughout the state
105 during the most recent fiscal year for which data is available
106 from the Department of Education.
107 4. A schedule of estimated capital outlay revenues from
108 each currently approved source which is estimated to be
109 available for expenditure on the projects included in the
110 district facilities work program.
111 5. A schedule indicating which projects included in the
112 district facilities work program will be funded from current
113 revenues projected in subparagraph 4.
114 6. A schedule of options for the generation of additional



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115 revenues by the district for expenditure on projects identified
116 in the district facilities work program which are not funded
117 under subparagraph 5. Additional anticipated revenues may
118 include Classrooms First funds.

119 Section 2. Subsection (3) of section 1013.37, Florida
120 Statutes, is amended to read:

121 1013.37 State uniform building code for public educational
122 facilities construction.—

123 (3) REVIEW PROCEDURE; EXEMPTION.—

124 (a) The Commissioner of Education shall cooperate with the
125 Florida Building Commission in addressing all questions,
126 disputes, or interpretations involving the provisions of the
127 Florida Building Code which govern the construction of public
128 educational and ancillary facilities, and any objections to
129 decisions made by the inspectors or the department must be
130 submitted in writing.

131 (b) Upon request by a district school board, the
132 commissioner shall grant an exemption from the State
133 Requirements for Educational Facilities (SREF). A district
134 school board must provide a comprehensive cost-benefit analysis
135 along with its request for an exemption from the SREF. Any
136 district school board that is granted such exemption shall
137 continue to comply with applicable provisions of the Florida
138 Building Code and the Florida Fire Prevention Code which relate
139 to the construction, remodeling, and renovation of educational
140 facilities.

141 Section 3. Upon the expiration and reversion of the
142 amendments to section 1013.64, Florida Statutes, pursuant to
143 section 36 of chapter 2016-62, Laws of Florida, paragraph (a) of



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144 subsection (3) and paragraphs (b) and (c) of subsection (6) of
145 section 1013.64, Florida Statutes, are amended to read:

146 1013.64 Funds for comprehensive educational plant needs;
147 construction cost maximums for school district capital
148 projects.—Allocations from the Public Education Capital Outlay
149 and Debt Service Trust Fund to the various boards for capital
150 outlay projects shall be determined as follows:

151 (3) (a) Each district school board shall receive an amount
152 from the Public Education Capital Outlay and Debt Service Trust
153 Fund to be calculated by computing the capital outlay full-time
154 equivalent membership as determined by the department. Such
155 membership must include, but is not limited to:

156 1. K-12 students for whom the school district provides the
157 educational facility, except hospital- and homebound part-time
158 students; and

159 2. Students who are career education students, and adult
160 disabled students and who are enrolled in school district career
161 centers. The capital outlay full-time equivalent membership
162 shall be determined for kindergarten through the 12th grade and
163 for career centers by averaging the unweighted full-time
164 equivalent student membership for the second and third surveys
165 and comparing the results on a school-by-school basis with the
166 Florida Inventory for School Houses. For purposes of determining
167 the capacity of school facilities at K-8 schools, as reported in
168 the Florida Inventory of School Houses, a classroom housing
169 students in kindergarten through grade 5 is considered an
170 elementary school, and a classroom housing students in grades 6
171 through 8 is considered a middle school. The capital outlay
172 full-time equivalent membership by grade level organization



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173 shall be used in making the following calculations: The capital
174 outlay full-time equivalent membership by grade level
175 organization for the 4th prior year must be used to compute the
176 base-year allocation. The capital outlay full-time equivalent
177 membership by grade-level organization for the prior year must
178 be used to compute the growth over the highest of the 3 years
179 preceding the prior year. From the total amount appropriated by
180 the Legislature pursuant to this subsection, 40 percent shall be
181 allocated among the base capital outlay full-time equivalent
182 membership and 60 percent among the growth capital outlay full-
183 time equivalent membership. The allocation within each of these
184 groups shall be prorated to the districts based upon each
185 district's percentage of base and growth capital outlay full-
186 time membership. The most recent 4-year capital outlay full-time
187 equivalent membership data shall be used in each subsequent
188 year's calculation for the allocation of funds pursuant to this
189 subsection. If a change, correction, or recomputation of data
190 during any year results in a reduction or increase of the
191 calculated amount previously allocated to a district, the
192 allocation to that district shall be adjusted correspondingly.
193 If such recomputation results in an increase or decrease of the
194 calculated amount, such additional or reduced amounts shall be
195 added to or reduced from the district's future appropriations.
196 However, no change, correction, or recomputation of data shall
197 be made subsequent to 2 years following the initial annual
198 allocation.

199 (6)

200 (b)1. A district school board may not use funds from the
201 following sources: Public Education Capital Outlay and Debt



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202 Service Trust Fund; School District and Community College
203 District Capital Outlay and Debt Service Trust Fund; Classrooms
204 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
205 levy of ad valorem property taxes provided in s. 1011.71(2);
206 Classrooms for Kids Program funds provided in s. 1013.735;
207 District Effort Recognition Program funds provided in s.
208 1013.736; or High Growth District Capital Outlay Assistance
209 Grant Program funds provided in s. 1013.738 for any new
210 construction of educational plant space with a total cost per
211 student station, including change orders, that equals more than:
212 a. \$17,952 for an elementary school,
213 b. \$19,386 for a middle school, or
214 c. \$25,181 for a high school,

215

216 (January 2006) as adjusted annually to reflect increases or
217 decreases in the Consumer Price Index.

218 2. School districts shall maintain accurate documentation
219 related to the costs of all new construction of educational
220 plant space reported to the Department of Education pursuant to
221 paragraph (d). The Auditor General shall review the
222 documentation maintained by the school districts and verify
223 compliance with the limits under this paragraph during its
224 scheduled operational audits of the school district. The
225 department shall make the final determination on district
226 compliance based on the recommendation of the Auditor General.

227 3. The Office of Economic and Demographic Research, in
228 consultation with the department, shall conduct a study of the
229 cost per student station amounts using the most recent available
230 information on construction costs. In this study, the costs per



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231 student station should represent the costs of classroom
232 construction and administrative offices as well as the
233 supplemental costs of core facilities, including required media
234 centers, gymnasiums, music rooms, cafeterias and their
235 associated kitchens and food service areas, vocational areas,
236 and other defined specialty areas, including exceptional student
237 education areas. The study must take into account appropriate
238 cost-effectiveness factors in school construction and should
239 include input from industry experts. The Office of Economic and
240 Demographic Research must provide the results of the study and
241 recommendations on the cost per student station to the Governor,
242 the President of the Senate, and the Speaker of the House of
243 Representatives no later than January 31, 2017.

244 4. The Office of Program Policy Analysis and Government
245 Accountability (OPPAGA) shall conduct a study of the State
246 Requirements for Education Facilities (SREF) to identify current
247 requirements that can be eliminated or modified in order to
248 decrease the cost of construction of educational facilities
249 while ensuring student safety. OPPAGA must provide the results
250 of the study, and an overall recommendation as to whether SREF
251 should be retained, to the Governor, the President of the
252 Senate, and the Speaker of the House of Representatives no later
253 than January 31, 2017.

254 5. Effective July 1, 2017, in addition to the funding
255 sources listed in subparagraph 1., a district school board may
256 not use funds from any sources for new construction of
257 educational plant space with a total cost per student station,
258 including change orders, which equals more than the current
259 adjusted amounts provided in sub-subparagraphs 1.a.-c. which



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260 shall subsequently be adjusted annually to reflect increases or
261 decreases in the Consumer Price Index. However, if a contract
262 has been executed for architectural and design services or for
263 construction management services before July 1, 2017, a district
264 school board may use funds from any source for the new
265 construction of educational plant space and such funds are
266 exempt from the total cost per student station requirements.

267 6. A district school board must not use funds from the
268 Public Education Capital Outlay and Debt Service Trust Fund or
269 the School District and Community College District Capital
270 Outlay and Debt Service Trust Fund for any new construction of
271 an ancillary plant that exceeds 70 percent of the average cost
272 per square foot of new construction for all schools.

273 (c) Except as otherwise provided, new construction for
274 which a contract has been executed for architectural and design
275 services or for construction management services initiated by a
276 district school board on or after July 1, 2017, may not exceed
277 the cost per student station as provided in paragraph (b). A
278 school district that exceeds the cost per student station
279 provided in paragraph (b), as determined by the Auditor General,
280 shall be subject to sanctions. If the Auditor General determines
281 that the cost per student station overage is de minimus or due
282 to extraordinary circumstances outside the control of the
283 district, the sanctions shall not apply. The sanctions are as
284 follows:

285 1. The school district shall be ineligible for allocations
286 from the Public Education Capital Outlay and Debt Service Trust
287 Fund for the next 3 years in which the school district would
288 have received allocations had the violation not occurred.



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289 2. The school district shall be subject to the supervision
290 of a district capital outlay oversight committee. The oversight
291 committee is authorized to approve all capital outlay
292 expenditures of the school district, including new construction,
293 renovations, and remodeling, for 3 fiscal years following the
294 violation.

295 a. Each oversight committee shall be composed of the
296 following:

297 (I) One appointee of the Commissioner of Education who has
298 significant financial management, school facilities
299 construction, or related experience.

300 (II) One appointee of the office of the state attorney with
301 jurisdiction over the district.

302 (III) One appointee of the Chief Financial Officer who is a
303 licensed certified public accountant.

304 b. An appointee to the oversight committee may not be
305 employed by the school district; be a relative, as defined in s.
306 1002.33(24)(a)2., of any school district employee; or be an
307 elected official. Each appointee must sign an affidavit
308 attesting to these conditions and affirming that no conflict of
309 interest exists in his or her oversight role.

310 Section 4. This act shall take effect July 1, 2017.

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 Pre-K - 12 Education

BILL: PCS/SB 642 (883134)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education and Senators Garcia and Artiles

SUBJECT: Public Educational Facilities

DATE: April 13, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 642 revises provisions related to public educational facilities. Specifically, the bill:

- Requires the Commissioner of Education to, upon request by a district school board, grant an exemption to the State Requirements for Educational Facilities (SREF).
- Requires the district school board to provide a comprehensive cost-benefit analysis along with its request for an SREF exemption.
- Specifies, for the purposes of determining the capacity of school facilities at K-8 schools, as reported in the Florida Inventory of School Houses, that a classroom containing students in kindergarten through grade 5 is considered an elementary school and a classroom containing students in grades 6 through 8 is considered a middle school.

This bill has no impact on state funds. A school district initially may incur costs associated with preparing the comprehensive cost-benefit analysis if the district seeks an exemption from the State Requirements for Educational Facilities. However, the school district may achieve cost savings if granted the exemption.

The bill takes effect July 1, 2017.

II. Present Situation:

Florida law authorizes state and local officials to cooperate in establishing and maintaining educational facilities that will provide for public educational needs throughout the state.¹

The Office of Educational Facilities (OEF) within the Florida Department of Education (DOE) provides technical support and information for all issues related to educational facilities planning, funding, construction, and operations throughout Florida's K-20 Education System.² As part of this responsibility, the OEF requires district school boards to submit other educational plant inventories data and statistical data or information relevant to construction, capital improvements, and related costs.³

School District Educational Facilities Plan

Each district school board must annually, prior to the adoption of the district school budget, prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods.⁴ This plan must be submitted to the OEF⁵ and must include a financially feasible district facilities work program for a 5-year period that specifies:⁶

- A schedule of major repairs and renovation projects necessary to maintain the educational and ancillary facilities of the district.
- A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. The schedule must consider factors specified in law, including but not limited to the capacity of existing satisfactory facilities as reported in Florida Inventory of School Houses (FISH), which must be compared to the capital outlay full-time equivalent student enrollment as determined by the DOE.

The district school board must annually consider and adopt the tentative district facilities plan.⁷

The Florida Inventory of School Houses (FISH)

The FISH is the electronic database created and supported by the OEF that serves as a numbering system used by the DOE for parcels, buildings, and rooms in public educational facilities.⁸ The FISH is available to all school districts for reporting facilities information.⁹ Only facilities

¹ Section 1013.02(1), F.S.

² Florida Department of Education, *Educational Facilities*, <http://www.fldoe.org/finance/educ-facilities/> (last visited March 20, 2017).

³ Section 1013.03(3), F.S.

⁴ Section 1013.35(2)(a).

⁵ *Id.* at (1)(c).

⁶ *Id.* at (2)(b).

⁷ *Id.* at (4).

⁸ Florida Department of Education, Office of Educational Facilities, *2014 State Requirements for Educational Facilities*, available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>, at 22 of 258; see also Florida Department of Education, Office of the Inspector General, *Audit of the Florida Inventory of School Houses* (March 2008).

⁹ Florida Department of Education, *Florida Inventory of School Houses (FISH) User's Manual*, 2013 Edition, available at <http://public2.fldoe.org/efis/fishusermanual.pdf>, at 5.

contained in the FISH are eligible to generate capital outlay funds.¹⁰ The FISH helps the DOE and school districts determine the capacity¹¹ at each educational facility in the district.¹² School districts must periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated.^{13,14}

State Uniform Building Code for Public Educational Facilities

The Florida Building Commission (commission) adopts the State Requirements for Educational Facilities (SREF)¹⁵ within the Florida Building Code (FBC), which governs the planning and construction of public educational and ancillary plants.¹⁶ The State Fire Marshal adopts standards for public school fire safety within the Florida Fire Prevention Code (FFPC).¹⁷

The construction of public educational facilities¹⁸ and ancillary plants by a district school board must conform to the FBC, FFPC, and the Florida Accessibility Code for Building Construction (FACBC)^{19,20}. Collectively, the FBC, FFPC, and FACBC form the uniform building code for public educational facilities construction and ensure that such facilities are a safe, secure,

¹⁰ *Id.* at 16.

¹¹ “Capacity” is the number of students that may be housed in a facility at any given time based on a utilization percentage (factor) of the total number of existing satisfactory student stations. Florida Department of Education, Office of Educational Facilities, *2014 State Requirements for Educational Facilities*, available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>, at 110 of 258.

¹² *Id.* at 82.

¹³ Section 1013.31(1)(d), F.S.

¹⁴ Unsatisfactory space means the space condition is such that the purpose for which the space was designated cannot be accomplished. Florida Department of Education, *Florida Inventory of School Houses (FISH) User’s Manual, 2013 Edition*, available at <http://public2.fldoe.org/efis/fishusermanual.pdf>, at 83. Unsatisfactory space is typically designated as such due to compromising effects on structural integrity, safety, or excessive physical deterioration of a building. *Id.*

¹⁵ In 2016, the Florida Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review the SREF to identify current requirements that could be eliminated or modified in order to decrease the cost of construction of educational facilities while ensuring student safety. On January 31, 2017, OPPAGA released Report 17-04, which recommended that the SREF be retained and noted that 82 percent of school districts supported retaining the SREF due to benefits to “student safety, facility quality, facility longevity, and school uniformity.” The report identified 10 potential modifications for legislative consideration, but noted that each posed potential safety drawbacks with cost savings of 1 percent or less and a lack of consensus among the school districts as to which requirements could be modified and how they should be modified. In the agency response, the commissioner concurred with the recommendation to retain the SREF, but (with one exception) urged continuation of the current SREF requirements without modification to protect student safety and further prudent expenditure of taxpayer funds. Florida Department of Education, *2017 Legislative Bill Analysis for HB 559* (March 17, 2017), at 4. HB 559 is similar to SB 642. *See also* Office of Program Policy Analysis and Government Accountability, *The State Requirements for Educational Facilities (SREF) Should Be Retained; Some Modifications Could Be Made*, Report No. 17-04 (Jan. 2017), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1704rpt.pdf>.

¹⁶ Sections 553.73 and 1013.37(1), F.S.; Rule 6A-2.0010, F.A.C.; Section 423, FBC. The 2014 *State Requirements for Educational Facilities* (effective Nov. 4, 2014), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>.

¹⁷ Sections 381.006(16), 1013.03(6), and 1013.37(1) and (4), F.S.; Section 443, FBC.

¹⁸ “Educational facilities” is defined as the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards. Section 1013.01(6), F.S.

¹⁹ The federal Americans with Disabilities Act Standards for Accessible Design, and related regulations in 28 C.F.R. parts 35 and 36 and 49 C.F.R. part 37, are adopted by the Florida Building Commission. Sections 553.503 and 553.73(1)(b), F.S.

²⁰ The ancillary plants are exempt from other state building codes; county, municipal, or other local amendments to the FBC and local amendments to the FFPC; building permits, and assessments of fees for building permits; ordinances; road closures; and impact fees or service availability fees. Section 1013.371(1)(a), F.S.

sanitary, and accessible learning environment for all students, and that the structures will perform efficiently over their expected life cycles.²¹ The requirements preempt local codes and local amendments to the FBC.²²

Review of Compliance with the Florida Building Code

Before approving any construction plans, the department, the district school board, or an authorized review agent must ensure that the plans comply with the applicable standards of the FBC and the FFPC.²³ For each proposed new facility and each proposed new addition, exceeding 2,500 square feet, the district school board must submit a copy of the plans²⁴ to the county, municipality, or independent special fire control district providing fire protection services to the facility for review at no charge.²⁵ Upon determining that the construction plans comply with the applicable standards, the district school board may approve the plans and construction may begin on the facilities.²⁶

The Commissioner of Education must cooperate with the commission in addressing all questions, disputes, or interpretations involving provisions of the FBC which govern the construction of public educational and public ancillary facilities.²⁷ Any objections to decisions made by the inspectors or the DOE must be submitted in writing.²⁸

Approval of Facilities Construction

Before the commencement of the construction, renovation, or remodeling of any educational or ancillary plants, the DOE, the district school board, or an authorized review agent must review the construction plans, including any related documents.²⁹ In reviewing the plans, the district school board must consider, among other things:³⁰

- The need for the new facility.
- Plans for future expansion.
- The type of construction.
- Sanitary provisions.
- Conformity with the FBC and FFPC standards.
- The energy efficiency and conservation of design.
- Life-cycle cost considerations.
- The design to accommodate physically handicapped persons.
- The proposed construction cost per gross square foot.

²¹ Sections 1013.03, 1013.37(1)(e) and 1013.451, F.S.

²² The enforcement of construction regulations governing public school districts is conducted by personnel and contract providers who are certified to perform plan reviews and inspections. Section 553.80(1)(e) and (6), F.S.

²³ Sections 1013.37(2), 1013.371(1)(c), and 1013.38(4)(a), F.S.

²⁴ Such site plans are exempt from all other state building codes; local amendments to the FBC and FFPC; local ordinances; building permits, including related fees; road closures; and impact fees or service availability fees. Sections 1013.371(1)(a) and 1013.38(1)(b), F.S.

²⁵ Section 1013.38(1)(a)-(b), F.S.

²⁶ Sections 1013.37(2)(a) and 1013.38(4)(a), F.S.

²⁷ Sections 1013.37(2)(a), F.S.

²⁸ *Id.* at (3).

²⁹ Section 1013.37(2)(a) and (b), F.S.

³⁰ Section 1013.37(2)(b), F.S.

Waivers or Variances

The State Constitution prohibits the enactment of any special act or general law of local application that proposes to amend, alter, or contravene the provisions of the SREF.³¹ Legislative intent is that building officials, local enforcement agencies, and the commission interpret the FBC in a manner that protects the public safety, health, and welfare at the most reasonable cost.³²

The commission is not authorized to accept a petition for and may not grant any waiver³³ or variance³⁴ from the requirements of the FBC.³⁵ However, the commission is required to adopt criteria and procedures for granting alternative means of compliance with the FBC standards, or local amendments to the FBC, for enforcement by local governments, local enforcement districts, or other entities authorized by law to enforce the FBC.³⁶ Upon a determination by the commission of unnecessary, unreasonable, or extreme economic hardship, provided the waiver does not violate federal accessibility laws and regulations, the commission must grant an applicant's request for waiver.³⁷

If planned or actual construction of a facility deviates from the standards, a district school board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the FBC, and explain the reason for the proposed deviations.³⁸

School District Construction Costs

School districts are prohibited from spending more than the statutory cost per student station on new construction from all available revenue sources beginning in Fiscal Year 2017-2018. Districts must maintain accurate documentation related to the costs of all new construction projects subject to the statutory per student station costs, and the Auditor General must review the documentation maintained by districts to verify compliance with statutory per student station costs during its scheduled operational audits of the school district. School districts that exceed the statutory maximum student station costs as verified by the Auditor General are subject to the following sanctions:

³¹ Section 1013.37(5), F.S. The enactment of a special law or general law of local application is prohibited if pertaining to a subject prohibited by general law. Art. III, s. 11(a)(21), Fla. Const.

³² Section 553.775(1), F.S.

³³ "Waiver" means a decision by an agency to apply all or part of a rule to a person who is subject to the rule. Any waiver must conform to the standards for waivers outlined in the Administrative Procedure Act and in the uniform rulemaking procedures. Section 120.52(22), F.S. (definition of "waiver"); Section 120.54, F.S. (rulemaking procedure).

³⁴ "Variance" means a decision by an agency to grant a modification to all or part of the literal requirements of an agency rule to a person who is subject to the rule. Any variance must conform to the standards for variances outlined in the Administrative Procedure Act and in the uniform rulemaking procedures. Section 120.52(21), F.S. (definition of "variance"); Section 120.54, F.S. (rulemaking procedure).

³⁵ Sections 120.80(16)(a) and (b) and 553.512(1), F.S.

³⁶ Section 120.80(16)(b), F.S. Each local government and each code enforcement agency with statutory authority must regulate building construction and enforce the FBC standards. Section 553.513, F.S.

³⁷ Section 553.512(1), F.S. Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area. 28 C.F.R. s. 36.403(f)(1).

³⁸ Section 1013.371(2), F.S.

- The school district is ineligible for allocations from the PECO Trust Fund for the next three years in which the district would have received allocations had the violation not occurred, and
- The school district is subject to the supervision of a District Capital Outlay Oversight Committee, authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for three fiscal years following the violation.

III. Effect of Proposed Changes:

The bill revises provisions related to public educational facilities. Specifically:

- Section 2 requires the Commissioner of Education to, upon request by a district school board, grant an exemption to the State Requirements for Educational Facilities (SREF).
- Section 2 requires the district school board to provide a comprehensive cost-benefit analysis along with its request for an SREF exemption.
- Sections 1 and 3 specify that for the purposes of determining the capacity of school facilities at K-8 schools, as reported in the Florida Inventory of School Houses (FISH), a classroom containing students in kindergarten through grade 5 is considered an elementary school and a classroom containing students in grades 6 through 8 is considered a middle school.

According to the Florida Department of Education (DOE), school districts use a diverse range of grade configurations in their schools.³⁹ As of February 7, 2017, data reported by school districts include 43 different grade configurations for the 3,072 schools in the FISH, as follows:⁴⁰

- Prekindergarten through grade 5 – 1,426 schools (46.42 percent);
- Kindergarten through grade 5 – 165 schools (5.37 percent);
- Grades 6 through 8 – 480 schools (15.63 percent);
- Grades 9 through 12 – 408 school (13.28 percent).

In addition, the FISH includes 593 schools (19.30 percent) in 39 other unique grade configurations.⁴¹

Based on the grade configurations specified in sections 1 and 3 and reported in the FISH, the DOE would classify nine grade configurations currently in use among the school districts as elementary schools and two grade configurations currently in use among the school districts as middle schools.⁴² This would not affect the capacity of those schools.⁴³

District school boards may save money in construction of school facilities if the school district receives one or more exemptions from the SREF.

³⁹ Florida Department of Education, *2017 Legislative Bill Analysis for HB 559* (March 17, 2017), at 3. HB 559 is similar to SB 642.

⁴⁰ *Id.*

⁴¹ Florida Department of Education, *2017 Agency Legislative Bill Analysis for HB 559* (March 17, 2017), at 5. HB 559 is similar to SB 642.

⁴² *Id.*

⁴³ *Id.*

Section 3 provides a school board with an exception for exceeding the maximum cost per student station if the school board has executed a contract for architectural and design services or construction management prior to July 1, 2017.

The bill takes effect July 1, 2017.

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:

None.

C. Government Sector Impact:

District school boards may incur costs associated with preparing the comprehensive cost-benefit analysis if the district school board chooses to request an exemption from the State Requirements for Educational Facilities (SREF).⁴⁴ District school boards granted SREF exemptions by the Commissioner of Education may achieve cost savings.

VI. Technical Deficiencies:

As currently drafted, the lines 129-130 of the bill appear to mandate that the Commissioner of Education grant the State Requirements for Educational Facilities (SREF) exemption to a requesting school board regardless of the merits of the request or the contents of the cost-benefit analysis required by lines 130-132 of the bill.

VII. Related Issues:

None.

⁴⁴ *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1013.35, 1013.37, and 1013.64.

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Pre-K-12 Education on April 13, 2017:

The committee substitute

- Provides an exception to current law regarding a school board exceeding the cost per student station from any source of funds if the school board has executed a contract for architectural and design services or construction management prior to July 1, 2017.
- Clarifies that for the purposes of determining the capacity of school facilities at K-8 schools, as reported in the Florida Inventory of School Houses (FISH), a classroom containing kindergarten through grade 5 is considered an elementary school and a classroom containing students in grades 6 through 8 is considered a middle school.

- B. **Amendments:**

None.



292400

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/17/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Garcia)
recommended the following:

Senate Amendment

Delete lines 42 - 45
and insert:
determining the capacity of school facilities at K-8 schools, as
reported in the Florida Inventory of School Houses, a school
with classrooms containing students in kindergarten through
grade 5 is considered an elementary school, and a school with
classrooms containing students in grades 6

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292400

11 Delete lines 164 - 167
12 and insert:
13 the capacity of school facilities at K-8 schools, as reported in
14 the Florida Inventory of School Houses, a school with classrooms
15 containing students in kindergarten through grade 5 is
16 considered an elementary school, and a school with classrooms
17 containing students in grades 6 through 8 is



663480

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Garcia)
recommended the following:

Senate Substitute for Amendment (292400)

Delete lines 42 - 45
and insert:
determining the capacity of school facilities at K-8 schools, as
reported in the Florida Inventory of School Houses, a classroom
housing students in kindergarten through grade 5 is considered
an elementary school, and a classroom housing students in grades
6



663480

11 Delete lines 164 - 167
12 and insert:
13 the capacity of school facilities at K-8 schools, as reported in
14 the Florida Inventory of School Houses, a classroom housing
15 students in kindergarten through grade 5 is considered an
16 elementary school, and a classroom housing students in grades 6
17 through 8 is



592138

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Montford)
recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 194 and 195

insert:

(6)

(b)1. A district school board may not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; nonvoted 1.5-mill



592138

11 levy of ad valorem property taxes provided in s. 1011.71(2);
12 Classrooms for Kids Program funds provided in s. 1013.735;
13 District Effort Recognition Program funds provided in s.
14 1013.736; or High Growth District Capital Outlay Assistance
15 Grant Program funds provided in s. 1013.738 for any new
16 construction of educational plant space with a total cost per
17 student station, including change orders, that equals more than:
18 a. \$17,952 for an elementary school,
19 b. \$19,386 for a middle school, or
20 c. \$25,181 for a high school,

21
22 (January 2006) as adjusted annually to reflect increases or
23 decreases in the Consumer Price Index.

24 2. School districts shall maintain accurate documentation
25 related to the costs of all new construction of educational
26 plant space reported to the Department of Education pursuant to
27 paragraph (d). The Auditor General shall review the
28 documentation maintained by the school districts and verify
29 compliance with the limits under this paragraph during its
30 scheduled operational audits of the school district. The
31 department shall make the final determination on district
32 compliance based on the recommendation of the Auditor General.

33 3. The Office of Economic and Demographic Research, in
34 consultation with the department, shall conduct a study of the
35 cost per student station amounts using the most recent available
36 information on construction costs. In this study, the costs per
37 student station should represent the costs of classroom
38 construction and administrative offices as well as the
39 supplemental costs of core facilities, including required media



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40 centers, gymnasiums, music rooms, cafeterias and their
41 associated kitchens and food service areas, vocational areas,
42 and other defined specialty areas, including exceptional student
43 education areas. The study must take into account appropriate
44 cost-effectiveness factors in school construction and should
45 include input from industry experts. The Office of Economic and
46 Demographic Research must provide the results of the study and
47 recommendations on the cost per student station to the Governor,
48 the President of the Senate, and the Speaker of the House of
49 Representatives no later than January 31, 2017.

50 4. The Office of Program Policy Analysis and Government
51 Accountability (OPPAGA) shall conduct a study of the State
52 Requirements for Education Facilities (SREF) to identify current
53 requirements that can be eliminated or modified in order to
54 decrease the cost of construction of educational facilities
55 while ensuring student safety. OPPAGA must provide the results
56 of the study, and an overall recommendation as to whether SREF
57 should be retained, to the Governor, the President of the
58 Senate, and the Speaker of the House of Representatives no later
59 than January 31, 2017.

60 5. Effective July 1, 2017, in addition to the funding
61 sources listed in subparagraph 1., a district school board may
62 not use funds from any sources for new construction of
63 educational plant space with a total cost per student station,
64 including change orders, which equals more than the current
65 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
66 shall subsequently be adjusted annually to reflect increases or
67 decreases in the Consumer Price Index. However, if a contract
68 has been executed for architectural and design services or for



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69 construction management services before July 1, 2017, a district
70 school board may use funds from any source for the new
71 construction of educational plant space and such funds are
72 exempt from the total cost per student station requirements.

73 6. A district school board must not use funds from the
74 Public Education Capital Outlay and Debt Service Trust Fund or
75 the School District and Community College District Capital
76 Outlay and Debt Service Trust Fund for any new construction of
77 an ancillary plant that exceeds 70 percent of the average cost
78 per square foot of new construction for all schools.

79 (c) Except as otherwise provided, new construction for
80 which a contract has been executed for architectural and design
81 services or for construction management services initiated by a
82 district school board on or after July 1, 2017, may not exceed
83 the cost per student station as provided in paragraph (b). A
84 school district that exceeds the cost per student station
85 provided in paragraph (b), as determined by the Auditor General,
86 shall be subject to sanctions. If the Auditor General determines
87 that the cost per student station overage is de minimus or due
88 to extraordinary circumstances outside the control of the
89 district, the sanctions shall not apply. The sanctions are as
90 follows:

91 1. The school district shall be ineligible for allocations
92 from the Public Education Capital Outlay and Debt Service Trust
93 Fund for the next 3 years in which the school district would
94 have received allocations had the violation not occurred.

95 2. The school district shall be subject to the supervision
96 of a district capital outlay oversight committee. The oversight
97 committee is authorized to approve all capital outlay



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98 expenditures of the school district, including new construction,
99 renovations, and remodeling, for 3 fiscal years following the
100 violation.

101 a. Each oversight committee shall be composed of the
102 following:

103 (I) One appointee of the Commissioner of Education who has
104 significant financial management, school facilities
105 construction, or related experience.

106 (II) One appointee of the office of the state attorney with
107 jurisdiction over the district.

108 (III) One appointee of the Chief Financial Officer who is a
109 licensed certified public accountant.

110 b. An appointee to the oversight committee may not be
111 employed by the school district; be a relative, as defined in s.
112 1002.33(24)(a)2., of any school district employee; or be an
113 elected official. Each appointee must sign an affidavit
114 attesting to these conditions and affirming that no conflict of
115 interest exists in his or her oversight role.

116
117 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

118 And the directory clause is amended as follows:

119 Delete line 141

120 and insert:

121 subsection (3) and paragraphs (b) and (c) of subsection (6) of
122 section 1013.64, Florida Statutes, are amended

123
124 ===== T I T L E A M E N D M E N T =====

125 And the title is amended as follows:

126 Between lines 12 and 13



592138

127 insert:
128 authorizing a district school board to use funds from
129 any source for the new construction of educational
130 plant space under certain circumstances;

By Senator Garcia

36-00969-17

2017642__

A bill to be entitled

An act relating to public educational facilities; amending s. 1013.35, F.S.; providing requirements for determining the capacity of facilities in certain schools as reported in the Florida Inventory of School Houses; amending s. 1013.37, F.S.; requiring the Commissioner of Education to grant an exemption from the State Requirements for Educational Facilities to a district school board under certain circumstances; requiring such district school board to comply with certain Florida Building Code and Florida Fire Prevention Code provisions; amending s. 1013.64, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the

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2017642__

projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses, must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64. For purposes of determining the capacity of school facilities, as reported in the Florida Inventory of School Houses, a school containing students in kindergarten through grade 5 is considered an elementary school and a school containing students in grades 6 through 8 is considered a middle school.

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33(6), (7), and (8) and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is

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62 fully implemented.

63 f. The number and percentage of district students planned
64 to be educated in relocatable facilities during each year of the
65 tentative district facilities work program. For determining
66 future needs, student capacity may not be assigned to any
67 relocatable classroom that is scheduled for elimination or
68 replacement with a permanent educational facility in the current
69 year of the adopted district educational facilities plan and in
70 the district facilities work program adopted under this section.
71 Those relocatable classrooms clearly identified and scheduled
72 for replacement in a school-board-adopted, financially feasible,
73 5-year district facilities work program shall be counted at zero
74 capacity at the time the work program is adopted and approved by
75 the school board. However, if the district facilities work
76 program is changed and the relocatable classrooms are not
77 replaced as scheduled in the work program, the classrooms must
78 be reentered into the system and be counted at actual capacity.
79 Relocatable classrooms may not be perpetually added to the work
80 program or continually extended for purposes of circumventing
81 this section. All relocatable classrooms not identified and
82 scheduled for replacement, including those owned, lease-
83 purchased, or leased by the school district, must be counted at
84 actual student capacity. The district educational facilities
85 plan must identify the number of relocatable student stations
86 scheduled for replacement during the 5-year survey period and
87 the total dollar amount needed for that replacement.

88 g. Plans for the closure of any school, including plans for
89 disposition of the facility or usage of facility space, and
90 anticipated revenues.

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91 h. Projects for which capital outlay and debt service funds
92 accruing under s. 9(d), Art. XII of the State Constitution are
93 to be used shall be identified separately in priority order on a
94 project priority list within the district facilities work
95 program.

96 3. The projected cost for each project identified in the
97 district facilities work program. For proposed projects for new
98 student stations, a schedule shall be prepared comparing the
99 planned cost and square footage for each new student station, by
100 elementary, middle, and high school levels, to the low, average,
101 and high cost of facilities constructed throughout the state
102 during the most recent fiscal year for which data is available
103 from the Department of Education.

104 4. A schedule of estimated capital outlay revenues from
105 each currently approved source which is estimated to be
106 available for expenditure on the projects included in the
107 district facilities work program.

108 5. A schedule indicating which projects included in the
109 district facilities work program will be funded from current
110 revenues projected in subparagraph 4.

111 6. A schedule of options for the generation of additional
112 revenues by the district for expenditure on projects identified
113 in the district facilities work program which are not funded
114 under subparagraph 5. Additional anticipated revenues may
115 include Classrooms First funds.

116 Section 2. Subsection (3) of section 1013.37, Florida
117 Statutes, is amended to read:

118 1013.37 State uniform building code for public educational
119 facilities construction.—

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120 (3) REVIEW PROCEDURE; EXEMPTION.-

121 (a) The Commissioner of Education shall cooperate with the
122 Florida Building Commission in addressing all questions,
123 disputes, or interpretations involving the provisions of the
124 Florida Building Code which govern the construction of public
125 educational and ancillary facilities, and any objections to
126 decisions made by the inspectors or the department must be
127 submitted in writing.

128 (b) Upon request by a district school board, the
129 commissioner shall grant an exemption from the State
130 Requirements for Educational Facilities (SREF). A district
131 school board must provide a comprehensive cost-benefit analysis
132 along with its request for an exemption from the SREF. Any
133 district school board that is granted such exemption shall
134 continue to comply with applicable provisions of the Florida
135 Building Code and the Florida Fire Prevention Code which relate
136 to the construction, remodeling, and renovation of educational
137 facilities.

138 Section 3. Upon the expiration and reversion of the
139 amendments to section 1013.64, Florida Statutes, pursuant to
140 section 36 of chapter 2016-62, Laws of Florida, paragraph (a) of
141 subsection (3) of section 1013.64, Florida Statutes, is amended
142 to read:

143 1013.64 Funds for comprehensive educational plant needs;
144 construction cost maximums for school district capital
145 projects.—Allocations from the Public Education Capital Outlay
146 and Debt Service Trust Fund to the various boards for capital
147 outlay projects shall be determined as follows:

148 (3) (a) Each district school board shall receive an amount

Page 5 of 7

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36-00969-17

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149 from the Public Education Capital Outlay and Debt Service Trust
150 Fund to be calculated by computing the capital outlay full-time
151 equivalent membership as determined by the department. Such
152 membership must include, but is not limited to:

153 1. K-12 students for whom the school district provides the
154 educational facility, except hospital- and homebound part-time
155 students; and

156 2. Students who are career education students, and adult
157 disabled students and who are enrolled in school district career
158 centers. The capital outlay full-time equivalent membership
159 shall be determined for kindergarten through the 12th grade and
160 for career centers by averaging the unweighted full-time
161 equivalent student membership for the second and third surveys
162 and comparing the results on a school-by-school basis with the
163 Florida Inventory for School Houses. For purposes of determining
164 the capacity of school facilities, as reported in the Florida
165 Inventory of School Houses, a school containing students in
166 kindergarten through grade 5 is considered an elementary school
167 and a school containing students in grades 6 through 8 is
168 considered a middle school. The capital outlay full-time
169 equivalent membership by grade level organization shall be used
170 in making the following calculations: The capital outlay full-
171 time equivalent membership by grade level organization for the
172 4th prior year must be used to compute the base-year allocation.
173 The capital outlay full-time equivalent membership by grade-
174 level organization for the prior year must be used to compute
175 the growth over the highest of the 3 years preceding the prior
176 year. From the total amount appropriated by the Legislature
177 pursuant to this subsection, 40 percent shall be allocated among

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178 the base capital outlay full-time equivalent membership and 60
179 percent among the growth capital outlay full-time equivalent
180 membership. The allocation within each of these groups shall be
181 prorated to the districts based upon each district's percentage
182 of base and growth capital outlay full-time membership. The most
183 recent 4-year capital outlay full-time equivalent membership
184 data shall be used in each subsequent year's calculation for the
185 allocation of funds pursuant to this subsection. If a change,
186 correction, or recomputation of data during any year results in
187 a reduction or increase of the calculated amount previously
188 allocated to a district, the allocation to that district shall
189 be adjusted correspondingly. If such recomputation results in an
190 increase or decrease of the calculated amount, such additional
191 or reduced amounts shall be added to or reduced from the
192 district's future appropriations. However, no change,
193 correction, or recomputation of data shall be made subsequent to
194 2 years following the initial annual allocation.

195 Section 4. This act shall take effect July 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/13/17

Meeting Date

642

Bill Number (if applicable)

592138

Amendment Barcode (if applicable)

Topic Capital Outlay

Name Joy Frank

Job Title General Counsel

Address 208 S. Monroe St

Street

Phone 850.677-5784

Yallah

FL

32301

City

State

Zip

Email JFRANK@ADSS.GOV

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Assoc of District School Superintendents

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.

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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)

4/13/17

Meeting Date

642

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Spencer Pylant

Job Title Communications & Government Relations Liaison

Address 7227 Land O' Lakes Blvd.

Phone 813-794-2259

Street

Land O' Lakes FL 34638

City

State

Zip

Email spylant@pasco.k12.fl.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Pasco County Schools

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.

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THE FLORIDA SENATE

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4/13/16

Meeting Date

642

Bill Number (if applicable)

Topic SREF

Amendment Barcode (if applicable)

Name Iracida Mendez-Castana

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Address 1450 NE 2nd Ave. Rm 931

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Street

Miami

FL

33132

City

State

Zip

Email imendez@dadeschools.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Miami Dade County Public Schools

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.

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THE FLORIDA SENATE
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4/13/14
Meeting Date

642
Bill Number (if applicable)

Topic SREF

Amendment Barcode (if applicable)

Name Tom Cerra

Job Title Exec Director

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Phone (3)513-9995-

Miami FL 33178
City State Zip

Email tomcerra@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Greater Florida Consortium of School Boards

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.

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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)

4/13/14
Meeting Date

642
Bill Number (if applicable)

Topic SREF

Amendment Barcode (if applicable)

Name John Sullivan

Job Title Director of Legislative Affairs

Address 600 SE 3rd Ave

Phone 754-321-2600

Fort. Lauderdale FL 33301
City State Zip

Email john.sullivan@browardschools.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Broward Schools

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.

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 Pre-K - 12 Education

BILL: CS/SB 772

INTRODUCER: Education Committee and Senator Rouson

SUBJECT: Assistive Technology Devices

DATE: April 13, 2017 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Androff</u>	<u>Graf</u>	<u>ED</u>	Fav/CS
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 772 revises provisions related to the use of assistive technology devices by students with disabilities. Specifically, the bill:

- Recognizes that access to and use of the assistive technology device is essential for a student moving from school to home and community;
- Allows an individualized plan for employment to be one of the plans that may serve as the basis for a student to retain an assistive technology device through a transition; and
- Adds the Office of Independent Education and Parental Choice within the Florida Department of Education to the group of educational entities required to enter into interagency agreements with specified agencies, as appropriate, for the transaction of assistive technology devices.

The bill has no impact on state funds. However, the bill may increase costs on the school districts to the extent school districts will be required to purchase additional assistive technology devices for utilization by students with disabilities at home and in the community.

The bill takes effect July 1, 2017.

II. Present Situation:

Federal and state laws provide for accommodations to assist students with disabilities.

Assistive Technology Devices

Federal law defines an assistive technology device as any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.¹ The term does not include a medical device that is surgically implanted or the replacement of such device.² Federal regulations require each federal public agency to ensure that assistive technology devices are made available to a child with a disability under certain circumstances.³ Moreover, in order to receive federal assistance under the Assistive Technology Act, a state must assure the U.S. Secretary of Education that the state complies with the federal regulations.⁴

Florida law defines assistive technology devices as manual wheelchairs, motorized wheelchairs, motorized scooters, voice-synthesized computer modules, optical scanners, talking software, braille printers, environmental control devices for use by a person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to in effect speak, personal transfer systems, and specialty beds, including a demonstrator, that a consumer purchases or accepts transfer of in this state for use by a person with a disability.⁵

Special Education Services

Special education services (SES) means specially designed instruction and related services that are provided to exceptional students.⁶ Florida law specifies the disabilities that qualify a student for SES.⁷ The U.S. Individuals with Disabilities Education Act (IDEA) requires school districts to make a free appropriate public education (FAPE) available to such students ages 3 through 21.⁸ A school district, at its discretion, may provide services to eligible children with disabilities below 3 years of age.⁹ A FAPE must include special education and related services¹⁰ that are

¹ 20 U.S.C. s. 1401(1)(A).

² *Id.* at 1401(1)(B).

³ 34 C.F.R. s. 300.105(a).

⁴ *Id.* at 300.101.

⁵ Section 427.802(1), F.S. A person with a disability means any person who has one or more permanent physical or mental limitations that restrict his or her ability to perform the normal activities of daily living and impede his or her capacity to live independently. Section 427.802(2), F.S.

⁶ Section 1003.01(3)(b), F.S. Exceptional student means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; another health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including but not limited to dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through 5 years, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules pursuant to law. Section 1003.01(3)(a), F.S.

⁷ Section 1003.01(3)(a)-(b), F.S.

⁸ 20 U.S.C. s. 1400(d)(1)(A); 24 C.F.R. s. 300.101; Rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

⁹ Rules 6A-6.0331 and 6A-6.03026, F.A.C.

¹⁰ Related services means “transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic

provided by the public school system at no cost to the parent, that meet the standards of the state, and that are in conformity with the student's individual education plan (IEP).¹¹

Individual Education Plans

For each eligible child with a disability served by a school district, or other state agency that provides special education and related services directly, by contract, or through other arrangements, an individual education plan (IEP) or individual family support plan must be developed, reviewed, and revised.¹²

An IEP team must meet to develop a plan for the student's needs within 30 days of determining a student's eligibility for SES.¹³ The multidisciplinary IEP team includes school and district staff and other experts, if necessary.¹⁴ Parents also participate in the plan development, which may not be implemented without parental consent to a student's initial placement into the SES program.¹⁵

The IEP sets forth a child's academic achievement and functional performance, describes how the child will be included in the general education curriculum, establishes annual goals for the child and describes how those goals will be measured, directs what special education and related services are needed, describes how the child will be appropriately assessed, and determines what accommodations may be appropriate for the child's instruction and assessment.¹⁶ All IEP teams must consider whether a student with disability requires assistive technology devices and services.¹⁷

Individualized Plan for Employment

Under Florida law, a person with a disability¹⁸ is eligible for vocational rehabilitation (VR) services if the person requires VR services to prepare for, engage in, or retain gainful employment.¹⁹ The Division of Vocational Rehabilitation (Division) is responsible for determining the eligibility of an individual for VR services.²⁰ If the Division determines that an individual is eligible for VR services, the division must:

- Complete an assessment for determining the eligibility and vocational rehabilitation needs and
- Ensure that an individualized plan for employment (IPE) is prepared.

recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." Related services also include health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34(a).

¹¹ 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C.

¹² Rule 6A-6.03028(3), F.A.C.

¹³ Rules 6A-6.03028(3)(f) and 6A-6.030190(6)(b), F.A.C.

¹⁴ Rules 6A.03028(3)(c), 6A-6.030191(3), and 6A-6.03029(6), F.A.C.

¹⁵ Rule 6A-6.0331(9), F.A.C.

¹⁶ Rules 6A-6.03028(3)(h), 6A-6.03029(3), and 6A-6.030191(4), F.A.C.

¹⁷ 34 C.F.R. s. 300.324(a)(2)(v); Rule 6A-6.03028(3)(g)11., F.A.C.

¹⁸ Disability means "a physical or mental impairment that constitutes or results in a substantial impediment to employment." Section 413.20(7), F.S.

¹⁹ Section 413.30(1), F.S.

²⁰ *Id.* at (4).

An IPE includes a “comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services.”²¹ The IPE must be jointly developed and by a VR counselor or coordinator and the eligible individual, or in an appropriate case, a parent, family member, guardian, advocate, or authorized representative to the individual.²² The division is responsible for ensuring that each IPE is customized to the employment outcome of eligible individuals, consistent with federal law and the unique strengths, recourses, priorities, concerns, abilities and capabilities such individuals.²³ Each IPE must be reviewed annually and revised, as needed.²⁴

Use and Transfer of Devices

Federal law requires the school a student attends to meet the student’s IEP requirements regarding assistive technology.²⁵ If the student moves from one school to another school within the district, the assistive technology device must be provided at the new school.²⁶ The same device does not necessarily need to follow the student, but the transfer of assistive devices from school to school is encouraged because students benefit from continued use of the same device.²⁷ If the student moves to another district, federal regulation provides that agencies or districts make the equipment available for use in other districts, until the new district adopts the student’s prior IEP or executes a new IEP.²⁸

Whether or not a student may take his or her assistive technology device home is determined on an individual basis and should be specified in the IEP.²⁹ If the student requires assistive technology in order to complete homework assignments or practice skills that require the device, such as communication or socialization, it should be specified in the IEP.³⁰ Not all assistive technology may be required for home use.³¹ Use of the assistive technology device over the summer is also determined on an individual basis and should be specified in the IEP.³²

The federal IDEA and regulations specify that it is the school’s responsibility to provide transition services.³³ The transition planning must begin by age 14 or grade 8, whichever occurs first.³⁴ A student’s IEP should include a statement of assistive technology needed under

²¹ Section 413.20(3), F.S.

²² Section 413.30(5)(a), F.S.; Rule 6A-25.007, F.A.C.

²³ Section 413.30(5)(b), F.S.

²⁴ *Id.* at (5)(c).

²⁵ 34 C.F.R. s. 300.323(e).

²⁶ *Id.*

²⁷ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Assistive Technology for Students with Disabilities*, Technical Assistance Paper FY 2013-65 (Aug. 2013), at 13-14.

²⁸ 34 C.F.R. s. 300.323(e).

²⁹ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Assistive Technology for Students with Disabilities*, Technical Assistance Paper FY 2013-65 (Aug. 2013), at 12.

³⁰ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Assistive Technology for Students with Disabilities*, Technical Assistance Paper FY 2013-65 (Aug. 2013), at 12.

³¹ *Id.*

³² *Id.*

³³ 34 C.F.R. s. 300.320(b).

³⁴ Rule 6A-6.03028(3)(b)4., F.A.C.

transition services, including a statement indicating agency responsibilities and linkages, if appropriate.³⁵ It is the school district's responsibility to provide a plan for the transition of assistive technology as the student prepares for postsecondary education, vocational placement, independent living and community experiences.³⁶ If the student will benefit from continued use of the same device, the transition of technology from school to the postschool setting is encouraged.³⁷ The IEP team must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services, such as assistive technology services and devices.³⁸ However, if the participating agency fails to provide the transition services and assistive technology defined in the IEP, the school district must reconvene the IEP team to identify alternative strategies in order to meet the transition objective.³⁹

Upon request by a student or his or her parent, the district may transfer assistive technology to the postsecondary setting.⁴⁰ The transfer must follow the proper interagency agreement procedures, with the receiving agency documenting support of the equipment.⁴¹

Interagency Agreements

Certain agencies are required by law to enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices in accordance with the student's individualized family support plan, individual support plan, or individual education plan.⁴² The interagency agreements provide the framework for ensuring that students with disabilities, their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services to help such students transition from school to postschool.⁴³ The agreements also ensure that all agencies are informed about the needed assistive technology, the content of the transition plan, and the postschool support required to meet student needs.⁴⁴

The Florida Interagency Agreement for the Transfer of Assistive Technology was entered in September of 2006, between the following agencies:⁴⁵

- Florida Infants and Toddlers early Intervention Program (Early Steps) of the Division of Children's Medical Services of the Department of Health;
- The Division of Blind Services of the Department of Education;
- The Division of Vocational Rehabilitation of the Department of Education;

³⁵ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Assistive Technology for Students with Disabilities*, Technical Assistance Paper FY 2013-65 (Aug. 2013), at 14.

³⁶ *Id.*

³⁷ *Id.*

³⁸ 34 C.F.R. s. 300.321(b)(3); s. 1003.575, F.S.

³⁹ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Assistive Technology for Students with Disabilities*, Technical Assistance Paper FY 2013-65 (Aug. 2013), at 14.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Section 1003.575, F.S.

⁴³ *Id.*

⁴⁴ Section 1003.575, F.S.

⁴⁵ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Assistive Technology for Students with Disabilities*, Technical Assistance Paper FY 2013-65 (Aug. 2013).

- The Voluntary Prekindergarten Education Program of the Department of Education and the Agency for Workforce Innovation; and
- The Bureau of Exceptional Education and Student Services of the Department of Education.

III. Effect of Proposed Changes:

CS/SB 772 revises provisions related to the use of assistive technology devices by students with disabilities. Specifically, the bill:

- Recognizes that access to and use of the assistive technology device is essential for a student moving from school to home and community;
- Allows an individualized plan for employment to be one of the plans that may serve as the basis for a student to retain an assistive technology device through a transition; and
- Adds the Office of Independent Education and Parental Choice within the Florida Department of Education to the group of educational entities required to enter into interagency agreements with specified agencies, as appropriate, for the transaction of assistive technology devices.

While an individual education plan (IEP) may provide for the use of assistive technology devices by students with disabilities at home after school hours, it is unclear if such authorized use is consistently reflected in the IEP for all students who are eligible to receive assistive technology devices and services. The bill codifies the use of such devices at home and in the community. As a result, students may be able to have access to and use such devices after school hours, including during the weekend and over the summer.

The bill also allows an IPE to serve as the basis for issuing an assistive technology device. Adding the IPE may facilitate coordination with the Division of Vocational Rehabilitation regarding the transaction of assistive technology devices. The addition of the IPE may also enable a student to retain his or her assistive technology device in the employment or postschool environment.

Additionally, the bill adds the Office of Independent Education and Parental Choice (Office) to the list of agencies that must enter interagency agreements, as appropriate, to ensure that an assistive technology device issued to a student remains with the student through the continuum from home to school to postschool. As a result, the Office may be able to coordinate with specified agencies to facilitate the transition of students with disabilities who participate in school choice from school to postschool.

The bill takes effect July 1, 2017.

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:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. However, according to the Florida Department of Education, CS/SB 772 may have an indeterminate fiscal impact for the school districts to the extent school districts will be required to purchase additional assistive technology devices for utilization by students with disabilities at home and in the community.⁴⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.575 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 21, 2017:

Replaces the reference to individual work plan with individualized plan for employment, as a plan that may serve as the basis for issuing an assistive technology device to a student.

⁴⁶ Florida Department of Education, *SB 772 Analysis* (2017), at 4.

B. Amendments:

None.

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

By the Committee on Education; and Senator Rouson

581-02686-17

2017772c1

1 A bill to be entitled
 2 An act relating to assistive technology devices;
 3 amending s. 1003.575, F.S.; revising provisions
 4 relating to the accessibility and use of assistive
 5 technology devices by persons with disabilities;
 6 providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Section 1003.575, Florida Statutes, is amended
 11 to read:
 12 1003.575 Assistive technology devices; findings;
 13 interagency agreements.—Accessibility, utilization, and
 14 coordination of appropriate assistive technology devices and
 15 services are essential as a young person with disabilities moves
 16 from early intervention to preschool, from preschool to school,
 17 from one school to another, ~~and~~ from school to employment or
 18 independent living, and from school to home and community. If an
 19 individual education plan team makes a recommendation in
 20 accordance with State Board of Education rule for a student with
 21 a disability, as defined in s. 1003.01(3), to receive an
 22 assistive technology assessment, that assessment must be
 23 completed within 60 school days after the team's recommendation.
 24 To ensure that an assistive technology device issued to a young
 25 person as part of his or her individualized family support plan,
 26 individual support plan, individualized plan for employment, or
 27 an individual education plan remains with the individual through
 28 such transitions, the following agencies shall enter into
 29 interagency agreements, as appropriate, to ensure the

Page 1 of 2

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

581-02686-17

2017772c1

30 transaction of assistive technology devices:
 31 (1) The Early Steps Program in the Division of Children's
 32 Medical Services of the Department of Health.
 33 (2) The Division of Blind Services, the Bureau of
 34 Exceptional Education and Student Services, the Office of
 35 Independent Education and Parental Choice, and the Division of
 36 Vocational Rehabilitation of the Department of Education.
 37 (3) The Voluntary Prekindergarten Education Program
 38 administered by the Department of Education and the Office of
 39 Early Learning.
 40
 41 Interagency agreements entered into pursuant to this section
 42 shall provide a framework for ensuring that young persons with
 43 disabilities and their families, educators, and employers are
 44 informed about the utilization and coordination of assistive
 45 technology devices and services that may assist in meeting
 46 transition needs, and shall establish a mechanism by which a
 47 young person or his or her parent may request that an assistive
 48 technology device remain with the young person as he or she
 49 moves through the continuum from home to school to postschool.
 50 Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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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)

04-13-2017

Meeting Date

SB 772

Bill Number (if applicable)

Topic Assistive Technology Device

Amendment Barcode (if applicable)

Name Michael Daniels

Job Title Executive Director

Address 3333 W Pensacola Street

Phone 850-487-3278

Tallahassee FL 32304

Email mdaniels@faast.org

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing FAAST

Appearing at request of Chair: [] Yes [X] 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.

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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)

4-13-17

Meeting Date

SB 772

Bill Number (if applicable)

Topic Assistive Technology Devices Amendment Barcode (if applicable)

Name Margaret S. Hooper

Job Title Public Policy Coordinator

Address 124 Marriott Drive #203 Phone 850-922-6703

Street

Tallahassee, FL 32311

City

State

Zip

Email Margaret@FDPC.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Developmental Disabilities 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 (10/14/14)



140356

602-03790-17

Proposed Committee Substitute by Appropriations Subcommittee on
Pre-K - 12 Education

A bill to be entitled

An act relating to the Florida Endowment for Vocational Rehabilitation; amending s. 413.615, F.S.; requiring the Florida Endowment Foundation for Vocational Rehabilitation to maintain separate accounts for certain funds received from state sources and public or private sources; establishing restrictions regarding administrative costs of the foundation; requiring the foundation to publish specified information on its website; requiring that funds allocated for research, advertising, or consulting be subject to a competitive solicitation process; prohibiting use of state funds to fund certain events; extending the date for future review and repeal of provisions governing the Florida Endowment for Vocational Rehabilitation; providing an effective date.

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

Section 1. Section 1. Section 413.615, Florida Statutes, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.-

(1) SHORT TITLE.-This section may be cited as the "Florida Endowment for Vocational Rehabilitation Act."

(2) DEFINITIONS.-For the purposes of this section:

(a) "Board" means the board of directors of the Florida



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Endowment Foundation for Vocational Rehabilitation.

(b) "Endowment fund" means an account established within the Florida Endowment Foundation for Vocational Rehabilitation to provide a continuing and growing source of revenue for vocational rehabilitation efforts.

(c) "Foundation" means the Florida Endowment Foundation for Vocational Rehabilitation.

(d) "Operating account" means an account established under paragraph (4)(d) to carry out the purposes provided in subsection (10).

(3) LEGISLATIVE INTENT.-The Legislature recognizes that it is in the best interest of the citizens of this state that citizens with disabilities be afforded a fair opportunity to become self-supporting, productive members of society. However, there is a critical need for significant additional funding to achieve this goal. Accordingly, the Legislature further finds and declares that:

(a) With skilled evaluation procedures and proper rehabilitative treatment, plus employment, training, and supportive services consistent with the needs of the individual, persons who are disabled can assume the activities of daily living and join their communities with dignity and independence.

(b) The purpose of this section is to broaden the participation and funding potential for further significant support for the rehabilitation of Florida citizens who are disabled.

(c) It is appropriate to encourage individual and corporate support and involvement, as well as state support and involvement, to promote employment opportunities for disabled



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57 citizens.

58 (4) REVENUE FOR THE ENDOWMENT FUND.—

59 (a) The endowment fund of the Florida Endowment for
60 Vocational Rehabilitation is created as a long-term, stable, and
61 growing source of revenue to be administered, in accordance with
62 rules promulgated by the division, by the foundation as a
63 direct-support organization of the division.

64 (b) The principal of the endowment fund shall derive from
65 the deposits made pursuant to s. 318.21(2)(e), together with any
66 legislative appropriations which may be made to the endowment,
67 and such bequests, gifts, grants, and donations as may be
68 solicited for such purpose by the foundation from public or
69 private sources.

70 (c) All funds remitted to the Department of Revenue
71 pursuant to s. 318.21(2)(e) and (5) shall be transmitted monthly
72 to the foundation for use as provided in subsection (10). All
73 remaining liquid balances of funds held for investment and
74 reinvestment by the State Board of Administration for the
75 endowment fund on the effective date of this act shall be
76 transmitted to the foundation within 60 days for use as provided
77 in subsection (10).

78 (d) The board of directors of the foundation shall
79 establish the operating account and shall deposit therein the
80 moneys transmitted pursuant to paragraph (c). Moneys in the
81 operating account shall be available to carry out the purposes
82 of subsection (10).

83 (e) Funds received from state sources shall be accounted
84 for separately from bequests, gifts, grants, and donations that
85 may be solicited for such purposes by the foundation from public



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86 or private sources. Earnings on funds received from state
87 sources and funds received from public or private sources shall
88 be accounted for separately.

89 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
90 REHABILITATION.—The Florida Endowment Foundation for Vocational
91 Rehabilitation is hereby created as a direct-support
92 organization of the Division of Vocational Rehabilitation, to
93 encourage public and private support to enhance vocational
94 rehabilitation and employment of citizens who are disabled. As a
95 direct-support organization, the foundation shall operate under
96 contract with the division and shall:

97 (a) Be a Florida corporation not for profit incorporated
98 under the provisions of chapter 617 and approved by the
99 Department of State.

100 (b) Be organized and operated exclusively to raise funds;
101 to submit requests and receive grants from the Federal
102 Government, the state, private foundations, and individuals; to
103 receive, hold, and administer property; and to make expenditures
104 to or for the benefit of the rehabilitation programs approved by
105 the board of directors of the foundation.

106 (c) Be approved by the division to be operating for the
107 benefit and best interest of the state.

108 (6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract
109 between the foundation and the division shall provide for:

110 (a) Approval of the articles of incorporation of the
111 foundation by the division.

112 (b) Governance of the foundation by a board of directors
113 appointed by the Governor.

114 (c) Submission of an annual budget of the foundation for



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115 approval by the division.

116 (d) Certification by the division, after an annual
117 financial and performance review, that the foundation is
118 operating in compliance with the terms of the contract and the
119 rules of the division, and in a manner consistent with the goals
120 of the Legislature in providing assistance to disabled citizens.

121 (e) The release and conditions of the expenditure of any
122 state revenues.

123 (f) The reversion to the state of moneys in the foundation
124 and in any other funds and accounts held in trust by the
125 foundation if the contract is terminated.

126 (g) The fiscal year of the foundation, to begin on July 1
127 and end on June 30 of each year.

128 (7) CONFIDENTIALITY.-

129 (a) The identity of a donor or prospective donor to the
130 Florida Endowment Foundation for Vocational Rehabilitation who
131 desires to remain anonymous and all information identifying such
132 donor or prospective donor are confidential and exempt from the
133 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
134 Constitution. Portions of meetings of the Florida Endowment
135 Foundation for Vocational Rehabilitation during which the
136 identity of donors or prospective donors is discussed are exempt
137 from the provisions of s. 286.011 and s. 24(b), Art. I of the
138 State Constitution.

139 (b) Records relating to clients of or applicants to the
140 Division of Vocational Rehabilitation that come into the
141 possession of the foundation and that are confidential by other
142 provisions of law are confidential and exempt from the
143 provisions of s. 119.07(1) and s. 24(a), Art. I of the State



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144 Constitution, and may not be released by the foundation.

145 Portions of meetings of the Florida Endowment Foundation for
146 Vocational Rehabilitation during which the identities of such
147 clients of or applicants to the Division of Vocational
148 Rehabilitation are discussed are exempt from the provisions of
149 s. 286.011 and s. 24(b), Art. I of the State Constitution.

150 (8) BOARD OF DIRECTORS.-The foundation shall be
151 administered by a board of directors, as follows:

152 (a) *Membership.*-The board of directors shall consist of
153 nine members who have an interest in service to persons with
154 disabilities and who:

155 1. Have skills in foundation work or other fundraising
156 activities, financial consulting, or investment banking or other
157 related experience; or

158 2. Have experience in policymaking or management-level
159 positions or have otherwise distinguished themselves in the
160 field of business, industry, or rehabilitation.

161 Disabled individuals who meet the above criteria shall be given
162 special consideration for appointment.

163 (b) *Appointment.*-The board members shall be appointed by
164 the Governor.

165 (c) *Terms.*-Board members shall serve for 3-year terms or
166 until resignation or removal for cause.

167 (d) *Filling of vacancies.*-In the event of a vacancy on the
168 board caused by other than the expiration of a term, a new
169 member shall be appointed.

170 (e) *Removal for cause.*-Each member is accountable to the
171 Governor for the proper performance of the duties of office. The
172



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173 Governor may remove any member from office for malfeasance,
174 misfeasance, neglect of duty, incompetence, or permanent
175 inability to perform official duties or for pleading nolo
176 contendere to, or being found guilty of, a crime.

177 (9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits
178 prescribed in this section or by rule of the division:

179 (a) Upon appointment, the board shall meet and organize.
180 Thereafter, the board shall hold such meetings as are necessary
181 to implement the provisions of this section and shall conduct
182 its business in accordance with rules promulgated by the
183 division.

184 (b) The board may solicit and receive bequests, gifts,
185 grants, donations, goods, and services. Where gifts are
186 restricted as to purpose, they may be used only for the purpose
187 or purposes stated by the donor. The board may transmit monetary
188 gifts to the State Board of Administration for deposit in the
189 endowment fund principal.

190 (c) The board may enter into contracts with the Federal
191 Government, state or local agencies, private entities, or
192 individuals to carry out the purposes of this section.

193 (d) The board may identify, initiate, and fund new and
194 creative programs to carry out the purposes of this section,
195 utilizing existing organizations, associations, and agencies to
196 carry out such rehabilitation programs and purposes wherever
197 possible.

198 (e) The board may make gifts or grants:

199 1. To the State of Florida or any political subdivision
200 thereof, or any public agency of state or local government.

201 2. To a corporation, trust, association, or foundation



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202 organized and operated exclusively for charitable, educational,
203 or scientific purposes.

204 3. To any citizen who has a documented disability.

205 4. To the division for purposes of program recognition and
206 marketing, public relations and education, professional
207 development, and technical assistance and workshops for grant
208 applicants and recipients, the business community, and
209 individuals with disabilities or recognized groups organized on
210 their behalf.

211 (f) The board may advertise and solicit applications for
212 funding and shall evaluate applications and program proposals
213 submitted thereto. Funding shall be awarded only where the
214 evaluation is positive and the proposal meets both the
215 guidelines for use established in subsection (10) and such
216 evaluation criteria as the division may prescribe by rule.

217 (g) The board shall monitor, review, and annually evaluate
218 funded programs to determine whether funding should be
219 continued, terminated, reduced, or increased.

220 (h) The board shall establish an operating account as
221 provided in paragraph (4)(d).

222 (i) The board may take such additional actions, including
223 the hiring of necessary staff, as are deemed necessary and
224 appropriate to administer this section, subject to rules of the
225 division.

226 (j) Administrative costs shall be kept to the minimum
227 necessary for the efficient and effective administration of the
228 foundation and are limited to 15 percent of total estimated
229 expenditures in any calendar year. Administrative costs include
230 nonprogram costs, officer salaries, audits, salaries or other



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231 costs for nonofficers or constructors providing services that
232 are not considered program costs, and costs for promoting the
233 purposes of the foundation, and other allowable administrative
234 costs. Administrative costs may not be paid from funds received
235 directly from the state.

236 (k) The foundation shall publish on its website:

237 1. The annual audit required by subsection (11) and the
238 annual report required by subsection (12).

239 2. For each position filled by an officer or employee, the
240 position's compensation level.

241 3. A copy of each contract into which the foundation
242 enters.

243 4. Information on each program, gift, or grant funded by
244 the foundation, including:

245 a. Projected economic benefits at the time of the initial
246 award date.

247 b. Information describing the program, gift, or grant
248 funded.

249 c. The geographic area impacted.

250 d. Any matching, in-kind support or other support.

251 e. The expected duration.

252 f. Evaluation criteria.

253 5. The foundation's contract with the division required by
254 subsection (6).

255 (10) DISTRIBUTION OF MONEYS.—The board shall use the moneys
256 in the operating account, by whatever means, to provide for:

257 (a) Planning, research, and policy development for issues
258 related to the employment and training of disabled citizens, and
259 publication and dissemination of such information as may serve



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260 the objectives of this section.

261 (b) Promotion of initiatives for disabled citizens.

262 (c) Funding of programs which engage in, contract for,
263 foster, finance, or aid in job training and counseling for
264 disabled citizens or research, education, demonstration, or
265 other activities related thereto.

266 (d) Funding of programs which engage in, contract for,
267 foster, finance, or aid in activities designed to advance better
268 public understanding and appreciation of the field of vocational
269 rehabilitation.

270 (e) Funding of programs, property, or facilities which aid,
271 strengthen, and extend in any proper and useful manner the
272 objectives, work, services, and physical facilities of the
273 division, in accordance with the purposes of this section.

274
275 Any allocation of funds for research, advertising, or consulting
276 shall be subject to a competitive solicitation process. State
277 funds may not be used to fund events for private sector donors
278 or potential donors or to honor supporters.

279 (11) ANNUAL AUDIT.—The board shall provide for an annual
280 financial audit of the foundation in accordance with s. 215.981.
281 The identities of donors and prospective donors who desire to
282 remain anonymous shall be protected, and that anonymity shall be
283 maintained in the auditor's report.

284 (12) ANNUAL REPORT.—The board shall issue a report to the
285 Governor, the President of the Senate, the Speaker of the House
286 of Representatives, and the Commissioner of Education by
287 February 1 each year, summarizing the performance of the
288 endowment fund for the previous fiscal year, summarizing the



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289 foundation's fundraising activities and performance, and
290 detailing those activities and programs supported by the
291 endowment principal or earnings on the endowment principal or by
292 bequests, gifts, grants, donations, and other valued goods and
293 services received.

294 (13) RULES.—The division shall promulgate rules for the
295 implementation of this section.

296 (14) REPEAL.—This section is repealed October 1, 2022 ~~2017~~,
297 unless reviewed and saved from repeal by the Legislature.

298 Section 2. This act shall take effect July 1, 2017.

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 Pre-K - 12 Education

BILL: PCS/CS/SB 890 (140356)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education; Education Committee and Senator Bean

SUBJECT: Florida Endowment for Vocational Rehabilitation

DATE: April 13, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Flynn</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 890 extends the repeal date for the Florida Endowment Foundation for Vocational Rehabilitation (Foundation), which serves as the direct-support organization of the Division of Vocational Rehabilitation within the Florida Department of Education from October 1, 2017 to October 1, 2022.

The bill increases transparency and oversight of the DSO by requiring the DSO to:

- Account for state and private funds separately.
- Use private funds for administrative expenses, which are limited to fifteen percent of the estimated expenditures.
- Publish additional information on its website.
- Hold a competitive solicitation process for any allocation of funds for research, advertising or consulting. The bill has no fiscal impact.

The bill takes effect July 1, 2017.

II. Present Situation:

Citizen-Support Organizations and Direct-Support Organizations

Citizen-support organizations (CSOs) and direct-support organization (DSOs) are statutorily created non-profit organizations¹ authorized to carry out specific tasks in support of public entities or public causes.² The function and purpose of a CSO or DSO are prescribed by an enacting statute and a written contract with the agency the CSO or DSO supports.³

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs.⁴ Specifically, the law requires each CSO and DSO to annually submit the following information to the appropriate agency by August 1:⁵

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's ethics code; and
- A copy of the organization's most recent Internal Revenue Service (IRS) Form 990.⁶

Each agency receiving information from a CSO or DSO pursuant to law must make such information available to the public through the agency's website.⁷ If the organization maintains a website, the agency's website must provide a link to the organization's website.⁸ Any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the required information to the agency as specified in law.⁹ If a CSO or DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate any contract between the agency and the CSO or DSO.¹⁰

By August 15 of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information submitted by each CSO or DSO along with the agency's recommendation and supporting rationale to continue, terminate, or modify the agency's association with the CSO or DSO.¹¹

¹ Chapter 617, F.S.

² *E.g.*, ss. 1009.983 and 413.0111, F.S.

³ *See* ss. 14.29(9)(a), 16.616(1), and 258.015(1), F.S. *See also* Rules of the Florida Auditor General, *Audits of Certain Nonprofit Organizations* (effective June 30, 2016), Rule 10.720(1)(b) and (d), available at http://www.myflorida.com/audgen/pages/pdf_files/10_700.pdf.

⁴ Section 3, ch. 2014-96, L.O.F

⁵ Section 20.058(1), F.S.

⁶ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501. 26 C.F.R. 1.6033-2.

⁷ Section 20.058(2), F.S.

⁸ *Id.*

⁹ Section 20.058(4), F.S.

¹⁰ *Id.*

¹¹ *Id.* at (3).

Any law creating, or authorizing the creation of a CSO or DSO must state that the authorization for the organization repeals on October 1 of the 5th year after enactment unless reviewed and reenacted by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.¹²

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.¹³ An independent certified public accountant in accordance with rules adopted by the Auditor General must conduct the audit. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.¹⁴ Additionally, the Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a CSO's or DSO's accounts and records.¹⁵

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO to adopt a code of ethics. The code of ethics must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.¹⁶ A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must post its code of ethics on its website.¹⁷

Division of Vocational Rehabilitation

The Division of Vocational Rehabilitation (Division) is one of several divisions within the Department of Education (DOE).¹⁸ The Division is the administrative unit designated at the state level to ensure compliance with the Vocational Rehabilitation Act of 1973, as amended.¹⁹ The Division's mission is "to help people with disabilities find and maintain employment and enhance their independence."²⁰ Vocational Rehabilitation (VR) is a federal-state program that helps people who have physical or mental disabilities find and maintain meaningful careers.²¹

Florida Endowment Foundation for Vocational Rehabilitation

In 1990, the Legislature created the Florida Endowment Foundation for Vocational Rehabilitation (Foundation or The Able Trust) as a direct-support organization of the Division

¹² *Id.* at (5).

¹³ The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

¹⁴ Section 215.981(1), F.S.

¹⁵ Section 11.45(3), F.S.

¹⁶ Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.

¹⁷ Section 112.3251, F.S.

¹⁸ Section 20.15(3)(d), F.S.

¹⁹ Section 413.202, F.S.

²⁰ Florida Division of Vocational Rehabilitation, <http://www.rehabworks.org/> (last visited March 20, 2017).

²¹ Florida Division of Vocational Rehabilitation, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited March 20, 2017).

within the DOE for the purpose of encouraging public and private support to enhance vocational rehabilitation and employment of citizens who are disabled.²²

The Foundation conducts business as The Able Trust,²³ which operates under contract with the Division to exclusively raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; to receive, hold, and administer property. Additionally, The Able Trust provides funds for the benefit of the rehabilitation programs approved by the Foundation's board of directors.²⁴

For 26 years, the Foundation has gone beyond the traditional direct-support organization role of supporting activities of the Division by developing and expanding statewide programs to move people with disabilities into the workforce.²⁵

Currently, the authorizing statute for the Foundation is scheduled for repeal October 1, 2017, unless reviewed and reenacted by the Legislature.²⁶

Legislative Review: Findings and Recommendations

Senate professional staff reviewed documents related to the Foundation for compliance with the authorizing and accountability statutes. Findings and recommendations are summarized below.

Foundation's Compliance under Authorizing Statute

The Foundation:²⁷

- Must be incorporated as a not-for-profit corporation under law, which requires initial filing of articles of incorporation and subsequent filing of sworn annual reports with the Department of State.²⁸
- Must be organized and operate exclusively for the benefit of the rehabilitation programs approved by the Board of Directors of the Foundation.
- Must be approved by the Division to operate for the benefit and best interest of the state.
- Is subject to the public meetings and public records requirements in statute.²⁹
- Must comply with law which requires each DSO and CSO with annual expenditures in excess of \$100,000 to annually provide independent financial audit.³⁰

The Foundation appears to comply with the authorizing statutory requirements.

²² Section 9, ch. 90-330, L.O.F., codified as s. 413.615(5), F.S.

²³ The Able Trust is another name for the Foundation, essentially the trade name of the Foundation.²³ Email, Florida Department of Education (Feb. 2, 2017).

²⁴ Section 413.615(5)(b), F.S.

²⁵ Email, Florida Department of Education (Feb. 2, 2017).

²⁶ Section 413.615(14), F.S.

²⁷ Section 413.615(5), F.S.

²⁸ Section 413.615(5)(a), F.S. Not-for-profit corporations are incorporated under Chapter 617, F.S.; Articles of Incorporation are required by s. 617.0202, F.S., and annual reports are required by s. 617.1622, F.S.

²⁹ Section 413.615(7), F.S. See also s. 24, Art. I of the State Constitution, ch. 119, F.S., and s. 286.011, F.S. Section 413.615(7), F.S. exempts certain information from public record and meetings laws.

³⁰ Section 215.981, F.S.

Foundation's Compliance under Accountability Statute

- Each DSO is required to annually provide to the appropriate agency specified information by August 1.³¹
 - **Finding:** The Foundation appears to have provided the required information to the DOE by the statutory deadline.³²
- Each agency must submit an annual report by August 15 of each year with the information received from the DSO or CSO which contains a recommendation for continuing, terminating, or modifying the agency's association with the DSO or CSO.³³
 - **Finding:** The DOE submitted its annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and OPPAGA, along with the DOE's recommendation and rationale for continuing the Foundation by the statutory deadline.³⁴
- Each agency must make the information received from each DSO or CSO available to the public through the agency's website.³⁵ If the DSO or CSO maintains its own website, the agency must provide a link on its website to the DSO's or CSO's website.³⁶
 - **Finding:** The required annual report has been posted to Florida's Fiscal Portal.³⁷ A link to the Florida Fiscal Portal is available on the DOE's website.³⁸ However, a link to the Foundation's website is not found on either the DOE's or the Division's website.
 - **Recommendation:** The DOE or the Division should create a link on the DOE or the Division's website to the Foundation's website.
- Any contract between an agency and a DSO or CSO must be contingent upon the DSO or CSO's submission and posting of the required information.³⁹ If the DSO or CSO fails to submit the required information for two consecutive years, the agency head must terminate the contract.⁴⁰
 - **Finding:** The Foundation appears to have submitted the required information for the last two consecutive years. However, neither the Foundation, nor the DOE or the Division, appear to have posted the information to its respective website as required.
 - **Recommendation:** Either the DOE or the Division, or the Foundation should post the statutorily required information to its respective website.

³¹ Section 20.058(1), F.S. See pg. 2 of this analysis.

³² Email, Florida Department of Education (Nov. 15, 2016); Florida Fiscal Portal, Department of Education's 2016-2017 Annual Report on Citizen-Support and Direct-Support Organizations, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=14514&DocType=PDF>, at 3-4.

³³ Section 20.058(3), F.S.

³⁴ Email, Florida Department of Education (Jan. 11, 2017); Florida Fiscal Portal, Department of Education's 2016-2017 Annual Report on Citizen-Support and Direct-Support Organizations, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=14514&DocType=PDF>, at 3-4.

³⁵ Section 20.058(2), F.S.

³⁶ *Id.*

³⁷ Email, Florida Department of Education (Jan. 11, 2017). Florida Fiscal Portal, Department of Education's 2014-2015 Annual Report on Citizen-Support and Direct-Support Organizations (8/5/14), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=10642&DocType=PDF>, at 4; Florida Fiscal Portal, Department of Education's 2015-2016 Annual Report on Citizen-Support and Direct-Support Organizations (8/1/15), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=13513&DocType=PDF>, at 5; Florida Fiscal Portal, Department of Education's 2016-2017 Annual Report on Citizen-Support and Direct-Support Organizations (8/1/16), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=14514&DocType=PDF>, at 5.

³⁸ Email, Florida Department of Education (Jan. 13, 2017).

³⁹ Section 20.058(4), F.S.

⁴⁰ *Id.*

III. Effect of Proposed Changes:

PCS/CS/SB 890 extends the repeal date for the Florida Endowment Foundation for Vocational Rehabilitation (Foundation or The Able Trust), which serves as the direct-support organization of the Division of Vocational Rehabilitation within the Florida Department of Education from October 1, 2017 to October 1, 2022.

The bill increases transparency and oversight of the DSO by requiring the DSO to:

- Account for state and private funds separately.
- Use private funds for administrative expenses, which are limited to fifteen percent of the estimated expenditures.
- Publish additional information on its website including the annual audit, annual report, contracting information and information on each program, gift, or grant funded by the Foundation.
- Hold a competitive solicitation process for any allocation of funds for research, advertising or consulting.
- Prohibit the use of state funds to fund events for private donors, potential donors or to honor supports.

The extension of the repeal date will provide for the continuation of programs administered by The Able Trust which include, but are not limited to:⁴¹

Youth Programs: The Able Trust's High School High Tech program has 43 program sites in 40 Florida counties.⁴² The program provides leadership training, career direction, community involvement, and education to 1,500-2,000 students per year.⁴³ The current cost to the state's budget for this program is \$275 per student, which covers slightly more than one-fourth of the total program costs.⁴⁴

The Able Trust's Florida Youth Leadership Program is a week-long leadership training program that takes place every summer at Florida State University, and advances high school juniors and seniors with disabilities and young adult job seekers toward a career path. There is also a related alumni association, established a year ago.⁴⁵

Grant Programs: The Able Trust works with community organizations throughout the state to help them assist Floridians with disabilities in their area to gain employment.⁴⁶ There are 60-70 contracts during any annual period (e.g., Susan B. Anthony Rehabilitation Center in Broward County, Science Center in Pinellas County, Vincent Academy in Sarasota, Ark Nassau in Nassau County, and Key Clubhouse in Miami-Dade).⁴⁷ No state funds are used in these strategic grant initiatives.⁴⁸

⁴¹ Email, Florida Department of Education (Feb. 2, 2017).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

James Patrick Memorial Program: The Able Trust serves as administrator and fiduciary for the James Patrick Memorial Program, authorized in s. 413.402, F.S., which helps fund the services of personal care attendants for eligible workers with disabilities.⁴⁹ Seven contracts to obtain funding for the program exist with state attorney offices in different parts of the state.⁵⁰

Specialty License Plates for Motorcycles: The Able Trust serves as fiduciary for funds for the sale of specialty license plates for motorcycles pursuant to s. 320.08069(4)(d), F.S.⁵¹ It collects, distributes, and manages the funds, which benefits five disabilities organizations – Florida Association of Centers for Independent Living, the James Patrick Memorial Program, Preserve Vision Florida, the Brain and Spinal Cord Injury Program – Florida Department of Health, and the Blind Services Foundation of Florida, Inc.⁵² The Foundation receives a 10 percent management fee.⁵³

Independent Research: The Foundation conducts research on the perceptions of the business community on the inclusion of people with disabilities in its workforce to learn ways to address barriers, and to inform the public on the employment rate of such workers.⁵⁴

The bill takes effect July 1, 2017.

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.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Email, Florida Department of Education (Feb. 2, 2017).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

B. Private Sector Impact:

By extending the repeal date of the direct-support organization, this bill will sustain a source of financial and other direct assistance for individuals who are disabled.

C. Government Sector Impact:

The bill has no fiscal impact. As background, the Legislature appropriated \$549,823 to the Florida Endowment Foundation for Vocational Rehabilitation in the 2016-2017 General Appropriations Act.⁵⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 413.615 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.)

Recommended CS/CS by Appropriations Committee on Pre-K – 12 Education on April 13, 2017:

The bill increases transparency and oversight of the DSO by requiring the DSO to separately account for state and private funds and requiring private funds be spent on administrative expenses which are limited to fifteen percent of the estimated expenditures. Requires the DSO to post additional information on its website, including the annual audit and annual report. Changes the repeal date from October 1, 2027 to October 1, 2022.

CS by Education on March 21, 2017:

The Committee Substitute extends the repeal date from October 1, 2017 to October 1, 2027 for the Florida Endowment Foundation for Vocational Rehabilitation.

B. Amendments:

None.

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

⁵⁵ Specific appropriation 34, ch. 2016-66, L.O.F.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Bean)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 247

and insert:

(e) Funds received from state sources shall be accounted for separately from bequests, gifts, grants, and donations that may be solicited for such purposes by the foundation from public or private sources. Earnings on funds received from state sources and funds received from public or private sources shall be accounted for separately.



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11 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
12 REHABILITATION.—The Florida Endowment Foundation for Vocational
13 Rehabilitation is hereby created as a direct-support
14 organization of the Division of Vocational Rehabilitation, to
15 encourage public and private support to enhance vocational
16 rehabilitation and employment of citizens who are disabled. As a
17 direct-support organization, the foundation shall operate under
18 contract with the division and shall:

19 (a) Be a Florida corporation not for profit incorporated
20 under the provisions of chapter 617 and approved by the
21 Department of State.

22 (b) Be organized and operated exclusively to raise funds;
23 to submit requests and receive grants from the Federal
24 Government, the state, private foundations, and individuals; to
25 receive, hold, and administer property; and to make expenditures
26 to or for the benefit of the rehabilitation programs approved by
27 the board of directors of the foundation.

28 (c) Be approved by the division to be operating for the
29 benefit and best interest of the state.

30 (6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract
31 between the foundation and the division shall provide for:

32 (a) Approval of the articles of incorporation of the
33 foundation by the division.

34 (b) Governance of the foundation by a board of directors
35 appointed by the Governor.

36 (c) Submission of an annual budget of the foundation for
37 approval by the division.

38 (d) Certification by the division, after an annual
39 financial and performance review, that the foundation is



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40 operating in compliance with the terms of the contract and the
41 rules of the division, and in a manner consistent with the goals
42 of the Legislature in providing assistance to disabled citizens.

43 (e) The release and conditions of the expenditure of any
44 state revenues.

45 (f) The reversion to the state of moneys in the foundation
46 and in any other funds and accounts held in trust by the
47 foundation if the contract is terminated.

48 (g) The fiscal year of the foundation, to begin on July 1
49 and end on June 30 of each year.

50 (7) CONFIDENTIALITY.—

51 (a) The identity of a donor or prospective donor to the
52 Florida Endowment Foundation for Vocational Rehabilitation who
53 desires to remain anonymous and all information identifying such
54 donor or prospective donor are confidential and exempt from the
55 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
56 Constitution. Portions of meetings of the Florida Endowment
57 Foundation for Vocational Rehabilitation during which the
58 identity of donors or prospective donors is discussed are exempt
59 from the provisions of s. 286.011 and s. 24(b), Art. I of the
60 State Constitution.

61 (b) Records relating to clients of or applicants to the
62 Division of Vocational Rehabilitation that come into the
63 possession of the foundation and that are confidential by other
64 provisions of law are confidential and exempt from the
65 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
66 Constitution, and may not be released by the foundation.
67 Portions of meetings of the Florida Endowment Foundation for
68 Vocational Rehabilitation during which the identities of such



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69 clients of or applicants to the Division of Vocational
70 Rehabilitation are discussed are exempt from the provisions of
71 s. 286.011 and s. 24(b), Art. I of the State Constitution.

72 (8) BOARD OF DIRECTORS.—The foundation shall be
73 administered by a board of directors, as follows:

74 (a) *Membership*.—The board of directors shall consist of
75 nine members who have an interest in service to persons with
76 disabilities and who:

77 1. Have skills in foundation work or other fundraising
78 activities, financial consulting, or investment banking or other
79 related experience; or

80 2. Have experience in policymaking or management-level
81 positions or have otherwise distinguished themselves in the
82 field of business, industry, or rehabilitation.

83
84 Disabled individuals who meet the above criteria shall be given
85 special consideration for appointment.

86 (b) *Appointment*.—The board members shall be appointed by
87 the Governor.

88 (c) *Terms*.—Board members shall serve for 3-year terms or
89 until resignation or removal for cause.

90 (d) *Filling of vacancies*.—In the event of a vacancy on the
91 board caused by other than the expiration of a term, a new
92 member shall be appointed.

93 (e) *Removal for cause*.—Each member is accountable to the
94 Governor for the proper performance of the duties of office. The
95 Governor may remove any member from office for malfeasance,
96 misfeasance, neglect of duty, incompetence, or permanent
97 inability to perform official duties or for pleading nolo



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98 | contendere to, or being found guilty of, a crime.

99 | (9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits
100 | prescribed in this section or by rule of the division:

101 | (a) Upon appointment, the board shall meet and organize.
102 | Thereafter, the board shall hold such meetings as are necessary
103 | to implement the provisions of this section and shall conduct
104 | its business in accordance with rules promulgated by the
105 | division.

106 | (b) The board may solicit and receive bequests, gifts,
107 | grants, donations, goods, and services. Where gifts are
108 | restricted as to purpose, they may be used only for the purpose
109 | or purposes stated by the donor. The board may transmit monetary
110 | gifts to the State Board of Administration for deposit in the
111 | endowment fund principal.

112 | (c) The board may enter into contracts with the Federal
113 | Government, state or local agencies, private entities, or
114 | individuals to carry out the purposes of this section.

115 | (d) The board may identify, initiate, and fund new and
116 | creative programs to carry out the purposes of this section,
117 | utilizing existing organizations, associations, and agencies to
118 | carry out such rehabilitation programs and purposes wherever
119 | possible.

120 | (e) The board may make gifts or grants:

121 | 1. To the State of Florida or any political subdivision
122 | thereof, or any public agency of state or local government.

123 | 2. To a corporation, trust, association, or foundation
124 | organized and operated exclusively for charitable, educational,
125 | or scientific purposes.

126 | 3. To any citizen who has a documented disability.



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127 4. To the division for purposes of program recognition and
128 marketing, public relations and education, professional
129 development, and technical assistance and workshops for grant
130 applicants and recipients, the business community, and
131 individuals with disabilities or recognized groups organized on
132 their behalf.

133 (f) The board may advertise and solicit applications for
134 funding and shall evaluate applications and program proposals
135 submitted thereto. Funding shall be awarded only where the
136 evaluation is positive and the proposal meets both the
137 guidelines for use established in subsection (10) and such
138 evaluation criteria as the division may prescribe by rule.

139 (g) The board shall monitor, review, and annually evaluate
140 funded programs to determine whether funding should be
141 continued, terminated, reduced, or increased.

142 (h) The board shall establish an operating account as
143 provided in paragraph (4) (d).

144 (i) The board may take such additional actions, including
145 the hiring of necessary staff, as are deemed necessary and
146 appropriate to administer this section, subject to rules of the
147 division.

148 (j) Administrative costs shall be kept to the minimum
149 necessary for the efficient and effective administration of the
150 foundation and are limited to 15 percent of total estimated
151 expenditures in any calendar year. Administrative costs include
152 nonprogram costs, officer salaries, audits, salaries or other
153 costs for nonofficers or constructors providing services that
154 are not considered program costs, and costs for promoting the
155 purposes of the foundation, and other allowable administrative



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156 costs. Administrative costs may not be paid from funds received
157 directly from the state.

158 (k) The foundation shall publish on its website:

159 1. The annual audit required by subsection (11) and the
160 annual report required by subsection (12).

161 2. For each position filled by an officer or employee, the
162 position's compensation level.

163 3. A copy of each contract into which the foundation
164 enters.

165 4. Information on each program, gift, or grant funded by
166 the foundation, including:

167 a. Projected economic benefits at the time of the initial
168 award date.

169 b. Information describing the program, gift, or grant
170 funded.

171 c. The geographic area impacted.

172 d. Any matching, in-kind support or other support.

173 e. The expected duration.

174 f. Evaluation criteria.

175 5. The foundation's contract with the division required by
176 subsection (6).

177 (10) DISTRIBUTION OF MONEYS.—The board shall use the moneys
178 in the operating account, by whatever means, to provide for:

179 (a) Planning, research, and policy development for issues
180 related to the employment and training of disabled citizens, and
181 publication and dissemination of such information as may serve
182 the objectives of this section.

183 (b) Promotion of initiatives for disabled citizens.

184 (c) Funding of programs which engage in, contract for,



185 foster, finance, or aid in job training and counseling for
186 disabled citizens or research, education, demonstration, or
187 other activities related thereto.

188 (d) Funding of programs which engage in, contract for,
189 foster, finance, or aid in activities designed to advance better
190 public understanding and appreciation of the field of vocational
191 rehabilitation.

192 (e) Funding of programs, property, or facilities which aid,
193 strengthen, and extend in any proper and useful manner the
194 objectives, work, services, and physical facilities of the
195 division, in accordance with the purposes of this section.

196

197 Any allocation of funds for research, advertising, or consulting
198 shall be subject to a competitive solicitation process. State
199 funds may not be used to fund events for private sector donors
200 or potential donors or to honor supporters.

201 (11) ANNUAL AUDIT.—The board shall provide for an annual
202 financial audit of the foundation in accordance with s. 215.981.
203 The identities of donors and prospective donors who desire to
204 remain anonymous shall be protected, and that anonymity shall be
205 maintained in the auditor's report.

206 (12) ANNUAL REPORT.—The board shall issue a report to the
207 Governor, the President of the Senate, the Speaker of the House
208 of Representatives, and the Commissioner of Education by
209 February 1 each year, summarizing the performance of the
210 endowment fund for the previous fiscal year, summarizing the
211 foundation's fundraising activities and performance, and
212 detailing those activities and programs supported by the
213 endowment principal or earnings on the endowment principal or by



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214 bequests, gifts, grants, donations, and other valued goods and
215 services received.

216 (13) RULES.—The division shall promulgate rules for the
217 implementation of this section.

218 (14) REPEAL.—This section is repealed October 1, 2022 ~~2017~~,
219 unless reviewed and saved from repeal by the Legislature.

220

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

222 And the title is amended as follows:

223 Between lines 3 and 4

224 insert:

225 requiring the foundation to maintain separate accounts
226 for certain funds received from state sources and
227 public or private sources; establishing restrictions
228 regarding administrative costs of the foundation;
229 requiring the foundation to publish specified
230 information on its website; requiring that funds
231 allocated for research, advertising, or consulting be
232 subject to a competitive solicitation process;
233 prohibiting use of state funds to fund certain events;

By the Committee on Education; and Senator Bean

581-02687-17

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1 A bill to be entitled
 2 An act relating to the Florida Endowment for
 3 Vocational Rehabilitation; amending s. 413.615, F.S.;
 4 extending the date for future review and repeal of
 5 provisions governing the Florida Endowment for
 6 Vocational Rehabilitation; providing an effective
 7 date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Section 413.615, Florida Statutes, is amended to
 12 read:
 13 413.615 Florida Endowment for Vocational Rehabilitation.—
 14 (1) SHORT TITLE.—This section may be cited as the “Florida
 15 Endowment for Vocational Rehabilitation Act.”
 16 (2) DEFINITIONS.—For the purposes of this section:
 17 (a) “Board” means the board of directors of the Florida
 18 Endowment Foundation for Vocational Rehabilitation.
 19 (b) “Endowment fund” means an account established within
 20 the Florida Endowment Foundation for Vocational Rehabilitation
 21 to provide a continuing and growing source of revenue for
 22 vocational rehabilitation efforts.
 23 (c) “Foundation” means the Florida Endowment Foundation for
 24 Vocational Rehabilitation.
 25 (d) “Operating account” means an account established under
 26 paragraph (4) (d) to carry out the purposes provided in
 27 subsection (10).
 28 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it
 29 is in the best interest of the citizens of this state that

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

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30 citizens with disabilities be afforded a fair opportunity to
 31 become self-supporting, productive members of society. However,
 32 there is a critical need for significant additional funding to
 33 achieve this goal. Accordingly, the Legislature further finds
 34 and declares that:
 35 (a) With skilled evaluation procedures and proper
 36 rehabilitative treatment, plus employment, training, and
 37 supportive services consistent with the needs of the individual,
 38 persons who are disabled can assume the activities of daily
 39 living and join their communities with dignity and independence.
 40 (b) The purpose of this section is to broaden the
 41 participation and funding potential for further significant
 42 support for the rehabilitation of Florida citizens who are
 43 disabled.
 44 (c) It is appropriate to encourage individual and corporate
 45 support and involvement, as well as state support and
 46 involvement, to promote employment opportunities for disabled
 47 citizens.
 48 (4) REVENUE FOR THE ENDOWMENT FUND.—
 49 (a) The endowment fund of the Florida Endowment for
 50 Vocational Rehabilitation is created as a long-term, stable, and
 51 growing source of revenue to be administered, in accordance with
 52 rules promulgated by the division, by the foundation as a
 53 direct-support organization of the division.
 54 (b) The principal of the endowment fund shall derive from
 55 the deposits made pursuant to s. 318.21(2) (e), together with any
 56 legislative appropriations which may be made to the endowment,
 57 and such bequests, gifts, grants, and donations as may be
 58 solicited for such purpose by the foundation from public or

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59 private sources.

60 (c) All funds remitted to the Department of Revenue
 61 pursuant to s. 318.21(2)(e) and (5) shall be transmitted monthly
 62 to the foundation for use as provided in subsection (10). All
 63 remaining liquid balances of funds held for investment and
 64 reinvestment by the State Board of Administration for the
 65 endowment fund on the effective date of this act shall be
 66 transmitted to the foundation within 60 days for use as provided
 67 in subsection (10).

68 (d) The board of directors of the foundation shall
 69 establish the operating account and shall deposit therein the
 70 moneys transmitted pursuant to paragraph (c). Moneys in the
 71 operating account shall be available to carry out the purposes
 72 of subsection (10).

73 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
 74 REHABILITATION.—The Florida Endowment Foundation for Vocational
 75 Rehabilitation is hereby created as a direct-support
 76 organization of the Division of Vocational Rehabilitation, to
 77 encourage public and private support to enhance vocational
 78 rehabilitation and employment of citizens who are disabled. As a
 79 direct-support organization, the foundation shall operate under
 80 contract with the division and shall:

81 (a) Be a Florida corporation not for profit incorporated
 82 under the provisions of chapter 617 and approved by the
 83 Department of State.

84 (b) Be organized and operated exclusively to raise funds;
 85 to submit requests and receive grants from the Federal
 86 Government, the state, private foundations, and individuals; to
 87 receive, hold, and administer property; and to make expenditures

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88 to or for the benefit of the rehabilitation programs approved by
 89 the board of directors of the foundation.

90 (c) Be approved by the division to be operating for the
 91 benefit and best interest of the state.

92 (6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract
 93 between the foundation and the division shall provide for:

94 (a) Approval of the articles of incorporation of the
 95 foundation by the division.

96 (b) Governance of the foundation by a board of directors
 97 appointed by the Governor.

98 (c) Submission of an annual budget of the foundation for
 99 approval by the division.

100 (d) Certification by the division, after an annual
 101 financial and performance review, that the foundation is
 102 operating in compliance with the terms of the contract and the
 103 rules of the division, and in a manner consistent with the goals
 104 of the Legislature in providing assistance to disabled citizens.

105 (e) The release and conditions of the expenditure of any
 106 state revenues.

107 (f) The reversion to the state of moneys in the foundation
 108 and in any other funds and accounts held in trust by the
 109 foundation if the contract is terminated.

110 (g) The fiscal year of the foundation, to begin on July 1
 111 and end on June 30 of each year.

112 (7) CONFIDENTIALITY.—

113 (a) The identity of a donor or prospective donor to the
 114 Florida Endowment Foundation for Vocational Rehabilitation who
 115 desires to remain anonymous and all information identifying such
 116 donor or prospective donor are confidential and exempt from the

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117 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 118 Constitution. Portions of meetings of the Florida Endowment
 119 Foundation for Vocational Rehabilitation during which the
 120 identity of donors or prospective donors is discussed are exempt
 121 from the provisions of s. 286.011 and s. 24(b), Art. I of the
 122 State Constitution.

123 (b) Records relating to clients of or applicants to the
 124 Division of Vocational Rehabilitation that come into the
 125 possession of the foundation and that are confidential by other
 126 provisions of law are confidential and exempt from the
 127 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 128 Constitution, and may not be released by the foundation.
 129 Portions of meetings of the Florida Endowment Foundation for
 130 Vocational Rehabilitation during which the identities of such
 131 clients of or applicants to the Division of Vocational
 132 Rehabilitation are discussed are exempt from the provisions of
 133 s. 286.011 and s. 24(b), Art. I of the State Constitution.

134 (8) BOARD OF DIRECTORS.—The foundation shall be
 135 administered by a board of directors, as follows:

136 (a) *Membership*.—The board of directors shall consist of
 137 nine members who have an interest in service to persons with
 138 disabilities and who:

139 1. Have skills in foundation work or other fundraising
 140 activities, financial consulting, or investment banking or other
 141 related experience; or

142 2. Have experience in policymaking or management-level
 143 positions or have otherwise distinguished themselves in the
 144 field of business, industry, or rehabilitation.
 145

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146 Disabled individuals who meet the above criteria shall be given
 147 special consideration for appointment.

148 (b) *Appointment*.—The board members shall be appointed by
 149 the Governor.

150 (c) *Terms*.—Board members shall serve for 3-year terms or
 151 until resignation or removal for cause.

152 (d) *Filling of vacancies*.—In the event of a vacancy on the
 153 board caused by other than the expiration of a term, a new
 154 member shall be appointed.

155 (e) *Removal for cause*.—Each member is accountable to the
 156 Governor for the proper performance of the duties of office. The
 157 Governor may remove any member from office for malfeasance,
 158 misfeasance, neglect of duty, incompetence, or permanent
 159 inability to perform official duties or for pleading nolo
 160 contendere to, or being found guilty of, a crime.

161 (9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits
 162 prescribed in this section or by rule of the division:

163 (a) Upon appointment, the board shall meet and organize.
 164 Thereafter, the board shall hold such meetings as are necessary
 165 to implement the provisions of this section and shall conduct
 166 its business in accordance with rules promulgated by the
 167 division.

168 (b) The board may solicit and receive bequests, gifts,
 169 grants, donations, goods, and services. Where gifts are
 170 restricted as to purpose, they may be used only for the purpose
 171 or purposes stated by the donor. The board may transmit monetary
 172 gifts to the State Board of Administration for deposit in the
 173 endowment fund principal.

174 (c) The board may enter into contracts with the Federal

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175 Government, state or local agencies, private entities, or
 176 individuals to carry out the purposes of this section.

177 (d) The board may identify, initiate, and fund new and
 178 creative programs to carry out the purposes of this section,
 179 utilizing existing organizations, associations, and agencies to
 180 carry out such rehabilitation programs and purposes wherever
 181 possible.

182 (e) The board may make gifts or grants:

183 1. To the State of Florida or any political subdivision
 184 thereof, or any public agency of state or local government.

185 2. To a corporation, trust, association, or foundation
 186 organized and operated exclusively for charitable, educational,
 187 or scientific purposes.

188 3. To any citizen who has a documented disability.

189 4. To the division for purposes of program recognition and
 190 marketing, public relations and education, professional
 191 development, and technical assistance and workshops for grant
 192 applicants and recipients, the business community, and
 193 individuals with disabilities or recognized groups organized on
 194 their behalf.

195 (f) The board may advertise and solicit applications for
 196 funding and shall evaluate applications and program proposals
 197 submitted thereto. Funding shall be awarded only where the
 198 evaluation is positive and the proposal meets both the
 199 guidelines for use established in subsection (10) and such
 200 evaluation criteria as the division may prescribe by rule.

201 (g) The board shall monitor, review, and annually evaluate
 202 funded programs to determine whether funding should be
 203 continued, terminated, reduced, or increased.

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204 (h) The board shall establish an operating account as
 205 provided in paragraph (4) (d).

206 (i) The board may take such additional actions, including
 207 the hiring of necessary staff, as are deemed necessary and
 208 appropriate to administer this section, subject to rules of the
 209 division.

210 (10) DISTRIBUTION OF MONEYS.—The board shall use the moneys
 211 in the operating account, by whatever means, to provide for:

212 (a) Planning, research, and policy development for issues
 213 related to the employment and training of disabled citizens, and
 214 publication and dissemination of such information as may serve
 215 the objectives of this section.

216 (b) Promotion of initiatives for disabled citizens.

217 (c) Funding of programs which engage in, contract for,
 218 foster, finance, or aid in job training and counseling for
 219 disabled citizens or research, education, demonstration, or
 220 other activities related thereto.

221 (d) Funding of programs which engage in, contract for,
 222 foster, finance, or aid in activities designed to advance better
 223 public understanding and appreciation of the field of vocational
 224 rehabilitation.

225 (e) Funding of programs, property, or facilities which aid,
 226 strengthen, and extend in any proper and useful manner the
 227 objectives, work, services, and physical facilities of the
 228 division, in accordance with the purposes of this section.

229 (11) ANNUAL AUDIT.—The board shall provide for an annual
 230 financial audit of the foundation in accordance with s. 215.981.
 231 The identities of donors and prospective donors who desire to
 232 remain anonymous shall be protected, and that anonymity shall be

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2017890c1

233 maintained in the auditor's report.

234 (12) ANNUAL REPORT.—The board shall issue a report to the
235 Governor, the President of the Senate, the Speaker of the House
236 of Representatives, and the Commissioner of Education by
237 February 1 each year, summarizing the performance of the
238 endowment fund for the previous fiscal year, summarizing the
239 foundation's fundraising activities and performance, and
240 detailing those activities and programs supported by the
241 endowment principal or earnings on the endowment principal or by
242 bequests, gifts, grants, donations, and other valued goods and
243 services received.

244 (13) RULES.—The division shall promulgate rules for the
245 implementation of this section.

246 (14) REPEAL.—This section is repealed October 1, 2027 ~~2017~~,
247 unless reviewed and saved from repeal by the Legislature.

248 Section 2. This act shall take effect July 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/13/17

Meeting Date

890

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name SUSANNE HOMANT

Job Title PRESIDENT

Address 3320 THOMASVILLE RD #200

Phone 850-224-4493

Street

TALLAHASSEE FL 32308

City

State

Zip

Email SUSANNE@ABLETRUST.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing THE ABLE TRUST

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.

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 Pre-K - 12 Education

BILL: SB 1222

INTRODUCER: Senator Bradley

SUBJECT: School Grades

DATE: April 13, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Androff</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1222 reduces the percentage of students required to be scheduled for assignment to a specific school to establish a school feeder pattern. With this school feeder pattern established, the K-3 school, if ungraded on its own accord, will receive the school grade assigned to the graded school.

Although the bill has no direct impact on state expenditures, the K-3 schools receiving the school grade may be eligible to receive funding through the School Recognition Program.

The bill takes effect July 1, 2017.

II. Present Situation:

School grades provide an easily understandable way to measure the performance of a school.¹ Parents and the general public can use the school grade and its components to understand how well each school is serving its students.²

School Grades in Florida

Schools are graded using one of the following grades:³

- “A,” for schools making excellent progress – 62% or higher of total points.
- “B,” for schools making above average progress – 54% to 61% of total points.
- “C,” for schools making satisfactory progress – 41% to 53% of total points.
- “D,” for schools making less than satisfactory progress – 32% to 40% of total points.

¹ Florida Department of Education, *2016 Preliminary School Grades Overview*, available at <http://schoolgrades.fldoe.org/pdf/1516/SchoolGradesOverview16.pdf>.

² *Id.*

³ Section 1008.34(2), F.S.; Rule 6A-1.09981, F.A.C.

- “F,” for schools failing to make adequate progress – 31% or less of total points.

The State Board of Education (SBE) must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustment, and explain the reasons for such adjustment and the impact of the adjustment on school grades.⁴

Elementary School Grade Model (700 Points) ⁵		
English Language Arts (ELA)	Math	Science
Achievement (0% - 100%)	Achievement (0% - 100%)	Achievement (0% - 100%)
Learning Gains (0% - 100%)	Learning Gains (0% - 100%)	
Learning Gains of Low 25% (0% - 100%)	Learning Gains of Low 25% (0% - 100%)	

A school’s grade must include only those components for which at least 10 students have complete data. If a school does not meet the 10-student threshold for one component, it will receive a school grade based only on the remaining components.⁶

Feeder Pattern

A school that serves any combination of K-3 students and that does not receive a school grade as a result of its students not being tested, receives the school grade designation of a K-3 feeder pattern school identified by the Florida Department of Education (DOE) and verified by the district.⁷ A school feeder pattern exists if at least 60 percent of the students are scheduled to be assigned to the graded school.⁸

Feeder school status is first determined by identifying K-3 schools (schools that only serve students through grade 3) that have 60 percent of their students matriculate to a single school the following year.⁹ This is determined by identifying the actual school of enrollment. The DOE does not have information on the schools that the students are scheduled to attend.¹⁰ Once the DOE identifies the feeder patterns, this information is sent to the districts for review and input. Districts may provide additional information that could result in a change to the feeder school list.¹¹ If a K-3 school receives a school grade, the school is removed from the feeder school list.¹²

⁴ Section 1008.34(3)(c)1., F.S.

⁵ Florida Department of Education, *2016 Preliminary School Grades Overview*, available at <http://schoolgrades.fldoe.org/pdf/1516/SchoolGradesOverview16.pdf>.

⁶ *Id.* at (3)(a).

⁷ Section 1008.34(3)(a)2., F.S.

⁸ *Id.*

⁹ Florida Department of Education, *HB 781 Analysis* (2017), at 2. HB 781 is substantively the same as SB 1222.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

During the 2015-2016 school year, there were 21 schools designated as K-3 feeder schools. Ten of these schools received Florida School Recognition Program Funds.¹³

The School Recognition Program was established to financially reward high-performance schools based on school grades.¹⁴ Under the program, schools that earn a school grade of “A,” improve at least one letter grade, or improve two or more letter grades and maintain the grade the following school year are eligible for an award as appropriated by the Legislature annually.¹⁵ SB 2500, the proposed Senate General Appropriations Act for the 2017-2018 Fiscal Year, appropriates \$134.6 million for recognized schools at an amount of up to \$100 per student.¹⁶ School recognition awards may be used for nonrecurring bonuses to school faculty and staff, nonrecurring expenditures for educational equipment or materials, or for temporary personnel to assist the school in maintaining or improving student performance.¹⁷

III. Effect of Proposed Changes:

SB 1222 reduces the percentage of students that must be scheduled to be assigned to another school from 60 percent to a majority (over 50 percent).

With this change, a K-3 school that does not receive a school grade itself, will be assigned the school grade of a graded school for which it is designated to be a feeder pattern school. For example, if 51 percent of a K-3 school’s population is scheduled to attend a specific graded school, the K-3 school will be designated as a K-3 feeder pattern school and will receive the school grade of the graded school. A designated feeder pattern school may be eligible to receive Florida School Recognition Program funding. Additionally, a charter school that is an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds may be eligible to receive a charter school capital outlay funding allocation.¹⁸

The bill may increase the number of schools eligible to receive a school grade through the school grade feeder designation. In turn, this could increase the number of K-3 schools eligible to receive Florida School Recognition Program funding.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹³ Florida Department of Education, *HB 781 Analysis* (2017), at 2. HB 781 is substantively the same as SB 1222.

¹⁴ Florida Department of Education, *Evaluation and Reporting, Florida School Recognition Program, Frequently Asked Questions*, <http://www.fldoe.org/accountability/accountability-reporting/fl-school-recognition-program/FAQ.stml> (last visited Mar. 24, 2017).

¹⁵ Section 1008.36, F.S.

¹⁶ Specific Appropriation 9, Senate Bill 2500

¹⁷ Section 1008.36, F.S.

¹⁸ See s. 1013.62(1)(a)1.c., F.S.

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:

None.

C. Government Sector Impact:

The revision to the school feeder pattern requirement may result in additional prekindergarten through grade 3 schools being designated as feeder schools, which may allow the schools to qualify for the Florida School Recognition Program. According to the Florida Department of Education, in 2015-2016, ten of the schools that qualified for the Florida School Recognition Program were designated as feeder schools, receiving a total of \$515,756, or an average of \$51,576 per school.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1008.34 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.

¹⁹ Florida Department of Education, *HB 781 Analysis* (2017), at 4. HB 781 is substantively the same as SB 1222.

B. Amendments:

None.

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

By Senator Bradley

5-01028-17

20171222__

1 A bill to be entitled
 2 An act relating to school grades; amending s. 1008.34,
 3 F.S.; providing that a school exhibits a feeder
 4 pattern for the purpose of designating school grades
 5 if at least a majority of its students are scheduled
 6 to be assigned to the graded school; providing an
 7 effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Paragraph (a) of subsection (3) of section
 12 1008.34, Florida Statutes, is amended to read:
 13 1008.34 School grading system; school report cards;
 14 district grade.—
 15 (3) DESIGNATION OF SCHOOL GRADES.—
 16 (a) Each school must assess at least 95 percent of its
 17 eligible students, except as provided under s. 1008.341 for
 18 alternative schools. Each school shall receive a school grade
 19 based on the school's performance on the components listed in
 20 subparagraphs (b)1. and 2. If a school does not have at least 10
 21 students with complete data for one or more of the components
 22 listed in subparagraphs (b)1. and 2., those components may not
 23 be used in calculating the school's grade.
 24 1. An alternative school may choose to receive a school
 25 grade under this section or a school improvement rating under s.
 26 1008.341. For charter schools that meet the definition of an
 27 alternative school pursuant to State Board of Education rule,
 28 the decision to receive a school grade is the decision of the
 29 charter school governing board.

Page 1 of 2

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

5-01028-17

20171222__

30 2. A school that serves any combination of students in
 31 kindergarten through grade 3 that does not receive a school
 32 grade because its students are not tested and included in the
 33 school grading system shall receive the school grade designation
 34 of a K-3 feeder pattern school identified by the Department of
 35 Education and verified by the school district. A school feeder
 36 pattern exists if at least a majority ~~60 percent~~ of the students
 37 in the school serving a combination of students in kindergarten
 38 through grade 3 are scheduled to be assigned to the graded
 39 school.
 40 3. If a collocated school does not earn a school grade or
 41 school improvement rating for the performance of its students,
 42 the student performance data of all schools operating at the
 43 same facility must be aggregated to develop a school grade that
 44 will be assigned to all schools at that location. A collocated
 45 school is a school that has its own unique master school
 46 identification number, provides for the education of each of its
 47 enrolled students, and operates at the same facility as another
 48 school that has its own unique master school identification
 49 number and provides for the education of each of its enrolled
 50 students.
 51 Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

13 Apr 17
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1222
Bill Number (if applicable)

Topic School Grades

Amendment Barcode (if applicable)

Name Debbie Mortham

Job Title Legislative Affairs

Address 215 S. Monroe St

Phone 391 4090

Tallahassee, FL
City State Zip

Email Debbie@aFloridaPromise.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

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.

THE FLORIDA SENATE

APPEARANCE RECORD

4-13-2017

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1222

Meeting Date

Bill Number (if applicable)

Topic School Grades

Amendment Barcode (if applicable)

Name Bob Cerca

Job Title Governmental Consultant

Address 206 South Monroe Street, #104

Phone 850-222-4428

Tallahassee FL 32301

Email bobcerca@comcast.net

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing North East Florida Educational Consortium

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] 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.



602-03792-17

Proposed Committee Substitute by Appropriations Subcommittee on
Pre-K - 12 Education

A bill to be entitled

An act relating to education; creating s. 683.1455, F.S.; designating the month of September as "American Founders' Month"; amending s. 1000.03, F.S.; revising the priorities of Florida's K-20 education system; amending s. 1001.215, F.S.; revising the duties of the Just Read, Florida! Office to include developing and providing access to certain resources for elementary schools; amending s. 1003.44, F.S.; encouraging schools to provide certain instruction; amending s. 1007.25, F.S.; requiring postsecondary students to demonstrate civic literacy; requiring the chairs of the State Board of Education and the Board of Governors to jointly appoint a faculty committee to develop a civic literacy course, or revise an existing general education core course, and establish the course competencies; amending ss. 943.22 and 1001.64, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 683.1455, Florida Statutes, is created to read:

683.1455 American Founders' Month.-

(1) The month of September of each year is designated as "American Founders' Month."



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(2) The Governor may annually issue a proclamation designating the month of September as "American Founders' Month" and urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize and observe this occasion through appropriate programs, meetings, services, or celebrations in which state, county, and local governmental officials are invited to participate.

Section 2. Present paragraphs (c) through (g) of subsection (5) of section 1000.03, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, and a new paragraph (c) is added to that subsection, to read:

1000.03 Function, mission, and goals of the Florida K-20 education system.-

(5) The priorities of Florida's K-20 education system include:

(c) Civic literacy.-Students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.

Section 3. Present subsections (4) through (11) of section 1001.215, Florida Statutes, are redesignated as subsections (5) through (12), respectively, and a new subsection (4) is added to that section, to read:

1001.215 Just Read, Florida! Office.-There is created in the Department of Education the Just Read, Florida! Office. The office shall be fully accountable to the Commissioner of Education and shall:

(4) Develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional



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57 materials to increase students' core knowledge and literacy
58 skills, including student attainment of the Next Generation
59 Sunshine State Standards for social studies, science, and the
60 arts.

61 Section 4. Subsection (3) is added to section 1003.44,
62 Florida Statutes, to read:

63 1003.44 Patriotic programs; rules.—

64 (3) All public schools in the state are encouraged to
65 coordinate, at all grade levels, instruction related to our
66 nation's Founding Fathers with "American Founders' Month"
67 pursuant to s. 683.1455.

68 Section 5. Present subsections (4) through (11) of section
69 1007.25, Florida Statutes, are redesignated as subsections (5)
70 through (12), respectively, and a new subsection (4) is added to
71 that section, to read:

72 1007.25 General education courses; common prerequisites;
73 other degree requirements.—

74 (4) Beginning with students initially entering a Florida
75 College System institution or state university in 2018-2019 and
76 thereafter, each student must demonstrate competency in civic
77 literacy. A student must have the option to demonstrate
78 competency through successful completion of a civic literacy
79 course or by achieving a passing score on an assessment. The
80 State Board of Education must adopt in rule and the Board of
81 Governors must adopt in regulation at least one existing
82 assessment that measures competencies consistent with the
83 required course competencies outlined in paragraph (b). The
84 chair of the State Board of Education and the chair of the Board
85 of Governors, or their respective designees, shall jointly



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86 appoint a faculty committee to:

87 (a) Develop a new course in civic literacy or revise an
88 existing general education core course in American History or
89 American Government to include civic literacy; and

90 (b) Establish course competencies and identify outcomes
91 that include, at a minimum, an understanding of the basic
92 principles of American democracy and how they are applied in our
93 republican form of government, an understanding of the United
94 States Constitution, knowledge of the founding documents and how
95 they have shaped the nature and functions of our institutions of
96 self-governance, and an understanding of landmark Supreme Court
97 cases and their impact on law and society.

98 Section 6. Paragraph (c) of subsection (1) of section
99 943.22, Florida Statutes, is amended to read:

100 943.22 Salary incentive program for full-time officers.—

101 (1) For the purpose of this section, the term:

102 (c) "Community college degree or equivalent" means
103 graduation from an accredited community college or having been
104 granted a degree pursuant to s. 1007.25(11) ~~s. 1007.25(10)~~ or
105 successful completion of 60 semester hours or 90 quarter hours
106 and eligibility to receive an associate degree from an
107 accredited college, university, or community college.

108 Section 7. Subsection (7) and paragraph (d) of subsection
109 (8) of section 1001.64, Florida Statutes, are amended to read:

110 1001.64 Florida College System institution boards of
111 trustees; powers and duties.—

112 (7) Each board of trustees has responsibility for: ensuring
113 that students have access to general education courses as
114 identified in rule; requiring no more than 60 semester hours of



525110

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115 degree program coursework, including 36 semester hours of
116 general education coursework, for an associate in arts degree;
117 notifying students that earned hours in excess of 60 semester
118 hours may not be accepted by state universities; notifying
119 students of unique program prerequisites; and ensuring that
120 degree program coursework beyond general education coursework is
121 consistent with degree program prerequisite requirements adopted
122 pursuant to s. 1007.25(6) ~~s. 1007.25(5)~~.

123 (8) Each board of trustees has authority for policies
124 related to students, enrollment of students, student records,
125 student activities, financial assistance, and other student
126 services.

127 (d) Boards of trustees shall identify their general
128 education curricula pursuant to s. 1007.25(7) ~~s. 1007.25(6)~~.

129 Section 8. This act shall take effect July 1, 2017.

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 Pre-K - 12 Education

BILL: PCS/SB 1710 (525110)

INTRODUCER: Appropriations Subcommittee on Pre-K-12 Education and Senator Stargel

SUBJECT: Education

DATE: April 13, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1710 designates the month of September as “American Founders’ Month” and authorizes the Governor to issue a proclamation urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize, observe, and celebrate the month. Specifically, the bill:

- Encourages all public schools to observe “American Founders’ Month” with appropriate instruction and activities.
- Establishes civic literacy as a priority of Florida’s K-20 education system.
- Requires the Just Read, Florida! Office to develop and provide access to sequenced, content-rich programming, instructional practices, and resources to increase students’ core knowledge and literacy skills including student attainment of state standards for social studies, science, and the arts.
- Requires students initially entering a Florida College System institution or state university in 2018-2019 and thereafter, to demonstrate civic literacy through successful completion of a course or by achieving a passing score on an assessment adopted in rule by the State Board of Education or in regulation by the Board of Governors, as applicable.

The bill does not impact state revenues or expenditures.

The bill takes effect on July 1, 2017.

II. Present Situation:

Florida has established mechanisms to increase the civic awareness and engagement among students through civic-engagement skills in the curriculum standards for all subjects,¹ and specifically social studies;² a middle grades civics education course³ and end-of-course assessment;⁴ and the inclusion of such end-of-course assessment in the calculation of school grades.⁵

Priorities of the K-20 Education System

The mission of Florida's K-20 education system is to allow students to increase their proficiency by providing the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.⁶ As such, the priorities of Florida's K-20 education system include:⁷

- Demonstration that all students meet the expected academic standards consistently at all levels of their education.
- Learning and completion at all levels, so that all students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education without remediation.
- Alignment of standards and resources for every level of the K-20 education system.
- Improved educational leadership at all levels of K-20 education.
- Alignment of workforce education with skills required by the new global economy.
- Collaboration between parents, students, families, educational institutions, and communities as important to each individual student's success; the goals of Florida's K-20 education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.
- Comprehensive K-20 career and education planning to better prepare all students at every level for the transition from school to postsecondary education or work.

Patriotic Programs

District school boards are authorized to adopt rules that require patriotic programs in district schools which encourage respect for the United States government, the national anthem, and the flag.⁸ The law also specifies procedures for the playing of the national anthem and recitation of the pledge of allegiance to the flag in public schools and at school-sponsored functions.⁹ The

¹ Section 1003.41(1), F.S.

² Section 1003.41(2)(d), F.S.

³ Section 1003.4156(1)(c), F.S. The one-semester civics education course must include the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States. *Id.*

⁴ Section 1008.22(3)(b)1., F.S.

⁵ Section 1008.34(3)(b)1.d., F.S.

⁶ Section 1000.03(4), F.S.

⁷ *Id.* at (5).

⁸ Section 1003.44(1), F.S.

⁹ *Id.*

pledge must be recited at the beginning of the day in each public school in the state.¹⁰ Students must be excused from reciting the pledge if his or her parent submits a written request.¹¹

Postsecondary Requirements

Civics Instruction

Currently, there is not a state civics requirement for students attending a Florida public postsecondary institution.¹² Students in the Florida College System and State University System are offered opportunities to study civics through courses in their general education core curriculum, as well as in civics courses in specific programs of study.¹³

Florida law requires a student to complete at least one social science course as a part of the general education core degree requirement.¹⁴ The courses available to complete this requirement are in:¹⁵

- American History;
- Anthropology;
- Macroeconomics;
- American Government;
- Psychology; and
- Sociology.

Of the social science courses taken in 2014-15, 45 percent were civics related.¹⁶ Also, 17 percent of all university undergraduates, and 21 percent of all college students enrolled in college-credit courses took at least one civics-related course in 2014-2015.¹⁷

Degree Requirements

The following state-level requirements apply to students seeking an associate in arts or baccalaureate degree from a Florida public postsecondary institution:

- Completion of 36 semester hours of general education coursework in the areas of communication, humanities, mathematics, natural science, and social science.¹⁸

¹⁰ *Id.*

¹¹ *Id.*

¹² Office of Program Policy Analysis and Government Accountability, *OPPAGA Research on Postsecondary Civics Education*, at 8, presentation to the House of Representatives PreK-12 Quality Subcommittee (Feb. 15, 2017), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

¹³ *Id.* at 10.

¹⁴ Section 1007.25(3), F.S.

¹⁵ Rule 6A-14.0303, F.A.C.

¹⁶ Office of Program Policy Analysis and Government Accountability, *OPPAGA Research on Postsecondary Civics Education*, at 14, presentation to the House of Representatives PreK-12 Quality Subcommittee (Feb. 15, 2017), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>. Psychology was the most popular social science general education course.

¹⁷ *Id.* at 11. These include American History, Government, and Economics.

¹⁸ Section 1007.25, F.S. See also Rule 6A-10.024(2)(a) and (3)(a), F.A.C., Rule 6A-10.030(1) and (2), F.A.C., and BOG Regulation 6.017(1)(a).

- Beginning with students initially entering a Florida College System institution or state university in 2015-2016 and thereafter, complete at least one identified core course in each subject area as part of the general education course requirements.¹⁹
- Beginning with students initially entering a Florida College System institution or state university in 2014-2015 and thereafter, coursework for an associate in arts degree must include demonstration of competency in a foreign language.²⁰
- Completion of six semester hours of English coursework, six semester hours of other coursework in which the student is required to demonstrate college-level writing skills through multiple assignments, and six semester hours of mathematics at the level of college algebra or higher.²¹
- For associate in arts degrees, students initially entering a Florida College System institution in 2013-2014 and thereafter, must indicate a baccalaureate degree program offered by an institution of interest by the time the student earns 30 semester hours.²²
- For an associate in arts degree, completion of no more than 60 semester hours of college credit;²³ for a baccalaureate degree, completion of no more than 120 semester hours of college credit.²⁴

Students in associate in science and associate in applied science degree programs must satisfactorily complete a planned program of instruction comprised of the established credit hour length²⁵ and complete fifteen semester credit hours of general education coursework.²⁶

Just Read, Florida!

In 2001,²⁷ Governor Jeb Bush established Just Read, Florida! as a comprehensive and coordinated reading initiative intended to establish reading as a core value in this state. In 2006,²⁸ the Legislature created within the DOE the Just Read, Florida! Office. Among its duties, the Just Read, Florida! Office must:²⁹

- Create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas.
- Train K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis must be on technical text.
- Provide parents with information and strategies for assisting their children in reading in the content area.

¹⁹ Section 1007.25(3), F.S.

²⁰ Section 1007.25(7), F.S.

²¹ Rule 6A-10.030, F.A.C. and BOG Regulation 6.017(1)(a)

²² Section 1007.23(3), F.S. and 6A-10.024(4), F.A.C.

²³ Students must achieve a cumulative grade point average of 2.0. Rule 6A-10.024, F.A.C.

²⁴ 1007.25(7) and (8), F.S.. See also Rule 6A-14.030(2), F.A.C., Rule 6A.10.024(3)(a), F.A.C., and BOG Regulation 6.017(1)(c). The 120 semester hour limit may be waived with prior approval by the Board of Governors for baccalaureate degree programs offered by state universities and by the State Board of Education for baccalaureate degree programs offered by Florida College System institutions. Section 1007.25(8), F.S.

²⁵ Rule 6A-6.0571, F.A.C.

²⁶ Rule 6A-14.030, F.A.C. and 6A-10.024(6)(b), F.A.C.

²⁷ Executive Order 01-260 (2001)

²⁸ Section 8, ch. 2006-74, L.O.F.

²⁹ Section 1001.215, F.S.

- Provide technical assistance to school districts in the development and implementation of the K-12 comprehensive reading plan.
- Work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies.
- Periodically review the Sunshine State Standards for reading at all grade levels.
- Periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas.
- Work with approved teacher preparation programs to integrate research-based reading instructional strategies and reading in the content area instructional strategies.

III. Effect of Proposed Changes:

Section 1 creates s. 683.1455, F.S., to designate the month of September as “American Founders’ Month” and authorize the Governor to issue a proclamation urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize, observe, and celebrate the month. Specifically, this section:

- Encourages all public schools to observe “American Founders’ Month” with appropriate instruction and activities.
- Establishes civic literacy as a priority of Florida’s K-20 education system.
- Requires the Just Read, Florida! Office to develop and provide access to sequenced, content-rich programming, instructional practices, and resources to increase students’ core knowledge and literacy skills including student attainment of state standards for social studies, science, and the arts.
- Requires students initially entering a Florida College System institution or state university in 2018-2019 and thereafter, to demonstrate civic literacy through successful completion of a course or by achieving a passing score on an assessment adopted in rule by the State Board of Education or in regulation by the Board of Governors, as applicable.

Priorities of the K-20 Education System (Section 2)

Section 2 amends s. 1000.03, F.S., to extend the scope of Florida’s K-20 education system to establish civic literacy as a priority. Specifically, this section includes as a priority of Florida’s K-20 education system that students “are prepared become civically engaged and knowledgeable adults who make positive contributions to their communities.”

Patriotic Programs (Sections 1 and 4)

As a component of the required instruction relating to patriotic programs, section 4 amends s. 1003.44, F.S., to encourage all public schools in Florida to coordinate, at all grade levels, instruction related to our nation’s Founding Fathers in “American Founders’ Month.” Also, section 1 encourages civic, fraternal, and religious organizations and public and private educational institutions to recognize and observe “American Founders’ Month” through programs, meetings, services, or celebrations in which state, county, and local government officials are invited to participate.

Postsecondary Requirements (Sections 5, 6, and 7)

Section 5 amends s. 1007.25, F.S., to create an additional requirement for students in degree programs at Florida public postsecondary institutions. This section requires that, beginning with students initially entering a Florida College System institution or state university in 2018-2019 and thereafter, each student must demonstrate competency in civic literacy. Demonstration of competency may be through successful completion of a new civic literacy course or revised American History or American Government course, which includes civic literacy, or by achieving a passing score on an existing assessment adopted in State Board of Education (SBE) rule or Board of Governors (BOG) regulation. The chairs of the SBE and BOG must jointly appoint a faculty committee to:

- Develop a new course in civic literacy or revise an existing American History or American Government course, which includes civic literacy.
- Establish course competencies and identify outcomes that include, at a minimum:
 - An understanding of the basic principles of American democracy and how they are applied in our republican form of government.
 - An understanding of the United States Constitution.
 - Knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance.
 - An understanding of landmark Supreme Court cases and their impact on law and society.

Sections 6 and 7 amend ss. 943.22 and 1001.64, F.S., respectively, to correct cross references changed as a result of the modifications to s. 1007.25, F.S.

Just Read, Florida! (Section 3)

Section 3 amends s. 1001.215, F.S., to require the Just Read, Florida! Office to develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' core knowledge and literacy skills, including student attainment of the Next General Sunshine State Standards for social studies, science, and the arts.

The bill takes effect on July 1, 2017.

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:

This bill may have a fiscal impact on students if the students are required to pay for the cost of the civics literacy assessment. In addition, if civic literacy competence is a graduation requirement, a student unable to pass the required assessment or course may have to pay additional tuition and fees to retake a course or may delay graduation.

C. Government Sector Impact:

The bill does not impact state revenues or expenditures.

VI. Technical Deficiencies:

Lines 75-77 of the bill require each student initially enrolling in a Florida College System institution or state university in 2018-2019, and thereafter, to demonstrate competency in civic literacy. However, it is unclear if civic literacy competency is a graduation requirement. It is also unclear if the requirement applies to all students or only degree-seeking students.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.22, 1000.03, 1001.215, 1001.64, 1003.44, and 1007.25.

This bill creates section 683.1455 of 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.)

Recommended CS by Appropriations Subcommittee on Pre-K-12 Education onm April 13, 2017:

The committee substitute modifies the postsecondary civic literacy requirement by:

- Specifying that the State Board of Education and Board of Governors must adopt at least one existing civics assessment to measure course competencies established in the bill.
- Specifying that the joint faculty committee established in the bill must develop a new civic literacy course or revise an existing general education core course in American History or American Government to include civic literacy.

B. Amendments:

None.

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



785980

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Pre-K - 12 Education (Stargel)
recommended the following:

Senate Amendment

Delete lines 79 - 86
and insert:
course or by achieving a passing score on an assessment. The
State Board of Education must adopt in rule and the Board of
Governors must adopt in regulation at least one existing
assessment that measures competencies consistent with the
required course competencies outlined in paragraph (b). The
chair of the State Board of Education and the chair of the Board



785980

11 of Governors, or their respective designees, shall jointly
12 appoint a faculty committee to:

13 (a) Develop a new course in civic literacy or revise an
14 existing general education core course in American History or
15 American Government to include civic literacy; and
16

By Senator Stargel

22-01277A-17

20171710__

A bill to be entitled

An act relating to education; creating s. 683.1455, F.S.; designating the month of September as "American Founders' Month"; amending s. 1000.03, F.S.; revising the priorities of Florida's K-20 education system; amending s. 1001.215, F.S.; revising the duties of the Just Read, Florida! Office to include developing and providing access to certain resources for elementary schools; amending s. 1003.44, F.S.; encouraging schools to provide certain instruction; amending s. 1007.25, F.S.; requiring postsecondary students to demonstrate civic literacy; requiring the chairs of the State Board of Education and the Board of Governors to jointly appoint a faculty committee to develop a civic literacy course, or revise an existing general education core course, and establish the course competencies; amending ss. 943.22 and 1001.64, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 683.1455, Florida Statutes, is created to read:

683.1455 American Founders' Month.—

(1) The month of September of each year is designated as "American Founders' Month."

(2) The Governor may annually issue a proclamation designating the month of September as "American Founders' Month"

Page 1 of 5

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

22-01277A-17

20171710__

and urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize and observe this occasion through appropriate programs, meetings, services, or celebrations in which state, county, and local governmental officials are invited to participate.

Section 2. Present paragraphs (c) through (g) of subsection (5) of section 1000.03, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, and a new paragraph (c) is added to that subsection, to read:

1000.03 Function, mission, and goals of the Florida K-20 education system.—

(5) The priorities of Florida's K-20 education system include:

(c) Civic literacy.—Students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.

Section 3. Present subsections (4) through (11) of section 1001.215, Florida Statutes, are redesignated as subsections (5) through (12), respectively, and a new subsection (4) is added to that section, to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office shall be fully accountable to the Commissioner of Education and shall:

(4) Develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' core knowledge and literacy skills, including student attainment of the Next Generation

Page 2 of 5

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

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59 Sunshine State Standards for social studies, science, and the
60 arts.

61 Section 4. Subsection (3) is added to section 1003.44,
62 Florida Statutes, to read:

63 1003.44 Patriotic programs; rules.—

64 (3) All public schools in the state are encouraged to
65 coordinate, at all grade levels, instruction related to our
66 nation's Founding Fathers with "American Founders' Month"
67 pursuant to s. 683.1455.

68 Section 5. Present subsections (4) through (11) of section
69 1007.25, Florida Statutes, are redesignated as subsections (5)
70 through (12), respectively, and a new subsection (4) is added to
71 that section, to read:

72 1007.25 General education courses; common prerequisites;
73 other degree requirements.—

74 (4) Beginning with students initially entering a Florida
75 College System institution or state university in 2018-2019 and
76 thereafter, each student must demonstrate competency in civic
77 literacy. A student must have the option to demonstrate
78 competency through successful completion of a civic literacy
79 course or by achieving a passing score on an assessment adopted
80 in rule by the State Board of Education or in regulation by the
81 Board of Governors, as applicable. The chair of the State Board
82 of Education and the chair of the Board of Governors, or their
83 respective designees, shall jointly appoint a faculty committee
84 to:

85 (a) Develop a new course in civic literacy or revise an
86 existing general education core course; and

87 (b) Establish course competencies and identify outcomes

22-01277A-17 20171710__

88 that include, at a minimum, an understanding of the basic
89 principles of American democracy and how they are applied in our
90 republican form of government, an understanding of the United
91 States Constitution, knowledge of the founding documents and how
92 they have shaped the nature and functions of our institutions of
93 self-governance, and an understanding of landmark Supreme Court
94 cases and their impact on law and society.

95 Section 6. Paragraph (c) of subsection (1) of section
96 943.22, Florida Statutes, is amended to read:

97 943.22 Salary incentive program for full-time officers.—

98 (1) For the purpose of this section, the term:

99 (c) "Community college degree or equivalent" means
100 graduation from an accredited community college or having been
101 granted a degree pursuant to s. 1007.25(11) ~~s. 1007.25(10)~~ or
102 successful completion of 60 semester hours or 90 quarter hours
103 and eligibility to receive an associate degree from an
104 accredited college, university, or community college.

105 Section 7. Subsection (7) and paragraph (d) of subsection
106 (8) of section 1001.64, Florida Statutes, are amended to read:

107 1001.64 Florida College System institution boards of
108 trustees; powers and duties.—

109 (7) Each board of trustees has responsibility for: ensuring
110 that students have access to general education courses as
111 identified in rule; requiring no more than 60 semester hours of
112 degree program coursework, including 36 semester hours of
113 general education coursework, for an associate in arts degree;
114 notifying students that earned hours in excess of 60 semester
115 hours may not be accepted by state universities; notifying
116 students of unique program prerequisites; and ensuring that

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20171710__

117 degree program coursework beyond general education coursework is
118 consistent with degree program prerequisite requirements adopted
119 pursuant to s. 1007.25(6) ~~s. 1007.25(5)~~.

120 (8) Each board of trustees has authority for policies
121 related to students, enrollment of students, student records,
122 student activities, financial assistance, and other student
123 services.

124 (d) Boards of trustees shall identify their general
125 education curricula pursuant to s. 1007.25(7) ~~s. 1007.25(6)~~.

126 Section 8. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/13/17
Meeting Date

SB1710
Bill Number (if applicable)

Topic Civic Literacy

Amendment Barcode (if applicable)

Name Laurye Messer

Job Title Adjunct History Instructor

Address 6960 Standing Pines Lane

Phone 850-510-0941

Street

Tallahassee

FL

32312

Email Lauryemesser@

City

State

Zip

gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself and my colleagues who teach American History

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/13/17

Meeting Date

SB 1710
Bill Number (if applicable)

Topic Civic Literacy

Amendment Barcode (if applicable)

Name Dr. Andrea Oliver

Job Title Coordinator of Teacher Education / History Professor

Address 27 Nandina Way

Phone 850-284-1432

Crawfordville FL 32327

Email aoliver72@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing My colleagues + I who teach Am. History + on behalf of educators + future K12 educators in FL

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.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Finance and Tax,
Chair
Appropriations Subcommittee on Health and
Human Services, *Vice Chair*
Appropriations
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Military and Veterans Affairs, Space, and Domestic
Security

SENATOR KELLI STARGEL
22nd District

March 6, 2017

The Honorable David Simmons
Senate Appropriations Subcommittee on Pre-k – 12 Education, Chair
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Simmons:

I respectfully request that SB 360, related to *Middle School Study*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 22

Cc: Tim Elwell/ Staff Director
JoAnne Bennett/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

AE

Handwritten initials in a circle, possibly "TTS".



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

- Appropriations Subcommittee on Finance and Tax, *Chair*
- Appropriations Subcommittee on Health and Human Services, *Vice Chair*
- Appropriations
- Children, Families, and Elder Affairs
- Communications, Energy, and Public Utilities
- Military and Veterans Affairs, Space, and Domestic Security

SENATOR KELLI STARGEL
22nd District

March 28, 2017

The Honorable David Simmons
Senate Appropriations Subcommittee on Pre-k – 12 Education, Chair
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Simmons:

I respectfully request that SB 360, related to *Middle School Study*, be placed on the next Appropriations Subcommittee on Pre-k – 12 Education meeting agenda. The House Companion Bill, HB 293, is being heard in its second committee in the House.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

Kelli Stargel
State Senator, District 22

Cc: Tim Elwell/ Staff Director
JoAnne Bennet/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

Handwritten initials "AED" in the bottom right corner.

JAE

The Florida Senate
State Senator René García
36th District

Please reply to:

District Office:

1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

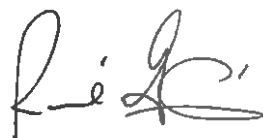
March 30th, 2017

The Honorable David Simmons
Chairman, Appropriations Subcommittee on Pre-K – 12 Education
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Simmons,

Please have this letter serve as my formal request to have **SB 642: Public Educational Facilities**, be heard during the next scheduled Appropriations Subcommittee on Pre-K-12 Education Meeting. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,



State Senator René García
District 36

CC: Tim Elwell
JoAnne Bennett

Committees: Children, Families, and Elder Affairs, Chairman, Banking and Insurance, Appropriations Subcommittee on General Government, Appropriations Subcommittee on Finance and Tax, Vice Chair, Judiciary

AED



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Appropriations Subcommittee on Pre-K - 12 Education

Subject: Committee Agenda Request

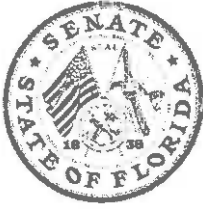
Date: March 23, 2017

I respectfully request that **Senate Bill # 890**, relating to Florida Endowment for Vocational Rehabilitation, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Aaron Bean

Senator Aaron Bean
Florida Senate, District 4



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Appropriations Subcommittee on Pre-K - 12 Education

Subject: Committee Agenda Request

Date: March 28, 2017

I respectfully request that **Senate Bill # 1222**, relating to School Grades, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Rob Bradley".

Senator Rob Bradley
Florida Senate, District 5



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR KELLI STARGEL
22nd District

COMMITTEES:
Appropriations Subcommittee on Finance and Tax,
Chair
Appropriations Subcommittee on Health and
Human Services, *Vice Chair*
Appropriations
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Military and Veterans Affairs, Space, and Domestic
Security

April 4, 2017

The Honorable David Simmons
Senate Appropriations Subcommittee on Pre-k – 12 Education, Chair
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Simmons:

I respectfully request that the following bills be placed on the next committee agenda:

- **SB 370**, related to *Florida Wing of the Civil Air Patrol*; the House companion CS/HB 635 is in its third committee.
- **SB 468**, related to *Voluntary Prekindergarten Education*; the House companion CS/HB 757 is in its first committee.
- **SB 1710**, related to *Education*; the House companion HB 7057 is in its last committee.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 22

Cc: Tim Elwell/ Staff Director
JoAnne Bennet/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

021

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:
Judge:

Caption: Senate Appropriations Committee on Pre-K - 12 Education

Started: 4/13/2017 1:03:20 PM

Ends: 4/13/2017 1:46:47 PM

Length: 00:43:28

1:04:07 PM Call to Order Sen. Simmons (Chair)
1:04:19 PM Roll Call
1:04:51 PM TAB 2- SB 642 Public Education Facilities - Sen. Garcia Introduces
1:05:45 PM Am 663480- Substitute Amendment for 292400- Introduced Sen. Garcia
1:07:33 PM Sen. Young
1:08:05 PM Sen. Simmons
1:08:21 PM Sen. Garcia waives close
1:08:34 PM Am 663480 Adopted
1:09:03 PM Am 592138 Substitute Amendment Introduced- Sen. Montford
1:10:03 PM Sen. Young
1:10:43 PM Sen. Montford
1:10:47 PM Sen. Garcia
1:11:40 PM Sen. Young
1:11:56 PM Sen. Farmer
1:12:35 PM Sen. Garcia
1:13:29 PM Sen. Farmer
1:14:04 PM Joy Frank, Florida Association of District School Superintendents- waives in support
1:14:27 PM Sen. Montford closes on Am 592138
1:14:42 PM Am 592138 Adopted
1:15:22 PM Spencer Pylant, Pasco County Schools, waives in support
1:15:46 PM Iraida Mendez-Cestay, Miami Dade County Public Schools, waives in support
1:16:01 PM Tom Cerra, Greater Florida Consortium of School Boards, waives in support
1:16:15 PM John Sullivan, Broward County Schools, waives in support
1:17:01 PM Sen. Simmons
1:17:19 PM Sen Garcia waives close
1:17:27 PM Roll Call SB 642
1:17:46 PM SB 642 Passes Favorably
1:17:54 PM TAB 4- CS/SB 890 postponed to latter part of meeting- Sen. Simmons
1:18:52 PM TAB 5- SB 1222 School Grades- Sen. Bradley Introduces
1:21:12 PM Debbie Mortham, Foundation for Florida's Future, waives in support
1:21:23 PM Bob Cerra, North East Florida Educational Consortium, waives in support
1:21:50 PM Sen. Bradley closes
1:21:59 PM Roll Call SB 1222
1:22:09 PM SB 1222 Passes Favorably
1:22:32 PM Sen. Young
1:22:40 PM TAB 4- CS/SB 890 Florida Endowment for Vocational Rehabilitation- Sen. Montford
1:23:14 PM Am 836882 Introduced- Sen. Montford
1:24:17 PM Sen. Young
1:24:21 PM Sen. Montford
1:24:30 PM Am 836682 Passes Favorably
1:24:43 PM Sen. Farmer
1:24:47 PM Sen. Montford
1:24:51 PM Sen. Farmer
1:24:54 PM Sen. Young
1:25:02 PM Suzanne Homant, The ABLE Trust, waives in support
1:25:16 PM Sen. Montford waives close
1:25:27 PM Roll Call on SB 890
1:25:39 PM CS/SB 890 Adopted
1:26:32 PM Pause for lack of Quorum
1:30:56 PM Sen Young, takes Chair
1:31:34 PM TAB 3- CS/SB 772 Assistive Technology Devices- Sen. Rouson
1:32:42 PM Sen. Young

1:32:55 PM Michael Daniels, Executive Director, FFAST, waives in support
1:33:09 PM Margaret Hooper, Florida Developmental Disabilities Council, waives in support
1:33:17 PM Sen. Farmer
1:33:38 PM Roll Call on CS/SB 772
1:33:57 PM Sen. Rouson waives close
1:34:15 PM CS/SB 772 Favorably
1:34:29 PM Sen. Rouson motion to show his affirmative vote on SB 890, SB 642, SB 1222
1:34:32 PM Motion adopted
1:34:50 PM Sen. Simmons takes Chair
1:35:55 PM SB 360 Middle School Study Introduced by Sen. Grimsley for Sen. Stargel
1:35:58 PM Am 258976 (Strike All) Introduced- Sen. Grimsley
1:37:31 PM Sen. Grimsley waives close
1:37:48 PM Am 258976 Adopted
1:38:03 PM Cathy Boehme, Florida Education Association, waives in support
1:38:34 PM James Mosteller, Foundation for Florida's Future, waives in support
1:38:39 PM Angie Gallo, Florida PTA, waives in support
1:39:06 PM Sen. Grimsley waives close
1:39:17 PM Roll Call on SB 360
1:39:27 PM SB 360 Passes Favorably
1:39:48 PM TAB 6- SB 1710 on Education- Sen. Grimsley Introduces for Sen. Stargel
1:41:19 PM Am 785980 Sen. Grimsley Introduces
1:41:54 PM Sen. Grimsley waives close
1:42:07 PM Am 785980 Adopted
1:42:29 PM Laurye Messer, Adjunct History Instructor, waive in support
1:42:54 PM Dr. Andrea Oliver, Coordinator of Teacher Education and History Professor, waive in support
1:43:47 PM Sen. Farmer
1:44:35 PM Sen. Simmons
1:44:43 PM Sen. Grimsley closes on bill
1:45:02 PM Roll Call on CS/SB 1710
1:45:22 PM CS/SB 1710 Passes Favorably
1:45:50 PM Sen. Grimsley motion to show her affirmative vote on SB 642, SB 1222 & /SB 890
1:46:10 PM Motion Adopted
1:46:20 PM Sen. Broxson moves to adjourn
1:46:31 PM Meeting Adjourned