

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/CS/HB 15 — Educational Options**

by Education Committee; PreK-12 Appropriations Subcommittee; PreK-12 Innovation Subcommittee; and Reps. Sullivan, Fischer, and others (CS/CS/SB 902 by Appropriations Committee; Education Committee; and Senator Simmons) (CS/CS/SB 1314 by Appropriations Committee; Education Committee; and Senators Grimsley and Mayfield)

The bill modifies the Gardiner Scholarship Program (GSP) and the Florida Tax Credit Scholarship Program. Specifically, regarding the GSP, the bill:

- Expands the definition of disability, for purposes of the GSP, to include a child:
  - Diagnosed with a rare disease or condition, which affects patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders.
  - Diagnosed as anaphylaxis; deaf; visually impaired; dual sensory impaired; traumatic brain injured; or hospital or homebound, as defined by rules of the State Board of Education (SBE) and evidenced by reports from local school districts.
- Modifies the definition of IEP used to qualify for the GSP, to mean an individual education plan, regardless of whether the plan has been reviewed or revised within the last 12 months.
- Revises program eligibility to allow a student to qualify for the scholarship if the student has an IEP written in accordance with the applicable rules of another state or the student has received a diagnosis of a disability from a physician who holds an active license issued by another state, and the student also meets the other eligibility requirements for the scholarship.
- Authorizes the use of GSP funds to procure services provided:
  - By a hospital in Florida which is selected by a parent,
  - By a certified music therapist or art therapist,
  - At a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Specifies that a parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services paid through Gardiner Scholarship funds.
- Provides that if a private school is unable to meet the requirements in law or has consecutive years of material exceptions listed in its agreed-upon procedures reports, there is a basis for the ineligibility of the private school to participate in the program, as determined by the Commissioner of Education.
- Adds a condition for closing a student's scholarship account and reverting remaining funds to the state if the account has been inactive for three consecutive fiscal years. The bill defines inactive to mean that eligible expenditures have not been made from a student's scholarship account.
- Specifies that if a parent does not procure the necessary educational services for the student and the student's account has been inactive for 2 consecutive fiscal years, the student is ineligible for additional scholarship payments until the scholarship-funding organization (SFO) verifies that expenditures have occurred from the account.

Regarding the Florida Tax Credit Scholarship Program (FTC), the bill:

- Requires the Florida Department of Revenue to provide an SFO a copy of its letter denying or approving certain transactions.
- Allows a dependent child of a parent or guardian who is a member of the U.S. Armed Forces to apply for the FTC scholarship at any time.
- Specifies that a parent must approve any payment made by funds transfer before the scholarship funds may be deposited.
- Provides that the Commissioner of Education may determine that a private school is ineligible to participate in the FTC program if the school has consecutive years of material exceptions listed in its agreed-upon procedures report.
- Increases the base FTC scholarship award amount as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:
  - 88 percent for a student in kindergarten through grade 5.
  - 92 percent for a student enrolled in grades 6-8.
  - 96 percent for a student enrolled in grades 9-12.
- Raises the transportation scholarship award limit for a student enrolled in a Florida public school that is located outside the district in which the student resides from \$500 to \$750.
- Allows an SFO to make payments by fund transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the Department of Revenue deems to be commercially viable or cost-effective.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 27-11; House 101-11*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**SB 256 — Florida Center for the Partnerships for Arts Integrated Teaching**  
by Senators Steube and Galvano

The bill removes the July 1, 2017 expiration date for the statutory authority for the Florida Center for the Partnerships for Arts Integrated Teaching (Center) established within the University of South Florida Sarasota/Manatee. The Center was statutorily created in chapter 2016-62, Laws of Florida, the implementing bill for the 2016-2017 General Appropriations Act.

If approved by the Governor, these provisions take effect June 30, 2017.

*Vote: Senate 36-0; House 120-0*

THE FLORIDA SENATE  
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**Committee on Education**

**CS/CS/HB 293 — Middle Grades**

by Education Committee; PreK-12 Appropriations Subcommittee; and Rep. Burton and others (CS/SB 360 by Appropriations Committee and Senators Stargel, Grimsley, and Young)

The bill requires the Florida Department of Education (DOE) to issue a competitive solicitation for a contract to conduct a comprehensive study of states with high performing students in grades 6 through 8 in reading and mathematics, based on states' performance on the National Assessment of Educational Progress. The DOE must submit a report by December 2017 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. Specifically, the study must review, at a minimum:

- Academic expectations and instructional strategies, including:
  - Alignment of elementary and middle grades expectations with high school graduation requirements;
  - Strategies used to improve reading comprehension through the use of background knowledge and the use of sequenced curriculum programing and content rich texts to increase literacy skills in kindergarten through grade 8;
  - Research-based instructional practices in reading and mathematics, including those targeting low-performing students;
  - The rigor of the curriculum and courses and the availability of accelerated courses;
  - The availability of student support services;
  - Course sequencing and prerequisites for advanced courses; and
  - The availability of other academic and non-core classes, and electives.
- 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.
- Parental and community involvement.
- Provides for an appropriation in the sum of \$50,000 in nonrecurring funds from the General Revenue Fund, for the 2017-2018 fiscal year, to the DOE for implementation of the comprehensive study in middle school performance.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 37-0; House 119-0*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**HB 371 — Assistive Technology Devices**

by Rep. Ausley and others (CS/SB 772 by Education Committee and Senator Rouson)

The bill 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.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 38-0; House 118-0*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/SB 374 — Postsecondary Education**

by Appropriations Committee; Education Committee; and Senators Hukill, Galvano, and Simpson

The bill establishes the “Florida Excellence in Higher Education Act of 2017” to expand financial aid provisions and modify programmatic mechanisms to assist students in accessing higher education and incentivize postsecondary institutions to emphasize on-time graduation. The bill also expands and enhances policy and funding options for state universities to recruit and retain exemplary faculty, enhance the quality of professional and graduate schools, and upgrade facilities and research infrastructure. Additionally, the bill restructures the governance and modifies the mission of the community colleges.

**Institutional Accountability**

The bill strengthens institutional accountability by modifying state university and community college performance and accountability metrics and standards to promote on-time student graduation. Specifically, the bill:

- Modifies the State University System (SUS) Performance-Based Incentive:
  - Specifies the performance-based metric for graduation rate must be a 4-year graduation rate.
  - Specifies the performance-based metric for access must include benchmarks that reward institutions with access rates at or above 50 percent.
  - Requires the Board of Governor’s (BOG) 2017 determination of each university’s performance improvement and achievement ratings, and the related distribution of 2017-2018 appropriation funds for the incentive, to apply the metrics and benchmarks in place on January 1, 2017.
- Modifies the Preeminent State Research Universities Program:
  - Revises the metric related to the 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college (FTIC), students to a 4-year rate of 60 percent or higher. However, for the BOG’s 2017 determination of preeminence and emerging preeminence status and the related distribution of 2017-2018 appropriation funds for the program, the metric and benchmark remains at a 6-year graduation rate of 70 percent or higher.
  - Eliminates the authority for the preeminent state research universities to require FTIC students to take a six-credit unique set of courses.
  - Revises funding for emerging preeminent state research universities from one-half to one-fourth of the total increased funding to preeminent state research universities.
  - Changes from a recommendation to a requirement that the BOG establish standards and measures for programs of excellence throughout the SUS and specify that the programs include undergraduate, graduate, and professional degrees, and require the BOG to make recommendations to the Legislature by September 1, 2017, on enhancing and promoting such programs.

- Requires the BOG to conduct a study of state investment allocation methodologies for the performance-based model and submit a report to the chairs of the House and Senate Education Appropriations Subcommittees by December 31, 2017. The study must include various options, including options in which each university may be eligible to receive some portion of the state investment based on benchmarks that reflect the institutional mission of each university and irrespective of the performance-based funding model score relative to other university scores.
- Revises the existing Florida Community College System Performance-Based Incentive metrics and adds new metrics that emphasize on-time program completion. These revised and new metrics, which must be adopted by the State Board of Community Colleges (SBCC), are:
  - A student retention rate, as calculated by the SBCC;
  - A 100 percent-of-normal-time program completion and graduation rate for full-time, FTIC degree-seeking students, using a definition of full-time based on a student's majority enrollment in full-time terms, as calculated by the SBCC;
  - A continuing education or postgraduation job placement rate for workforce education programs, excluding associate in arts (AA) degrees, with wage thresholds that reflect the added value of the applicable certificate or degree;
  - A graduation rate for FTIC students in an AA degree program who graduate with a baccalaureate degree in 4 years after initially enrolling in the AA degree program; and
  - A performance-based metric on college affordability.
- Modifies the Distinguished Florida Community College System Institution Program excellence standards:
  - Changes the normal-time completion rate metric from 150 percent to 100 percent for full-time, FTIC students, as calculated by the SBCC.
  - Changes the normal-time completion rate metric from 150 percent to 100 percent for full-time, FTIC Pell Grant recipients, as calculated by the SBCC.
  - Specifies that the job placement metric must be based on the wage thresholds that reflect the added value of the applicable certificate or degree, and that the continuing education and job placement metric does not apply to AA degrees.
  - Replaces the time-to-degree metric with an excess-hours rate metric of 40 percent or lower for AA degree recipients who graduate with 72 or more credit hours, as calculated by the SBCC.

Additionally, the bill modifies the requirements of the BOG's strategic plan to require state universities to use data-driven gap analyses to identify internship opportunities in high-demand fields.

### **Student Financial Aid and Tuition Assistance**

The bill expands student financial aid and tuition assistance programs to help to address financial insecurity concerns of students and their families. Specifically the bill:

- Increases the Florida Academic Scholars (FAS) award amount to cover 100 percent of public postsecondary education institution tuition and specified fees, plus \$300 per semester for textbooks and college-related expenses during fall and spring terms, beginning in the fall 2017 semester. Additionally, the bill provides for funding for Florida Bright Futures Scholarship awards, which at a minimum, supports summer term enrollment for an FAS award.
- Expands the Benacquisto Scholarship Program to attract qualified students from out-of-state; who physically reside on or near the postsecondary education institution in which they enroll; earn a high school diploma or the equivalent, comparable to Florida; who are accepted and enroll in a baccalaureate degree program in the 2017-2018 academic year or thereafter; and who meet the specified requirement to qualify for the scholarship. The bill exempts such student from the payment of out-of-state fees and specifies that the award amount for such students is equal to the institutional cost of attendance for a Florida resident less the student's National Merit Scholarship.
- Creates the Florida Farmworker Scholarship Program for farmworkers and the children of farmworkers, who meet the specified scholarship eligibility criteria. The bill specifies that the DOE may award up to 50 scholarships annually and the recipient may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. The recipient is eligible for an award equal to 100 percent of tuition and specified fees at a public postsecondary education institution in Florida. Undocumented immigrants are not eligible for the award.
- Expands the First Generation Matching Grant Program by revising the state to private match requirements from a 1:1 match to a 2:1 match.
- Requires each state university board of trustees to adopt a block tuition and fee policy by October 1, 2017, for implementation in the fall 2018 semester. The policy must apply to the entering freshman class of full-time, FTIC students and may be extended to include other enrolled students. The bill requires each university board of trustees to submit the policy, including information on the potential impact of the policy on students, to the BOG by October 1, 2017. The bill also requires the Chancellor of the State University System must submit to the Governor and the Legislature a summary of the policies, status of approvals, and recommendations for improving block tuition and fee benefits for students by December 1, 2017.
- Specifies that a Florida Prepaid College Program plan, purchased prior to July 1, 2024, is only obligated to pay for the credit hours in which a student is enrolled.
- Renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

## Articulation

The bill strengthens “2+2” articulation to assist students enrolled in AA degree program to graduate on time, transfer to a baccalaureate degree program, and complete the baccalaureate degree in 4 years. Accordingly, the bill creates a mechanism for expanding locally-developed “2+2” articulation agreements to include guaranteed pathways to baccalaureate degree programs

at state universities for students enrolled in associate in arts (AA) degree programs at FCCS institutions. Specifically, the bill:

- Requires each FCCS institution to execute at least one “2+2” targeted pathway articulation agreement with one or more state universities.
- Establishes student eligibility criteria to participate in a “2+2” targeted pathway program.
- Establishes requirements for state universities that execute “2+2” targeted pathway articulation agreements with their partner colleges.
- Requires the SBCC and BOG to collaborate to eliminate barriers to executing “2+2” targeted pathway articulation agreements.

Additionally, the bill requires district school boards to notify students who enroll in acceleration mechanism courses or take exams about the *credit-by-examination equivalency list* and *dual enrollment and high school subject area equivalency list*.

### **State University Faculty, Program, and Infrastructure Investments**

The bill establishes the World Class Faculty and Scholar Program and the State University Professional and Graduate Degree Excellence Program, and authorizes funding for certain projects under the Alec P. Courtelis University Facility Enhancement Challenge Grant Program to elevate the national prominence of the state universities in Florida. Specifically, the bill:

- Establishes the World Class Faculty and Scholar Program to fund and support the efforts of state universities to recruit and retain exemplary faculty and research scholars.  
Specifically, the bill:
  - Authorizes state university investments in areas such as research-centric cluster hires, faculty research, and research commercialization efforts. The funds may not be used for the construction of buildings.
  - Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of those expenditures in elevating the national competitiveness of the universities.
- Establishes the State University Professional and Graduate Degree Excellence Program to fund as support the efforts of state universities to enhance the quality of professional and graduate schools and degree programs in medicine, law, and business, and expand the economic impact of state universities. Specifically, the bill:
  - Authorizes quality improvement efforts, which may include, but are not limited to, targeted investment in faculty, students, research infrastructure and other strategic efforts to elevate the national and global prominence of state university medicine, law, and graduate level business programs. The funds may not be used for the construction of buildings.
  - Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of those expenditures in elevating the national and global prominence of the university medicine, law, and graduate-level business programs.

Additionally, the bill provides that notwithstanding the suspension of state matching funds, the Legislature may choose for the 2017-18 fiscal year to prioritize funding for certain projects under the Alec P. Courtelis University Facility Enhancement Challenge Grant Program with matching funds available prior to June 30, 2011, which have not yet been constructed. Additionally, the bill deletes obsolete references to the Alec P. Courtelis Capital Facilities Matching Trust Fund.

### **Community College Governance**

The bill modifies the governance of the Florida College System under an SBCC. Specifically, the bill provides that:

- Effective July 1, 2017:
  - The Florida College System is renamed as the Florida Community College System.
  - The SBCC, administratively housed within the DOE, is created to oversee and coordinate the FCCS, and requires the Governor to appoint the membership of the SBCC in time for the board's organizational meeting by September 30, 2017.
  - The Division of Florida Colleges (DFC) must provide administrative support to the SBCC until September 30, 2017.
  - Beginning September 1, 2017, SBCC staggered membership terms are established.
  - The SBCC is required to appoint a Chancellor of the FCCS by November 1, 2017. The Chancellor of the DFC must serve as the Chancellor of the FCCS until the SBCC selects a chancellor.
- Effective October 1, 2017:
  - FCS- and DFC-related powers and duties, functions, personnel, funds, contracts, and administrative rules are transferred, by type 2 transfer, to the SBCC.
  - The DOE must provide support services to the SBCC, consistent with the ongoing support services that the DOE provides to the BOG.
  - The Division of Florida Colleges is removed as a division within the DOE.
  - SBE approvals, policies, guidance, and appointments remain in effect unless acted upon by the SBCC.

In addition, the bill includes technical and conforming provisions related to the transfer of responsibilities regarding Florida's community colleges, effective October 1, 2017. The bill does not modify the governance of individual FCCS institutions or powers and duties of the FCCS institution boards of trustees.

### **Community College Baccalaureate Degree Approval Process**

The bill clarifies expectations and state oversight of baccalaureate degree programs offered by FCCS institutions. Specifically, the bill:

- Modifies the FCCS institution baccalaureate degree approval process:
  - Requires FCCS institutions to submit a notice of interest into a shared postsecondary database at least 180 days before submission of the notice of intent.

- Requires FCCS institutions to submit a notice of intent and justification for the proposed baccalaureate degree at least 100 days before submitting the baccalaureate degree proposal.
- Specifies that the required justification for the proposed baccalaureate degree include a data-driven analysis of workforce demand, including employment data and projections by the Department of Economic Opportunity, which must be verified by the Chancellor of the FCCS.
- Extends the timeframe from 30 days to 60 days for private regionally-accredited colleges and universities, to submit their objections to the proposed baccalaureate degree programs and provide reasons for such objections.
- Eliminates the requirement for state universities and private colleges and universities to submit alternative proposals to the proposed baccalaureate degree programs.
- Requires the SBCC consider input from the Chancellor of the SUS and the president of the Independent Colleges and Universities of Florida, and any objections before approving or denying a college's proposal.
- Aligns the baccalaureate degree approval process for St. Petersburg College with the approval process for other FCCS institutions.

The bill adds to the performance and compliance indicators for baccalaureate degrees, and reinforces state oversight responsibilities by requiring the SBCC to direct an FCCS institution's board of trustees to terminate a baccalaureate degree program if an annual review indicates negative performance and compliance results, and the college fails to demonstrate a need for the program.

Additionally, the bill establishes a cap on upper-level, undergraduate FTE enrollment at FCCS institutions, but provides flexibility for planned and purposeful growth of baccalaureate degree programs if certain conditions are met. The bill requires FCCS institutions to obtain legislative approval for exceeding the specified upper-level, undergraduate FTE enrollment cap, and prohibits community colleges from reporting for funding, the upper-level, undergraduate full-time equivalent enrollment that exceeds the upper-level enrollment percent specified in the bill. Specifically, the bill:

- Provides that if the 2015-2016 total upper-level, undergraduate FTE enrollment at an FCCS institution is:
  - At or above 10 percent of the 2015-2016 combined total lower-level and upper-level FTE enrollment at that institution, the total upper-level enrollment, as a percentage of the combined enrollment, may not increase by more than 4 percentage points unless the institution obtains prior legislative approval.
  - Below 10 percent of the 2015-2016 combined total lower-level and upper-level FTE enrollment at that institution, the total upper-level enrollment, as a percentage of the combined enrollment, may not increase by more than 8 percentage points unless the institution obtains prior legislative approval.
- Specifies that the total upper-level enrollment at any institution may not exceed 15 percent of the combined upper-level and lower-level FTE enrollment at that institution.

The bill also reinforces the state's expectation of college affordability by requiring the college's program enrollment projections and funding requirements to include the college's efforts to sustain the program at a cost of tuition and fees for Florida residents not to exceed \$10,000 for the entire degree program, including flexible tuition and fee rates, and the use of waivers authorized by law.

### **Mission of Florida's Public K-20 Education System**

The bill reinforces the state's expectation that institutions within Florida's K-20 education system avoid wasteful duplication of programs offered by state universities, FCCS institutions, and career centers operated by district school boards, and:

- Changes the provision of upper-level instruction and awarding baccalaureate degrees from a primary mission to a secondary mission of FCCS institutions.
- Specifies that the primary mission of a career center or a charter technical career center is to promote advances and innovations in workforce preparation and economic development.

### **Community College and State University Direct Support Organizations**

The bill modifies requirements relating to community college and state university direct support organizations (DSO) to:

- Prohibit the specified DSOs from using state-funded personal services, beginning July 1, 2022.
- Prohibit the specified DSOs from using state funds for travel expenses.
- Prohibit the specified DSOs from giving, either directly or indirectly, any gift to a political committee, with no exceptions.
- Require the chair of a university or community college board of trustees to appoint at least one member to the DSO executive committee.
- Specify that, for state university DSOs, information related to the expenditure of unrestricted non-state funds and the expenditure of private funds for travel are not confidential and exempt.

If approved by the Governor, the bill takes effect October 1, 2017, except for some provisions that take effect upon becoming a law or July 1, 2017.

*Vote: Senate 35-3; House 85-27*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/SB 396 — Student Loan Debt**

by Education Committee and Senators Hukill and Bean

The bill requires certain postsecondary education institutions to provide information regarding student loans to students. Specifically, the bill:

- Defines “student loans” to mean federal loans disbursed to a student to pay for education-related expenses.
- Requires a postsecondary education institution that disburses state financial aid to annually, or once during each academic year, provide the following up-to-date information, in print or electronic format, to each student receiving student loans:
  - An estimate of the student’s total amount of borrowed student loans.
  - An estimate of the student’s total potential loan repayment amount associated with the total amount of student loans borrowed by the student.
  - An estimate of the student’s monthly loan repayment amount for the student’s total amount of borrowed student loans.
  - The percentage of the borrowing limit that the student has reached at the time the information is provided.
- Provides that an institution does not incur liability for providing the specified information.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 35-0; House 115-0*

THE FLORIDA SENATE  
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**Committee on Education**

**SB 436 — Religious Expression in Public Schools**

by Senators Baxley, Steube, Mayfield, Stargel, Campbell, Brandes, and Broxson

The bill creates the “Florida Student and School Personnel Religious Liberties Act,” and specifies that a school district may not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression. Specifically, the bill:

- Authorizes a student to:
  - Express his or her religious beliefs in written and oral assignments free from discrimination.
  - Wear clothing, accessories, and jewelry that display a religious message or symbol to the same extent as secular types of clothing, accessories, and jewelry that display messages or symbols are permitted.
  - Pray or engage in and organize religious activities before, during, and after the school day to the same extent that student engagement in secular activity or expression and the organization of secular activities and groups are permitted.
- Requires a school district to:
  - Comply with Title VII of the Civil Rights Act of 1964 and specifies that a school district may not prevent school personnel from participating in religious activities on school grounds that are student-initiated at reasonable times before or after the school day.
  - Give a religious group access to the same school facilities for assembling as given to a secular group without discrimination and authorizes such a religious or secular group to advertise or announce its meetings.
  - Adopt a policy that establishes a limited public forum for student speakers at any school event at which a student is to speak publicly.
- Requires the Florida Department of Education to develop and publish on its website a model policy regarding a limited public forum and the voluntary expression of religious viewpoints by students and school personnel in public schools. The model policy must be adopted and implemented by each district school board.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 23-13; House 103-12*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/HB 501 — Pub. Rec. and Meetings/Information  
Technology/Postsecondary Education Institutions**

by Education Committee; Post-Secondary Education Subcommittee; and Reps. Leek, Silvers and others (CS/CS/SB 110 by Governmental Oversight and Accountability Committee; Education Committee; and Senators Brandes and Rouson)

The bill creates a new public records and meetings exemption for records of state universities and Florida College System (FCS) institutions pertaining to Information Technology (IT) security systems if the disclosure of such records would facilitate unauthorized access to, or unauthorized modification, disclosure, or destruction of data, information, or IT resources. Specifically, the bill:

- Exempts from public records laws data or information from technology systems owned by, under contract, or maintained by a state university or FCS institution.
- Exempts from public meetings laws portions of public meetings that may reveal data or information from technology systems owned, contracted, or maintained by a state university or an FCS institution.
  - Requires an exempt portion of a public meeting to be recorded and transcribed but specifies such recording and transcript must be exempt from disclosure, unless a court determines that the meeting was not restricted to discussion of confidential and exempt data.
- Specifies the entities to whom exempt records must be provided.

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

*Vote: Senate 38-0; House 112-0*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/HB 749 — Adoption Benefits**

by Children, Families and Seniors Subcommittee; and Rep. Combee and others (CS/SB 780 by Education Committee and Senator Stargel)

The bill expands the definition of qualifying adoptive employee to include full-time or part-time employees of charter schools and the Florida Virtual School (FLVS) for the purpose of extending to the employees of such schools the benefits that are currently available to qualifying adoptive employees of state agencies. The State Employee Adoption Benefit Program administered through the Department of Children and Families allows qualifying employees who adopt a child from the child welfare system to receive a one-time benefit of \$5,000, or \$10,000 for the adoption of a child with special needs.

The bill also authorizes a qualifying adoptive employee of a charter school or the FLVS to apply for the monetary benefit if such employee was employed by a charter school or the FLVS when he or she adopted a child within the child welfare system on or after July 1, 2015.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 37-0; House 116-0*

THE FLORIDA SENATE  
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**Committee on Education**

**CS/HB 7069 — Education**

by Appropriations Committee; Education Committee; and Rep. M. Diaz and others (CS/CS/SB 1552 by Appropriations Committee; Education Committee; and Senator Simmons)

The bill includes provisions related to prekindergarten-12 education, including, but not limited to, school improvement and accountability; charter schools; K-12 student assessments; virtual instruction; civic education; educator certification, evaluation, and bonus; permissible school absence; school visitation; recess; and funding.

***School Improvement and Accountability***

- Expands the early warning system to include schools that serve students in kindergarten through grade 8.
- Provides that an educational emergency exists when a school district has one or more schools with grade of “D” or “F” and requires such school district to enter a memorandum of understanding that addresses the selection, placement, and expectations of instructional personnel and provides principals with the autonomy specified in law under the Principal Autonomy Pilot Program Initiative.
- Requires a school that earns 3 consecutive grades below a “C” to implement specified turnaround options, unless the State Board of Education (SBE) grants the school an additional year to implement a district-managed turnaround plan if the SBE determines that the school is likely to improve to a grade of “C” or higher after the first school year of implementation.
- Revises the turnaround options for low-performing schools by eliminating the hybrid option and maintaining the other turnaround options, with a modification, that requires such schools to:
  - Reassign the students to another school and monitor student progress;
  - Close and reopen as a charter school; or
  - Contract with an outside entity with a demonstrated record of effectiveness to operate the school, and such entity may include a district-managed charter school in which all instructional personnel are not school district employees, but are employees of an independent governing board composed of members that did not participate in the charter’s review or approval.
- Requires the Commissioner of Education (commissioner) to also assign a community assessment team to each school district or charter school governing board with a school that received a grade of “D.”

***Charter Schools***

- Requires a sponsor and a charter school governing board to use the standard charter contract, adopted in rule by the SBE.
- Provides that any term or condition differing from the standard contract must be presumed a limitation on charter school flexibility.

- Authorizes a high-performing charter school to establish more than one charter school within the state in any year if the charter school operates in the area of a persistently low-performing school and serves students from that school.
- Authorizes a high-performing charter school system to replicate its high-performing charter schools in any school district in the state and specifies standard application requirements.
- Specifies that for charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Additionally, the bill modifies the following charter school funding provisions:
  - Revises eligibility criteria for charter school capital outlay funding and use of such funds.
  - Requires school districts to share local capital outlay millage revenue with charter schools, and establishes a formula for this purpose.
  - Modifies the criteria for designating a charter school system's governing board as a local educational agency for purposes of receiving federal funds.
  - Clarifies administrative fees for charter schools, high-performing charter schools, and charter school systems.
- Expands the purposes for forming charter school cooperative organizations to specify that such cooperatives may provide services to further education, operational, and administrative initiatives.
- Specifies that certain facilities may provide space to high-impact schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, land use charter, or any other form of approval.
- Specifies that the waiver of sovereign immunity for the purpose of tort liability that applies to a charter school, does not extend to any for-profit entity contracted by the charter school or its governing body.
- Requires each charter school to annually complete and submit a survey, in a format specified by the Department of Education (DOE), to rate the timeliness and quality of services provided by the applicable school district, and requires the DOE to compile the survey results.
- Eliminates the requirement for the Department of Education to compare student performance data of charter schools within a school district with public schools within that district, and with the other charter schools in Florida as well as the posting of such information on each charter school's Internet website.
- Authorizes an exemption from controlled open enrollment requirements for a charter school if such school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

### *Schools of Hope*

- Establishes "school of hope" and "hope operator" to serve students in persistently low-performing schools.

- Defines school of hope to mean a charter school that is operated by a hope operator:
  - That serves students from one or more persistently low-performing schools, is located in the attendance zone of a persistently low-performing school or within in a 5-mile radius of such school, whichever is greater, and is a Title I eligible school.
  - Or, pursuant to implementing a turnaround option, the school is operated by a hope operator that may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.
- Defines persistently low-performing school to mean a school that has received 3 consecutive grades below a “C” and a school that was closed within two years after a hope operator submits to a school district a notice of intent to open a school of hope.
- Defines hope operator as a tax exempt, nonprofit organization that operates 3 or more charter schools that serve students in kindergarten through grade 12 in Florida or other states with a record of serving students from low-income families.
- Establishes a process for a hope operator to submit to a school district a notice of intent and execute a performance-based agreement with the applicable school district to open a school of hope; and specifies timeframe and SBE responsibilities.
  - Provides that a school district that does not enter into a performance-based agreement with a hope operator within 60 days after receipt of the notice of intent must reduce the administrative fees withheld for all charter schools within the district to 1 percent until the agreement is executed.
  - Specifies that the initial status as a hope operator is valid for 5 years from opening of a school of hope, and the renewal of such status must be based solely upon the academic and financial performance of all schools established by the operator in the state since its initial designation.
- Creates the Schools of Hope Program, within the DOE, to distribute funds to a school of hope for specified expenditures.
  - Requires the SBE to provide, from the Schools of Hope Program, awards for up to 25 traditional public schools and prioritize awards for district-managed turnaround plans for implementation that are based on whole school transformation and that are developed in consultation with the school’s principal.
  - Specifies such schools may receive up to \$2,000 per full-time equivalent (FTE) student, based upon the strength of the school’s plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships.
- Specifies that the waiver of sovereign immunity for the purposes of tort liability applies to the hope operator, the school of hope, and its employees or agents, but does not extend to any for-profit entity contracted by the charter school or its governing body.
- Creates the Schools of Hope Revolving Loan Program to provide funds to hope operators to meet school building construction needs and pay for expenses related to startup costs.

### ***Title I Funding***

- Specifies that after providing Title I funds to schools above the 75 percent poverty threshold, a school district must distribute remaining Title I funds directly to all eligible schools and provides that before the distribution of Title I funds, a school district may only withhold funds at specified amounts for certain purposes.

### ***Schools of Excellence***

- Creates the Schools of Excellence Program to provide administrative flexibility to the state's highest performing schools including, but not limited to, traditional public schools, so that the instructional personnel and administrative staff at such schools can continue to serve their communities and increase student learning.
  - Requires the SBE to designate a school as a School of Excellence if the school's percentage of possible points earned in its school grades calculation is in the 80th percentile or higher for schools comprised of the same grade groupings (including elementary schools, middle schools, high schools, and schools with a combination of grade levels) for at least 2 of the last 3 school years.
  - Specifies that the initial designation is valid for up to 3 years and authorizes renewal of the designation if the school was in the 80th percentile or higher for 2 of the previous 3 years and the school did not receive a school grade lower than a "B" during any of the previous 3 years.
- Provides qualifying schools the following administrative flexibilities:
  - Exempts the school from any law or rule that requires a minimum period of daily or weekly reading instruction.
  - Grants the school principal autonomy as provided under the Principal Autonomy Pilot Program Initiative and the following:
    - The authority to select the placement or refuse to accept the placement or transfer of qualified instructional personnel by the district school superintendent;
    - The authority to deploy financial resources to school programs at the principal's discretion to help improve student achievement; and
    - The responsibility to annually provide a budget for the operations of the participating school to the district school superintendent and the district school board.
  - Authorizes instructional personnel to substitute 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of a professional certificate, up to 60 inservice points in a 5-year cycle.
  - Exempts the school from compliance with district policies or procedures that establish times for the start and completion of the school day.
  - Calculates compliance with the maximum class size requirements based on the average number of students at the school level.

***K-12 Student Assessment***

- Eliminates Algebra II end-of-course (EOC) assessment requirement.
- Deletes the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma.
- Requires English Language Arts (ELA) and mathematics statewide, standardized assessments for grades 3-6 to be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper-based no later than the 2018-2019 school year.
- Modifies the timeframe for administering statewide, standardized assessments to require that:
  - The grade 3 ELA assessment and the writing portion of the ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not exceeding 2 weeks.
  - Any statewide, standardized assessment that is delivered in a paper-based format, with the exception of the assessments specified above, must be administered no earlier than May 1 each year within an assessment window not exceeding 2 weeks.
  - All remaining statewide, standardized assessments must be administered within a 4-week assessment window that opens no earlier than May 1 each year.
- Specifies reporting of assessment results to students, parents, and teachers; and specifies the information that must be included in the results report.
- Requires DOE to publish statewide, standardized assessments on the department's website, which must occur no later than June 30, 2021, subject to appropriation.
- Requires the commissioner to contract for an independent study of the ACT and SAT as an alternative for grade 10 ELA assessment and Algebra I EOC assessment, consistent with federal requirements, and requires the commissioner to submit a report of the findings and recommendations to the Governor, the Legislature, and the SBE by January 1, 2018.
- Allows completion of blended learning course to satisfy online course requirement.

***Student Instruction***

- Eliminates student eligibility requirements for virtual instruction, including, but not limited to, the prior public school year requirement, and clarifies that all students, including home education and private school students, are eligible to participate in full-time virtual charter school as well as other full-time and part-time virtual instruction options throughout the state.
- Designates the month of September as "American Founders' Month," includes civic literacy as one of the priorities of Florida's K-20 education system, and requires postsecondary students to demonstrate civic literacy competence.
- Eliminates the required career and education planning course for middle grades promotion.

- Strengthens intervention and support strategies for students identified with a substantial reading deficiency.
- Requires superintendent to certify that K-5 reading instruction and intervention materials comply with criteria identified by Just Read, Florida! beginning July 1, 2021.
- Creates the Early Childhood Music Education Incentive Pilot Program, within the DOE, for a period of 3 years; establishes eligibility criteria for school districts to participate in the program; and requires the University of Florida's College of Education to evaluate effectiveness of program.

### *Early Learning*

- Defines “public school prekindergarten provider” to include a traditional public school and a charter school that is eligible to deliver the school-year Voluntary Prekindergarten Education Program (VPK).
- Establishes the Committee on Early Grade Success, within the DOE, to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, VPK, and the Kindergarten Readiness Assessment; requires the committee to submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2017.
- Requires data from statewide kindergarten screening, along with other available data, to be used in identifying students in need of interventions and support.

### *Educator Evaluation, Certification, and Bonus*

- Makes the use of the student learning growth model (i.e., the value-added model), using formulas approved by the commissioner, for personnel evaluation optional.
- Streamlines the temporary teacher certificate application process; revises the professional development certification and education competency program to specify a teacher mentorship and induction component; requires teacher preparation curriculum to include training in evidence-based, phonics-driven reading strategies; allows mentorship activities to count toward certification renewal and professional development; and requires training in evidence-based reading strategies for renewal of certain certificates.
- Prohibits a district school board from awarding an annual employment contract on the basis of any contingency or condition that is not expressly authorized in law by the Legislature.
- Eliminates the cap on bonuses awarded to teachers of International Baccalaureate, Advanced International Certificate of Education, Advanced Placement, and Career and Professional Education courses, whose students earn specified score on the applicable examination.
- Revises eligibility criteria for participation in the minority teacher education scholars program and authorizes a student to use the scholarship to pursue a graduate degree with a major in education that leads to initial certification.

### ***Florida Best and Brightest Teacher and Principal Scholarship***

- Expands the Florida Best and Brightest Teacher Scholarship Program:
  - Specifies an award amount of \$6,000 for a classroom teacher who meets the eligibility criteria specified in law.
  - Revises eligibility criteria for the scholarship, beginning with the 2020-2021 school year, to require that a classroom teacher achieve a composite score at or above the 77th percentile or, if the classroom teacher graduated cum laude or higher with a baccalaureate degree, the 71st percentile on the SAT, ACT, GRE, LSAT, GMAT, or MCAT based on the national percentile ranks in effect when the classroom teacher took the assessment, or have been evaluated as highly effective in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired.
  - Provides a scholarship of \$1,200 to a classroom teacher who was evaluated as highly effective and a scholarship of up to \$800 to a classroom teacher evaluated as effective in the school year immediately preceding the year in which the scholarship will be awarded.
- Creates the Florida Best and Brightest Principal Scholarship Program:
  - Specifies that a school principal is eligible to receive a scholarship if he or she has served at his or her school for at least 2 consecutive school years, including the current school year, and the school has a ratio of best and brightest teachers to other classroom teachers that is at least the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.
  - Requires a school district to provide a best and brightest principal with the additional authority and responsibilities authorized under the Principal Autonomy Pilot Program Initiative for a minimum of 2 years.
  - Provides a scholarship of \$5,000 must be awarded to each eligible school principal assigned to a Title I school and a scholarship of \$4,000 to each eligible school principal who is not assigned to a Title I school.

### ***Gardiner Scholarship***

- Modifies the Gardiner Scholarship to expand student eligibility for the scholarship, and authorized uses of funds, and to define “inactive” account. Specifically, the bill expands the definition of disability, for purposes of the GSP, to include a child:
  - Identified as dual sensory impaired, as defined by the rules of the SBE and evidenced by reports from local school districts.

### ***Student and Parent Rights***

- Authorizes a parent to request and be granted permission for a student’s absence from school for treatment of autism spectrum disorder by a licensed health care practitioner or certified behavior analyst.

- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.
- Allows a student to possess and use topical sunscreen on school property or at a school-sponsored event without a physician's note or prescription if the sunscreen is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

### ***Recess***

- Requires each district school board to provide at least 100 minutes of supervised, safe, unstructured free-play recess each week for students in kindergarten through grade 5 to allow for at least 20 consecutive minutes of free-play recess per day, and exempts charter schools from the specified requirements.

### ***School Visitation***

- Specifies that an individual district school board member may visit any school in his or her school district and an individual charter school governing board member may visit any charter school governed by the charter school's governing board, at his or her pleasure.

### ***Funding***

- Codifies the supplemental academic instruction calculation and extra hour of reading for the 300 lowest-performing elementary schools and allows for recalculation based on student membership from FTE surveys throughout the school year.
- Allows for recalculation of the Exception Student Education Guaranteed Allocation and the Federally Connected Student Supplement throughout the school year.
- Revises eligibility criteria for the Small, Isolated Schools Supplement.
- Codifies the Safe Schools Allocation and revisions to the Sparsity Supplement calculation.
- Eliminates the requirement for district school boards to adopt a digital classrooms plan and modifies the Florida Digital Classrooms Allocation:
  - Specifies that each school district must receive a minimum digital classrooms allocation in the amount provided in the General Appropriations Act; and
  - Requires that the funds be used for costs associated with acquiring and maintaining the items on the eligible services list authorized by the federal E-rate program; acquiring computer and device hardware and associated operating system software; and providing professional development to enhance the use of technology for digital instructional strategies.
- Modifies eligibility and the funding calculation for the High Growth District Capital Outlay Assistance Grant Program.
- Revises uses of school district capital outlay millage funds, including, until July 1, 2018, authority to spend the funds on payout of accrued sick and annual leave for individuals

who are no longer employed by a school district whose instructional program for all students has been transferred to a charter school operator (Jefferson County).

- Clarifies the calculation of capital outlay FTE (COFTE) to be consistent with current practice relative to facilities space needs and COFTE determination procedures and clarifies timelines and definitions for implementation of cost per student station standards and fund sources for new construction of educational plant space.
- Deletes the requirement that 50 percent of instructional materials allocation be used to purchase digital or electronic instructional materials.

In addition, the bill:

- Establishes shared-use agreements to facilitate the shared use of school facilities including, but not limited to, charter schools and public colleges, by the community; and establishes a task force to identify barriers to creating such agreements, and specifies that the task force expires after submitting a report of its findings and recommendations to the Legislature by June 30, 2018.
- Expands the College-Preparatory Boarding Academy Pilot Program to include a student currently enrolled in grades 5-12, if it is determined by the operator that a seat is available.
- Modifies the designation of school grades to require a high school to include a student in its graduation rate if the student transfers from the high school to a private school with which the school district has a contractual relationship.
- Authorizes inclusion of concordant scores in determining an alternative school's school improvement rating.
- Revises eligibility criteria for a private postsecondary institution to participate in dual enrollment to eliminate the requirement that such institution be located and chartered in Florida, and be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and instead requiring such institution be accredited by a regional or national accrediting agency recognized by the United States Department of Education.
- Renames the ACT Aspire test as the preliminary ACT.

Appropriates \$413,950,000 in recurring General Revenue Funds and \$5 million in non-recurring General Revenue Funds to the DOE to be allocated as follows:

- \$233,950,000 for the Best and Brightest Teacher Scholarship Program and the Best and Brightest Principal Scholarship Program;
- \$30 million for continued implementation of the Gardiner Scholarship Program;
- \$10 million recurring and \$5 million nonrecurring funds to implement provisions of the act for changes to statewide student assessments; and
- The balance, \$140,000,000, to implement the remaining provisions of the act, which would include the Schools of Hope Program and the Schools of Hope Revolving Loan Program.

If approved by the Governor, these provisions take effect July 1, 2017, except as otherwise provided for Schools of Hope, certain school improvement provisions, and certain capital outlay funding requirements that are effective upon the bill becoming law.

*Vote: Senate 20-18; House 73-36*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**HB 781 — Designation of School Grades**

by Rep. Porter (SB 1222 by Senators Bradley and Hutson)

The bill modifies the criteria to establish a school feeder pattern by reducing the percentage of students required to be scheduled for assignment to a specific school from 60 percent to a majority. Accordingly, a school that serves any combination of K-3 students, that does not receive a school grade as a result of its students not being tested and included in the school grading system, will receive the school grade of a K-3 feeder pattern school identified by the Department of Education and verified by the district.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 38-0; House 116-0*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/HB 859 — Postsecondary Distance Education**

by Higher Education Appropriations Subcommittee; Post-Secondary Education Subcommittee; and Rep. Mariano and others (CS/SB 668 by Education Committee and Senators Bean and Bradley)

The bill authorizes Florida to participate in a reciprocity agreement with other states for the delivery of postsecondary distance education. Specifically, the bill:

- Requires each member state or institution participating in the reciprocity agreement to accept each other's authorization of accredited institutions to operate in their state to offer distance educational services beyond state boundaries.
- Defines institution as a public or private postsecondary institution degree-granting college or university that is accredited by a federally recognized accrediting body and that awards, at a minimum, associate-level degrees requiring at least 2 years of full-time equivalent college work.
- Creates the Postsecondary Reciprocal Distance Education Coordinating Council (council) to serve as the single portal entity designated by the state to administer the reciprocity agreement for distance educational services (reciprocity agreement) and serve as the interstate point of contact for questions, complaints, and other matters related to the reciprocity agreement.
  - Specifies the membership of the council to include the Chancellor of the State University System, the Chancellor of the Florida College System, the Commissioner of Education, the Executive Director of the Commission for Independent Education (CIE), and the President of the Independent Colleges and Universities of Florida, or their designees.
  - Specifies the responsibilities of the council, such as to review and approve applications from institutions in Florida to participate in the reciprocity agreement and establish an appeals process for institutions that are not approved to participate in the reciprocity agreement.
  - Requires the council to collect an annual fee from each Florida institution participating in the reciprocity agreement, which must be based on the Florida institution's total full-time equivalent enrollment, specifies caps on such fees, and requires annual reporting, by February 15, to the Governor and the Legislature.
  - Authorizes the council to revoke a Florida institution's approval to participate in the reciprocity agreement if the council determines that such institution is not in compliance with the terms and provisions of the reciprocity agreement.
- Authorizes the Governor to:
  - Request the council to convene for the purpose of reconsidering Florida's participation in the reciprocity agreement and requires the council to provide a recommendation to the Governor within 14 days.
  - Withdraw Florida from participation in the reciprocity agreement and provides the terms of such withdrawal.
- Provides that a non-Florida institution participating in the reciprocity agreement that offers degree programs and conducts activities limited to distance education degree

programs and activities in accordance with the reciprocity agreement is not under the jurisdiction of the CIE.

- Adds an exception to the current prohibition on an employee of an independent postsecondary educational institution from soliciting prospective students in Florida for enrollment in such institution to specify that the employee may solicit for an institution that is approved by the council to participate in the reciprocity agreement.
- Provides for the 2017-2018 fiscal year, an appropriation in the sum of \$225,534 in recurring funds from the Institutional Assessment Trust Fund to the Department of Education and two full-time equivalent positions with associated salary rate of 110,000 for implementing the provisions related to reciprocity for distance education.

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

*Vote: Senate 36-0; House 118-0*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/SB 890 — Direct-Support Organizations**

by Appropriations Committee; Education Committee; and Senators Bean and Montford

The bill extends the repeal date for the Florida Endowment Foundation for Vocational Rehabilitation (the Able Trust), the direct-support organization (DSO) of the Division of Vocational Rehabilitation (DVR) within the Florida Department of Education (DOE) from October 1, 2017 to October 1, 2019.

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

- Account for state and private funds separately.
- Limit administrative costs to 15 percent of the total estimated expenditures in any calendar year.
- Publish certain information on The Able Trust’s website, such as a copy of each contract the Able Trust enters into.
- Hold a competitive solicitation process for any allocation of funds for research, advertising or consulting.

Additionally, the bill:

- Revises the distribution of proceeds from civil penalties collected by county courts from the Able Trust to the DVR.
- Removes the Able Trust as the custodial agent for the motorcycle specialty license plates fees and direct funds currently received by the Able Trust to the Grants and Donations Trust Fund of the DVR and other specified entities.
- Removes the Able Trust as administrator of the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program (program) and requires the Florida Association of Centers for Independent Living to administer the program.
- Reduces program administrative costs from 12 percent to 10 percent of funds provided from fees for motorcycle specialty license plates and the tax collection enforcement diversion program.
- Requires the program oversight council to submit a report to the Governor, Legislature, and Commissioner of Education by February 1 of each year, which summarizes the performance of the program.
- Modifies the deadline, from February 1 to December 30, for the board of directors of the Able Trust to submit an annual report to the Governor, Legislature, and the Commissioner of Education and specifies additional information that must be included in the report.

The bill also modifies current law regarding citizen support organizations and DSOs to require that the contract between a CSO or DSO and an agency include a provision for the orderly cessation of operations and reversion to the state any state funds held in trust by the organization within 30 days after the authorizing statute for the DSO is repealed, the contract is terminated, or the DSO is dissolved.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 34-1; House 118-0*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/SB 896 — Florida Prepaid College Board**

by Appropriations Committee; Education Committee; and Senator Simmons

The bill extends the repeal date for the Florida Prepaid College Board's direct-support organization from October 1, 2017, to October 1, 2022, and modifies the requirement for disclosure of financial interests for certain members of the Florida Prepaid College Board. Specifically, the bill requires the following members of the Florida Prepaid College Board to file a Statement of Financial Interests (Form 1) rather than the Full and Public Disclosure of Financial Interests (Form 6) that is currently required:

- The Chancellor of the State University System;
- The Chancellor of the Division of Florida Colleges; and
- An individual who is appointed by the Governor and who is not a constitutional officer or candidate for constitutional office.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 37-0; House 117-0*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/HB 989 — Instructional Materials**

by Education Committee; PreK-12 Quality Subcommittee; and Rep. Donalds and others (CS/CS/SB 1210 by Appropriations Committee; Education Committee; and Senators Lee, Mayfield, Steube, Hutson, Artiles, Bean, and Passidomo)

The bill provides for transparency in the district-level adoption process and more opportunities for a review of materials made available to students. Specifically, the bill:

- Modifies the district school board duties regarding the adoption of instructional materials for use in schools to specify that a district school board is responsible for the content of any material that is made available in a school library, or included on a reading list.
- Defines the terms “resident” to mean a person who has maintained his or her residence in the state for the preceding year, has purchased a home that is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to Florida law.
- Authorizes a county resident, in addition to a parent, to object to the adoption of a specific instructional material.
  - Modifies the current public hearing process at the district level to specify that for all petitions timely received, at least one open public hearing must be conducted before an unbiased and qualified hearing officer who is not an employee or agent of the school district.
- Authorizes a parent or a county resident to object to the use of a specific instructional material and requires the process provide the parent or resident the opportunity to proffer evidence to the district school board that such material does not meet the state criteria or contains prohibited content, or is otherwise inappropriate or unsuitable for the grade level and age group for which the material is used.
  - Requires a district school board to discontinue the use of a material that the board finds inappropriate or unsuitable.
- Requires a school district, upon written request, to provide access to any material or book specified in the request that is maintained in a district school system library and is available for review.
- Requires each district school board to maintain on its website a current list of instructional materials, by grade level, purchased by the district.
  - Defines “purchase” to include purchase, lease, license, or acquire.
- Specifies that, except for a school district or consortium of school districts that implements an instructional materials program, each district school board must use the annual instructional materials allocation only for the purchase of materials that align with state standards and are included on the state-adopted list, except as otherwise authorized.
  - Eliminates the current requirement that at least 50 percent of the annual instructional materials allocation be used to purchase digital or electronic instructional materials.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 19-17; House 94-25*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/HB 1109 — Private School Student Participation in Extracurricular Activities**

by Education Committee; and Rep. Antone and others (SB 1302 by Senator Gibson)

The bill revises eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports. Specifically, the bill requires the Florida High School Athletic Association (FHSAA), in cooperation with each district school board, to allow a student attending a private school that is not a member of the FHSAA to participate in interscholastic or intrascholastic sports at a public school to which the student:

- Would be assigned pursuant to district school board attendance area policies and procedures; or
- Could choose to attend pursuant to controlled open enrollment, provided that the public school has not reached capacity as determined by the school board.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 38-0; House 119-0*

THE FLORIDA SENATE  
2017 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**HB 6037 — Blind Services Direct-support Organization**

by Rep. Fisher (CS/SB 1458 by Education Committee and Senator Simmons)

The bill removes the scheduled repeal date for the Blind Services Foundation of Florida, Inc., which serves as the direct-support organization for the Division of Blind Services.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 36-0; House 118-0*