

Bill No. SB 30-A

Amendment No. \_\_\_\_ Barcode 952586

CHAMBER ACTION

Senate

House

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Senators Aronberg, Campbell and Bullard moved the following amendment:

**Senate Amendment (with title amendment)**

On page 39, line 14, through  
page 40, line 22, delete those lines

and insert:

Section 9. Paragraph (b) of subsection (3), paragraph (c) of subsection (4), and paragraphs (a) and (d) of subsection (6) of section 220.187, Florida Statutes, are amended, and paragraphs (e) and (f) are added to subsection (5) of that section and subsections (8) through (15) are added to that section, to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.--

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

(b) The total amount of tax credits and carryforward of tax credits ~~credit~~ which may be granted each state fiscal year under this section is ~~\$88.50~~ \$50 million.

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1 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT

2 SCHOLARSHIP-FUNDING ORGANIZATIONS.--

3 (c) The amount of a scholarship provided to any child  
4 for any single school year by all eligible nonprofit  
5 scholarship-funding organizations from eligible contributions  
6 shall not exceed the following annual limits:

7 1. Beginning in the 2003-2004 school year, \$3,500  
8 ~~Three thousand five hundred dollars~~ for a scholarship awarded  
9 to a student enrolled in an eligible nonpublic school. The  
10 amount of the scholarship shall be adjusted annually based on  
11 the percentage change in the Consumer Price Index for the  
12 prior year.

13 2. Beginning in the 2003-2004 school year, \$500 ~~Five~~  
14 ~~hundred dollars~~ for a scholarship awarded to a student  
15 enrolled in a Florida public school that is located outside  
16 the district in which the student resides. The amount of the  
17 scholarship shall be adjusted annually based on the percentage  
18 change in the Consumer Price Index for the prior year.

19 (5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.--An  
20 eligible nonpublic school must:

21 (e) Ensure that each student in grade 3 and grade 10  
22 who receives a scholarship under this section takes the  
23 statewide assessment under s. 1008.22. The school district in  
24 which the eligible nonpublic school is located shall provide  
25 locations and times to take all statewide assessments required  
26 pursuant to s. 1008.22.

27 (f) Meet the requirements in subsections (10) through  
28 (15).

29 (6) ADMINISTRATION; RULES.--

30 (a) If the credit granted pursuant to this section is  
31 not fully used in any one year because of insufficient tax

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1 liability on the part of the corporation, the unused amount  
2 may not be carried forward for a period not to exceed 3 years;  
3 however, any taxpayer that seeks to carry forward an unused  
4 amount of tax credit must submit an application for allocation  
5 of tax credits or carryforward credits as required in  
6 paragraph (d) in the year that the taxpayer intends to use the  
7 carryforward. The total amount of tax credits and carryforward  
8 of tax credits granted each state fiscal year under this  
9 section is \$88 million. This carryforward applies to all  
10 approved contributions made after January 1, 2002. A taxpayer  
11 may not convey, assign, or transfer the credit authorized by  
12 this section to another entity unless all of the assets of the  
13 taxpayer are conveyed, assigned, or transferred in the same  
14 transaction.

15 (d) The department shall adopt rules necessary to  
16 administer this section, including rules establishing  
17 application forms and procedures and governing the allocation  
18 of tax credits and carryforward credits under this section on  
19 a first-come, first-served basis.

20 (8) PARENT OBLIGATIONS.--As a condition for  
21 scholarship payment pursuant to paragraph (4)(g), if the  
22 parent chooses for his or her child to attend an eligible  
23 nonpublic school, the parent must inform the child's school  
24 district within 15 days after such decision.

25 (9) STUDENT OBLIGATIONS.--

26 (a) Any student receiving a scholarship under this  
27 section must earn a passing score on the grade 10 Florida  
28 Comprehensive Assessment Test in reading, writing, and  
29 mathematics, according to the passing score established by  
30 State Board of Education rules for each part of the test, to  
31 qualify for a regular high school diploma.

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1       (b) The parents of a student receiving a scholarship  
2 under this section shall ensure the student takes all  
3 statewide assessments required pursuant to s. 1008.22.

4       (c) A student who fails to comply with this subsection  
5 shall forfeit the scholarship.

6       (10) Each private school shall establish a  
7 comprehensive program for student progression which must  
8 include:

9           (a) Standards for evaluating each student's  
10 performance, including how well he or she masters the  
11 performance standards approved by the State Board of  
12 Education.

13           (b) Specific levels of performance in reading,  
14 writing, science, and mathematics for each grade level,  
15 including the levels of performance on statewide assessments  
16 as defined by the Commissioner of Education, below which a  
17 student must receive remediation, or be retained within an  
18 intensive program that is different from the previous year's  
19 program and that takes into account the student's learning  
20 style.

21           (c) Appropriate alternative placement for a student  
22 who has been retained 2 or more years.

23       (11) Each private school shall allocate remedial and  
24 supplemental instruction resources to students in the  
25 following priority:

26           (a) Students who are deficient in reading by the end  
27 of grade 3.

28           (b) Students who fail to meet performance levels  
29 required for promotion consistent with the private school's  
30 plan for student progression required in paragraph (10)(b).

31       (12)(a) Each student who receives a scholarship under

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1 this section must participate in the statewide assessment  
2 tests required by s. 1008.22. Each student who does not meet  
3 specific levels of performance as determined by the  
4 Commissioner of Education on statewide assessments at selected  
5 grade levels, must be provided with additional diagnostic  
6 assessments to determine the nature of the student's  
7 difficulty and areas of academic need.

8       (b) The private school in which the student is  
9 enrolled must develop, in consultation with the student's  
10 parent, and must implement an academic improvement plan  
11 designed to assist the student in meeting state and school  
12 expectations for proficiency. Beginning with the 2003-2004  
13 school year, if the student has been identified as having a  
14 deficiency in reading, the academic improvement plan shall  
15 identify the student's specific areas of deficiency in  
16 phonemic awareness, phonics, fluency, comprehension, and  
17 vocabulary; the desired levels of performance in these areas;  
18 and the instructional and support services to be provided to  
19 meet the desired levels of performance. The private school  
20 shall also provide for the frequent monitoring of the  
21 student's progress in meeting the desired levels of  
22 performance. The private school shall assist teachers to  
23 implement research-based reading activities that have been  
24 shown to be successful in teaching reading to low-performing  
25 students. Remedial instruction provided during high school  
26 may not be in lieu of English and mathematics credits required  
27 for graduation.

28       (c) Upon subsequent evaluation, if the documented  
29 deficiency has not been remediated in accordance with the  
30 academic improvement plan, the student may be retained. Each  
31 student who does not meet the minimum performance expectations

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1 defined by the Commissioner of Education for the statewide  
2 assessment tests in reading, writing, science, and mathematics  
3 must continue to be provided with remedial or supplemental  
4 instruction until the expectations are met or the student  
5 graduates from high school or is not subject to compulsory  
6 school attendance.

7       (13)(a) Any student who exhibits a substantial  
8 deficiency in reading, based upon statewide assessments  
9 conducted in kindergarten or grade 1, grade 2, or grade 3, or  
10 through teacher observations, must be given intensive reading  
11 instruction immediately following the identification of the  
12 reading deficiency. The student's reading proficiency must be  
13 reassessed by school determined assessments or through teacher  
14 observations at the beginning of the grade following the  
15 intensive reading instruction. The student must continue to be  
16 provided with intensive reading instruction until the reading  
17 deficiency is remedied.

18       (b) Beginning with the 2003-2004 school year, if the  
19 student's reading deficiency, as identified in paragraph (a),  
20 is not remedied by the end of grade 3, as demonstrated by  
21 scoring at Level 2 or higher on the statewide assessment test  
22 in reading for grade 3, the student must be retained.

23       (c) Beginning with the 2003-2004 school year, the  
24 parent of any student who exhibits a substantial deficiency in  
25 reading, as described in paragraph (a), must be notified in  
26 writing of the following:

27           1. That his or her child has been identified as having  
28 a substantial deficiency in reading.

29           2. A description of the current services that are  
30 provided to the child.

31           3. A description of the proposed supplemental

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1 instructional services and supports that will be provided to  
2 the child that are designed to remediate the identified area  
3 of reading deficiency.

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

8 (14)(a) No student may be assigned to a grade level  
9 based solely on age or other factors that constitute social  
10 promotion.

11 (b) The school may only exempt students from mandatory  
12 retention, as provided in paragraph (13)(b), for good cause.  
13 Good cause exemptions shall be limited to the following:

14 1. Limited English proficient students who have had  
15 less than 2 years of instruction in an English for Speakers of  
16 Other Languages program.

17 2. Students with disabilities for whom participation  
18 in the statewide assessment program is not appropriate,  
19 consistent with the requirements of State Board of Education  
20 rule.

21 3. Students who demonstrate an acceptable level of  
22 performance on an alternative standardized reading assessment  
23 approved by the State Board of Education.

24 4. Students who demonstrate, through a student  
25 portfolio, that the student is reading on grade level as  
26 evidenced by demonstration of mastery of the Sunshine State  
27 Standards in reading equal to at least a Level 2 performance  
28 on the FCAT.

29 5. Students with disabilities who participate in the  
30 FCAT and who have received the intensive remediation in  
31 reading, as required by paragraph (12)(b), for more than 2

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1 years but still demonstrates a deficiency in reading and was  
2 previously retained in kindergarten, grade 1, or grade 2.

3 6. Students who have received the intensive  
4 remediation in reading as required by paragraph (12)(b) for 2  
5 or more years but still demonstrate a deficiency in reading  
6 and who were previously retained in kindergarten, grade 1, or  
7 grade 2 for a total of 2 years. Intensive reading instruction  
8 for students so promoted must include an altered instructional  
9 day based upon an academic improvement plan that includes  
10 specialized diagnostic information and specific reading  
11 strategies for each student. The school shall assist teachers  
12 to implement reading strategies that research has shown to be  
13 successful in improving reading among low performing readers.

14 (c) Requests for good cause exemptions for students  
15 from the mandatory retention requirement as described in  
16 subparagraphs (b)3. and 4. shall be made consistent with the  
17 following:

18 1. Documentation shall be submitted from the student's  
19 teacher to the school principal that indicates that the  
20 promotion of the student is appropriate and is based upon the  
21 student's academic record. In order to minimize paperwork  
22 requirements, such documentation shall consist only of the  
23 existing academic improvement plan, individual educational  
24 plan, if applicable, report card, or student portfolio.

25 2. The school principal shall review and discuss such  
26 recommendation with the teacher and make the determination as  
27 to whether the student should be promoted or retained.

28 (15)(a) In addition to the requirements in paragraph  
29 (13)(b), each private school must annually report to the  
30 parent of each student the progress of the student toward  
31 achieving state and school expectations for proficiency in



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1 reading, writing, science, and mathematics. The private school  
2 must report to the parent the student's results on each  
3 statewide assessment test. The evaluation of each student's  
4 progress must be based upon the student's classroom work,  
5 observations, tests, state assessments, and other relevant  
6 information. Progress reporting must be provided to the parent  
7 in writing in a format adopted by the school.

8 (b) Beginning with the 2003-2004 school year, each  
9 private school must annually report in writing to the parent  
10 the following information on the prior school year, unless the  
11 data reveals personally identifiable information about another  
12 individual student, pursuant to the requirements of the  
13 federal Family Educational Rights and Privacy Act of 1974, as  
14 amended:

15 1. The provisions of this section relating to school  
16 student progression and the school's policies and procedures  
17 on student retention and promotion.

18 2. By grade, the number and percentage of all students  
19 in grades 3 through 10 performing at Levels 1 and 2 on the  
20 reading portion of the FCAT.

21 3. By grade, the number and percentage of all students  
22 retained in grades 3 through 10.

23 4. Information on the total number of students who  
24 were promoted for good cause, by each category of good cause  
25 as specified in paragraph (14)(b).

26 5. Any revisions to the school's policy on student  
27 retention and promotion from the prior year.

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

31 And the title is amended as follows:

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On page 2, lines 26-28, delete those lines

and insert:

fiscal year; requiring certain students to take  
the Florida Comprehensive Assessment Test;  
requiring a passing score to qualify for a  
regular high school diploma; allowing tax  
credits to be carried forward; requiring  
certain parental obligations; providing for  
forfeiture of scholarship under certain  
circumstances; requiring remediation for  
certain students; providing remediation  
exceptions; requiring retention for certain  
students; providing reporting requirements;  
amending