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CHAMBER ACTION

Senate

House

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Floor: 1/AD/3R
5/1/2008 10:12 AM

Floor: AA
5/1/2008 9:44 PM

1 Senator Gaetz moved the following amendment:

2
3 Senate Amendment (with title amendment)

4 Delete everything after the enacting clause
5 and insert:

6
7 Section 1. Paragraph (e) of subsection (7) and subsection
8 (8) of section 11.45, Florida Statutes, are amended to read:

9 11.45 Definitions; duties; authorities; reports; rules.--

10 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.--

11 (e) The Auditor General shall notify the Governor or the
12 Commissioner of Education, as appropriate, and the Legislative
13 Auditing Committee of any audit report reviewed by the Auditor
14 General pursuant to paragraph (b) which contains a statement that
15 a local governmental entity, charter school, charter technical
16 career center, or district school board has met one or more of
17 the conditions specified in s. 218.503. If the Auditor General



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18 requests a clarification regarding information included in an
19 audit report to determine whether a local governmental entity,
20 charter school, charter technical career center, or district
21 school board has met one or more of the conditions specified in
22 s. 218.503, the requested clarification must be provided within
23 45 days after the date of the request. If the local governmental
24 entity, charter school, charter technical career center, or
25 district school board does not comply with the Auditor General's
26 request, the Auditor General shall notify the Legislative
27 Auditing Committee. If, after obtaining the requested
28 clarification, the Auditor General determines that the local
29 governmental entity, charter school, charter technical career
30 center, or district school board has met one or more of the
31 conditions specified in s. 218.503, he or she shall notify the
32 Governor or the Commissioner of Education, as appropriate, and
33 the Legislative Auditing Committee.

34 (8) RULES OF THE AUDITOR GENERAL.--The Auditor General, in
35 consultation with the Board of Accountancy, shall adopt rules for
36 the form and conduct of all financial audits performed by
37 independent certified public accountants pursuant to ss. 215.981,
38 218.39, 1001.453, 1004.28, and 1004.70. The rules for audits of
39 local governmental entities, charter schools, charter school
40 technical career centers, and district school boards must
41 include, but are not limited to, requirements for the reporting
42 of information necessary to carry out the purposes of the Local
43 Governmental Entity, Charter School, Charter Technical Career
44 Center, and District School Board Financial Emergencies Act as
45 stated in s. 218.501.

46 Section 2. Section 218.50, Florida Statutes, is amended to
47 read:



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48 218.50 Short title.--Sections 218.50-218.504 may be cited
49 as the "Local Governmental Entity, Charter School, Charter
50 Technical Career Center, and District School Board Financial
51 Emergencies Act."

52 Section 3. Section 218.501, Florida Statutes, is amended to
53 read:

54 218.501 Purposes.--The purposes of ss. 218.50-218.504 are:

55 (1) To promote the fiscal responsibility of local
56 governmental entities, charter schools, charter technical career
57 centers, and district school boards.

58 (2) To assist local governmental entities, charter schools,
59 charter technical career centers, and district school boards in
60 providing essential services without interruption and in meeting
61 their financial obligations.

62 (3) To assist local governmental entities, charter schools,
63 charter technical career centers, and district school boards
64 through the improvement of local financial management procedures.

65 Section 4. Subsections (1), (2), and (4) of section
66 218.503, Florida Statutes, are amended to read:

67 218.503 Determination of financial emergency.--

68 (1) Local governmental entities, charter schools, charter
69 technical career centers, and district school boards shall be
70 subject to review and oversight by the Governor, the charter
71 school sponsor, the charter technical career center sponsor, or
72 the Commissioner of Education, as appropriate, when any one of
73 the following conditions occurs:

74 (a) Failure within the same fiscal year in which due to pay
75 short-term loans or failure to make bond debt service or other
76 long-term debt payments when due, as a result of a lack of funds.



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77 (b) Failure to pay uncontested claims from creditors within
78 90 days after the claim is presented, as a result of a lack of
79 funds.

80 (c) Failure to transfer at the appropriate time, due to
81 lack of funds:

- 82 1. Taxes withheld on the income of employees; or
- 83 2. Employer and employee contributions for:
 - 84 a. Federal social security; or
 - 85 b. Any pension, retirement, or benefit plan of an employee.

86 (d) Failure for one pay period to pay, due to lack of
87 funds:

- 88 1. Wages and salaries owed to employees; or
- 89 2. Retirement benefits owed to former employees.

90 (e) An unreserved or total fund balance or retained
91 earnings deficit, or unrestricted or total net assets deficit, as
92 reported on the balance sheet or statement of net assets on the
93 general purpose or fund financial statements, for which
94 sufficient resources of the local governmental entity, as
95 reported on the balance sheet or statement of net assets on the
96 general purpose or fund financial statements, are not available
97 to cover the deficit. Resources available to cover reported
98 deficits include net assets that are not otherwise restricted by
99 federal, state, or local laws, bond covenants, contractual
100 agreements, or other legal constraints. Fixed or capital assets,
101 the disposal of which would impair the ability of a local
102 governmental entity to carry out its functions, are not
103 considered resources available to cover reported deficits.

104 (2) A local governmental entity shall notify the Governor
105 and the Legislative Auditing Committee, a charter school shall
106 notify the charter school sponsor and the Legislative Auditing



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107 | Committee, a charter technical career center shall notify the
108 | charter technical career center sponsor and the Legislative
109 | Auditing Committee, and a district school board shall notify the
110 | Commissioner of Education and the Legislative Auditing Committee,
111 | when one or more of the conditions specified in subsection (1)
112 | have occurred or will occur if action is not taken to assist the
113 | local governmental entity, charter school, charter school
114 | technical career center, or district school board. In addition,
115 | any state agency must, within 30 days after a determination that
116 | one or more of the conditions specified in subsection (1) have
117 | occurred or will occur if action is not taken to assist the local
118 | governmental entity, charter school, charter school technical
119 | career center, or district school board, notify the Governor,
120 | charter school sponsor, charter school technical career center
121 | sponsor, or the Commissioner of Education, as appropriate, and
122 | the Legislative Auditing Committee.

123 | (4) (a) Upon notification that one or more of the conditions
124 | in subsection (1) exist, the charter school sponsor or the
125 | sponsor's designee and the Commissioner of Education shall
126 | contact the charter school governing body to determine what
127 | actions have been taken by the charter school governing body to
128 | resolve the condition. The Commissioner of Education ~~charter~~
129 | ~~school sponsor~~ has the authority to require and approve a
130 | financial recovery plan, to be prepared by the charter school
131 | governing body, prescribing actions that will cause the charter
132 | school to no longer be subject to this section. ~~The Department of~~
133 | ~~Education shall establish guidelines for developing such plans.~~

134 | (b) Upon notification that one or more of the conditions in
135 | subsection (1) exist, the charter technical career center sponsor
136 | or the sponsor's designee and the Commissioner of Education shall



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137 contact the charter technical career center governing body to
138 determine what actions have been taken by the charter technical
139 career center governing body to resolve the condition. The
140 Commissioner of Education may require and approve a financial
141 recovery plan, to be prepared by the charter technical career
142 center governing body, prescribing actions that will cause the
143 charter technical career center to no longer be subject to this
144 section.

145 (c) The Commissioner of Education shall determine if the
146 charter school or charter technical career center needs a
147 financial recovery plan to resolve the condition. If the
148 Commissioner of Education determines that a financial recovery
149 plan is needed, the charter school or charter technical career
150 center is considered to be in a state of financial emergency.

151
152 The Department of Education, with the involvement of sponsors,
153 charter schools, and charter technical career centers, shall
154 establish guidelines for developing such plans.

155 Section 5. Section 218.504, Florida Statutes, is amended to
156 read:

157 218.504 Cessation of state action.--The Governor or the
158 Commissioner of Education, as appropriate, has the authority to
159 terminate all state actions pursuant to ss. 218.50-218.504.
160 Cessation of state action must not occur until the Governor or
161 the Commissioner of Education, as appropriate, has determined
162 that:

163 (1) The local governmental entity, charter school, charter
164 technical career center, or district school board:

165 (a) Has established and is operating an effective financial
166 accounting and reporting system.



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167 (b) Has resolved the conditions outlined in s. 218.503(1).

168 (2) None of the conditions outlined in s. 218.503(1)

169 exists.

170 Section 6. Paragraph (b) of subsection (5), paragraphs (a),
171 (b), and (g) of subsection (6), paragraph (a) of subsection (7),
172 paragraph (d) of subsection (8), paragraphs (g) through (q) of
173 subsection (9), paragraph (a) of subsection (10), and subsections
174 (17), (21), and (23) of section 1002.33, Florida Statutes, are
175 amended, present subsection (24) of that section is redesignated
176 as subsection (26), and a new subsection (24) and subsection (25)
177 are added to that section, to read:

178 1002.33 Charter schools.--

179 (5) SPONSOR; DUTIES.--

180 (b) Sponsor duties.--

181 1.a. The sponsor shall monitor and review the charter
182 school in its progress toward the goals established in the
183 charter.

184 b. The sponsor shall monitor the revenues and expenditures
185 of the charter school and perform the duties provided for in s.
186 1002.345.

187 c. The sponsor may approve a charter for a charter school
188 before the applicant has secured space, equipment, or personnel,
189 if the applicant indicates approval is necessary for it to raise
190 working funds.

191 d. The sponsor's policies shall not apply to a charter
192 school unless mutually agreed to by both the sponsor and the
193 charter school.

194 e. The sponsor shall ensure that the charter is innovative
195 and consistent with the state education goals established by s.
196 1000.03(5).



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197 f. The sponsor shall ensure that the charter school
198 participates in the state's education accountability system. If a
199 charter school falls short of performance measures included in
200 the approved charter, the sponsor shall report such shortcomings
201 to the Department of Education.

202 g. The sponsor shall not be liable for civil damages under
203 state law for personal injury, property damage, or death
204 resulting from an act or omission of an officer, employee, agent,
205 or governing body of the charter school.

206 h. The sponsor shall not be liable for civil damages under
207 state law for any employment actions taken by an officer,
208 employee, agent, or governing body of the charter school.

209 i. The sponsor's duties to monitor the charter school shall
210 not constitute the basis for a private cause of action.

211 j. The sponsor shall not impose additional reporting
212 requirements on a charter school without providing reasonable and
213 specific justification in writing to the charter school.

214 2. Immunity for the sponsor of a charter school under
215 subparagraph 1. applies only with respect to acts or omissions
216 not under the sponsor's direct authority as described in this
217 section.

218 3. Nothing contained in this paragraph shall be considered
219 a waiver of sovereign immunity by a district school board.

220 4. A community college may work with the school district or
221 school districts in its designated service area to develop
222 charter schools that offer secondary education. These charter
223 schools must include an option for students to receive an
224 associate degree upon high school graduation. District school
225 boards shall cooperate with and assist the community college on
226 the charter application. Community college applications for



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227 charter schools are not subject to the time deadlines outlined in
228 subsection (6) and may be approved by the district school board
229 at any time during the year. Community colleges shall not report
230 FTE for any students who receive FTE funding through the Florida
231 Education Finance Program.

232 (6) APPLICATION PROCESS AND REVIEW.--Charter school
233 applications are subject to the following requirements:

234 (a) A person or entity wishing to open a charter school
235 shall prepare and submit an application on a model application
236 form prepared by the Department of Education, in conjunction with
237 the Florida Schools of Excellence Commission, which ~~that~~:

238 1. Demonstrates how the school will use the guiding
239 principles and meet the statutorily defined purpose of a charter
240 school.

241 2. Provides a detailed curriculum plan that illustrates how
242 students will be provided services to attain the Sunshine State
243 Standards.

244 3. Contains goals and objectives for improving student
245 learning and measuring that improvement. These goals and
246 objectives must indicate how much academic improvement students
247 are expected to show each year, how success will be evaluated,
248 and the specific results to be attained through instruction.

249 4. Describes the reading curriculum and differentiated
250 strategies that will be used for students reading at grade level
251 or higher and a separate curriculum and strategies for students
252 who are reading below grade level. A sponsor shall deny a charter
253 if the school does not propose a reading curriculum that is
254 consistent with effective teaching strategies that are grounded
255 in scientifically based reading research.



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256 5. Contains an annual financial plan for each year
257 requested by the charter for operation of the school for up to 5
258 years. This plan must contain anticipated fund balances based on
259 revenue projections, a spending plan based on projected revenues
260 and expenses, and a description of controls that will safeguard
261 finances and projected enrollment trends.

262 6. Documents that the applicant has participated in the
263 training required in subparagraph (g)2. A sponsor may require an
264 applicant to provide additional information as an addendum to the
265 charter school application as described in this paragraph.

266 (b) A sponsor shall receive and review all applications for
267 a charter school using an evaluation instrument developed by the
268 Department of Education. A sponsor may require an applicant to
269 provide additional information as an addendum to this evaluation
270 instrument. Beginning with the 2007-2008 school year, a sponsor
271 shall receive and consider charter school applications received
272 on or before August 1 of each calendar year for charter schools
273 to be opened at the beginning of the school district's next
274 school year, or to be opened at a time agreed to by the applicant
275 and the sponsor. A sponsor may receive applications later than
276 this date if it chooses. A sponsor may not charge an applicant
277 for a charter any fee for the processing or consideration of an
278 application, and a sponsor may not base its consideration or
279 approval of an application upon the promise of future payment of
280 any kind.

281 1. In order to facilitate an accurate budget projection
282 process, a sponsor shall be held harmless for FTE students who
283 are not included in the FTE projection due to approval of charter
284 school applications after the FTE projection deadline. In a
285 further effort to facilitate an accurate budget projection,



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286 within 15 calendar days after receipt of a charter school
287 application, a sponsor shall report to the Department of
288 Education the name of the applicant entity, the proposed charter
289 school location, and its projected FTE.

290 2. In order to ensure fiscal responsibility, an application
291 for a charter school shall include a full accounting of expected
292 assets, a projection of expected sources and amounts of income,
293 including income derived from projected student enrollments and
294 from community support, and an expense projection that includes
295 full accounting of the costs of operation, including start-up
296 costs.

297 3. A sponsor shall by a majority vote approve or deny an
298 application no later than 60 calendar days after the application
299 is received, unless the sponsor and the applicant mutually agree
300 in writing to temporarily postpone the vote to a specific date,
301 at which time the sponsor shall by a majority vote approve or
302 deny the application. If the sponsor fails to act on the
303 application, an applicant may appeal to the State Board of
304 Education as provided in paragraph (c). If an application is
305 denied, the sponsor shall, within 10 calendar days, articulate in
306 writing the specific reasons, based upon good cause, supporting
307 its denial of the charter application and shall provide the
308 letter of denial and supporting documentation to the applicant
309 and to the Department of Education supporting those reasons.

310 4. For budget projection purposes, the sponsor shall report
311 to the Department of Education the approval or denial of a
312 charter application within 10 calendar days after such approval
313 or denial. In the event of approval, the report to the Department
314 of Education shall include the final projected FTE for the
315 approved charter school.



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316 5. Upon approval of a charter application, the initial
317 startup shall commence with the beginning of the public school
318 calendar for the district in which the charter is granted unless
319 the sponsor allows a waiver of this provision for good cause.

320 (g)1. The Department of Education shall offer or arrange
321 for training and technical assistance to charter school
322 applicants in developing business plans and estimating costs and
323 income. This assistance shall address estimating startup costs,
324 projecting enrollment, and identifying the types and amounts of
325 state and federal financial assistance the charter school will be
326 eligible to receive. The department may provide other technical
327 assistance to an applicant upon written request.

328 2. A charter school applicant must participate in the
329 training provided by the Department of Education prior to filing
330 an application. However, a sponsor may require the charter school
331 applicant to attend training provided by the sponsor in lieu of
332 the department's training if the sponsor's training standards
333 meet or exceed the standards developed by the Department of
334 Education. The training shall include instruction in accurate
335 financial planning and good business practices. In addition to
336 the applicant, if the applicant is a management company or other
337 nonprofit organization, the charter school principal and the
338 chief financial officer must also participate in the training.

339 (7) CHARTER.--The major issues involving the operation of a
340 charter school shall be considered in advance and written into
341 the charter. The charter shall be signed by the governing body of
342 the charter school and the sponsor, following a public hearing to
343 ensure community input.

344 (a) The charter shall address, and criteria for approval of
345 the charter shall be based on:



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346 1. The school's mission, the students to be served, and the
347 ages and grades to be included.

348 2. The focus of the curriculum, the instructional methods
349 to be used, any distinctive instructional techniques to be
350 employed, and identification and acquisition of appropriate
351 technologies needed to improve educational and administrative
352 performance which include a means for promoting safe, ethical,
353 and appropriate uses of technology which comply with legal and
354 professional standards. The charter shall ensure that reading is
355 a primary focus of the curriculum and that resources are provided
356 to identify and provide specialized instruction for students who
357 are reading below grade level. The curriculum and instructional
358 strategies for reading must be consistent with the Sunshine State
359 Standards and grounded in scientifically based reading research.

360 3. The current incoming baseline standard of student
361 academic achievement, the outcomes to be achieved, and the method
362 of measurement that will be used. The criteria listed in this
363 subparagraph shall include a detailed description for each of the
364 following:

365 a. How the baseline student academic achievement levels and
366 prior rates of academic progress will be established.

367 b. How these baseline rates will be compared to rates of
368 academic progress achieved by these same students while attending
369 the charter school.

370 c. To the extent possible, how these rates of progress will
371 be evaluated and compared with rates of progress of other closely
372 comparable student populations.

373 The district school board is required to provide academic student
374 performance data to charter schools for each of their students
375 coming from the district school system, as well as rates of



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376 academic progress of comparable student populations in the
377 district school system.

378 4. The methods used to identify the educational strengths
379 and needs of students and how well educational goals and
380 performance standards are met by students attending the charter
381 school. Included in the methods is a means for the charter school
382 to ensure accountability to its constituents by analyzing student
383 performance data and by evaluating the effectiveness and
384 efficiency of its major educational programs. Students in charter
385 schools shall, at a minimum, participate in the statewide
386 assessment program created under s. 1008.22.

387 5. In secondary charter schools, a method for determining
388 that a student has satisfied the requirements for graduation in
389 s. 1003.43.

390 6. A method for resolving conflicts between the governing
391 body of the charter school and the sponsor.

392 7. The admissions procedures and dismissal procedures,
393 including the school's code of student conduct.

394 8. The ways by which the school will achieve a
395 racial/ethnic balance reflective of the community it serves or
396 within the racial/ethnic range of other public schools in the
397 same school district.

398 9. The financial and administrative management of the
399 school, including a reasonable demonstration of the professional
400 experience or competence of those individuals or organizations
401 applying to operate the charter school or those hired or retained
402 to perform such professional services and the description of
403 clearly delineated responsibilities and the policies and
404 practices needed to effectively manage the charter school. A
405 description of internal audit procedures and establishment of



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406 controls to ensure that financial resources are properly managed
407 must be included. Both public sector and private sector
408 professional experience shall be equally valid in such a
409 consideration.

410 10. The asset and liability projections required in the
411 application which are incorporated into the charter and which
412 shall be compared with information provided in the annual report
413 of the charter school. ~~The charter shall ensure that, if a~~
414 ~~charter school internal audit or annual financial audit reveals a~~
415 ~~state of financial emergency as defined in s. 218.503 or deficit~~
416 ~~financial position, the auditors are required to notify the~~
417 ~~charter school governing board, the sponsor, and the Department~~
418 ~~of Education. The internal auditor shall report such findings in~~
419 ~~the form of an exit interview to the principal or the principal~~
420 ~~administrator of the charter school and the chair of the~~
421 ~~governing board within 7 working days after finding the state of~~
422 ~~financial emergency or deficit position. A final report shall be~~
423 ~~provided to the entire governing board, the sponsor, and the~~
424 ~~Department of Education within 14 working days after the exit~~
425 ~~interview. When a charter school is in a state of financial~~
426 ~~emergency, the charter school shall file a detailed financial~~
427 ~~recovery plan with the sponsor. The department, with the~~
428 ~~involvement of both sponsors and charter schools, shall establish~~
429 ~~guidelines for developing such plans.~~

430 11. A description of procedures that identify various risks
431 and provide for a comprehensive approach to reduce the impact of
432 losses; plans to ensure the safety and security of students and
433 staff; plans to identify, minimize, and protect others from
434 violent or disruptive student behavior; and the manner in which
435 the school will be insured, including whether or not the school



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436 will be required to have liability insurance, and, if so, the
437 terms and conditions thereof and the amounts of coverage.

438 12. The term of the charter which shall provide for
439 cancellation of the charter if insufficient progress has been
440 made in attaining the student achievement objectives of the
441 charter and if it is not likely that such objectives can be
442 achieved before expiration of the charter. The initial term of a
443 charter shall be for 4 or 5 years. In order to facilitate access
444 to long-term financial resources for charter school construction,
445 charter schools that are operated by a municipality or other
446 public entity as provided by law are eligible for up to a 15-year
447 charter, subject to approval by the district school board. A
448 charter lab school is eligible for a charter for a term of up to
449 15 years. In addition, to facilitate access to long-term
450 financial resources for charter school construction, charter
451 schools that are operated by a private, not-for-profit, s.
452 501(c)(3) status corporation are eligible for up to a 15-year
453 charter, subject to approval by the district school board. Such
454 long-term charters remain subject to annual review and may be
455 terminated during the term of the charter, but only according to
456 the provisions set forth in subsection (8).

457 13. The facilities to be used and their location.

458 14. The qualifications to be required of the teachers and
459 the potential strategies used to recruit, hire, train, and retain
460 qualified staff to achieve best value.

461 15. The governance structure of the school, including the
462 status of the charter school as a public or private employer as
463 required in paragraph (12)(i).

464 16. A timetable for implementing the charter which
465 addresses the implementation of each element thereof and the date



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466 by which the charter shall be awarded in order to meet this
467 timetable.

468 17. In the case of an existing public school being
469 converted to charter status, alternative arrangements for current
470 students who choose not to attend the charter school and for
471 current teachers who choose not to teach in the charter school
472 after conversion in accordance with the existing collective
473 bargaining agreement or district school board rule in the absence
474 of a collective bargaining agreement. However, alternative
475 arrangements shall not be required for current teachers who
476 choose not to teach in a charter lab school, except as authorized
477 by the employment policies of the state university which grants
478 the charter to the lab school.

479 18. Full disclosure of the identity of all relatives
480 employed by the charter school who are related to the charter
481 school owner, president, chairperson of the governing board of
482 directors, superintendent, governing board member, principal,
483 assistant principal, or any other person employed by the charter
484 school having equivalent decisionmaking authority. For the
485 purpose of this subparagraph, the term "relative" means father,
486 mother, son, daughter, brother, sister, uncle, aunt, first
487 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
488 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
489 stepfather, stepmother, stepson, stepdaughter, stepbrother,
490 stepsister, half brother, or half sister.

491 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

492 (d) A charter may be terminated immediately if the sponsor
493 determines that good cause has been shown or if the health,
494 safety, or welfare of the students is threatened. The sponsor's
495 determination is not subject to an informal hearing under



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496 paragraph (b) or pursuant to chapter 120. The sponsor shall
497 notify in writing the charter school's governing body, the
498 charter school principal, and the department if a charter is
499 immediately terminated. The sponsor shall clearly identify the
500 specific issues that resulted in the immediate termination and
501 provide evidence of prior notification of issues resulting in the
502 immediate termination when appropriate. The school district in
503 which the charter school is located shall assume operation of the
504 school under these circumstances. The charter school's governing
505 board may, within 30 days after receiving the sponsor's decision
506 to terminate the charter, appeal the decision pursuant to the
507 procedure established in subsection (6).

508 (9) CHARTER SCHOOL REQUIREMENTS.--

509 ~~(g) A charter school shall provide for an annual financial~~
510 ~~audit in accordance with s. 218.39. Financial audits that reveal~~
511 ~~a state of financial emergency as defined in s. 218.503 and are~~
512 ~~conducted by a certified public accountant or auditor in~~
513 ~~accordance with s. 218.39 shall be provided to the governing body~~
514 ~~of the charter school within 7 working days after finding that a~~
515 ~~state of financial emergency exists. When a charter school is~~
516 ~~found to be in a state of financial emergency by a certified~~
517 ~~public accountant or auditor, the charter school must file a~~
518 ~~detailed financial recovery plan with the sponsor within 30 days~~
519 ~~after receipt of the audit.~~

520 (g)(h) In order to provide financial information that is
521 comparable to that reported for other public schools, charter
522 schools are to maintain all financial records which constitute
523 their accounting system:



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524 1. In accordance with the accounts and codes prescribed in
525 the most recent issuance of the publication titled "Financial and
526 Program Cost Accounting and Reporting for Florida Schools"; or

527 2. At the discretion of the charter school governing board,
528 a charter school may elect to follow generally accepted
529 accounting standards for not-for-profit organizations, but must
530 reformat this information for reporting according to this
531 paragraph.

532
533 Charter schools shall provide annual financial report and program
534 cost report information in the state-required formats for
535 inclusion in district reporting in compliance with s. 1011.60(1).
536 Charter schools that are operated by a municipality or are a
537 component unit of a parent nonprofit organization may use the
538 accounting system of the municipality or the parent but must
539 reformat this information for reporting according to this
540 paragraph. A charter school shall provide monthly financial
541 statements to the sponsor.

542 (h) ~~(i)~~ The governing board of the charter school shall
543 annually adopt and maintain an operating budget.

544 (i) ~~(j)~~ The governing body of the charter school shall
545 exercise continuing oversight over charter school operations.

546 (j) ~~(k)~~ The governing body of the charter school shall be
547 responsible for:

548 1. Ensuring that the charter school has retained the
549 services of a certified public accountant or auditor for the
550 annual financial audit, pursuant to s. 1002.345(2) ~~paragraph (g)~~,
551 who shall submit the report to the governing body.



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552 2. Reviewing and approving the audit report, including
553 audit findings and recommendations for the financial recovery
554 plan.

555 3.a. Performing the duties provided for in s. 1002.345,
556 including monitoring a corrective action plan.

557 b. Monitoring a financial recovery plan in order to ensure
558 compliance.

559 4. Participating in governance training approved by the
560 department that must include government in the sunshine,
561 conflicts of interest, ethics, and financial responsibility.

562 ~~(k)-(1)~~ The governing body of the charter school shall
563 report its progress annually to its sponsor, which shall forward
564 the report to the Commissioner of Education at the same time as
565 other annual school accountability reports. The Department of
566 Education shall develop a uniform, online annual accountability
567 report to be completed by charter schools. This report shall be
568 easy to utilize and contain demographic information, student
569 performance data, and financial accountability information. A
570 charter school shall not be required to provide information and
571 data that is duplicative and already in the possession of the
572 department. The Department of Education shall include in its
573 compilation a notation if a school failed to file its report by
574 the deadline established by the department. The report shall
575 include at least the following components:

576 1. Student achievement performance data, including the
577 information required for the annual school report and the
578 education accountability system governed by ss. 1008.31 and
579 1008.345. Charter schools are subject to the same accountability
580 requirements as other public schools, including reports of
581 student achievement information that links baseline student data



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582 | to the school's performance projections identified in the
583 | charter. The charter school shall identify reasons for any
584 | difference between projected and actual student performance.

585 | 2. Financial status of the charter school which must
586 | include revenues and expenditures at a level of detail that
587 | allows for analysis of the ability to meet financial obligations
588 | and timely repayment of debt.

589 | 3. Documentation of the facilities in current use and any
590 | planned facilities for use by the charter school for instruction
591 | of students, administrative functions, or investment purposes.

592 | 4. Descriptive information about the charter school's
593 | personnel, including salary and benefit levels of charter school
594 | employees, the proportion of instructional personnel who hold
595 | professional or temporary certificates, and the proportion of
596 | instructional personnel teaching in-field or out-of-field.

597 | (l) ~~(m)~~ A charter school shall not levy taxes or issue bonds
598 | secured by tax revenues.

599 | (m) ~~(n)~~ A charter school shall provide instruction for at
600 | least the number of days required by law for other public
601 | schools, and may provide instruction for additional days.

602 | (n) ~~(o)~~ The director and a representative of the governing
603 | body of a charter school that has received a school grade of "D"
604 | under s. 1008.34(2) shall appear before the sponsor or the
605 | sponsor's staff at least once a year to present information
606 | concerning each contract component having noted deficiencies. The
607 | sponsor shall communicate at the meeting, and in writing to the
608 | director, the services provided to the school to help the school
609 | address its deficiencies.

610 | (o) ~~(p)~~ Upon notification that a charter school receives a
611 | school grade of "D" for 2 consecutive years or a school grade of



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612 "F" under s. 1008.34(2), the charter school sponsor or the
613 sponsor's staff shall require the director and a representative
614 of the governing body to submit to the sponsor for approval a
615 school improvement plan to raise student achievement and to
616 implement the plan. The sponsor has the authority to approve a
617 school improvement plan that the charter school will implement in
618 the following school year. The sponsor may also consider the
619 State Board of Education's recommended action pursuant to s.
620 1008.33(1) as part of the school improvement plan. The Department
621 of Education shall offer technical assistance and training to the
622 charter school and its governing body and establish guidelines
623 for developing, submitting, and approving such plans.

624 1. If the charter school fails to improve its student
625 performance from the year immediately prior to the implementation
626 of the school improvement plan, the sponsor shall place the
627 charter school on probation and shall require the charter school
628 governing body to take one of the following corrective actions:

629 a. Contract for the educational services of the charter
630 school;

631 b. Reorganize the school at the end of the school year
632 under a new director or principal who is authorized to hire new
633 staff and implement a plan that addresses the causes of
634 inadequate progress; or

635 c. Reconstitute the charter school.

636 2. A charter school that is placed on probation shall
637 continue the corrective actions required under subparagraph 1.
638 until the charter school improves its student performance from
639 the year prior to the implementation of the school improvement
640 plan.



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641 3. Notwithstanding any provision of this paragraph, the
642 sponsor may terminate the charter at any time pursuant to the
643 provisions of subsection (8).

644 (p) ~~(q)~~ The director and a representative of the governing
645 body of a graded charter school that has submitted a school
646 improvement plan or has been placed on probation under paragraph
647 (o) ~~(p)~~ shall appear before the sponsor or the sponsor's staff at
648 least once a year to present information regarding the corrective
649 strategies that are being implemented by the school pursuant to
650 the school improvement plan. The sponsor shall communicate at the
651 meeting, and in writing to the director, the services provided to
652 the school to help the school address its deficiencies.

653 (10) ELIGIBLE STUDENTS.--

654 (a) A charter school shall be open to any student ~~covered~~
655 ~~in an interdistrict agreement or~~ residing in the school district
656 in which the charter school is located; however, in the case of a
657 charter lab school, the charter lab school shall be open to any
658 student eligible to attend the lab school as provided in s.
659 1002.32 or who resides in the school district in which the
660 charter lab school is located. Any ~~eligible~~ student shall be
661 allowed interdistrict transfer to attend a charter school when
662 based on good cause. Good cause shall include, but not be limited
663 to, geographic proximity to a charter school in a neighboring
664 school district.

665 (17) FUNDING.--Students enrolled in a charter school,
666 regardless of the sponsorship, shall be funded as if they are in
667 a basic program or a special program, the same as students
668 enrolled in other public schools in the school district. Funding
669 for a charter lab school shall be as provided in s. 1002.32.



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670 (a) Each charter school shall report its student enrollment
671 to the sponsor as required in s. 1011.62, and in accordance with
672 the definitions in s. 1011.61. The sponsor shall include each
673 charter school's enrollment in the district's report of student
674 enrollment. All charter schools submitting student record
675 information required by the Department of Education shall comply
676 with the Department of Education's guidelines for electronic data
677 formats for such data, and all districts shall accept electronic
678 data that complies with the Department of Education's electronic
679 format.

680 (b) The basis for the agreement for funding students
681 enrolled in a charter school shall be the sum of the school
682 district's operating funds from the Florida Education Finance
683 Program as provided in s. 1011.62 and the General Appropriations
684 Act, including gross state and local funds, discretionary lottery
685 funds, and funds from the school district's current operating
686 discretionary millage levy; divided by total funded weighted
687 full-time equivalent students in the school district; multiplied
688 by the weighted full-time equivalent students for the charter
689 school. Charter schools whose students or programs meet the
690 eligibility criteria in law shall be entitled to their
691 proportionate share of categorical program funds included in the
692 total funds available in the Florida Education Finance Program by
693 the Legislature, including transportation. Total funding for each
694 charter school shall be recalculated during the year to reflect
695 the revised calculations under the Florida Education Finance
696 Program by the state and the actual weighted full-time equivalent
697 students reported by the charter school during the full-time
698 equivalent student survey periods designated by the Commissioner
699 of Education. Florida Education Finance Program funds for a



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700 | charter school must be distributed to the charter school by the
701 | district school board within 10 days after receipt from the
702 | state.

703 | (c) If the district school board is providing programs or
704 | services to students funded by federal funds, any eligible
705 | students enrolled in charter schools in the school district shall
706 | be provided federal funds for the same level of service provided
707 | students in the schools operated by the district school board.
708 | Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter
709 | schools shall receive all federal funding for which the school is
710 | otherwise eligible, including Title I funding, not later than 5
711 | months after the charter school first opens and within 5 months
712 | after any subsequent expansion of enrollment.

713 | (d) District school boards shall make timely and efficient
714 | payment and reimbursement to charter schools, including
715 | processing paperwork required to access special state and federal
716 | funding for which they may be eligible. The district school board
717 | may distribute funds to a charter school for up to 3 months based
718 | on the projected full-time equivalent student membership of the
719 | charter school. Thereafter, the results of full-time equivalent
720 | student membership surveys shall be used in adjusting the amount
721 | of funds distributed monthly to the charter school for the
722 | remainder of the fiscal year. The payment shall be issued no
723 | later than 10 working days after the district school board
724 | receives a distribution of state or federal funds. If a warrant
725 | for payment is not issued within 10 working days after receipt of
726 | funding by the district school board, the school district shall
727 | pay to the charter school, in addition to the amount of the
728 | scheduled disbursement, interest at a rate of 1 percent per month
729 | calculated on a daily basis on the unpaid balance from the



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730 expiration of the 10 working days until such time as the warrant
731 is issued.

732 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--

733 (a) The Department of Education shall provide information
734 to the public, directly and through sponsors, both on how to form
735 and operate a charter school and on how to enroll in charter
736 schools once they are created. This information shall include a
737 standard application format, charter format, evaluation
738 instrument, and charter renewal format, which shall include the
739 information specified in subsection (7) and shall be developed by
740 consulting and negotiating with ~~both~~ school districts, the
741 Florida Schools of Excellence Commission, and charter schools
742 before implementation. The charter and charter renewal ~~These~~
743 formats shall be used as guidelines by charter school sponsors.

744 (b)1. The Department of Education shall report student
745 assessment data pursuant to s. 1008.34(3)(b) which is reported to
746 schools that receive a school grade pursuant to s. 1008.34 or
747 student assessment data pursuant to s. 1008.341(3) which is
748 reported to alternative schools that receive a school improvement
749 rating pursuant to s. 1008.341 to each charter school that:

750 a. Does not receive a school grade pursuant to s. 1008.34
751 or a school improvement rating pursuant to s. 1008.341; and

752 b. Serves at least 10 students who are tested on the
753 statewide assessment test pursuant to s. 1008.22.

754 2. The charter school shall report the information in
755 subparagraph 1. to each parent of a student at the charter
756 school, the parent of a child on a waiting list for the charter
757 school, the district in which the charter school is located, and
758 the governing board of the charter school. This paragraph does
759 not abrogate the provisions of s. 1002.22, relating to student



760 records, and the requirements of 20 U.S.C. s. 1232g, the Family
761 Educational Rights and Privacy Act.

762 3.a. Pursuant to this paragraph, the Department of
763 Education shall compare the charter school student performance
764 data for each charter school in subparagraph 1. with the student
765 performance data in traditional public schools in the district in
766 which the charter school is located and other charter schools in
767 the state. For alternative charter schools, the department shall
768 compare the student performance data described in this paragraph
769 with all alternative schools in the state. The comparative data
770 shall be provided by the following grade groupings:

771 (I) Grades 3 through 5;

772 (II) Grades 6 through 8; and

773 (III) Grades 9 through 11.

774 b. Each charter school shall provide the information in
775 this paragraph on its Internet website and also provide notice to
776 the public in a manner that notifies the community at large, as
777 provided by rules of the State Board of Education. The State
778 Board of Education shall adopt rules to administer the notice
779 requirements of this subparagraph pursuant to ss. 120.536(1) and
780 120.54. The website shall include, through links or actual
781 content, other information related to school performance.

782 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt
783 of the annual report required by paragraph (9)(k) ~~(9)(1)~~, the
784 Department of Education shall provide to the State Board of
785 Education, the Commissioner of Education, the Governor, the
786 President of the Senate, and the Speaker of the House of
787 Representatives an analysis and comparison of the overall
788 performance of charter school students, to include all students
789 whose scores are counted as part of the statewide assessment



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790 program, versus comparable public school students in the district
791 as determined by the statewide assessment program currently
792 administered in the school district, and other assessments
793 administered pursuant to s. 1008.22(3).

794 (24) RESTRICTION ON EMPLOYMENT OF RELATIVES.--

795 (a) This subsection applies to charter school personnel in
796 a charter school operated by a private entity. As used in this
797 subsection, the term:

798 1. "Charter school personnel" means a charter school owner,
799 president, chairperson of the governing board of directors,
800 superintendent, governing board member, principal, assistant
801 principal, or any other person employed by the charter school
802 having equivalent decisionmaking authority and in whom is vested
803 the authority, or to whom the authority has been delegated, to
804 appoint, employ, promote, or advance individuals or to recommend
805 individuals for appointment, employment, promotion, or
806 advancement in connection with employment in a charter school,
807 including the authority as a member of a governing body of a
808 charter school to vote on the appointment, employment, promotion,
809 or advancement of individuals.

810 2. "Relative" means father, mother, son, daughter, brother,
811 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
812 father-in-law, mother-in-law, son-in-law, daughter-in-law,
813 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
814 stepdaughter, stepbrother, stepsister, half brother, or half
815 sister.

816 (b) Charter school personnel may not appoint, employ,
817 promote, or advance, or advocate for appointment, employment,
818 promotion, or advancement, in or to a position in the charter
819 school in which the personnel are serving or over which the



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820 personnel exercises jurisdiction or control any individual who is
821 a relative. An individual may not be appointed, employed,
822 promoted, or advanced in or to a position in a charter school if
823 such appointment, employment, promotion, or advancement has been
824 advocated by charter school personnel who serve in or exercise
825 jurisdiction or control over the charter school and who is a
826 relative of the individual or if such appointment, employment,
827 promotion, or advancement is made by the governing board of which
828 a relative of the individual is a member.

829 (c) The requirements in paragraph (b) may be waived by the
830 Commissioner of Education or his or her designee for good cause.

831 (d) Mere approval of budgets does not constitute
832 "jurisdiction or control" for the purposes of this subsection.
833 Charter school personnel in schools operated by a municipality or
834 other public entity are subject to the provisions of s. 112.3135.

835 (25) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.--

836 (a) A member of a governing board of a charter school,
837 including a charter school operated by a private entity, is
838 subject to the provisions of ss. 112.313(2), (3), (7), and (12)
839 and 112.3143(3).

840 (b) A member of a governing board of a charter school
841 operated by a municipality or other public entity is subject to
842 the provisions of s. 112.3144, relating to the disclosure of
843 financial interests.

844 Section 7. Subsection (5), paragraph (a) of subsection (7),
845 paragraph (a) of subsection (11), and subsection (12) of section
846 1002.335, Florida Statutes, are amended to read:

847 1002.335 Florida Schools of Excellence Commission.--

848 (5) CHARTERING AUTHORITY.--



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849 (a) A charter school applicant may submit an application to
850 the commission only if the school district in which the FSE
851 charter school is to be located has not retained exclusive
852 authority to authorize charter schools as provided in paragraph
853 (e). If a district school board has not retained exclusive
854 authority to authorize charter schools as provided in paragraph
855 (e), the district school board and the commission shall have
856 concurrent authority to authorize charter schools and FSE charter
857 schools, respectively, to be located within the geographic
858 boundaries of the school district. The district school board
859 shall monitor and oversee all charter schools authorized by the
860 district school board pursuant to s. 1002.33. The commission
861 shall monitor and oversee all FSE charter schools sponsored by
862 the commission pursuant to subsection (4).

863 (b) Paragraph (e) may not be construed to eliminate the
864 ability of a district school board to authorize charter schools
865 pursuant to s. 1002.33. A district school board shall retain the
866 authority to reauthorize and to oversee any charter school that
867 it has authorized, except with respect to any charter school that
868 is converted to an FSE charter school under this section.

869 (c) For fiscal year 2008-2009 and every 4 fiscal years
870 ~~2007-2008 and for each fiscal year~~ thereafter, a district school
871 board may seek ~~to retain~~ exclusive authority to authorize charter
872 schools within the geographic boundaries of the school district
873 by presenting to the State Board of Education, on or before March
874 1 of the fiscal year prior to that for which the exclusive
875 authority is to apply, a written resolution adopted by the
876 district school board indicating the intent to seek ~~retain~~
877 exclusive authority to authorize charter schools. ~~A district~~
878 ~~school board may seek to retain the exclusive authority to~~



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879 | ~~authorize charter schools by presenting to the state board the~~
880 | ~~written resolution on or before a date 60 days after~~
881 | ~~establishment of the commission.~~ The written resolution shall be
882 | accompanied by a written description addressing the elements
883 | described in paragraph (e). The district school board shall
884 | provide a complete copy of the resolution, including the
885 | description, to each charter school authorized by the district
886 | school board on or before the date it submits the resolution to
887 | the state board.

888 | (d) A party may challenge the grant of exclusive authority
889 | made by the State Board of Education pursuant to paragraph (e) by
890 | filing with the state board a notice of challenge within 30 days
891 | after the state board grants exclusive authority. The notice
892 | shall be accompanied by a specific written description of the
893 | basis for the challenge. The challenging party, at the time of
894 | filing notice with the state board, shall provide a copy of the
895 | notice of challenge to the district school board that has been
896 | granted exclusive authority. The state board shall permit the
897 | district school board the opportunity to appear and respond in
898 | writing to the challenge. The state board shall make a
899 | determination upon the challenge within 60 days after receiving
900 | the notice of challenge.

901 | (e) The State Board of Education shall grant to a district
902 | school board exclusive authority to authorize charter schools
903 | within the geographic boundaries of the school district if the
904 | state board determines, after adequate notice, in a public
905 | hearing, and after receiving input from any charter school
906 | authorized by the district school board, that the district school
907 | board has provided fair and equitable treatment to its charter
908 | schools during the 4 years prior to the district school board's



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909 submission of the resolution described in paragraph (c). The
910 state board's review of the resolution shall, at a minimum,
911 include consideration of the following:

912 1. Compliance with the provisions of s. 1002.33.

913 2. Compliance with full and accurate accounting practices
914 and charges for central administrative overhead costs.

915 3. Compliance with requirements allowing a charter school,
916 at its discretion, to purchase certain services or a combination
917 of services at actual cost to the district.

918 4. The absence of a district school board moratorium
919 regarding charter schools or the absence of any districtwide
920 charter school enrollment limits.

921 5. Compliance with valid orders of the state board.

922 6. The provision of assistance to charter schools to meet
923 their facilities needs by including those needs in local bond
924 issues or otherwise providing available land and facilities that
925 are comparable to those provided to other public school students
926 in the same grade levels within the school district.

927 7. The distribution to charter schools authorized by the
928 district school board of a pro rata share of federal and state
929 grants received by the district school board, except for any
930 grant received for a particular purpose which, by its express
931 terms, is intended to benefit a student population not able to be
932 served by, or a program not able to be offered at, a charter
933 school that did not receive a proportionate share of such grant
934 proceeds.

935 8. The provision of adequate staff and other resources to
936 serve charter schools authorized by the district school board,
937 which services are provided by the district school board at a



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938 cost to the charter schools that does not exceed their actual
939 cost to the district school board.

940 9. The lack of a policy or practice of imposing individual
941 charter school enrollment limits, except as otherwise provided by
942 law.

943 10. The provision of an adequate number of educational
944 choice programs to serve students exercising their rights to
945 transfer pursuant to the "No Child Left Behind Act of 2001," Pub.
946 L. No. 107-110, and a history of charter school approval that
947 encourages chartering.

948 (f) The decision of the State Board of Education to grant
949 or deny exclusive authority to a district school board pursuant
950 to paragraph (e) shall be effective for 4 fiscal years, shall not
951 be subject to the provisions of chapter 120 and shall be a final
952 action subject to judicial review by the district court of
953 appeal.

954 (g) For district school boards that have no discernible
955 history of authorizing charter schools, the State Board of
956 Education may not grant exclusive authority unless the district
957 school board demonstrates that no approvable application has come
958 before the district school board.

959 (h) A grant of exclusive authority by the State Board of
960 Education shall continue so long as a district school board
961 continues to comply with this section ~~and has presented a written~~
962 ~~resolution to the state board as set forth in paragraph (c).~~

963 (i) Notwithstanding any other provision of this section to
964 the contrary, a district school board may permit the
965 establishment of one or more FSE charter schools within the
966 geographic boundaries of the school district by adopting a
967 favorable resolution and submitting the resolution to the State



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968 Board of Education. The resolution shall be effective until it is
969 rescinded by resolution of the district school board.

970 (7) COSPONSOR AGREEMENT.--

971 (a) Upon approval of a cosponsor, the commission and the
972 cosponsor shall enter into an agreement that defines the
973 cosponsor's rights and obligations and includes the following:

974 1. An explanation of the personnel, contractual and
975 interagency relationships, and potential revenue sources
976 referenced in the application as required in paragraph (6)(c).

977 2. Incorporation of the requirements of equal access for
978 all students, including any plans to provide food service or
979 transportation reasonably necessary to provide access to as many
980 students as possible.

981 3. Incorporation of the requirement to serve low-income,
982 low-performing, gifted, or underserved student populations.

983 4. An explanation of the academic and financial goals and
984 expected outcomes for the cosponsor's charter schools and the
985 method and plans by which they will be measured and achieved as
986 referenced in the application.

987 5. The conflict-of-interest policies referenced in the
988 application.

989 6. An explanation of the disposition of facilities and
990 assets upon termination and dissolution of a charter school
991 approved by the cosponsor.

992 7.a. A provision requiring the cosponsor to annually appear
993 before the commission and provide a report as to the information
994 provided pursuant to s. 1002.33(9)(k) ~~s. 1002.33(9)(1)~~ for each
995 of its charter schools.

996 b. A provision requiring the cosponsor to perform the
997 duties provided for in s. 1002.345.



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998 | c. A provision requiring the governing board to perform the
999 | duties provided for in s. 1002.345, including monitoring the
1000 | corrective action plan.

1001 | 8. A provision requiring that the cosponsor report the
1002 | student enrollment in each of its sponsored charter schools to
1003 | the district school board of the county in which the school is
1004 | located.

1005 | 9. A provision requiring that the cosponsor work with the
1006 | commission to provide the necessary reports to the State Board of
1007 | Education.

1008 | 10. Any other reasonable terms deemed appropriate by the
1009 | commission given the unique characteristics of the cosponsor.

1010 | (11) APPLICATION OF CHARTER SCHOOL STATUTE.--

1011 | (a) The provisions of s. 1002.33(7)-(12), (14), ~~and~~ (16)-
1012 | (19), (21)(b), (24), and (25) shall apply to the commission and
1013 | the cosponsors and charter schools approved pursuant to this
1014 | section.

1015 | (12) ACCESS TO INFORMATION.--The commission shall provide
1016 | maximum access to information to all parents in the state. It
1017 | shall maintain information systems, including, but not limited
1018 | to, a user-friendly Internet website, that will provide
1019 | information and data necessary for parents to make informed
1020 | decisions, including a link to the information provided in s.
1021 | 1002.33(21)(b)3.b. At a minimum, the commission must provide
1022 | parents with information on its accountability standards, links
1023 | to schools of excellence throughout the state, and public
1024 | education programs available in the state.

1025 | Section 8. Subsections (4) and (5), paragraphs (d) and (f)
1026 | of subsection (6), paragraph (c) of subsection (10), and



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1027 subsection (13) of section 1002.34, Florida Statutes, are amended
1028 to read:

1029 1002.34 Charter technical career centers.--

1030 (4) CHARTER.--A sponsor may designate centers as provided
1031 in this section. An application to establish a center may be
1032 submitted by a sponsor or another organization that is
1033 determined, by rule of the State Board of Education, to be
1034 appropriate. However, an independent school is not eligible for
1035 status as a center. The charter must be signed by the governing
1036 body of the center and the sponsor, and must be approved by the
1037 district school board and community college board of trustees in
1038 whose geographic region the facility is located. If a charter
1039 technical career center is established by the conversion to
1040 charter status of a public technical center formerly governed by
1041 a district school board, the charter status of that center takes
1042 precedence in any question of governance. The governance of the
1043 center or of any program within the center remains with its board
1044 of directors unless the board agrees to a change in governance or
1045 its charter is revoked as provided in subsection (15). Such a
1046 conversion charter technical career center is not affected by a
1047 change in the governance of public technical centers or of
1048 programs within other centers that are or have been governed by
1049 district school boards. A charter technical career center, or any
1050 program within such a center, that was governed by a district
1051 school board and transferred to a community college prior to the
1052 effective date of this act is not affected by this provision. An
1053 applicant who wishes to establish a center must submit to the
1054 district school board or community college board of trustees, or
1055 a consortium of one or more of each, an application on a form
1056 developed by the Department of Education which ~~that~~ includes:



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- 1057 (a) The name of the proposed center.
- 1058 (b) The proposed structure of the center, including a list
1059 of proposed members of the board of directors or a description of
1060 the qualifications for and method of their appointment or
1061 election.
- 1062 (c) The workforce development goals of the center, the
1063 curriculum to be offered, and the outcomes and the methods of
1064 assessing the extent to which the outcomes are met.
- 1065 (d) The admissions policy and criteria for evaluating the
1066 admission of students.
- 1067 (e) A description of the staff responsibilities and the
1068 proposed qualifications of the teaching staff.
- 1069 (f) A description of the procedures to be implemented to
1070 ensure significant involvement of representatives of business and
1071 industry in the operation of the center.
- 1072 (g) A method for determining whether a student has
1073 satisfied the requirements for graduation specified in s. 1003.43
1074 and for completion of a postsecondary certificate or degree.
- 1075 (h) A method for granting secondary and postsecondary
1076 diplomas, certificates, and degrees.
- 1077 (i) A description of and address for the physical facility
1078 in which the center will be located.
- 1079 (j) A method of resolving conflicts between the governing
1080 body of the center and the sponsor and between consortium
1081 members, if applicable.
- 1082 (k) A method for reporting student data as required by law
1083 and rule.
- 1084 (l) A statement that the applicant has participated in the
1085 training provided by the Department of Education.



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1086 (m) The identity of all relatives employed by the charter
1087 technical career center who are related to the center owner,
1088 president, chairperson of the governing board of directors,
1089 superintendent, governing board member, principal, assistant
1090 principal, or any other person employed by the center who has
1091 equivalent decisionmaking authority. As used in this paragraph,
1092 the term "relative" means father, mother, son, daughter, brother,
1093 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
1094 father-in-law, mother-in-law, son-in-law, daughter-in-law,
1095 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
1096 stepdaughter, stepbrother, stepsister, half brother, or half
1097 sister.

1098 (m) ~~(1)~~ Other information required by the district school
1099 board or community college board of trustees.

1100
1101 Students at a center must meet the same testing and academic
1102 performance standards as those established by law and rule for
1103 students at public schools and public technical centers. The
1104 students must also meet any additional assessment indicators that
1105 are included within the charter approved by the district school
1106 board or community college board of trustees.

1107 (5) APPLICATION.--An application to establish a center must
1108 be submitted by February 1 of the year preceding the school year
1109 in which the center will begin operation. The sponsor must review
1110 the application using an evaluation instrument developed by the
1111 Department of Education and make a final decision on whether to
1112 approve the application and grant the charter by March 1, and may
1113 condition the granting of a charter on the center's taking
1114 certain actions or maintaining certain conditions. Such actions
1115 and conditions must be provided to the applicant in writing. The



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1116 district school board or community college board of trustees is
1117 not required to issue a charter to any person.

1118 (6) SPONSOR.--A district school board or community college
1119 board of trustees or a consortium of one or more of each may
1120 sponsor a center in the county in which the board has
1121 jurisdiction.

1122 (d)1. The Department of Education shall offer or arrange
1123 for training and technical assistance to applicants in developing
1124 business plans and estimating costs and income. This assistance
1125 shall address estimating startup costs, projecting enrollment,
1126 and identifying the types and amounts of state and federal
1127 financial assistance the center will be eligible to receive. The
1128 training shall include instruction in accurate financial planning
1129 and good business practices.

1130 2. An applicant must participate in the training provided
1131 by the Department of Education prior to filing an application.
1132 The Department of Education may provide technical assistance to
1133 an applicant upon written request.

1134 (f) The sponsor shall monitor and review the center's
1135 progress toward charter goals and shall monitor the center's
1136 revenues and expenditures. The sponsor shall perform the duties
1137 provided for in s. 1002.345.

1138 (10) EXEMPTION FROM STATUTES.--

1139 (c) A center must comply with the antidiscrimination
1140 provisions of s. 1000.05 and the provisions of s. 1002.33(24),
1141 relating to the employment of relatives.

1142 (13) BOARD OF DIRECTORS AUTHORITY.--The board of directors
1143 of a center may decide matters relating to the operation of the
1144 school, including budgeting, curriculum, and operating
1145 procedures, subject to the center's charter. The board of



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1146 directors is responsible for performing the duties provided for
1147 in s. 1002.345, including monitoring the corrective action plan.
1148 The board of directors must comply with the provisions of s.
1149 1002.33(25).

1150 Section 9. Section 1002.345, Florida Statutes, is created
1151 to read:

1152 1002.345 Determination of financial weaknesses and
1153 financial emergencies for charter schools and charter technical
1154 career centers.--This section applies to charter schools
1155 operating pursuant to ss. 1002.33 and 1002.335, and to charter
1156 technical career centers operating pursuant to s. 1002.34.

1157 (1) FINANCIAL WEAKNESS; REQUIREMENTS.--

1158 (a) A charter school and a charter technical career center
1159 shall be subject to an expedited review by the sponsor when any
1160 one of the following conditions occurs:

1161 1. An end-of-year financial deficit.

1162 2. A substantial decline in student enrollment without a
1163 commensurate reduction in expenses.

1164 3. Insufficient revenues to pay current operating expenses.

1165 4. Insufficient revenues to pay long-term expenses.

1166 5. Disproportionate administrative expenses.

1167 6. Excessive debt.

1168 7. Excessive expenditures.

1169 8. Inadequate fund balances or reserves.

1170 9. Failure to meet financial reporting requirements

1171 pursuant to s. 1002.33(9), s. 1002.335(7)(a)7., or s.

1172 1002.34(14).

1173 10. Weak financial controls or other adverse financial
1174 conditions identified through an annual audit conducted pursuant
1175 to s. 218.39.



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1176 11. Negative financial findings cited in reports by the
1177 Auditor General or the Office of Program Policy Analysis and
1178 Government Accountability.

1179 (b) A sponsor shall notify the governing board within 7
1180 working days when one or more of the conditions specified in
1181 paragraph (a) occur.

1182 (c) The governing board and the sponsor shall develop a
1183 corrective action plan and file the plan with the Commissioner of
1184 Education within 30 working days. If the governing board and the
1185 sponsor are unable to agree on a corrective action plan, the
1186 Commissioner of Education shall determine the components of the
1187 plan. The governing board shall implement the plan.

1188 (d) The governing board shall include the corrective action
1189 plan and the status of its implementation in the annual progress
1190 report to the sponsor that is required under s. 1002.33(9)(k), s.
1191 1002.335(7)(a)7., or s. 1002.34(14).

1192 (e) If the governing board fails to implement the
1193 corrective action plan within 1 year, the State Board of
1194 Education shall prescribe any steps necessary for the charter
1195 school or the charter technical career center to comply with
1196 state requirements.

1197 (f) The chair of the governing board shall annually appear
1198 before the State Board of Education and report on the
1199 implementation of the State Board of Education's requirements.

1200 (2) FINANCIAL EMERGENCY; DEFICIT FUND BALANCE; DEFICIT NET
1201 ASSETS; REQUIREMENTS.--

1202 (a) A charter school and a charter technical career center
1203 shall provide for a certified public accountant or auditor to
1204 conduct an annual financial audit in accordance with s. 218.39.



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1205 (b) The charter shall ensure that, if an annual financial
1206 audit of a charter school or charter technical career center
1207 reveals one or more of the conditions in s. 218.503(1) have
1208 occurred or will occur if action is not taken or if a charter
1209 school or charter technical career center has a deficit fund
1210 balance or deficit net assets, the auditor must notify the
1211 governing board of the charter school or charter technical career
1212 center, as appropriate, the sponsor, and the Commissioner of
1213 Education.

1214 (c)1. When a financial audit conducted by a certified
1215 public accountant in accordance with s. 218.39 reveals that one
1216 or more of the conditions in s. 218.503(1) have occurred or will
1217 occur if action is not taken or when a deficit fund balance or
1218 deficit net assets exist, the auditor shall notify and provide
1219 the financial audit to the governing board of the charter school
1220 or charter technical career center, as appropriate, the sponsor,
1221 and the Commissioner of Education within 7 working days after the
1222 finding is made.

1223 2. When the charter school or charter technical career
1224 center is found to be in a state of financial emergency pursuant
1225 to s. 218.503(4), the charter school or charter technical career
1226 center shall file a detailed financial recovery plan as provided
1227 for in s. 218.503 with the sponsor within 30 days after being
1228 notified by the Commissioner of Education that a financial
1229 recovery plan is needed.

1230 (d) The sponsor shall file a copy of the financial recovery
1231 plan with the Commissioner of Education.

1232 (e) The governing board shall include the financial
1233 recovery plan and the status of its implementation in the annual



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1234 progress report to the sponsor which is required under s.
1235 1002.33(9)(k), s. 1002.335(7)(a)7., or s. 1002.34(14).

1236 (3) REPORT.--The Commissioner of Education shall annually
1237 report to the State Board of Education each charter school and
1238 charter technical career center that is subject to a financial
1239 recovery plan or a corrective action plan under this section.

1240 (4) RULES.--The State Board of Education shall adopt rules
1241 pursuant to ss. 120.536(1) and 120.54 for developing financial
1242 recovery and corrective action plans and establishing the
1243 criteria for defining each of the conditions in subsection (1).

1244 (5) TECHNICAL ASSISTANCE.--The Department of Education
1245 shall provide technical assistance to charter schools, charter
1246 technical career centers, governing boards, and sponsors in
1247 developing financial recovery and corrective action plans.

1248 (6) FAILURE TO CORRECT DEFICIENCIES.--The sponsor may
1249 choose not to renew or may terminate a charter if the charter
1250 school or charter technical career center fails to correct the
1251 deficiencies noted in the corrective action plan within 1 year or
1252 exhibits one or more financial emergency conditions as provided
1253 in s. 218.503 for 2 consecutive years. This subsection is not
1254 intended to affect a sponsor's authority to terminate or not
1255 renew a charter pursuant to s. 1002.33(8).

1256 Section 10. Subsections (1) and (3), paragraph (b) of
1257 subsection (5), paragraphs (d), (i), and (m) of subsection (6),
1258 paragraph (e) of subsection (7), paragraph (c) of subsection (8),
1259 and subsection (11) of section 220.187, Florida Statutes, are
1260 amended, paragraphs (k) through (n) of subsection (9) are
1261 redesignated as paragraphs (m) through (p), respectively, new
1262 paragraphs (k) and (l) are added to that subsection, and a new
1263 subsection (14) is added to that section, to read:



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1264 220.187 Credits for contributions to nonprofit scholarship-
1265 funding organizations.--

1266 (1) FINDINGS AND PURPOSE.--

1267 (a) The Legislature finds that:

1268 1. It has the inherent power to determine subjects of
1269 taxation for general or particular public purposes.

1270 2. Expanding educational opportunities and improving the
1271 quality of educational services within the state are valid public
1272 purposes that the Legislature may promote using its sovereign
1273 power to determine subjects of taxation and exemptions from
1274 taxation.

1275 3. Ensuring that all parents, regardless of means, may
1276 exercise and enjoy their basic right to educate their children as
1277 they see fit is a valid public purpose that the Legislature may
1278 promote using its sovereign power to determine subjects of
1279 taxation and exemptions from taxation.

1280 4. Expanding educational opportunities and the healthy
1281 competition they promote are critical to improving the quality of
1282 education in the state and to ensuring that all children receive
1283 the high-quality education to which they are entitled.

1284 (b) The purpose of this section is to:

1285 1. ~~(a)~~ Enable taxpayers to make ~~Encourage~~ private, voluntary
1286 contributions to nonprofit scholarship-funding organizations in
1287 order to promote the general welfare.

1288 2. Provide taxpayers who wish to help parents with limited
1289 resources exercise their basic right to educate their children as
1290 they see fit with a means to do so.

1291 3. ~~(b)~~ Promote the general welfare by expanding ~~Expand~~
1292 educational opportunities for children of families that have
1293 limited financial resources.



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1294 4.~~(e)~~ Enable children in this state to achieve a greater
1295 level of excellence in their education.

1296 5. Improve the quality of education in this state, both by
1297 expanding educational opportunities for children and by creating
1298 incentives for schools to achieve excellence.

1299 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.--The Corporate Income
1300 Tax Credit Scholarship Program is established. A student is
1301 eligible for a corporate income tax credit scholarship if the
1302 student qualifies for free or reduced-price school lunches under
1303 the National School Lunch Act and:

1304 (a) Was counted as a full-time equivalent student during
1305 the previous state fiscal year for purposes of state per-student
1306 funding;

1307 (b) Received a scholarship from an eligible nonprofit
1308 scholarship-funding organization or from the State of Florida
1309 during the previous school year; ~~or~~

1310 (c) Is eligible to enter kindergarten or first grade; or

1311 (d) Is currently placed, or during the previous state
1312 fiscal year was placed, in foster care as defined in s. 39.01.

1313
1314 Contingent upon available funds, a student may continue in the
1315 scholarship program as long as the student's household ~~family~~
1316 income level does not exceed 200 percent of the federal poverty
1317 level. A sibling of a student who is continuing in the program
1318 and resides in the same household as the student shall also be
1319 eligible as a first-time corporate income tax credit scholarship
1320 recipient as long as the student's and sibling's household income
1321 level does not exceed 200 percent of the federal poverty level.
1322 Household income for purposes of a student who is currently in
1323 foster care as defined in s. 39.01 shall consist only of the



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1324 income that may be considered in determining whether he or she
1325 qualifies for free or reduced-price school lunches under the
1326 National School Lunch Act.

1327 (5) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS;
1328 LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

1329 (b) The total amount of tax credits and carryforward of tax
1330 credits which may be granted each state fiscal year under this
1331 section is:

1332 1. Through June 30, 2008, \$88 million.

1333 2. Beginning July 1, 2008, and thereafter, \$118 million. At
1334 ~~least 1 percent of the total statewide amount authorized for the~~
1335 ~~tax credit shall be reserved for taxpayers who meet the~~
1336 ~~definition of a small business provided in s. 288.703(1) at the~~
1337 ~~time of application.~~

1338 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1339 ORGANIZATIONS.--An eligible nonprofit scholarship-funding
1340 organization:

1341 (d)1. Must provide scholarships, from eligible
1342 contributions, to eligible students for the cost of:

1343 ~~a.1. Tuition and fees or textbook expenses for, or~~
1344 ~~transportation to, an eligible private school. At least 75~~
1345 ~~percent of the scholarship funding must be used to pay tuition~~
1346 ~~expenses; or~~

1347 ~~b.2.~~ Transportation ~~expenses~~ to a Florida public school
1348 that is located outside the district in which the student resides
1349 or to a lab school as defined in s. 1002.32.

1350 2. Beginning in the 2009-2010 state fiscal year, must
1351 provide a premium payment to a scholarship student who
1352 participates in the statewide assessments pursuant to s. 1008.22
1353 and who attends an eligible private school that has at least 95-



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1354 percent participation of eligible scholarship students in the
1355 statewide assessments. This premium payment shall be applied to
1356 transportation costs related to participation in the statewide
1357 assessments, statewide assessment preparation costs, and other
1358 school fees incurred by a student which are not otherwise covered
1359 under this paragraph.

1360 (i) 1. May use up to 3 percent of eligible contributions
1361 received during the state fiscal year in which such contributions
1362 are collected for administrative expenses if the organization has
1363 operated under this section for at least 3 state fiscal years and
1364 did not have any negative financial findings in its most recent
1365 audit under paragraph (1). Such administrative expenses must be
1366 reasonable and necessary for the organization's management and
1367 distribution of eligible contributions under this section. No
1368 more than one-third of the funds authorized for administrative
1369 expenses under this subparagraph may be used for expenses related
1370 to the recruitment of contributions from corporate taxpayers.

1371 2. Must expend for annual or partial-year scholarships an
1372 amount equal to or greater than 75 percent of the net eligible
1373 contributions remaining after administrative expenses during the
1374 state fiscal year in which such contributions are collected. No
1375 more than 25 percent of such net eligible contributions may be
1376 carried forward to the following state fiscal year. Any amounts
1377 carried forward shall be expended for ~~Must obligate, in the same~~
1378 ~~fiscal year in which the contribution was received, 100 percent~~
1379 ~~of the eligible contribution to provide annual or partial-year~~
1380 ~~scholarships; however, up to 25 percent of the total contribution~~
1381 ~~may be carried forward for expenditure in the following state~~
1382 ~~fiscal year. Net eligible contributions remaining on June 30 of~~
1383 ~~each year which are in excess of the 25 percent that may be~~



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1384 carried forward shall be returned to the State Treasury for
1385 deposit in the General Revenue Fund.

1386 3. A scholarship-funding organization Must, before granting
1387 a scholarship for an academic year, document each scholarship
1388 student's eligibility for that academic year. A scholarship-
1389 funding organization may not grant multiyear scholarships in one
1390 approval process. ~~No portion of eligible contributions may be~~
1391 ~~used for administrative expenses. All interest accrued from~~
1392 ~~contributions must be used for scholarships.~~

1393 (m) Must prepare and submit quarterly reports to the
1394 Department of Education pursuant to paragraph (9) (o) ~~(m)~~. In
1395 addition, an eligible nonprofit scholarship-funding organization
1396 must submit in a timely manner any information requested by the
1397 Department of Education relating to the scholarship program.

1398
1399 Any and all information and documentation provided to the
1400 Department of Education and the Auditor General relating to the
1401 identity of a taxpayer that provides an eligible contribution
1402 under this section shall remain confidential at all times in
1403 accordance with s. 213.053.

1404 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1405 PARTICIPATION.--

1406 (e) The parent shall ensure that the student participating
1407 in the scholarship program takes the norm-referenced assessment
1408 offered by the private school. The parent may also choose to have
1409 the student participate in the statewide assessments pursuant to
1410 s. 1008.22. Except as provided in subsection (6), if the parent
1411 requests that the student participating in the scholarship
1412 program take statewide assessments pursuant to s. 1008.22, the



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1413 parent is responsible for transporting the student to the
1414 assessment site designated by the school district.

1415 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.--An
1416 eligible private school may be sectarian or nonsectarian and
1417 must:

1418 (c) Be academically accountable to the parent for meeting
1419 the educational needs of the student by:

1420 1. At a minimum, annually providing to the parent a written
1421 explanation of the student's progress.

1422 2. Annually administering or making provision for students
1423 participating in the scholarship program to take one of the
1424 nationally norm-referenced tests identified by the Department of
1425 Education. Students with disabilities for whom standardized
1426 testing is not appropriate are exempt from this requirement. A
1427 participating private school must report a student's scores to
1428 the parent and to the independent research organization selected
1429 by the Department of Education as described in paragraph (9) (j).

1430 3. Cooperating with the scholarship student whose parent
1431 chooses to have the student participate in the statewide
1432 assessments pursuant to s. 1008.22 s. 1008.32. Beginning in the
1433 2009-2010 state fiscal year, in order to encourage participation,
1434 a scholarship student who participates in the statewide
1435 assessments is eligible for a premium payment pursuant to
1436 subparagraphs (6) (d)2. and (11) (a)2.

1437
1438 The inability of a private school to meet the requirements of
1439 this subsection shall constitute a basis for the ineligibility of
1440 the private school to participate in the scholarship program as
1441 determined by the Department of Education.



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1442 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department of
1443 Education shall:

1444 (k) Provide participating schools with all preparation and
1445 instructional materials to prepare students for the statewide
1446 assessments pursuant to s. 1008.22.

1447 (l) Beginning in the 2009-2010 state fiscal year, determine
1448 if at least 95 percent of a private school's eligible scholarship
1449 students participate in the statewide assessments pursuant to s.
1450 1008.22.

1451 (11) SCHOLARSHIP AND PREMIUM AMOUNT AND PAYMENT.--

1452 (a)1. The amount of a scholarship provided to any student
1453 for any single school year by an eligible nonprofit scholarship-
1454 funding organization from eligible contributions shall be for
1455 total costs authorized under subparagraph (6) (d)1., not to exceed
1456 the following annual limits:

1457 a.1- Three thousand nine hundred fifty dollars ~~Three~~
1458 ~~thousand seven hundred fifty dollars~~ for a scholarship awarded to
1459 a student enrolled in an eligible private school for the 2008-
1460 2009 state fiscal year and each fiscal year thereafter.

1461 b.2- Five hundred dollars for a scholarship awarded to a
1462 student enrolled in a Florida public school that is located
1463 outside the district in which the student resides or in a lab
1464 school as defined in s. 1002.32.

1465 2. Beginning in the 2009-2010 state fiscal year, the amount
1466 of an annual premium payment by an eligible nonprofit
1467 scholarship-funding organization from eligible contributions
1468 shall be \$200 for costs authorized under subparagraph (6) (d)2.
1469 provided to a student who takes the statewide assessments
1470 pursuant to s. 1008.22 if at least 95 percent of the private



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1471 school's eligible scholarship students participate in the
1472 statewide assessments.

1473 (b) Payment of the scholarship and premium by the eligible
1474 nonprofit scholarship-funding organization shall be by individual
1475 warrant made payable to the student's parent. If the parent
1476 chooses that his or her child attend an eligible private school,
1477 the warrant must be delivered by the eligible nonprofit
1478 scholarship-funding organization to the private school of the
1479 parent's choice, and the parent shall restrictively endorse the
1480 warrant to the private school. An eligible nonprofit scholarship-
1481 funding organization shall ensure that the parent to whom the
1482 warrant is made restrictively endorsed the warrant to the private
1483 school for deposit into the account of the private school.

1484 (c) An eligible nonprofit scholarship-funding organization
1485 shall obtain verification from the private school of a student's
1486 continued attendance at the school for ~~prior to~~ each period
1487 covered by a scholarship payment.

1488 (d) Payment of the scholarship shall be made by the
1489 eligible nonprofit scholarship-funding organization no less
1490 frequently than on a quarterly basis.

1491 (14) PRESERVATION OF CREDIT.--If any provision or portion
1492 of subsection (5) or the application thereof to any person or
1493 circumstance is held unconstitutional by any court or is
1494 otherwise declared invalid, the unconstitutionality or invalidity
1495 shall not affect any credit earned under subsection (5) by any
1496 taxpayer with respect to any contribution paid to an eligible
1497 nonprofit scholarship-funding organization before the date of a
1498 determination of unconstitutionality or invalidity. Such credit
1499 shall be allowed at such time and in such a manner as if a
1500 determination of unconstitutionality or invalidity had not been



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1501 made, provided that nothing in this subsection by itself or in
1502 combination with any other provision of law shall result in the
1503 allowance of any credit to any taxpayer in excess of one dollar
1504 of credit for each dollar paid to an eligible nonprofit
1505 scholarship-funding organization.

1506 Section 11. Corporate Income Tax Credit Scholarship Program
1507 funding.--

1508 (1) By December 1, 2008, the Office of Program Policy
1509 Analysis and Government Accountability shall submit a report to
1510 the Governor, the President of the Senate, and the Speaker of the
1511 House of Representatives which:

1512 (a) Reviews the advisability and net state fiscal impact
1513 of:

1514 1. Increasing the maximum annual amount of credits for the
1515 corporate income tax permitted under s. 220.187, Florida
1516 Statutes, for the scholarship program.

1517 2. Authorizing the use of credits for insurance premium
1518 taxes under chapter 624, Florida Statutes, as an additional
1519 source of funding for the scholarship program under s. 220.187,
1520 Florida Statutes.

1521 (b) Provides recommendations, if warranted by the review
1522 under paragraph (a):

1523 1. For methodologies to annually or otherwise increase the
1524 maximum annual amount of corporate income tax credits for
1525 scholarship funding.

1526 2. To implement the use of insurance premium tax credits
1527 for scholarship funding.

1528



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1529 Such recommendations may only include options that will annually
1530 produce a neutral or positive net fiscal impact on state revenue
1531 and expenditures.

1532 (2) The Office of Program Policy Analysis and Government
1533 Accountability may request that the Revenue Estimating Conference
1534 and the Education Estimating Conference established under s.
1535 216.134, Florida Statutes, evaluate its findings and
1536 recommendations under this section.

1537 Section 12. Subsection (7) of section 1000.21, Florida
1538 Statutes, is amended to read:

1539 1000.21 Systemwide definitions.--As used in the Florida K-
1540 20 Education Code:

1541 (7) "Sunshine State Standards" or the "Next Generation
1542 Sunshine State Standards" means the state's public K-12
1543 curricular ~~are~~ standards established under s. 1003.41. The term
1544 includes the Sunshine State Standards that are in place for a
1545 subject until the standards for that subject are replaced under
1546 s. 1003.41 by the Next Generation Sunshine State Standards. ~~that~~
1547 ~~identify what public school students should know and be able to~~
1548 ~~do. These standards delineate the academic achievement of~~
1549 ~~students for which the state will hold its public schools~~
1550 ~~accountable in grades K-2, 3-5, 6-8, and 9-12, in the subjects of~~
1551 ~~language arts, mathematics, science, social studies, the arts,~~
1552 ~~health and physical education, foreign languages, reading,~~
1553 ~~writing, history, government, geography, economics, and computer~~
1554 ~~literacy.~~

1555 Section 13. Subsection (1) of section 1001.03, Florida
1556 Statutes, is amended to read:

1557 1001.03 Specific powers of State Board of Education.--



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1558 (1) PUBLIC K-12 CURRICULAR ~~STUDENT PERFORMANCE~~
1559 STANDARDS.--The State Board of Education shall adopt and
1560 periodically review and revise ~~approve the student performance~~
1561 ~~standards known as~~ the Sunshine State Standards in accordance
1562 with s. 1003.41 ~~key academic subject areas and grade levels.~~ The
1563 ~~state board shall establish a schedule to facilitate the periodic~~
1564 ~~review of the standards to ensure adequate rigor, relevance,~~
1565 ~~logical student progression, and integration of reading, writing,~~
1566 ~~and mathematics across all subject areas. The standards review by~~
1567 ~~subject area must include participation of curriculum leaders in~~
1568 ~~other content areas, including the arts, to ensure valid content~~
1569 ~~area integration and to address the instructional requirements of~~
1570 ~~different learning styles. The process for review and proposed~~
1571 ~~revisions must include leadership and input from the state's~~
1572 ~~classroom teachers, school administrators, and community colleges~~
1573 ~~and universities, and from representatives from business and~~
1574 ~~industry who are identified by local education foundations. A~~
1575 ~~report including proposed revisions must be submitted to the~~
1576 ~~Governor, the President of the Senate, and the Speaker of the~~
1577 ~~House of Representatives annually to coincide with the~~
1578 ~~established review schedule. The review schedule and an annual~~
1579 ~~status report must be submitted to the Governor, the President of~~
1580 ~~the Senate, and the Speaker of the House of Representatives~~
1581 ~~annually not later than January 1.~~

1582 Section 14. Subsection (3) of section 1001.41, Florida
1583 Statutes, is amended to read:

1584 1001.41 General powers of district school board.--The
1585 district school board, after considering recommendations
1586 submitted by the district school superintendent, shall exercise
1587 the following general powers:



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1588 (3) ~~Prescribe and~~ Adopt standards and policies that ~~to~~
1589 provide each student the opportunity to receive a complete
1590 education program, including instruction in the core curricular
1591 content established in ~~language arts, mathematics, science,~~
1592 ~~social studies, health, physical education, foreign languages,~~
1593 ~~and the arts, as defined by the~~ Next Generation Sunshine State
1594 Standards. ~~The standards and policies must emphasize integration~~
1595 ~~and reinforcement of reading, writing, and mathematics skills~~
1596 ~~across all subjects, including career awareness, career~~
1597 ~~exploration, and~~ Career and technical education standards and
1598 policies must integrate with and reinforce the Next Generation
1599 Sunshine State Standards.

1600 Section 15. Paragraph (a) of subsection (1) of section
1601 1001.452, Florida Statutes, is amended to read:

1602 1001.452 District and school advisory councils.--

1603 (1) ESTABLISHMENT.--

1604 (a) The district school board shall establish an advisory
1605 council for each school in the district and shall develop
1606 procedures for the election and appointment of advisory council
1607 members. Each school advisory council shall include in its name
1608 the words "school advisory council." The school advisory council
1609 shall be the sole body responsible for final decisionmaking at
1610 the school relating to implementation of the provisions of ss.
1611 1001.42(16) and 1008.345. A majority of the members of each
1612 school advisory council must be persons who are not employed by
1613 the school district. Each advisory council shall be composed of
1614 the principal and an appropriately balanced number of teachers,
1615 education support employees, students, parents, and other
1616 business and community citizens who are representative of the
1617 ethnic, racial, and economic community served by the school.



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1618 Career center and high school advisory councils shall include
1619 students, and middle and junior high school advisory councils may
1620 include students. School advisory councils of career centers and
1621 adult education centers are not required to include parents as
1622 members. Council members representing teachers, education support
1623 employees, students, and parents shall be elected by their
1624 respective peer groups at the school in a fair and equitable
1625 manner as follows:

- 1626 1. Teachers shall be elected by teachers.
- 1627 2. Education support employees shall be elected by
1628 education support employees.
- 1629 3. Students shall be elected by students.
- 1630 4. Parents shall be elected by parents.

1631
1632 The district school board shall establish procedures for use by
1633 schools in selecting business and community members that include
1634 means of ensuring wide notice of vacancies and of taking input on
1635 possible members from local business, chambers of commerce,
1636 community and civic organizations and groups, and the public at
1637 large. The district school board shall review the membership
1638 composition of each advisory council. If the district school
1639 board determines that the membership elected by the school is not
1640 representative of the ethnic, racial, and economic community
1641 served by the school, the district school board shall appoint
1642 additional members to achieve proper representation. The
1643 commissioner shall determine if schools have maximized their
1644 efforts to include on their advisory councils minority persons
1645 and persons of lower socioeconomic status. Although schools are
1646 strongly encouraged to establish school advisory councils, the
1647 district school board of any school district that has a student



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1648 population of 10,000 or fewer may establish a district advisory
1649 council which shall include at least one duly elected teacher
1650 from each school in the district. For the purposes of school
1651 advisory councils and district advisory councils, the term
1652 "teacher" shall include classroom teachers, certified student
1653 services personnel, and media specialists. For purposes of this
1654 paragraph, "education support employee" means any person employed
1655 by a school who is not defined as instructional or administrative
1656 personnel pursuant to s. 1012.01 and whose duties require 20 or
1657 more hours in each normal working week.

1658 Section 16. Section 1003.41, Florida Statutes, is amended
1659 to read:

1660 1003.41 Sunshine State Standards.--

1661 (1) Public K-12 educational instruction in Florida is based
1662 on the "Sunshine State Standards." The State Board of Education
1663 shall review the Sunshine State Standards and replace them with
1664 the Next Generation Sunshine State Standards that establish the
1665 core content of the curricula to be taught in this state and that
1666 specify the core content knowledge and skills that the next
1667 generation of K-12 public school students are expected to
1668 acquire. The Next Generation Sunshine State Standards must, at a
1669 minimum:

1670 (a) Establish the core curricular content for language
1671 arts, science, mathematics, and social studies, as follows:

1672 1. Language arts standards must establish specific
1673 curricular content for, at a minimum, the reading process,
1674 literary analysis, the writing process, writing applications,
1675 communication, and information and media literacy. The standards
1676 must include distinct grade-level expectations for the core
1677 content knowledge and skills that a student is expected to have



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1678 acquired by each individual grade level from kindergarten through
1679 grade 8. The standards for grades 9-12 may be organized by grade
1680 clusters of more than one grade level or strands within the
1681 content area. The State Board of Education shall, in accordance
1682 with the expedited schedule established under subsection (2),
1683 review and replace the language arts standards adopted by the
1684 state board in 2007 with Next Generation Sunshine State Standards
1685 that comply with this subparagraph.

1686 2. Science standards must establish specific curricular
1687 content for, at a minimum, the nature of science, earth and space
1688 science, physical science, and life science. The standards must
1689 include distinct grade-level expectations for the core content
1690 knowledge and skills that a student is expected to have acquired
1691 by each individual grade level from kindergarten through grade 8.
1692 The science standards for grades 9 through 12 may be organized by
1693 grade clusters of more than one grade level.

1694 3. Mathematics standards must establish specific curricular
1695 content for, at a minimum, algebra, geometry, probability,
1696 statistics, calculus, discrete mathematics, financial literacy,
1697 and trigonometry. The standards must include distinct grade-level
1698 expectations for the core content knowledge and skills that a
1699 student is expected to have acquired by each individual grade
1700 level from kindergarten through grade 8. The mathematics
1701 standards for grades 9 through 12 may be organized by grade
1702 clusters of more than one grade level.

1703 4. Social studies standards must establish specific
1704 curricular content for, at a minimum, geography, United States
1705 and world history, government, civics, economics, and humanities.
1706 The standards must include distinct grade-level expectations for
1707 the core content knowledge and skills that a student is expected



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1708 to have acquired by each individual grade level from kindergarten
1709 through grade 8. The social studies standards for grades 9
1710 through 12 may be organized by grade clusters of more than one
1711 grade level.

1712 (b) Establish the core curricular content for visual and
1713 performing arts, physical education, health, and foreign
1714 languages. Standards for these subjects must establish specific
1715 curricular content and include distinct grade-level expectations
1716 for the core content knowledge and skills that a student is
1717 expected to have acquired by each individual grade level from
1718 kindergarten through grade 5. The standards for grades 6 through
1719 12 may be organized by grade clusters of more than one grade
1720 level.

1721 (c) Identify the core curricular content that a student is
1722 expected to learn for each subject at each individual grade level
1723 in order to acquire the broad background knowledge needed for
1724 reading comprehension.

1725 (d) Be rigorous and relevant and provide for the logical,
1726 sequential progression of core curricular content that
1727 incrementally increases a student's core content knowledge and
1728 skills over time.

1729 (e) Integrate critical-thinking and problem-solving skills;
1730 communication, reading, and writing skills; mathematics skills;
1731 collaboration skills; contextual and applied-learning skills;
1732 technology-literacy skills; information and media-literacy
1733 skills; and civic-engagement skills.

1734 (f) Be organized according to a uniform structure and
1735 format that is consistent for each subject. The Next Generation
1736 Sunshine State Standards shall, for each subject and grade level,
1737 use the same alphanumeric coding system.



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1738 (g) Be aligned to expectations for success in postsecondary
1739 education and high-skill, high-wage employment.

1740 (2) By December 31, 2008, the State Board of Education
1741 shall establish an expedited schedule for adoption of the Next
1742 Generation Sunshine State Standards and shall establish by rule a
1743 schedule for the periodic review and revision of the standards.
1744 The state board shall adopt the Next Generation Sunshine State
1745 Standards for each subject by December 31, 2011.

1746 (3) (a) The Commissioner of Education shall develop and
1747 submit to the State Board of Education proposed Next Generation
1748 Sunshine State Standards, and periodically submit proposed
1749 revisions to the standards, for adoption by the state board
1750 according to the schedules established under subsection (2). The
1751 commissioner, in developing the proposed standards, shall consult
1752 with renowned experts on K-12 curricular standards and content in
1753 each subject listed in paragraphs (1) (a) and (b) and shall
1754 consider standards that are implemented by other states or
1755 nations and regarded as exceptionally rigorous by the curricular
1756 and content experts. The commissioner may also consult with
1757 curricular and content experts in other subjects.

1758 (b) The commissioner shall submit the proposed standards
1759 for review and comment by state educators, school administrators,
1760 representatives of community colleges and state universities who
1761 have expertise in the content knowledge and skills necessary to
1762 prepare a student for postsecondary education, and leaders in
1763 business and industry. The commissioner, after considering any
1764 comments and making any revisions to the proposed standards,
1765 shall submit the standards for written evaluation by renowned
1766 experts on K-12 curricular standards and content.



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1767 (c) The commissioner, upon finalizing the proposed
1768 standards, shall submit the standards and evaluations by the
1769 curricular and content experts to the Governor, the President of
1770 the Senate, and the Speaker of the House of Representatives at
1771 least 21 days before the State Board of Education considers
1772 adoption of the proposed standards.

1773 (4) The State Board of Education may adopt rules under ss.
1774 120.536(1) and 120.54 to administer this section. These standards
1775 have been adopted by the State Board of Education and delineate
1776 the academic achievement of students, for which the state will
1777 hold schools accountable, in grades K-2, 3-5, 6-8, and 9-12 in
1778 the subjects of language arts, mathematics, science, social
1779 studies, the arts, health and physical education, and foreign
1780 languages. They include standards in reading, writing, history,
1781 government, geography, economics, and computer literacy.

1782 Section 17. Paragraph (i) of subsection (3) of section
1783 1003.413, Florida Statutes, is amended to read:

1784 1003.413 Florida Secondary School Redesign Act.--

1785 (3) Based on these guiding principles, district school
1786 boards shall establish policies to implement the requirements of
1787 ss. 1003.4156, 1003.428, and 1003.493. The policies must address:

1788 (i) An annual review of each high school student's
1789 electronic personal education plan pursuant to s. 1003.4156 and
1790 procedures for high school students who have not prepared an
1791 electronic personal education plan pursuant to s. 1003.4156 to
1792 prepare such plan.

1793 Section 18. Paragraph (a) of subsection (2) and paragraph
1794 (b) of subsection (4) of section 1003.428, Florida Statutes, are
1795 amended to read:



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1796 1003.428 General requirements for high school graduation;
1797 revised.--

1798 (2) The 24 credits may be earned through applied,
1799 integrated, and combined courses approved by the Department of
1800 Education and shall be distributed as follows:

1801 (a) Sixteen core curriculum credits:

1802 1. Four credits in English, with major concentration in
1803 composition, reading for information, and literature.

1804 2. Four credits in mathematics, one of which must be
1805 Algebra I, a series of courses equivalent to Algebra I, or a
1806 higher-level mathematics course. School districts are encouraged
1807 to set specific goals to increase enrollments in, and successful
1808 completion of, geometry and Algebra II.

1809 3. Three credits in science, two of which must have a
1810 laboratory component.

1811 4. Three credits in social studies as follows: one credit
1812 in American history; one credit in world history; one-half credit
1813 in economics; and one-half credit in American government.

1814 5. One credit in fine or performing arts, ~~which may include~~
1815 speech and debate, or a practical arts course that incorporates
1816 artistic content and techniques of creativity, interpretation,
1817 and imagination. Eligible practical arts courses shall be
1818 identified through the Course Code Directory.

1819 6. One credit in physical education to include integration
1820 of health. Participation in an interscholastic sport at the
1821 junior varsity or varsity level for two full seasons shall
1822 satisfy the one-credit requirement in physical education if the
1823 student passes a competency test on personal fitness with a score
1824 of "C" or better. The competency test on personal fitness must be
1825 developed by the Department of Education. A district school board



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1826 may not require that the one credit in physical education be
1827 taken during the 9th grade year. Completion of one semester with
1828 a grade of "C" or better in a marching band class, in a physical
1829 activity class that requires participation in marching band
1830 activities as an extracurricular activity, or in a dance class
1831 shall satisfy one-half credit in physical education or one-half
1832 credit in performing arts. This credit may not be used to satisfy
1833 the personal fitness requirement or the requirement for adaptive
1834 physical education under an individual education plan (IEP) or
1835 504 plan. Completion of 2 years in a Reserve Officer Training
1836 Corps (R.O.T.C.) class, a significant component of which is
1837 drills, shall satisfy the one-credit requirement in physical
1838 education and the one-credit requirement in performing arts. This
1839 credit may not be used to satisfy the personal fitness
1840 requirement or the requirement for adaptive physical education
1841 under an individual education plan (IEP) or 504 plan.

1842 (4) Each district school board shall establish standards
1843 for graduation from its schools, which must include:

1844 (b) Earning passing scores on the FCAT, as defined in s.
1845 1008.22(3)(c), or scores on a standardized test that are
1846 concordant with passing scores on the FCAT as defined in s.
1847 1008.22(10) ~~s. 1008.22(9)~~.

1848
1849 Each district school board shall adopt policies designed to
1850 assist students in meeting the requirements of this subsection.
1851 These policies may include, but are not limited to: forgiveness
1852 policies, summer school or before or after school attendance,
1853 special counseling, volunteers or peer tutors, school-sponsored
1854 help sessions, homework hotlines, and study skills classes.
1855 Forgiveness policies for required courses shall be limited to



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1856 replacing a grade of "D" or "F," or the equivalent of a grade of
1857 "D" or "F," with a grade of "C" or higher, or the equivalent of a
1858 grade of "C" or higher, earned subsequently in the same or
1859 comparable course. Forgiveness policies for elective courses
1860 shall be limited to replacing a grade of "D" or "F," or the
1861 equivalent of a grade of "D" or "F," with a grade of "C" or
1862 higher, or the equivalent of a grade of "C" or higher, earned
1863 subsequently in another course. The only exception to these
1864 forgiveness policies shall be made for a student in the middle
1865 grades who takes any high school course for high school credit
1866 and earns a grade of "C," "D," or "F" or the equivalent of a
1867 grade of "C," "D," or "F." In such case, the district forgiveness
1868 policy must allow the replacement of the grade with a grade of
1869 "C" or higher, or the equivalent of a grade of "C" or higher,
1870 earned subsequently in the same or comparable course. In all
1871 cases of grade forgiveness, only the new grade shall be used in
1872 the calculation of the student's grade point average. Any course
1873 grade not replaced according to a district school board
1874 forgiveness policy shall be included in the calculation of the
1875 cumulative grade point average required for graduation.

1876 Section 19. Section 1003.4285, Florida Statutes, is created
1877 to read:

1878 1003.4285 Standard high school diploma designations.--By
1879 the 2008-2009 school year, each standard high school diploma
1880 shall include, as applicable:

1881 (1) A designation of the student's major area of interest
1882 pursuant to the student's completion of credits as provided in s.
1883 1003.428.

1884 (2) A designation reflecting completion of accelerated
1885 college credit courses if the student is eligible for college



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1886 credit pursuant to s. 1007.27 in four or more advanced placement,
1887 International Baccalaureate, Advanced International Certificate
1888 of Education, or dual enrollment courses. The Commissioner of
1889 Education shall establish guidelines for successful passage of
1890 examinations or coursework in each of the accelerated college
1891 credit options for purposes of this subsection.

1892 (3) A designation reflecting career education certification
1893 in accordance with s. 1003.431.

1894 (4) A designation reflecting Florida Ready to Work
1895 Certification in accordance with s. 1004.99.

1896 Section 20. Paragraph (a) of subsection (6) of section
1897 1003.429, Florida Statutes, is amended to read:

1898 1003.429 Accelerated high school graduation options.--

1899 (6) Students pursuing accelerated 3-year high school
1900 graduation options pursuant to paragraph (1)(b) or paragraph
1901 (1)(c) are required to:

1902 (a) Earn passing scores on the FCAT as defined in s.
1903 1008.22(3)(c) or scores on a standardized test that are
1904 concordant with passing scores on the FCAT as defined in s.
1905 1008.22(10) ~~s. 1008.22(9)~~.

1906
1907 Weighted grades referred to in paragraphs (b), (c), and (d) shall
1908 be applied to those courses specifically listed or identified by
1909 the department as rigorous pursuant to s. 1009.531(3) or weighted
1910 by the district school board for class ranking purposes.

1911 Section 21. Paragraph (a) of subsection (5) of section
1912 1003.43, Florida Statutes, is amended to read:

1913 1003.43 General requirements for high school graduation.--



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1914 (5) Each district school board shall establish standards
1915 for graduation from its schools, and these standards must
1916 include:

1917 (a) Earning passing scores on the FCAT, as defined in s.
1918 1008.22(3)(c), or scores on a standardized test that are
1919 concordant with passing scores on the FCAT as defined in s.
1920 1008.22(10) ~~s. 1008.22(9)~~.

1921
1922 The standards required in this subsection, and any subsequent
1923 modifications, shall be reprinted in the Florida Administrative
1924 Code even though not defined as "rules."

1925 Section 22. Subsection (1) of section 1003.433, Florida
1926 Statutes, is amended to read:

1927 1003.433 Learning opportunities for out-of-state and out-
1928 of-country transfer students and students needing additional
1929 instruction to meet high school graduation requirements.--

1930 (1) Students who enter a Florida public school at the
1931 eleventh or twelfth grade from out of state or from a foreign
1932 country shall not be required to spend additional time in a
1933 Florida public school in order to meet the high school course
1934 requirements if the student has met all requirements of the
1935 school district, state, or country from which he or she is
1936 transferring. Such students who are not proficient in English
1937 should receive immediate and intensive instruction in English
1938 language acquisition. However, to receive a standard high school
1939 diploma, a transfer student must earn a 2.0 grade point average
1940 and pass the grade 10 FCAT required in s. 1008.22(3) or an
1941 alternate assessment as described in s. 1008.22(10) ~~s.~~
1942 ~~1008.22(9)~~.



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1943 Section 23. Paragraph (d) of subsection (6) of section
1944 1003.63, Florida Statutes, is amended to read:

1945 1003.63 Deregulated public schools pilot program.--

1946 (6) ELEMENTS OF THE PROPOSAL.--The major issues involving
1947 the operation of a deregulated public school shall be considered
1948 in advance and written into the proposal.

1949 (d) Upon receipt of the annual report required by paragraph
1950 (b), the Department of Education shall provide the State Board of
1951 Education, the Commissioner of Education, the President of the
1952 Senate, and the Speaker of the House of Representatives with a
1953 copy of each report and an analysis and comparison of the overall
1954 performance of students, to include all students in deregulated
1955 public schools whose scores are counted as part of the statewide
1956 assessment tests, versus comparable public school students in the
1957 district as determined by statewide assessments administered
1958 under s. 1008.22(3) FCAT and district assessment tests ~~and, as~~
1959 ~~appropriate, the Florida Writes Assessment Test, and other~~
1960 ~~assessments administered pursuant to s. 1008.22(3).~~

1961 Section 24. Paragraphs (c) and (d) of subsection (3) of
1962 section 1004.85, Florida Statutes, are amended to read:

1963 1004.85 Postsecondary educator preparation institutes.--

1964 (3) Educator preparation institutes approved pursuant to
1965 this section may offer alternative certification programs
1966 specifically designed for noneducation major baccalaureate degree
1967 holders to enable program participants to meet the educator
1968 certification requirements of s. 1012.56. Such programs shall be
1969 competency-based educator certification preparation programs that
1970 prepare educators through an alternative route. An educator
1971 preparation institute choosing to offer an alternative
1972 certification program pursuant to the provisions of this section



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1973 must implement a program previously approved by the Department of
1974 Education for this purpose or a program developed by the
1975 institute and approved by the department for this purpose.
1976 Approved programs shall be available for use by other approved
1977 educator preparation institutes.

1978 (c) Upon completion of an alternative certification program
1979 approved pursuant to this subsection, a participant shall receive
1980 a credential from the sponsoring institution signifying
1981 satisfaction of the requirements of s. 1012.56(6) ~~s. 1012.56(5)~~
1982 relating to mastery of professional preparation and education
1983 competence. A participant shall be eligible for educator
1984 certification through the Department of Education upon
1985 satisfaction of all requirements for certification set forth in
1986 s. 1012.56(2), including demonstration of mastery of general
1987 knowledge, subject area knowledge, and professional preparation
1988 and education competence, through testing or other statutorily
1989 authorized means.

1990 (d) If an institution offers an alternative certification
1991 program approved pursuant to this subsection, such program may be
1992 used by the school district or districts served by that
1993 institution in addition to the alternative certification program
1994 as required in s. 1012.56(8) ~~s. 1012.56(7)~~.

1995 Section 25. Subsection (3) of section 1004.91, Florida
1996 Statutes, is amended to read:

1997 1004.91 Career-preparatory instruction.--

1998 (3) An adult student with a disability may be exempted from
1999 the provisions of this section. A student who possesses a college
2000 degree at the associate in applied science level or higher is
2001 exempt from this section. A student who has completed or who is
2002 exempt from the college-level communication and computation



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2003 skills examination pursuant to s. 1008.29, or who is exempt from
2004 the college entry-level examination pursuant to s. 1008.29, is
2005 exempt from the provisions of this section. Students who have
2006 passed a state, national, or industry licensure exam are exempt
2007 from this section. An adult student who is enrolled in an
2008 apprenticeship program that is registered with the Department of
2009 Education in accordance with the provisions of chapter 446 is
2010 exempt from the provisions of this section.

2011 Section 26. Paragraph (d) of subsection (3) of section
2012 1004.99, Florida Statutes, is amended, present subsection (4) of
2013 that section is renumbered as subsection (5), and a new
2014 subsection (4) is added to that section, to read:

2015 1004.99 Florida Ready to Work Certification Program.--

2016 (3) The Florida Ready to Work Certification Program shall
2017 be composed of:

2018 (d) A Florida Ready to Work Credential ~~certificate~~ and
2019 portfolio awarded to students upon successful completion of the
2020 instruction. Each portfolio must delineate the skills
2021 demonstrated by the student as evidence of the student's
2022 preparation for employment.

2023 (4) A Florida Ready to Work Credential shall be awarded to
2024 a student who successfully passes assessments in Reading for
2025 Information, Applied Mathematics, and Locating Information or any
2026 other assessments of comparable rigor. Each assessment shall be
2027 scored on a scale of 3 to 7. The level of the credential each
2028 student receives is based on the following:

2029 (a) A bronze-level credential requires a minimum score of 3
2030 or above on each of the assessments.

2031 (b) A silver-level credential requires a minimum score of 4
2032 or above on each of the assessments.



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2033 (c) A gold-level credential requires a minimum score of 5
2034 or above on each of the assessments.

2035 Section 27. Paragraph (c) of subsection (2) of section
2036 1007.21, Florida Statutes, is amended to read:

2037 1007.21 Readiness for postsecondary education and the
2038 workplace.--

2039 (2)

2040 (c) The common placement test authorized in ss. 1001.03(10)
2041 and 1008.30 or a similar test may be administered to ~~all~~ high
2042 school students ~~second semester sophomores~~ who have chosen one of
2043 the four destinations. The results of the placement test shall be
2044 used to target additional instructional needs in reading,
2045 writing, and mathematics prior to graduation.

2046 Section 28. Paragraph (b) of subsection (2) of section
2047 1007.235, Florida Statutes, is amended to read:

2048 1007.235 District interinstitutional articulation
2049 agreements.--

2050 (2) The district interinstitutional articulation agreement
2051 for each school year must be completed before high school
2052 registration for the fall term of the following school year. The
2053 agreement must include, but is not limited to, the following
2054 components:

2055 (b)1. A delineation of courses and programs available to
2056 students eligible to participate in dual enrollment. This
2057 delineation must include a plan for the community college to
2058 provide guidance services to participating students on the
2059 selection of courses in the dual enrollment program. The process
2060 of community college guidance should make maximum use of the
2061 automated advisement system for community colleges. The plan must
2062 assure that each dual enrollment student is encouraged to



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2063 identify a postsecondary education objective with which to guide
2064 the course selection. At a minimum, each student's plan should
2065 include a list of courses that will result in an Applied
2066 Technology Diploma, an Associate in Science degree, or an
2067 Associate in Arts degree. If the student identifies a
2068 baccalaureate degree as the objective, the plan must include
2069 courses that will meet the general education requirements and any
2070 prerequisite requirements for entrance into a selected
2071 baccalaureate degree program.

2072 2. A delineation of the process by which students and their
2073 parents are informed about opportunities to participate in
2074 articulated acceleration programs.

2075 3. A delineation of the process by which students and their
2076 parents exercise their option to participate in an articulated
2077 acceleration program.

2078 4. A delineation of high school credits earned for
2079 completion of each dual enrollment course.

2080 5. Provision for postsecondary courses that meet the
2081 criteria for inclusion in a district articulated acceleration
2082 program to be counted toward meeting the graduation requirements
2083 of s. 1003.43.

2084 6. An identification of eligibility criteria for student
2085 participation in dual enrollment courses and programs.

2086 7. A delineation of institutional responsibilities
2087 regarding student screening prior to enrollment and monitoring
2088 student performance subsequent to enrollment in dual enrollment
2089 courses and programs.

2090 8. An identification of the criteria by which the quality
2091 of dual enrollment courses and programs are to be judged and a



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2092 delineation of institutional responsibilities for the maintenance
2093 of instructional quality.

2094 9. A delineation of institutional responsibilities for
2095 assuming the cost of dual enrollment courses and programs that
2096 includes such responsibilities for student instructional
2097 materials.

2098 10. An identification of responsibility for providing
2099 student transportation if the dual enrollment instruction is
2100 conducted at a facility other than the high school campus.

2101 11. A delineation of the process for converting college
2102 credit hours earned through dual enrollment and early admission
2103 programs to high school credit based on mastery of course
2104 outcomes as determined by the Department of Education in
2105 accordance with s. 1007.271(6).

2106 12. An identification of the responsibility of the
2107 postsecondary educational institution for assigning letter grades
2108 for dual enrollment courses and the responsibility of school
2109 districts for posting dual enrollment course grades to the high
2110 school transcript as assigned by the postsecondary institution
2111 awarding the credit.

2112 Section 29. Paragraphs (a) and (c) of subsection (3),
2113 subsections (4) and (5), paragraph (c) of subsection (6), and
2114 subsections (7), (8), (9), (10), and (11) of section 1008.22,
2115 Florida Statutes, are amended to read:

2116 1008.22 Student assessment program for public schools.--

2117 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
2118 design and implement a statewide program of educational
2119 assessment that provides information for the improvement of the
2120 operation and management of the public schools, including schools
2121 operating for the purpose of providing educational services to



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2122 youth in Department of Juvenile Justice programs. The
2123 commissioner may enter into contracts for the continued
2124 administration of the assessment, testing, and evaluation
2125 programs authorized and funded by the Legislature. Contracts may
2126 be initiated in 1 fiscal year and continue into the next and may
2127 be paid from the appropriations of either or both fiscal years.
2128 The commissioner is authorized to negotiate for the sale or lease
2129 of tests, scoring protocols, test scoring services, and related
2130 materials developed pursuant to law. Pursuant to the statewide
2131 assessment program, the commissioner shall:

2132 (a) Submit proposed Next Generation Sunshine State
2133 Standards to the State Board of Education for adoption and
2134 periodic review and revision under s. 1003.41 ~~a list that~~
2135 ~~specifies student skills and competencies to which the goals for~~
2136 ~~education specified in the state plan apply, including, but not~~
2137 ~~limited to, reading, writing, science, and mathematics. The~~
2138 ~~skills and competencies must include problem-solving and higher-~~
2139 ~~order skills as appropriate and shall be known as the Sunshine~~
2140 ~~State Standards as defined in s. 1000.21. The commissioner shall~~
2141 ~~select such skills and competencies after receiving~~
2142 ~~recommendations from educators, citizens, and members of the~~
2143 ~~business community. The commissioner shall submit to the State~~
2144 ~~Board of Education revisions to the list of student skills and~~
2145 ~~competencies in order to maintain continuous progress toward~~
2146 ~~improvements in student proficiency.~~

2147 (c) Develop and implement a student achievement testing
2148 program known as the Florida Comprehensive Assessment Test (FCAT)
2149 as part of the statewide assessment program to measure reading,
2150 writing, science, and mathematics. Other content areas may be
2151 included as directed by the commissioner. The assessment of



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2152 reading and mathematics shall be administered annually in grades
2153 3 through 10. The assessment of writing and science shall be
2154 administered at least once at the elementary, middle, and high
2155 school levels. End-of-course assessments may be administered in
2156 addition to the comprehensive assessments required under this
2157 paragraph. An end-of-course assessment must be rigorous,
2158 standardized, and approved by the department. The content
2159 knowledge and skills assessed by comprehensive and end-of-course
2160 assessments must be aligned to the core curricular content
2161 established in the Sunshine State Standards. The Commissioner of
2162 Education may select one or more nationally developed
2163 comprehensive examinations, which may include, but need not be
2164 limited to, examinations for a College Board Advanced Placement
2165 course, International Baccalaureate course, industry-approved
2166 examinations to earn national industry certifications as defined
2167 in s. 1003.492, or Advanced International Certificate of
2168 Education course, for use as end-of-course assessments under this
2169 paragraph, if the Commissioner determines that the content
2170 knowledge and skills assessed by the examinations meet or exceed
2171 the grade-level expectations of the Sunshine State Standards for
2172 the course. The commissioner may collaborate with the American
2173 Diploma Project in the adoption or development of rigorous end-
2174 of-course assessments that are aligned to state curriculum
2175 standards. ~~The commissioner must document the procedures used to~~
2176 ~~ensure that the versions of the FCAT which are taken by students~~
2177 ~~retaking the grade 10 FCAT are equally as challenging and~~
2178 ~~difficult as the tests taken by students in grade 10 which~~
2179 ~~contain performance tasks.~~ The testing program must be designed
2180 as follows so that:



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2181 1. The tests shall measure student skills and competencies
2182 adopted by the State Board of Education as specified in paragraph
2183 (a). The tests must measure and report student proficiency levels
2184 of all students assessed in reading, writing, mathematics, and
2185 science. The commissioner shall provide for the tests to be
2186 developed or obtained, as appropriate, through contracts and
2187 project agreements with private vendors, public vendors, public
2188 agencies, postsecondary educational institutions, or school
2189 districts. The commissioner shall obtain input with respect to
2190 the design and implementation of the testing program from state
2191 educators, assistive technology experts, and the public.

2192 2. The testing program shall be composed ~~will include a~~
2193 ~~combination of norm-referenced and~~ criterion-referenced tests
2194 that shall ~~and include~~, to the extent determined by the
2195 commissioner, include test items ~~questions~~ that require the
2196 student to produce information or perform tasks in such a way
2197 that the core content knowledge and skills ~~and competencies~~ he or
2198 she uses can be measured.

2199 3. Beginning with the 2008-2009 school year, the
2200 commissioner shall discontinue administration of the selected-
2201 response test items on the comprehensive assessments of writing.
2202 Beginning with the 2012-2013 school year, the comprehensive
2203 assessments of writing shall be composed of a combination of
2204 selected-response test items, short-response performance tasks,
2205 and extended-response performance tasks, which shall measure a
2206 student's content knowledge of writing, including, but not
2207 limited to, paragraph and sentence structure, sentence
2208 construction, grammar and usage, punctuation, capitalization,
2209 spelling, parts of speech, verb tense, irregular verbs, subject-
2210 verb agreement, and noun-pronoun agreement. ~~Each testing program,~~



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2211 ~~whether at the elementary, middle, or high school level, includes~~
2212 ~~a test of writing in which students are required to produce~~
2213 ~~writings that are then scored by appropriate and timely methods.~~

2214 4. A score shall be ~~is~~ designated for each subject area
2215 tested, below which score a student's performance is deemed
2216 inadequate. The school districts shall provide appropriate
2217 remedial instruction to students who score below these levels.

2218 5. Except as provided in s. 1003.428(8)(b) or s.
2219 1003.43(11)(b), students must earn a passing score on the grade
2220 10 assessment test described in this paragraph or attain
2221 concordant scores as described in subsection (9) in reading,
2222 writing, and mathematics to qualify for a standard high school
2223 diploma. The State Board of Education shall designate a passing
2224 score for each part of the grade 10 assessment test. In
2225 establishing passing scores, the state board shall consider any
2226 possible negative impact of the test on minority students. The
2227 State Board of Education shall adopt rules which specify the
2228 passing scores for the grade 10 FCAT. Any such rules, which have
2229 the effect of raising the required passing scores, shall ~~only~~
2230 apply only to students taking the grade 10 FCAT for the first
2231 time after such rules are adopted by the State Board of
2232 Education.

2233 6. Participation in the testing program is mandatory for
2234 all students attending public school, including students served
2235 in Department of Juvenile Justice programs, except as otherwise
2236 prescribed by the commissioner. If a student does not participate
2237 in the statewide assessment, the district must notify the
2238 student's parent and provide the parent with information
2239 regarding the implications of such nonparticipation. A parent
2240 must provide signed consent for a student to receive classroom



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2241 | instructional accommodations that would not be available or
2242 | permitted on the statewide assessments and must acknowledge in
2243 | writing that he or she understands the implications of such
2244 | instructional accommodations. The State Board of Education shall
2245 | adopt rules, based upon recommendations of the commissioner, for
2246 | the provision of test accommodations for students in exceptional
2247 | education programs and for students who have limited English
2248 | proficiency. Accommodations that negate the validity of a
2249 | statewide assessment are not allowable in the administration of
2250 | the FCAT. However, instructional accommodations are allowable in
2251 | the classroom if included in a student's individual education
2252 | plan. Students using instructional accommodations in the
2253 | classroom that are not allowable as accommodations on the FCAT
2254 | may have the FCAT requirement waived pursuant to the requirements
2255 | of s. 1003.428(8)(b) or s. 1003.43(11)(b).

2256 | 7. A student seeking an adult high school diploma must meet
2257 | the same testing requirements that a regular high school student
2258 | must meet.

2259 | 8. District school boards must provide instruction to
2260 | prepare students to demonstrate proficiency in the skills and
2261 | competencies necessary for successful grade-to-grade progression
2262 | and high school graduation. If a student is provided with
2263 | instructional accommodations in the classroom that are not
2264 | allowable as accommodations in the statewide assessment program,
2265 | as described in the test manuals, the district must inform the
2266 | parent in writing and must provide the parent with information
2267 | regarding the impact on the student's ability to meet expected
2268 | proficiency levels in reading, writing, and math. The
2269 | commissioner shall conduct studies as necessary to verify that



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2270 the required skills and competencies are part of the district
2271 instructional programs.

2272 9. District school boards must provide opportunities for
2273 students to demonstrate an acceptable level of performance on an
2274 alternative standardized assessment approved by the State Board
2275 of Education following enrollment in summer academies.

2276 10. The Department of Education must develop, or select,
2277 and implement a common battery of assessment tools that will be
2278 used in all juvenile justice programs in the state. These tools
2279 must accurately measure the skills and competencies established
2280 in the Sunshine State Standards.

2281 11. For students seeking a special diploma pursuant to s.
2282 1003.438, the Department of Education must develop or select and
2283 implement an alternate assessment tool that accurately measures
2284 the skills and competencies established in the Sunshine State
2285 Standards for students with disabilities under s. 1003.438.

2286 12. The Commissioner of Education shall establish schedules
2287 for the administration of statewide assessments and the reporting
2288 of student test results. The commissioner shall, by August 1 of
2289 each year, notify each school district in writing and publish on
2290 the department's Internet website the testing and reporting
2291 schedules for, at a minimum, the school year following the
2292 upcoming school year. The testing and reporting schedules shall
2293 require that:

2294 a. There is the latest possible administration of statewide
2295 assessments and the earliest possible reporting to the school
2296 districts of student test results which is feasible within
2297 available technology and specific appropriations; however, test
2298 results must be made available no later than the final day of the
2299 regular school year for students.



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2300 b. Beginning with the 2010-2011 school year, a
2301 comprehensive statewide assessment of writing is not administered
2302 earlier than the week of March 1 and a comprehensive statewide
2303 assessment of any other subject is not administered earlier than
2304 the week of April 15.

2305 c. The department-approved, end-of-course assessment is
2306 administered within the last 2 weeks of the course.

2307
2308 The commissioner may, based on collaboration and input from
2309 school districts, design and implement student testing programs,
2310 for any grade level and subject area, necessary to effectively
2311 monitor educational achievement in the state, including the
2312 measurement of educational achievement of the Sunshine State
2313 Standards for students with disabilities. Development and
2314 refinement of assessments shall include universal design
2315 principles and accessibility standards that will prevent any
2316 unintended obstacles for students with disabilities while
2317 ensuring the validity and reliability of the test. These
2318 principles should be applicable to all technology platforms and
2319 assistive devices available for the assessments. The field
2320 testing process and psychometric analyses for the statewide
2321 assessment program must include an appropriate percentage of
2322 students with disabilities and an evaluation or determination of
2323 the effect of test items on such students.

2324 (4) STATEWIDE ASSESSMENT PREPARATION; PROHIBITED
2325 ACTIVITIES.--Beginning with the 2008-2009 school year, a district
2326 school board shall prohibit each public school from suspending a
2327 regular program of curricula for purposes of administering
2328 practice tests or engaging in other test-preparation activities
2329 for a statewide assessment. However, a district school board may



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2330 authorize a public school to engage in the following test-
2331 preparation activities for a statewide assessment:

2332 (a) Distributing to students the sample test books and
2333 answer keys published by the Department of Education;

2334 (b) Providing individualized instruction in test-taking
2335 strategies, without suspending the school's regular program of
2336 curricula, for a student who scores at Level 1 or Level 2 on a
2337 prior administration of the statewide assessment;

2338 (c) Providing individualized instruction in the content
2339 knowledge and skills assessed, without suspending the school's
2340 regular program of curricula, for a student who scores at Level 1
2341 or Level 2 on a prior administration of the statewide assessment,
2342 or a student who, through a diagnostic assessment administered by
2343 the school district, is identified as having a deficiency in the
2344 content knowledge and skills assessed;

2345 (d) Incorporating test-taking exercises and strategies
2346 into curricula for intensive reading and mathematics intervention
2347 courses; and

2348 (e) Administering a practice test or engaging in other
2349 test-preparation activities for the statewide assessment which
2350 are determined necessary to familiarize students with the
2351 organization of the assessment, the format of the test items, and
2352 the test directions, or which are otherwise necessary for the
2353 valid and reliable administration of the assessment, as set forth
2354 in rules adopted by the State Board of Education with specific
2355 reference to this paragraph.

2356 (5)(4) DISTRICT TESTING PROGRAMS.--Each district school
2357 board shall periodically assess student performance and
2358 achievement within each school of the district. The assessment
2359 programs must be based upon local goals and objectives that are



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2360 compatible with the state plan for education and that supplement
2361 the skills and competencies adopted by the State Board of
2362 Education. All school districts must participate in the statewide
2363 assessment program designed to measure annual student learning
2364 and school performance. All district school boards shall report
2365 assessment results as required by the state management
2366 information system.

2367 (6)~~(5)~~ SCHOOL TESTING PROGRAMS.--Each public school shall
2368 participate in the statewide assessment program, unless
2369 specifically exempted by state board rule based on serving a
2370 specialized population for which standardized testing is not
2371 appropriate. Student performance data shall be analyzed and
2372 reported to parents, the community, and the state. Student
2373 performance data shall be used in developing objectives of the
2374 school improvement plan, evaluation of instructional personnel,
2375 evaluation of administrative personnel, assignment of staff,
2376 allocation of resources, acquisition of instructional materials
2377 and technology, performance-based budgeting, and promotion and
2378 assignment of students into educational programs. The analysis of
2379 student performance data also must identify strengths and needs
2380 in the educational program and trends over time. The analysis
2381 must be used in conjunction with the budgetary planning processes
2382 developed pursuant to s. 1008.385 and the development of the
2383 programs of remediation.

2384 (7)~~(6)~~ REQUIRED ANALYSES.--The commissioner shall provide,
2385 at a minimum, for the following analyses of data produced by the
2386 student achievement testing program:

2387 (c) The annual testing program shall be administered to
2388 provide for valid statewide comparisons of learning gains to be
2389 made for purposes of accountability and recognition. ~~The~~



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2390 ~~commissioner shall establish a schedule for the administration of~~
2391 ~~the statewide assessments. In establishing such schedule, the~~
2392 ~~commissioner is charged with the duty to accomplish the latest~~
2393 ~~possible administration of the statewide assessments and the~~
2394 ~~earliest possible provision of the results to the school~~
2395 ~~districts feasible within available technology and specific~~
2396 ~~appropriation.~~ District school boards shall not establish school
2397 calendars that jeopardize or limit the valid testing and
2398 comparison of student learning gains.

2399 (8) ~~(7)~~ LOCAL ASSESSMENTS.--Measurement of the learning
2400 gains of students in all subjects and grade levels other than
2401 subjects and grade levels required for the state student
2402 achievement testing program is the responsibility of the school
2403 districts.

2404 (9) ~~(8)~~ APPLICABILITY OF TESTING STANDARDS.--

2405 (a) If the Commissioner of Education revises a statewide
2406 assessment and the revisions require the State Board of Education
2407 to modify the assessment's proficiency levels or modify the
2408 passing scores required for a standard high school diploma, until
2409 the state board adopts the modifications by rule the commissioner
2410 shall use calculations for scoring the assessment which adjust
2411 student scores on the revised assessment for statistical
2412 equivalence to student scores on the former assessment.

2413 (b) A student must attain ~~meet~~ the passing scores on the
2414 statewide assessment required ~~testing requirements~~ for a standard
2415 high school diploma which are ~~graduation that were~~ in effect at
2416 the time the student enters ~~entered~~ 9th grade 9 ~~if,~~ ~~provided~~ the
2417 student's enrollment is ~~was~~ continuous.

2418 (c) If the commissioner revises a statewide assessment and
2419 the revisions require the State Board of Education to modify the



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2420 passing scores required for a standard high school diploma, the
2421 commissioner may, with approval of the state board, discontinue
2422 administration of the former assessment upon the graduation,
2423 based on normal student progression, of students participating in
2424 the final regular administration of the former assessment. The
2425 state board shall adopt by rule passing scores for the revised
2426 assessment which are statistically equivalent to passing scores
2427 on the discontinued assessment for a student required under
2428 paragraph (b) to attain passing scores on the discontinued
2429 assessment.

2430 (10)-(9) CONCORDANT SCORES FOR THE FCAT.--

2431 (a) The State Board of Education shall analyze the content
2432 and concordant data sets for widely used high school achievement
2433 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,
2434 and College Placement Test, to assess if concordant scores for
2435 FCAT scores can be determined for high school graduation, college
2436 placement, and scholarship awards. In cases where content
2437 alignment and concordant scores can be determined, the
2438 Commissioner of Education shall adopt those scores as meeting the
2439 graduation requirement in lieu of achieving the FCAT passing
2440 score and may adopt those scores as being sufficient to achieve
2441 additional purposes as determined by rule. Each time that test
2442 content or scoring procedures change ~~are changed~~ for the FCAT or
2443 for a high school achievement test for which a concordant score
2444 is determined ~~one of the identified tests~~, new concordant scores
2445 must be determined.

2446 (b) In order to use a concordant subject area score
2447 pursuant to this subsection to satisfy the assessment requirement
2448 for a standard high school diploma as provided in s.
2449 1003.429(6) (a), s. 1003.43(5) (a), or s. 1003.428, a student must



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2450 take each subject area of the grade 10 FCAT a total of three
2451 times without earning a passing score. The requirements of this
2452 paragraph shall not apply to a new student who enters the Florida
2453 public school system in grade 12, who may either achieve a
2454 passing score on the FCAT or use an approved subject area
2455 concordant score to fulfill the graduation requirement.

2456 (c) The State Board of Education may define by rule the
2457 allowable uses, other than to satisfy the high school graduation
2458 requirement, for concordant scores as described in this
2459 subsection. Such uses may include, but need not be limited to,
2460 achieving appropriate standardized test scores required for the
2461 awarding of Florida Bright Futures Scholarships and college
2462 placement.

2463 ~~(11)-(10)~~ REPORTS.--The Department of Education shall
2464 annually provide a report to the Governor, the President of the
2465 Senate, and the Speaker of the House of Representatives on the
2466 following:

2467 (a) Longitudinal performance of students in mathematics and
2468 reading.

2469 (b) Longitudinal performance of students by grade level in
2470 mathematics and reading.

2471 (c) Longitudinal performance regarding efforts to close the
2472 achievement gap.

2473 ~~(d) Longitudinal performance of students on the norm-~~
2474 ~~referenced component of the FCAT.~~

2475 ~~(d)-(e)~~ Other student performance data based on national
2476 norm-referenced and criterion-referenced tests, when available,
2477 and numbers of students who after 8th grade enroll in adult
2478 education rather than other secondary education.



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2479 | ~~(11)~~ (12) RULES.--The State Board of Education shall adopt
2480 | rules pursuant to ss. 120.536(1) and 120.54 to implement the
2481 | provisions of this section.

2482 | Section 30. Subsection (3) of section 1008.30, Florida
2483 | Statutes, is amended to read:

2484 | 1008.30 Common placement testing for public postsecondary
2485 | education.--

2486 | (3) The State Board of Education shall adopt rules that
2487 | would require high schools to give the common placement test
2488 | prescribed in this section, or an equivalent test identified by
2489 | the State Board of Education, at the beginning of the tenth grade
2490 | year before enrollment in the eleventh grade year in public high
2491 | school for the purpose of obtaining remedial instruction prior to
2492 | entering public postsecondary education. The Department of
2493 | Education shall purchase or develop assessments to evaluate the
2494 | college readiness of eleventh grade students who may be at risk
2495 | of needing remediation in reading or mathematics prior to
2496 | enrollment in postsecondary institutions. The department shall
2497 | work with school districts to administer the assessments during
2498 | the 2008-2009 school year. To the maximum extent practicable, a
2499 | school district shall provide twelfth grade students who need
2500 | remediation and who indicate an interest in postsecondary
2501 | education with access to appropriate remediation courses to
2502 | mitigate remediation at the postsecondary level.

2503 | Section 31. Paragraph (c) of subsection (1) of section
2504 | 1008.31, Florida Statutes, is amended to read:

2505 | 1008.31 Florida's K-20 education performance accountability
2506 | system; legislative intent; mission, goals, and systemwide
2507 | measures; data quality improvements.--



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2508 (1) LEGISLATIVE INTENT.--It is the intent of the
2509 Legislature that:

2510 (c) The K-20 education performance accountability system
2511 comply with the ~~accountability~~ requirements of the "No Child Left
2512 Behind Act of 2001," Pub. L. No. 107-110, and the Individuals
2513 with Disabilities Education Act (IDEA).

2514 Section 32. Subsection (3) of section 1008.34, Florida
2515 Statutes, is amended, and subsection (8) is added to that
2516 section, to read:

2517 1008.34 School grading system; school report cards;
2518 district grade.--

2519 (3) DESIGNATION OF SCHOOL GRADES.--

2520 (a) Schools receiving a school grade.--Each school that has
2521 students who are tested and included in the school grading
2522 system, ~~except an alternative school that receives a school~~
2523 ~~improvement rating pursuant to s. 1008.341,~~ shall receive a
2524 school grade, except as follows:

2525 1. A school shall not receive a school grade if the number
2526 of its students tested and included in the school grading system
2527 are fewer than the minimum sample size necessary, based on
2528 accepted professional practice, for statistical reliability and
2529 prevention of the unlawful release of personally identifiable
2530 student data under s. 1002.22 or 20 U.S.C. s. 1232g.; however,

2531 2. An alternative school may choose to receive a school
2532 grade under this section or in lieu of a school improvement
2533 rating under s. 1008.341.

2534 3. Additionally, A school that serves any combination of
2535 students in kindergarten through grade 3 which does not receive a
2536 school grade because its students are not tested and included in
2537 the school grading system shall receive the school grade



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2538 designation of a K-3 feeder pattern school identified by the
2539 Department of Education and verified by the school district. A
2540 school feeder pattern exists if at least 60 percent of the
2541 students in the school serving a combination of students in
2542 kindergarten through grade 3 are scheduled to be assigned to the
2543 graded school. ~~School grades itemized in subsection (2) shall be~~
2544 ~~based on the following:~~

2545 (b) 1. (a) Criteria.—A school's grade shall be based on a
2546 combination of:

2547 a. 1. Student achievement scores, including achievement
2548 scores for students seeking a special diploma.

2549 b. 2. Student learning gains as measured by annual FCAT
2550 assessments in grades 3 through 10; learning gains for students
2551 seeking a special diploma, as measured by an alternate assessment
2552 tool, shall be included not later than the 2009-2010 school year.

2553 c. 3. Improvement of the lowest 25th percentile of students
2554 in the school in reading, math, or writing on the FCAT, unless
2555 these students are exhibiting satisfactory performance.

2556 2. Beginning with the 2009-2010 school year for schools
2557 comprised of high school grades 9, 10, 11, and 12, or grades 10,
2558 11, and 12, 50 percent of the school grade shall be based on a
2559 combination of the factors listed in sub-subparagraphs 1.a.-c.
2560 and the remaining 50 percent on the following factors:

2561 a. The high school graduation rate of the school;

2562 b. As valid data becomes available, the performance and
2563 participation of the school's students in College Board Advanced
2564 Placement courses; International Baccalaureate courses; dual
2565 enrollment courses; Advanced International Certificate of
2566 Education courses; and achievement of industry certification, as
2567 determined by the Agency for Workforce Innovation under s.



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2568 1003.492(2) in a career and professional academy, as described in
2569 s. 1003.493;

2570 c. Postsecondary readiness of the school's students as
2571 measured by the SAT, ACT, or the common placement test;

2572 d. The high school graduation rate of at-risk students who
2573 scored at Level 2 or lower on the 8th grade FCAT Reading and
2574 Mathematics examinations;

2575 e. As valid data becomes available, the performance of the
2576 school's students on statewide standardized end-of-course
2577 assessments approved by the Department of Education; and

2578 f. The growth or decline in the components listed in sub-
2579 paragraphs a. through e. from year to year.

2580 (c) (b) Student assessment data. Student assessment data
2581 used in determining school grades shall include:

2582 1. The aggregate scores of all eligible students enrolled
2583 in the school who have been assessed on the FCAT.

2584 2. The aggregate scores of all eligible students enrolled
2585 in the school who have been assessed on the FCAT, ~~including~~
2586 ~~Florida Writes,~~ and who have scored at or in the lowest 25th
2587 percentile of students in the school in reading, math, or
2588 writing, unless these students are exhibiting satisfactory
2589 performance.

2590 3. Effective with the 2005-2006 school year, the
2591 achievement scores and learning gains of eligible students
2592 attending alternative schools that provide dropout prevention and
2593 academic intervention services pursuant to s. 1003.53. The term
2594 "eligible students" in this subparagraph does not include
2595 students attending an alternative school who are subject to
2596 district school board policies for expulsion for repeated or
2597 serious offenses, who are in dropout retrieval programs serving



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2598 students who have officially been designated as dropouts, or who
2599 are in programs operated or contracted by the Department of
2600 Juvenile Justice. The student performance data for eligible
2601 students identified in this subparagraph shall be included in the
2602 calculation of the home school's grade. As used in ~~For purposes~~
2603 ~~of~~ this section and s. 1008.341, the term "home school" means the
2604 school to which the student would be assigned if the student were
2605 not was attending when assigned to an alternative school. If an
2606 alternative school chooses to be graded under pursuant to this
2607 section, student performance data for eligible students
2608 identified in this subparagraph shall not be included in the home
2609 school's grade but shall be included only in the calculation of
2610 the alternative school's grade. A school district that fails to
2611 assign the FCAT scores of all students back to their home school
2612 or to the alternative school that receives a grade shall forfeit
2613 school recognition funds for 1 fiscal year. School districts must
2614 require collaboration between the home school and the alternative
2615 school in order to promote student success. This collaboration
2616 must include an annual discussion between the principal of the
2617 alternative school and the principal of each student's home
2618 school concerning the most appropriate school assignment of the
2619 student.

2620 4. Beginning with the 2009-2010 school year for schools
2621 comprised of high school grades 9, 10, 11, and 12, or grades 10,
2622 11, and 12, the data listed in subparagraphs 1. through 3. and
2623 the following data as the Department of Education determines such
2624 data are valid and available:

2625 a. The high school graduation rate of the school as
2626 calculated by the Department of Education;



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2627 b. The participation rate of all eligible students enrolled
2628 in the school and enrolled in College Board Advanced Placement
2629 courses; International Baccalaureate courses; dual enrollment
2630 courses; Advanced International Certificate of Education courses;
2631 and courses or sequence of courses leading to industry
2632 certification, as determined by the Agency for Workforce
2633 Innovation under s. 1003.492(2) in a career and professional
2634 academy, as described in s. 1003.493;

2635 c. The aggregate scores of all eligible students enrolled
2636 in the school in College Board Advanced Placement courses,
2637 International Baccalaureate courses, and Advanced International
2638 Certificate of Education courses;

2639 d. Earning of college credit by all eligible students
2640 enrolled in the school in dual enrollment programs under s.
2641 1007.271;

2642 e. Earning of an industry certification, as determined by
2643 the Agency for Workforce Innovation under s. 1003.492(2) in a
2644 career and professional academy, as described in s. 1003.493;

2645 f. The aggregate scores of all eligible students enrolled
2646 in the school in reading, mathematics, and other subjects as
2647 measured by the SAT, ACT, and common placement test for
2648 postsecondary readiness;

2649 g. The high school graduation rate of all eligible at-risk
2650 students enrolled in the school who scored at Level 2 or lower on
2651 the 8th grade FCAT Reading and Mathematics examinations;

2652 h. The performance of the school's students on statewide
2653 standardized end-of-course assessments approved by the Department
2654 of Education; and

2655 i. The growth or decline in the data components listed in
2656 sub-subparagraphs a. through h. from year to year.



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2657
2658 The State Board of Education shall adopt appropriate criteria for
2659 each school grade. The criteria must also give added weight to
2660 student achievement in reading. Schools designated with a grade
2661 of "C," making satisfactory progress, shall be required to
2662 demonstrate that adequate progress has been made by students in
2663 the school who are in the lowest 25th percentile in reading,
2664 math, or writing on the FCAT, including Florida Writes, unless
2665 these students are exhibiting satisfactory performance. Beginning
2666 with the 2009-2010 school year for schools comprised of high
2667 school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the
2668 criteria for school grades must also give added weight to the
2669 graduation rate of all eligible at-risk students, as defined in
2670 this paragraph. Beginning in the 2009-2010 school year, in order
2671 for a high school to be designated as having a grade of "A,"
2672 making excellent progress, the school must demonstrate that at-
2673 risk students, as defined in this paragraph, in the school are
2674 making adequate progress.

2675 (8) RULES.--The State Board of Education shall adopt rules
2676 under ss. 120.536(1) and 120.54 to administer this section.

2677 Section 33. Subsections (2) and (3) of section 1008.341,
2678 Florida Statutes, are amended, and subsection (6) is added to
2679 that section, to read:

2680 1008.341 School improvement rating for alternative
2681 schools.--

2682 (2) SCHOOL IMPROVEMENT RATING.--An alternative school
2683 schools that provides provide dropout prevention and academic
2684 intervention services pursuant to s. 1003.53 shall receive a
2685 school improvement rating pursuant to this section. However, an
2686 alternative school shall not receive a school improvement rating



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2687 if the number of its students for whom student performance data
2688 is available for the current year and previous year are fewer
2689 than the minimum sample size necessary, based on acceptable
2690 professional practice, for statistical reliability and prevention
2691 of the unlawful release of personally identifiable student data
2692 under s. 1002.22 or 20 U.S.C. s. 1232g. The school improvement
2693 rating shall identify an alternative school ~~schools~~ as having one
2694 of the following ratings defined according to rules of the State
2695 Board of Education:

2696 (a) "Improving" means the ~~schools with~~ students attending
2697 the school are making more academic progress than when the
2698 students were served in their home schools.

2699 (b) "Maintaining" means the ~~schools with~~ students attending
2700 the school are making progress equivalent to the progress made
2701 when the students were served in their home schools.

2702 (c) "Declining" means the ~~schools with~~ students attending
2703 the school are making less academic progress than when the
2704 students were served in their home schools.

2705

2706 The school improvement rating shall be based on a comparison of
2707 student performance data for the current year and previous year.
2708 Schools that improve at least one level or maintain an
2709 "improving" rating pursuant to this section are eligible for
2710 school recognition awards pursuant to s. 1008.36.

2711 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student data
2712 used in determining an alternative school's school improvement
2713 rating shall include:

2714 (a) The aggregate scores of all eligible students who were
2715 assigned to and enrolled in the school during the October or



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2716 February FTE count, who have been assessed on the FCAT, and who
2717 have FCAT or comparable scores for the preceding school year.

2718 (b) The aggregate scores of all eligible students who were
2719 assigned to and enrolled in the school during the October or
2720 February FTE count, who have been assessed on the FCAT, ~~including~~
2721 ~~Florida Writes,~~ and who have scored in the lowest 25th percentile
2722 of students in the state on FCAT Reading.

2723

2724 The assessment scores of students who are subject to district
2725 school board policies for expulsion for repeated or serious
2726 offenses, who are in dropout retrieval programs serving students
2727 who have officially been designated as dropouts, or who are in
2728 programs operated or contracted by the Department of Juvenile
2729 Justice may not be included in an alternative school's school
2730 improvement rating.

2731 (6) RULES.--The State Board of Education shall adopt rules
2732 under ss. 120.536(1) and 120.54 to administer this section.

2733 Section 34. Subsection (2) of section 1008.36, Florida
2734 Statutes, is amended to read:

2735 1008.36 Florida School Recognition Program.--

2736 (2) The Florida School Recognition Program is created to
2737 provide financial awards to public schools that:

2738 (a) Sustain high performance by receiving a school grade of
2739 "A," making excellent progress; or

2740 (b) Demonstrate exemplary improvement due to innovation and
2741 effort by improving at least one a letter grade or by improving
2742 more than one letter grade and sustaining the improvement the
2743 following school year.

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2745 Notwithstanding statutory provisions to the contrary, incentive
2746 awards are not subject to collective bargaining.

2747 Section 35. Paragraph (a) of subsection (3) of section
2748 1012.34, Florida Statutes, is amended to read:

2749 1012.34 Assessment procedures and criteria.--

2750 (3) The assessment procedure for instructional personnel
2751 and school administrators must be primarily based on the
2752 performance of students assigned to their classrooms or schools,
2753 as appropriate. ~~Pursuant to this section, a school district's~~
2754 ~~performance assessment is not limited to basing unsatisfactory~~
2755 ~~performance of instructional personnel and school administrators~~
2756 ~~upon student performance, but may include other criteria approved~~
2757 ~~to assess instructional personnel and school administrators'~~
2758 ~~performance, or any combination of student performance and other~~
2759 ~~approved criteria.~~ The procedures must comply with, but are not
2760 limited to, the following requirements:

2761 (a) An assessment must be conducted for each employee at
2762 least once a year. The assessment must be based upon sound
2763 educational principles and contemporary research in effective
2764 educational practices. The assessment must primarily use data and
2765 indicators of improvement in student performance assessed
2766 annually as specified in s. 1008.22 and may consider results of
2767 peer reviews in evaluating the employee's performance. Student
2768 performance must be measured by state assessments required under
2769 s. 1008.22 and by local assessments for subjects and grade levels
2770 not measured by the state assessment program. The assessment
2771 criteria must include, but are not limited to, indicators that
2772 relate to the following:

- 2773 1. Performance of students.
- 2774 2. Ability to maintain appropriate discipline.



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2775 | 3. Knowledge of subject matter. The district school board
2776 | shall make special provisions for evaluating teachers who are
2777 | assigned to teach out-of-field.

2778 | 4. Ability to plan and deliver instruction and the use of
2779 | technology in the classroom.

2780 | 5. Ability to evaluate instructional needs.

2781 | 6. Ability to establish and maintain a positive
2782 | collaborative relationship with students' families to increase
2783 | student achievement.

2784 | 7. Other professional competencies, responsibilities, and
2785 | requirements as established by rules of the State Board of
2786 | Education and policies of the district school board.

2787 |
2788 | Pursuant to this section, a school district may determine that
2789 | the performance of instructional personnel and school
2790 | administrators is unsatisfactory based upon student performance
2791 | and other criteria approved to assess instructional personnel and
2792 | school administrators' performance or any combination thereof.

2793 | Section 36. Present subsections (4) through (16) of section
2794 | 1012.56, Florida Statutes, are renumbered as subsections (5)
2795 | through (17), respectively, and a new subsection (4) is added to
2796 | that section, to read:

2797 | 1012.56 Educator certification requirements.--

2798 | (4) ALIGNMENT OF SUBJECT AREAS.--As the Sunshine State
2799 | Standards are replaced by the Next Generation Sunshine State
2800 | Standards under s.1001.03, the State Board of Education shall
2801 | align the subject area examinations to the Next Generation
2802 | Sunshine State Standards.



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2803 Section 37. Subsection (1) of section 1012.57, Florida
2804 Statutes, is amended to read:

2805 1012.57 Certification of adjunct educators.--

2806 (1) Notwithstanding the provisions of ss. 1012.32, 1012.55,
2807 and 1012.56, or any other provision of law or rule to the
2808 contrary, district school boards shall adopt rules to allow for
2809 the issuance of an adjunct teaching certificate to any applicant
2810 who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10)
2811 ~~(9)~~ and who has expertise in the subject area to be taught. An
2812 applicant shall be considered to have expertise in the subject
2813 area to be taught if the applicant demonstrates sufficient
2814 subject area mastery through passage of a subject area test. The
2815 adjunct teaching certificate shall be used for part-time teaching
2816 positions. The intent of this provision is to allow school
2817 districts to tap the wealth of talent and expertise represented
2818 in Florida's citizens who may wish to teach part-time in a
2819 Florida public school by permitting school districts to issue
2820 adjunct certificates to qualified applicants. Adjunct
2821 certificateholders should be used as a strategy to reduce the
2822 teacher shortage; thus, adjunct certificateholders should
2823 supplement a school's instructional staff, not supplant it. Each
2824 school principal shall assign an experienced peer mentor to
2825 assist the adjunct teaching certificateholder during the
2826 certificateholder's first year of teaching, and an adjunct
2827 certificateholder may participate in a district's new teacher
2828 training program. District school boards shall provide the
2829 adjunct teaching certificateholder an orientation in classroom
2830 management prior to assigning the certificateholder to a school.
2831 Each adjunct teaching certificate is valid for 5 school years and
2832 is renewable if the applicant has received satisfactory



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2833 performance evaluations during each year of teaching under
2834 adjunct teaching certification.

2835 Section 38. Subsection (1) of section 1012.586, Florida
2836 Statutes, is amended to read:

2837 1012.586 Additions or changes to certificates; duplicate
2838 certificates.--A school district may process via a Department of
2839 Education website certificates for the following applications of
2840 public school employees:

2841 (1) Addition of a subject coverage or endorsement to a
2842 valid Florida certificate on the basis of the completion of the
2843 appropriate subject area testing requirements of s. 1012.56(5)(a)
2844 ~~s. 1012.56(4)(a)~~ or the completion of the requirements of an
2845 approved school district program or the inservice components for
2846 an endorsement.

2847
2848 The employing school district shall charge the employee a fee not
2849 to exceed the amount charged by the Department of Education for
2850 such services. Each district school board shall retain a portion
2851 of the fee as defined in the rules of the State Board of
2852 Education. The portion sent to the department shall be used for
2853 maintenance of the technology system, the web application, and
2854 posting and mailing of the certificate.

2855 Section 39. Effective upon this act becoming a law, section
2856 1012.71, Florida Statutes, is amended to read:

2857 (Substantial rewording of section. See

2858 s. 1012.71, F.S., for present text.)

2859 1012.71 The Florida Teachers Lead Program.--

2860 (1) For purposes of the Florida Teachers Lead Program, the
2861 term "classroom teacher" means a certified teacher employed by a
2862 public school district or a public charter school in that



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2863 district on or before September 1 of each year whose full-time or
2864 job-share responsibility is the classroom instruction of students
2865 in prekindergarten through grade 12, including full-time media
2866 specialists and guidance counselors serving students in
2867 prekindergarten through grade 12, who are funded through the
2868 Florida Education Finance Program. A "job-share classroom
2869 teacher" is one of two teachers whose combined full-time
2870 equivalent employment for the same teaching assignment equals one
2871 full-time classroom teacher.

2872 (2) The Legislature, in the General Appropriations Act,
2873 shall determine funding for the Florida Teachers Lead Program.
2874 The funds appropriated are for classroom teachers to purchase, on
2875 behalf of the school district or charter school, classroom
2876 materials and supplies for the public school students assigned to
2877 them and may not be used to purchase equipment. The funds
2878 appropriated shall be used to supplement the materials and
2879 supplies otherwise available to classroom teachers. From the
2880 funds appropriated for the Florida Teachers Lead Program, the
2881 Commissioner of Education shall calculate an amount for each
2882 school district based upon each school district's proportionate
2883 share of the state's total unweighted FTE student enrollment and
2884 shall disburse the funds to the school districts by July 15.

2885 (3) From the funds allocated to each school district for
2886 the Florida Teachers Lead Program, the district school board
2887 shall calculate an identical amount for each classroom teacher,
2888 which is that teacher's proportionate share of the total amount
2889 allocated to the district. A job-share classroom teacher may
2890 receive a prorated share of the amount provided to a full-time
2891 classroom teacher. The district school board and each charter
2892 school board shall provide each classroom teacher with his or her



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2893 total proportionate share by September 30 of each year by any
2894 means determined appropriate by the district school board or
2895 charter school board, including, but not limited to, direct
2896 deposit, check, debit card, or purchasing card, notwithstanding
2897 any law to the contrary. Expenditures under the program are not
2898 subject to state or local competitive bidding requirements. Funds
2899 received by a classroom teacher do not affect wages, hours, or
2900 terms and conditions of employment and, therefore, are not
2901 subject to collective bargaining. Any classroom teacher may
2902 decline receipt of or return the funds without explanation or
2903 cause. This subsection applies retroactively to July 1, 2007.

2904 (4) Each classroom teacher must sign a statement
2905 acknowledging receipt of the funds, keep receipts for no less
2906 than 4 years to show that funds expended meet the requirements of
2907 this section, and return any unused funds to the district school
2908 board at the end of the regular school year. Any unused funds
2909 that are returned to the district school board shall be deposited
2910 into the school advisory council account of the school at which
2911 the classroom teacher returning the funds was employed when that
2912 teacher received the funds or shall be deposited into the Florida
2913 Teachers Lead Program account of the school district in which a
2914 charter school is sponsored, as applicable.

2915 (5) The statement must be signed and dated by each
2916 classroom teacher before receipt of the Florida Teachers Lead
2917 Program funds and shall include the wording: "I, (name of
2918 teacher) , am employed by the County District School Board
2919 or by the Charter School as a full-time classroom teacher. I
2920 acknowledge that Florida Teachers Lead Program funds are
2921 appropriated by the Legislature for the sole purpose of
2922 purchasing classroom materials and supplies to be used in the



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2923 instruction of students assigned to me. In accepting custody of
2924 these funds, I agree to keep the receipts for all expenditures
2925 for no less than 4 years. I understand that if I do not keep the
2926 receipts, it will be my personal responsibility to pay any
2927 federal taxes due on these funds. I also agree to return any
2928 unexpended funds to the district school board at the end of the
2929 regular school year for deposit into the school advisory council
2930 account of the school where I was employed at the time I received
2931 the funds or for deposit into the Florida Teachers Lead Program
2932 account of the school district in which the charter school is
2933 sponsored, as applicable."

2934 Section 40. Present paragraphs (b) and (c) of subsection
2935 (2) of section 1013.12, Florida Statutes, are redesignated as
2936 paragraphs (c) and (d), respectively, and a new paragraph (b) is
2937 added to that subsection, to read:

2938 1013.12 Casualty, safety, sanitation, and firesafety
2939 standards and inspection of property.--

2940 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
2941 BOARDS.--

2942 (b) Each school cafeteria must post in a visible location
2943 and on the school website the school's semiannual sanitation
2944 certificate and a copy of its most recent sanitation inspection
2945 report.

2946 Section 41. Section 1002.375, Florida Statutes, is created
2947 to read:

2948 1002.375 Alternative credit for high school courses; pilot
2949 project.--

2950 (1) The Commissioner of Education shall implement a pilot
2951 project in up to three school districts beginning in the 2008-
2952 2009 school year which allows school districts to award



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2953 alternative course credit for students enrolled in nationally or
2954 state-recognized industry certification programs, as defined by
2955 the Agency for Workforce Innovation in accordance with the
2956 criteria described in s. 1003.492(2). The Commissioner of
2957 Education shall establish criteria for districts that participate
2958 in the pilot program. School districts interested in
2959 participating in the program must submit a letter of interest by
2960 July 15, 2008, to the Commissioner of Education identifying up to
2961 five nationally or state-recognized industry certification
2962 programs, as defined by the Agency for Workforce Innovation in
2963 accordance with the criteria described in s. 1003.492(2), under
2964 which the district would like to award alternative credit for the
2965 eligible courses identified in subsection (2). The Commissioner
2966 of Education shall select up to three participating school
2967 districts by July 30, 2008. The Commissioner of Education shall
2968 submit a report to the Governor, the President of the Senate, and
2969 the Speaker of the House of Representatives identifying the
2970 number of students choosing to earn alternative credit, the
2971 number of students that received alternative credit, and
2972 legislative recommendations for expanding the use of alternative
2973 credit for core academic courses required for high school
2974 graduation. The report shall be submitted by January 1, 2010.

2975 (2) For purposes of designing and implementing a successful
2976 pilot project, eligible alternative credit courses include
2977 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
2978 Alternative credits shall be awarded for courses in which a
2979 student is not enrolled, but for which the student may earn
2980 academic credit by enrolling in another course or sequence of
2981 courses required to earn a nationally or state-recognized
2982 industry certificate, as defined by the Agency for Workforce



2983 Innovation in accordance with the criteria described in s.
2984 1003.492(2), of which the majority of the standards-based content
2985 in the course description is consistent with the alternative
2986 credit course description approved by the Department of
2987 Education.

2988 (3) An alternative credit course is not subject to:

2989 (a) The definition of credit under s. 1003.436;

2990 (b) The time requirements of s. 1011.60(2); or

2991 (c) The net hours of instruction requirements for purposes

2992 of determining full-time equivalency pursuant to s.

2993 1011.61(1)(a)1. under the Florida Education Finance Program.

2994 (4) The Department of Education may approve a course as an

2995 alternative credit course pursuant to this section. In order to

2996 earn credit, each participating student must pass an end-of-

2997 course assessment that measures proficiency in the Sunshine State

2998 Standards addressed by the course. The Department of Education

2999 shall approve each end-of-course assessment and the minimum

3000 passing score for each assessment. Approved assessments shall be

3001 limited to assessments for Algebra 1a, Algebra 1b, Algebra 1,

3002 Geometry, and Biology developed by the Florida Virtual School, or

3003 end-of-course statewide standardized assessments for these

3004 courses which may be adopted or developed by the department. The

3005 department shall approve the method of administering end-of-

3006 course assessments for alternative credit courses in each

3007 participating school district in order to ensure the validity of

3008 the assessment results.

3009 (5) School districts shall report all enrollments and

3010 credits awarded for alternative education courses pursuant to

3011 this section under procedures prescribed by the Department of

3012 Education.



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3013 (6) The Department of Education shall maintain a list of
3014 approved assessments and minimum passing scores for each approved
3015 course. The approved list must be incorporated into the Course
3016 Code Directory. The department shall prescribe the information a
3017 district must provide in order to have a course considered for
3018 inclusion in the directory listing for the approved courses used
3019 in the pilot program. A properly completed request by a district
3020 to have a course included in the directory must be approved or
3021 denied by the department within 30 days after receipt. When a
3022 request is denied, the department must provide the district with
3023 its reason for denial in writing within 10 days after the denial.

3024 (7) The State Board of Education shall adopt rules pursuant
3025 to ss. 120.536(1) and 120.54 to implement the pilot program
3026 created in this section.

3027 Section 42. Paragraph (c) of subsection (1) of section
3028 1011.61, Florida Statutes, is amended to read:

3029 1011.61 Definitions.--Notwithstanding the provisions of s.
3030 1000.21, the following terms are defined as follows for the
3031 purposes of the Florida Education Finance Program:

3032 (1) A "full-time equivalent student" in each program of the
3033 district is defined in terms of full-time students and part-time
3034 students as follows:

3035 (c)1. A "full-time equivalent student" is:

3036 a. A full-time student in any one of the programs listed in
3037 s. 1011.62(1)(c); or

3038 b. A combination of full-time or part-time students in any
3039 one of the programs listed in s. 1011.62(1)(c) which is the
3040 equivalent of one full-time student based on the following
3041 calculations:



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3042 (I) A full-time student, except a postsecondary or adult
3043 student or a senior high school student enrolled in adult
3044 education when such courses are required for high school
3045 graduation, in a combination of programs listed in s.
3046 1011.62(1)(c) shall be a fraction of a full-time equivalent
3047 membership in each special program equal to the number of net
3048 hours per school year for which he or she is a member, divided by
3049 the appropriate number of hours set forth in subparagraph (a)1.
3050 or subparagraph (a)2. The difference between that fraction or sum
3051 of fractions and the maximum value as set forth in subsection (4)
3052 for each full-time student is presumed to be the balance of the
3053 student's time not spent in such special education programs and
3054 shall be recorded as time in the appropriate basic program.

3055 (II) A prekindergarten handicapped student shall meet the
3056 requirements specified for kindergarten students.

3057 (III) A Florida Virtual School full-time equivalent student
3058 shall consist of six full credit completions in the programs
3059 listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a
3060 combination of either full credits or half credits.

3061 (IV) Each successfully completed credit earned under the
3062 alternative high school course credit requirements authorized in
3063 s. 1002.375, which is not reported as a portion of the 900 net
3064 hours of instruction pursuant to subparagraph (1)(a)1., shall be
3065 calculated as 1/6 FTE.

3066 2. A student in membership in a program scheduled for more
3067 or less than 180 school days is a fraction of a full-time
3068 equivalent membership equal to the number of instructional hours
3069 in membership divided by the appropriate number of hours set
3070 forth in subparagraph (a)1.; however, for the purposes of this
3071 subparagraph, membership in programs scheduled for more than 180



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3072 days is limited to students enrolled in juvenile justice
3073 education programs and the Florida Virtual School.

3074

3075 The department shall determine and implement an equitable method
3076 of equivalent funding for experimental schools and for schools
3077 operating under emergency conditions, which schools have been
3078 approved by the department to operate for less than the minimum
3079 school day.

3080 Section 43. Paragraphs (c) and (d) of subsection (5) of
3081 section 24.121, Florida Statutes, are amended to read:

3082 24.121 Allocation of revenues and expenditure of funds for
3083 public education.--

3084 (5)

3085 (c) A portion of such net revenues, as determined annually
3086 by the Legislature, shall be distributed to each school district
3087 and shall be made available to each public school in the district
3088 for enhancing school performance through development and
3089 implementation of a school improvement plan pursuant to s.
3090 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as
3091 determined annually in the General Appropriations Act, must be
3092 allocated to each school in an equal amount for each student
3093 enrolled. These moneys may be expended only on programs or
3094 projects selected by the school advisory council or by a parent
3095 advisory committee created pursuant to this paragraph. If a
3096 school does not have a school advisory council, the district
3097 advisory council must appoint a parent advisory committee
3098 composed of parents of students enrolled in that school, which
3099 ~~committee~~ is representative of the ethnic, racial, and economic
3100 community served by the school, to advise the school's principal
3101 on the programs or projects to be funded. Neither school district



3102 staff nor principals may override the recommendations of the
3103 school advisory council or the parent advisory committee. These
3104 moneys may not be used for capital improvements or, ~~nor may they~~
3105 ~~be used~~ for any project or program that has a duration of more
3106 than 1 year; however, a school advisory council or parent
3107 advisory committee may independently determine that a program or
3108 project formerly funded under this paragraph should receive funds
3109 in a subsequent year.

3110 (d) No funds shall be released for any purpose from the
3111 Educational Enhancement Trust Fund to any school district in
3112 which one or more schools do not have an approved school
3113 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do
3114 not comply with school advisory council membership composition
3115 requirements pursuant to s. 1001.452(1). The Commissioner of
3116 Education shall withhold disbursements from the trust fund to any
3117 school district that fails to adopt the performance-based salary
3118 schedule required by s. 1012.22(1).

3119 Section 44. Paragraph (e) of subsection (2) of section
3120 112.3173, Florida Statutes, is amended to read:

3121 112.3173 Felonies involving breach of public trust and
3122 other specified offenses by public officers and employees;
3123 forfeiture of retirement benefits.--

3124 (2) DEFINITIONS.--As used in this section, unless the
3125 context otherwise requires, the term:

3126 (e) "Specified offense" means:

3127 1. The committing, aiding, or abetting of an embezzlement
3128 of public funds;

3129 2. The committing, aiding, or abetting of any theft by a
3130 public officer or employee from his or her employer;



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3131 3. Bribery in connection with the employment of a public
3132 officer or employee;

3133 4. Any felony specified in chapter 838, except ss. 838.15
3134 and 838.16;

3135 5. The committing of an impeachable offense; ~~or~~

3136 6. The committing of any felony by a public officer or
3137 employee who, willfully and with intent to defraud the public or
3138 the public agency for which the public officer or employee acts
3139 or in which he or she is employed of the right to receive the
3140 faithful performance of his or her duty as a public officer or
3141 employee, realizes or obtains, or attempts to realize or obtain,
3142 a profit, gain, or advantage for himself or herself or for some
3143 other person through the use or attempted use of the power,
3144 rights, privileges, duties, or position of his or her public
3145 office or employment position; or-

3146 7. The committing on or after October 1, 2008, of any
3147 felony defined in s. 800.04 against a victim younger than 16
3148 years of age, or any felony defined in chapter 794 against a
3149 victim younger than 18 years of age, by a public officer or
3150 employee through the use or attempted use of power, rights,
3151 privileges, duties, or position of his or her public office or
3152 employment position.

3153 Section 45. Paragraph (i) of subsection (5) of section
3154 121.091, Florida Statutes, is redesignated as paragraph (j),
3155 present paragraph (j) is redesignated as paragraph (k) and
3156 amended, and a new paragraph (i) is added to that subsection, to
3157 read:

3158 121.091 Benefits payable under the system.--Benefits may
3159 not be paid under this section unless the member has terminated
3160 employment as provided in s. 121.021(39) (a) or begun



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3161 participation in the Deferred Retirement Option Program as
3162 provided in subsection (13), and a proper application has been
3163 filed in the manner prescribed by the department. The department
3164 may cancel an application for retirement benefits when the member
3165 or beneficiary fails to timely provide the information and
3166 documents required by this chapter and the department's rules.
3167 The department shall adopt rules establishing procedures for
3168 application for retirement benefits and for the cancellation of
3169 such application when the required information or documents are
3170 not received.

3171 (5) TERMINATION BENEFITS.--A member whose employment is
3172 terminated prior to retirement retains membership rights to
3173 previously earned member-noncontributory service credit, and to
3174 member-contributory service credit, if the member leaves the
3175 member contributions on deposit in his or her retirement account.
3176 If a terminated member receives a refund of member contributions,
3177 such member may reinstate membership rights to the previously
3178 earned service credit represented by the refund by completing 1
3179 year of creditable service and repaying the refunded member
3180 contributions, plus interest.

3181 (i) The division may not pay benefits to any member
3182 convicted of a felony committed on or after October 1, 2008,
3183 defined in s. 800.04 against a victim younger than 16 years of
3184 age, or defined in chapter 794 against a victim younger than 18
3185 years of age, through the use or attempted use of power, rights,
3186 privileges, duties, or position of the member's public office or
3187 employment position. However, the division shall return the
3188 member's accumulated contributions, if any, that the member
3189 accumulated as of the date of conviction.



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3190 (k)~~(j)~~ Benefits shall not be paid by the division pending
3191 final resolution of such charges against a member or beneficiary
3192 if the resolution of such charges could require the forfeiture of
3193 benefits as provided in paragraph (f), paragraph (g), paragraph
3194 (h), ~~or~~ paragraph (i), or paragraph (j).

3195 Section 46. Section 794.09, Florida Statutes, is created to
3196 read:

3197 794.09 Forfeiture of retirement benefits.--The retirement
3198 benefits of a person convicted of a felony committed on or after
3199 October 1, 2008, under this chapter are subject to forfeiture in
3200 accordance with s. 112.3173 or s. 121.091 if the person is a
3201 public officer or employee when the offense occurs; the person
3202 commits the offense through the use or attempted use of power,
3203 rights, privileges, duties, or position of the person's public
3204 office or employment position; and the victim is younger than 18
3205 years of age when the offense occurs.

3206 Section 47. Section 800.05, Florida Statutes, is created
3207 to:

3208 800.05 Forfeiture of retirement benefits for a felony
3209 defined in s. 800.04.--The retirement benefits of a person
3210 convicted of a felony committed on or after October 1, 2008,
3211 defined in s. 800.04 are subject to forfeiture in accordance with
3212 s. 112.3173 or s. 121.091 if the person is a public officer or
3213 employee when the offense occurs; the person commits the offense
3214 through the use or attempted use of power, rights, privileges,
3215 duties, or position of the person's public office or employment
3216 position; and the victim is younger than 16 years of age when the
3217 offense occurs.



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3218 Section 48. Subsection (4) of section 1001.10, Florida
3219 Statutes, is renumbered as subsection (6) and new subsections (4)
3220 and (5) are added to that section to read:

3221 1001.10 Commissioner of Education; general powers and
3222 duties.--

3223 (4) The Department of Education shall provide technical
3224 assistance to school districts, charter schools, the Florida
3225 School for the Deaf and the Blind, and private schools that
3226 accept scholarship students under s. 220.187 or s. 1002.39 in the
3227 development of policies, procedures, and training related to
3228 employment practices and standards of ethical conduct for
3229 instructional personnel and school administrators, as defined in
3230 s. 1012.01.

3231 (5) The Department of Education shall provide authorized
3232 staff of school districts, charter schools, the Florida School
3233 for the Deaf and the Blind, and private schools that accept
3234 scholarship students under s. 220.187 or s. 1002.39 with access
3235 to electronic verification of information from the following
3236 employment screening tools:

3237 (a) The Professional Practices' Database of Disciplinary
3238 Actions Against Educators; and

3239 (b) The Department of Education's Teacher Certification
3240 Database.

3241
3242 This subsection does not require the department to provide these
3243 staff with unlimited access to the databases. However, the
3244 department shall provide the staff with access to the data
3245 necessary for performing employment history checks of the
3246 instructional personnel and school administrators included in the
3247 databases.



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3248 Section 49. Subsection (4) of section 1001.32, Florida
3249 Statutes, is amended to read:

3250 1001.32 Management, control, operation, administration, and
3251 supervision.--The district school system must be managed,
3252 controlled, operated, administered, and supervised as follows:

3253 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
3254 the administration of any school or schools at a given school
3255 center, for the supervision of instruction therein, and for
3256 providing leadership in the development or revision and
3257 implementation of a school improvement plan required by s.
3258 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the
3259 school principal or head of the school or schools in accordance
3260 with rules established by the district school board.

3261 Section 50. Subsections (6) through (23) of section
3262 1001.42, Florida Statutes, are renumbered as subsections (8)
3263 through (25), respectively, and new subsections (6) and (7) are
3264 added to that section to read:

3265 1001.42 Powers and duties of district school board.--The
3266 district school board, acting as a board, shall exercise all
3267 powers and perform all duties listed below:

3268 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
3269 PERSONNEL AND SCHOOL ADMINISTRATORS.--Adopt policies establishing
3270 standards of ethical conduct for instructional personnel and
3271 school administrators. The policies must require all
3272 instructional personnel and school administrators, as defined in
3273 s. 1012.01, to complete training on the standards; establish the
3274 duty of instructional personnel and school administrators to
3275 report, and procedures for reporting, alleged misconduct by other
3276 instructional personnel and school administrators which affects
3277 the health, safety, or welfare of a student; and include an



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3278 explanation of the liability protections provided under ss.
3279 39.203 and 768.095. A district school board, or any of its
3280 employees, may not enter into a confidentiality agreement
3281 regarding terminated or dismissed instructional personnel or
3282 school administrators, or personnel or administrators who resign
3283 in lieu of termination, based in whole or in part on misconduct
3284 that affects the health, safety, or welfare of a student, and may
3285 not provide instructional personnel or school administrators with
3286 employment references, or discuss the personnel's or
3287 administrators' performance with prospective employers in another
3288 educational setting, without disclosing the personnel's or
3289 administrators' misconduct. Any part of an agreement or contract
3290 that has the purpose or effect of concealing misconduct by
3291 instructional personnel or school administrators which affects
3292 the health, safety, or welfare of a student is void, is contrary
3293 to public policy, and may not be enforced.

3294 (7) DISQUALIFICATION FROM EMPLOYMENT.--Disqualify
3295 instructional personnel and school administrators, as defined in
3296 s. 1012.01, from employment in any position that requires direct
3297 contact with students, if the personnel or administrators are
3298 ineligible for such employment under s. 1012.315. An elected or
3299 appointed school board official forfeits his or her salary for 1
3300 year, if:

3301 (a) The school board official knowingly signs and transmits
3302 to any state official a report of alleged misconduct by
3303 instructional personnel or school administrators which affects
3304 the health, safety, or welfare of a student, and the school board
3305 official knows the report to be false or incorrect; or

3306 (b) The school board official knowingly fails to adopt
3307 policies that require instructional personnel and school



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3308 administrators to report alleged misconduct by other
3309 instructional personnel and school administrators, or that
3310 require the investigation of all reports of alleged misconduct by
3311 instructional personnel and school administrators, if the
3312 misconduct affects the health, safety, or welfare of a student.

3313 Section 51. Paragraphs (a) and (c) of subsection (1) and
3314 subsection (2) of section 1001.452, Florida Statutes, are amended
3315 to read:

3316 1001.452 District and school advisory councils.--

3317 (1) ESTABLISHMENT.--

3318 (a) The district school board shall establish an advisory
3319 council for each school in the district and shall develop
3320 procedures for the election and appointment of advisory council
3321 members. Each school advisory council shall include in its name
3322 the words "school advisory council." The school advisory council
3323 shall be the sole body responsible for final decisionmaking at
3324 the school relating to implementation of ss. 1001.42(18) ~~the~~
3325 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the
3326 members of each school advisory council must be persons who are
3327 not employed by the school. Each advisory council shall be
3328 composed of the principal and an appropriately balanced number of
3329 teachers, education support employees, students, parents, and
3330 other business and community citizens who are representative of
3331 the ethnic, racial, and economic community served by the school.
3332 Career center and high school advisory councils shall include
3333 students, and middle and junior high school advisory councils may
3334 include students. School advisory councils of career centers and
3335 adult education centers are not required to include parents as
3336 members. Council members representing teachers, education support
3337 employees, students, and parents shall be elected by their



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3338 | respective peer groups at the school in a fair and equitable
3339 | manner as follows:

- 3340 | 1. Teachers shall be elected by teachers.
3341 | 2. Education support employees shall be elected by
3342 | education support employees.
3343 | 3. Students shall be elected by students.
3344 | 4. Parents shall be elected by parents.

3345 |

3346 | The district school board shall establish procedures to be used
3347 | ~~for use~~ by schools in selecting business and community members
3348 | that include means of ensuring wide notice of vacancies and of
3349 | taking input on possible members from local business, chambers of
3350 | commerce, community and civic organizations and groups, and the
3351 | public at large. The district school board shall review the
3352 | membership composition of each advisory council. If the district
3353 | school board determines that the membership elected by the school
3354 | is not representative of the ethnic, racial, and economic
3355 | community served by the school, the district school board shall
3356 | appoint additional members to achieve proper representation. The
3357 | commissioner shall determine if schools have maximized their
3358 | efforts to include on their advisory councils minority persons
3359 | and persons of lower socioeconomic status. Although schools are
3360 | strongly encouraged to establish school advisory councils, the
3361 | district school board of any school district that has a student
3362 | population of 10,000 or fewer may establish a district advisory
3363 | council which includes ~~shall include~~ at least one duly elected
3364 | teacher from each school in the district. For the purposes of
3365 | school advisory councils and district advisory councils, the term
3366 | "teacher" includes ~~shall include~~ classroom teachers, certified
3367 | student services personnel, and media specialists. For purposes



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3368 of this paragraph, "education support employee" means any person
3369 employed by a school who is not defined as instructional or
3370 administrative personnel pursuant to s. 1012.01 and whose duties
3371 require 20 or more hours in each normal working week.

3372 (c) For those schools operating for the purpose of
3373 providing educational services to youth in Department of Juvenile
3374 Justice programs, district school boards may establish a district
3375 advisory council with appropriate representatives for the purpose
3376 of developing and monitoring a district school improvement plan
3377 that encompasses all such schools in the district, pursuant to s.
3378 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

3379 (2) DUTIES.--Each advisory council shall perform ~~such~~
3380 functions ~~as are~~ prescribed by regulations of the district school
3381 board; however, no advisory council shall have any of the powers
3382 and duties now reserved by law to the district school board. Each
3383 school advisory council shall assist in the preparation and
3384 evaluation of the school improvement plan required pursuant to s.
3385 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the
3386 Department of Education, each school advisory council shall
3387 assist in the preparation of the school's annual budget and plan
3388 as required by s. 1008.385(1). A portion of funds provided in the
3389 annual General Appropriations Act for use by school advisory
3390 councils must be used for implementing the school improvement
3391 plan.

3392 Section 52. Subsection (12) of section 1001.51, Florida
3393 Statutes, is amended to read:

3394 1001.51 Duties and responsibilities of district school
3395 superintendent.--The district school superintendent shall
3396 exercise all powers and perform all duties listed below and
3397 elsewhere in the law, provided that, in so doing, he or she shall



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3398 advise and counsel with the district school board. The district
3399 school superintendent shall perform all tasks necessary to make
3400 sound recommendations, nominations, proposals, and reports
3401 required by law to be acted upon by the district school board.
3402 All such recommendations, nominations, proposals, and reports by
3403 the district school superintendent shall be either recorded in
3404 the minutes or shall be made in writing, noted in the minutes,
3405 and filed in the public records of the district school board. It
3406 shall be presumed that, in the absence of the record required in
3407 this section, the recommendations, nominations, and proposals
3408 required of the district school superintendent were not contrary
3409 to the action taken by the district school board in such matters.

3410 (12) RECORDS AND REPORTS.--Recommend such records as should
3411 be kept in addition to those prescribed by rules of the State
3412 Board of Education; prepare forms for keeping such records as are
3413 approved by the district school board; ensure that such records
3414 are properly kept; and make all reports that are needed or
3415 required, as follows:

3416 (a) Forms, blanks, and reports.--Require that all employees
3417 accurately keep all records and promptly make in proper form all
3418 reports required by the education code or by rules of the State
3419 Board of Education; recommend the keeping of such additional
3420 records and the making of such additional reports as may be
3421 deemed necessary to provide data essential for the operation of
3422 the school system; and prepare such forms and blanks as may be
3423 required and ensure that these records and reports are properly
3424 prepared.

3425 (b) Reports to the department.--Prepare, for the approval
3426 of the district school board, all reports ~~that may be~~ required by
3427 law or rules of the State Board of Education to be made to the



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3428 department and transmit promptly all such reports, when approved,
3429 to the department, as required by law. If any ~~such~~ reports are
3430 not transmitted at the time and in the manner prescribed by law
3431 or by State Board of Education rules, the salary of the district
3432 school superintendent must be withheld until the report has been
3433 properly submitted. Unless otherwise provided by rules of the
3434 State Board of Education, the annual report on attendance and
3435 personnel is due on or before July 1, and the annual school
3436 budget and the report on finance are due on the date prescribed
3437 by the commissioner.

3438

3439 Any district school superintendent who knowingly signs and
3440 transmits to any state official a ~~false or incorrect~~ report that
3441 the superintendent knows to be false or incorrect; who knowingly
3442 fails to investigate any allegation of misconduct by
3443 instructional personnel or school administrators, as defined in
3444 s. 1012.01, which affects the health, safety, or welfare of a
3445 student; or who knowingly fails to report the alleged misconduct
3446 to the department as required in s. 1012.796, forfeits shall
3447 ~~forfeit~~ his or her ~~right to any~~ salary for ~~the period of~~ 1 year
3448 following the ~~from that~~ date of such act or failure to act.

3449 Section 53. Subsection (2) of section 1001.54, Florida
3450 Statutes, is amended to read:

3451 1001.54 Duties of school principals.--

3452 (2) Each school principal shall provide instructional
3453 leadership in the development, revision, and implementation of a
3454 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
3455 ~~1001.42(16)~~.

3456 Section 54. Paragraph (b) of subsection (11) of section
3457 1002.32, Florida Statutes, is amended to read:



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3458 | 1002.32 Developmental research (laboratory) schools.--

3459 | (11) EXCEPTIONS TO LAW.--To encourage innovative practices
3460 | and facilitate the mission of the lab schools, in addition to the
3461 | exceptions to law specified in s. 1001.23(2), the following
3462 | exceptions shall be permitted for lab schools:

3463 | (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.
3464 | 1001.42 shall be held in abeyance. Reference to district school
3465 | boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president
3466 | of the university or the president's designee.

3467 | Section 55. Paragraph (g) of subsection (12) of section
3468 | 1002.33, Florida Statutes, is amended to read:

3469 | 1002.33 Charter schools.--

3470 | (12) EMPLOYEES OF CHARTER SCHOOLS.--

3471 | (g)1. A charter school shall employ or contract with
3472 | employees who have undergone background screening as provided in
3473 | s. 1012.32. Members of the governing board of the charter school
3474 | shall also undergo background screening in a manner similar to
3475 | that provided in s. 1012.32.

3476 | 2. A charter school shall disqualify instructional
3477 | personnel and school administrators, as defined in s. 1012.01,
3478 | from employment in any position that requires direct contact with
3479 | students, if the personnel or administrators are ineligible for
3480 | such employment under s. 1012.315.

3481 | 3. The governing board of a charter school shall adopt
3482 | policies establishing standards of ethical conduct for
3483 | instructional personnel and school administrators. The policies
3484 | must require all instructional personnel and school
3485 | administrators, as defined in s. 1012.01, to complete training on
3486 | the standards; establish the duty of instructional personnel and
3487 | school administrators to report, and procedures for reporting,



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3488 alleged misconduct by other instructional personnel and school
3489 administrators which affects the health, safety, or welfare of a
3490 student; and include an explanation of the liability protections
3491 provided under ss. 39.203 and 768.095. A charter school, or any
3492 of its employees, may not enter into a confidentiality agreement
3493 regarding terminated or dismissed instructional personnel or
3494 school administrators, or personnel or administrators who resign
3495 in lieu of termination, based in whole or in part on misconduct
3496 that affects the health, safety, or welfare of a student, and may
3497 not provide instructional personnel or school administrators with
3498 employment references, or discuss the personnel's or
3499 administrators' performance with prospective employers in another
3500 educational setting, without disclosing the personnel's or
3501 administrators' misconduct. Any part of an agreement or contract
3502 that has the purpose or effect of concealing misconduct by
3503 instructional personnel or school administrators which affects
3504 the health, safety, or welfare of a student is void, is contrary
3505 to public policy, and may not be enforced.

3506 4. Before employing instructional personnel or school
3507 administrators in any position that requires direct contact with
3508 students, a charter school shall conduct employment history
3509 checks of each of the personnel's or administrators' previous
3510 employer, screen the instructional personnel or school
3511 administrators through use of the educator screening tools
3512 described in s. 1001.10(5), and document the findings. If unable
3513 to contact a previous employer, the charter school must document
3514 efforts to contact the employer.

3515 5. The sponsor of a charter school that fails to comply
3516 with this paragraph shall terminate the charter under subsection
3517 (8).



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3518 Section 56. Paragraph (g) is added to subsection (7) of
3519 section 1002.36, Florida Statutes, to read:

3520 1002.36 Florida School for the Deaf and the Blind.--

3521 (7) PERSONNEL SCREENING.--

3522 (g) For purposes of protecting the health, safety, or
3523 welfare of students, the Florida School for the Deaf and the
3524 Blind is considered a school district and must, except as
3525 otherwise provided in this section, comply with ss. 1001.03,
3526 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
3527 1012.56, 1012.795, and 1012.796.

3528 Section 57. Subsections (4), (5), and (6) of section
3529 1002.421, Florida Statutes, are renumbered as subsections (5),
3530 (6), and (7), respectively, and a new subsection (4) is added to
3531 that section to read:

3532 1002.421 Accountability of private schools participating in
3533 state school choice scholarship programs.--

3534 (4) A private school that accepts scholarship students
3535 under s. 220.187 or s. 1002.39 must:

3536 (a) Disqualify instructional personnel and school
3537 administrators, as defined in s. 1012.01, from employment in any
3538 position that requires direct contact with students, if the
3539 personnel or administrators are ineligible for such employment
3540 under s. 1012.315.

3541 (b) Adopt policies establishing standards of ethical
3542 conduct for instructional personnel and school administrators.
3543 The policies must require all instructional personnel and school
3544 administrators, as defined in s. 1012.01, to complete training on
3545 the standards; establish the duty of instructional personnel and
3546 school administrators to report, and procedures for reporting,
3547 alleged misconduct by other instructional personnel and school



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3548 administrations which affects the health, safety, or welfare of a
3549 student; and include an explanation of the liability protections
3550 provided under ss. 39.203 and 768.095. A private school, or any
3551 of its employees, may not enter into a confidentiality agreement
3552 regarding terminated or dismissed instructional personnel or
3553 school administrators, or personnel or administrators who resign
3554 in lieu of termination, based in whole or in part on misconduct
3555 that affects the health, safety, or welfare of a student, and may
3556 not provide the instructional personnel or school administrators
3557 with employment references, or discuss the personnel's or
3558 administrators' performance with prospective employers in another
3559 educational setting, without disclosing the personnel's or
3560 administrators' misconduct. Any part of an agreement or contract
3561 that has the purpose or effect of concealing misconduct by
3562 instructional personnel or school administrators which affects
3563 the health, safety, or welfare of a student is void, is contrary
3564 to public policy, and may not be enforced.

3565 (c) Before employing instructional personnel or school
3566 administrators in any position that requires direct contact with
3567 students, conduct employment history checks of each of the
3568 personnel's or administrators' previous employer, screen the
3569 personnel or administrators through use of the educator screening
3570 tools described in s. 1001.10(5), and document the findings. If
3571 unable to contact a previous employer, the private school must
3572 document efforts to contact the employer.

3573
3574 The department shall suspend the payment of funds under ss.
3575 220.187 and 1002.39 to a private school that fails to comply with
3576 this subsection, and shall prohibit the school from enrolling new



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3577 | scholarship students, for 1 fiscal year and until the school
3578 | complies.

3579 | Section 58. Subsection (2) of section 1003.413, Florida
3580 | Statutes, is amended to read:

3581 | 1003.413 Florida Secondary School Redesign Act.--

3582 | (2) The following guiding principles for secondary school
3583 | redesign shall be used in the annual preparation of each
3584 | secondary school's improvement plan required by s. 1001.42(18) ~~s.~~
3585 | ~~1001.42(16)~~:

3586 | (a) Struggling students, especially those in failing
3587 | schools, need the highest quality teachers and dramatically
3588 | different, innovative approaches to teaching and learning.

3589 | (b) Every teacher must contribute to every student's
3590 | reading improvement.

3591 | (c) Quality professional development provides teachers and
3592 | principals with the tools they need to better serve students.

3593 | (d) Small learning communities allow teachers to
3594 | personalize instruction to better address student learning
3595 | styles, strengths, and weaknesses.

3596 | (e) Intensive intervention in reading and mathematics must
3597 | occur early and through innovative delivery systems.

3598 | (f) Parents need access to tools they can use to monitor
3599 | their child's progress in school, communicate with teachers, and
3600 | act early on behalf of their child.

3601 | (g) Applied and integrated courses help students see the
3602 | relationships between subjects and relevance to their futures.

3603 | (h) School is more relevant when students choose courses
3604 | based on their goals, interests, and talents.



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3605 (i) Master schedules should not determine instruction and
3606 must be designed based on student needs, not adult or
3607 institutional needs.

3608 (j) Academic and career planning engages students in
3609 developing a personally meaningful course of study so they can
3610 achieve goals they have set for themselves.

3611 Section 59. Paragraph (b) of subsection (2) of section
3612 1003.53, Florida Statutes, is amended to read:

3613 1003.53 Dropout prevention and academic intervention.--

3614 (2)

3615 (b) Each school that establishes a dropout prevention and
3616 academic intervention program at that school site shall reflect
3617 that program in the school improvement plan as required under s.
3618 1001.42(18) ~~s. 1001.42(16)~~.

3619 Section 60. Subsections (1) and (3) of section 1004.92,
3620 Florida Statutes, are amended to read:

3621 1004.92 Purpose and responsibilities for career
3622 education.--

3623 (1) The purpose of career education is to enable students
3624 who complete career programs to attain and sustain employment and
3625 realize economic self-sufficiency. The purpose of this section is
3626 to identify issues related to career education for which school
3627 boards and community college boards of trustees are accountable.
3628 It is the intent of the Legislature that the standards
3629 articulated in subsection (2) be considered in the development of
3630 accountability standards for public schools pursuant to ss.
3631 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
3632 colleges pursuant to s. 1008.45.

3633 (3) Each career center operated by a district school board
3634 shall establish a center advisory council pursuant to s.



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3635 1001.452. The center advisory council shall assist in the
3636 preparation and evaluation of center improvement plans required
3637 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
3638 assistance, upon the request of the center director, in the
3639 preparation of the center's annual budget and plan as required by
3640 s. 1008.385(1).

3641 Section 61. Section 1006.061, Florida Statutes, is amended
3642 to read:

3643 1006.061 Child abuse, abandonment, and neglect
3644 policy.--Each district school board, charter school, and private
3645 school that accepts scholarship students under s. 220.187 or s.
3646 1002.39 shall:

3647 (1) Post in a prominent place in each school a notice that,
3648 pursuant to chapter 39, all employees and agents of the district
3649 school board, charter school, or private school have an
3650 affirmative duty to report all actual or suspected cases of child
3651 abuse, abandonment, or neglect; have immunity from liability if
3652 they report such cases in good faith; and have a duty to comply
3653 with child protective investigations and all other provisions of
3654 law relating to child abuse, abandonment, and neglect. The notice
3655 shall also include the statewide toll-free telephone number of
3656 the central abuse hotline.

3657 (2) Post in a prominent place at each school site and on
3658 each school's Internet website, if available, the policies and
3659 procedures for reporting alleged misconduct by instructional
3660 personnel or school administrators which affects the health,
3661 safety, or welfare of a student; the contact person to whom the
3662 report is made; and the penalties imposed on instructional
3663 personnel or school administrators who fail to report suspected



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3664 or actual child abuse or alleged misconduct by other
3665 instructional personnel or school administrators.

3666 (3)-(2) Require the principal of the charter school or
3667 private school, or the district school superintendent, or the
3668 superintendent's designee, at the request of the Department of
3669 Children and Family Services, to act as a liaison to the
3670 Department of Children and Family Services and the child
3671 protection team, as defined in s. 39.01, when in a case of
3672 suspected child abuse, abandonment, or neglect or an unlawful
3673 sexual offense involving a child the case is referred to such a
3674 team; except that this does not relieve or restrict the
3675 Department of Children and Family Services from discharging its
3676 duty and responsibility under the law to investigate and report
3677 every suspected or actual case of child abuse, abandonment, or
3678 neglect or unlawful sexual offense involving a child.

3679

3680 The Department of Education shall develop, and publish on the
3681 department's Internet website, sample notices suitable for
3682 posting in accordance with subsections (1) and (2).

3683 Section 62. Subsection (4) of section 1008.33, Florida
3684 Statutes, is amended to read:

3685 1008.33 Authority to enforce public school improvement.--It
3686 is the intent of the Legislature that all public schools be held
3687 accountable for students performing at acceptable levels. A
3688 system of school improvement and accountability that assesses
3689 student performance by school, identifies schools in which
3690 students are not making adequate progress toward state standards,
3691 institutes appropriate measures for enforcing improvement, and
3692 provides rewards and sanctions based on performance shall be the
3693 responsibility of the State Board of Education.



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3694 (4) The State Board of Education may require the Department
3695 of Education or Chief Financial Officer to withhold any transfer
3696 of state funds to the school district if, within the timeframe
3697 specified in state board action, the school district has failed
3698 to comply with the action ordered to improve the district's low-
3699 performing schools. Withholding the transfer of funds shall occur
3700 only after all other recommended actions for school improvement
3701 have failed to improve performance. The State Board of Education
3702 may impose the same penalty on any district school board that
3703 fails to develop and implement a plan for assistance and
3704 intervention for low-performing schools as specified in s.
3705 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

3706 Section 63. Paragraph (c) of subsection (6) of section
3707 1008.345, Florida Statutes, is amended to read:

3708 1008.345 Implementation of state system of school
3709 improvement and education accountability.--

3710 (6)

3711 (c) Pursuant to s. 24.121(5)(d), the department shall not
3712 release funds from the Educational Enhancement Trust Fund to any
3713 district in which a school, including schools operating for the
3714 purpose of providing educational services to youth in Department
3715 of Juvenile Justice programs, does not have an approved school
3716 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
3717 after 1 full school year of planning and development, or does not
3718 comply with school advisory council membership composition
3719 requirements pursuant to s. 1001.452. The department shall send a
3720 technical assistance team to each school without an approved plan
3721 to develop such school improvement plan or to each school without
3722 appropriate school advisory council membership composition to
3723 develop a strategy for corrective action. The department shall



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3724 | release the funds upon approval of the plan or upon establishment
3725 | of a plan of corrective action. Notice shall be given to the
3726 | public of the department's intervention and shall identify each
3727 | school without a plan or without appropriate school advisory
3728 | council membership composition.

3729 | Section 64. Subsection (5) of section 1010.215, Florida
3730 | Statutes, is amended to read:

3731 | 1010.215 Educational funding accountability.--

3732 | (5) The annual school public accountability report required
3733 | by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school
3734 | financial report. The purpose of the school financial report is
3735 | to better inform parents and the public concerning how funds were
3736 | spent to operate the school during the prior fiscal year. Each
3737 | school's financial report must follow a uniform, districtwide
3738 | format that is easy to read and understand.

3739 | (a) Total revenue must be reported at the school, district,
3740 | and state levels. The revenue sources that must be addressed are
3741 | state and local funds, other than lottery funds; lottery funds;
3742 | federal funds; and private donations.

3743 | (b) Expenditures must be reported as the total expenditures
3744 | per unweighted full-time equivalent student at the school level
3745 | and the average expenditures per full-time equivalent student at
3746 | the district and state levels in each of the following categories
3747 | and subcategories:

3748 | 1. Teachers, excluding substitute teachers, and education
3749 | paraprofessionals who provide direct classroom instruction to
3750 | students enrolled in programs classified by s. 1011.62 as:

- 3751 | a. Basic programs;
3752 | b. Students-at-risk programs;
3753 | c. Special programs for exceptional students;



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- 3754 | d. Career education programs; and
3755 | e. Adult programs.
- 3756 | 2. Substitute teachers.
- 3757 | 3. Other instructional personnel, including school-based
3758 | instructional specialists and their assistants.
- 3759 | 4. Contracted instructional services, including training
3760 | for instructional staff and other contracted instructional
3761 | services.
- 3762 | 5. School administration, including school-based
3763 | administrative personnel and school-based education support
3764 | personnel.
- 3765 | 6. The following materials, supplies, and operating capital
3766 | outlay:
- 3767 | a. Textbooks;
3768 | b. Computer hardware and software;
3769 | c. Other instructional materials;
3770 | d. Other materials and supplies; and
3771 | e. Library media materials.
- 3772 | 7. Food services.
- 3773 | 8. Other support services.
- 3774 | 9. Operation and maintenance of the school plant.
- 3775 | (c) The school financial report must also identify the
3776 | types of district-level expenditures that support the school's
3777 | operations. The total amount of these district-level expenditures
3778 | must be reported and expressed as total expenditures per full-
3779 | time equivalent student.
- 3780 | Section 65. Paragraph (b) of subsection (6) of section
3781 | 1011.18, Florida Statutes, is amended to read:
- 3782 | 1011.18 School depositories; payments into and withdrawals
3783 | from depositories.--



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3784 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY
3785 ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

3786 (b) The district school board may contract with an
3787 insurance company or professional administrator who holds a valid
3788 certificate of authority issued by the Office of Insurance
3789 Regulation of the Financial Services Commission to provide any ~~or~~
3790 ~~all~~ services that a third-party administrator is authorized by
3791 law to perform. Pursuant to such contract, the district school
3792 board may advance or remit money to the administrator to be
3793 deposited in a designated special checking account for paying
3794 claims against the district school board under its self-insurance
3795 programs, and remitting premiums to the providers of insured
3796 benefits on behalf of the district school board and the
3797 participants in such programs, and otherwise fulfilling the
3798 obligations imposed upon the administrator by law and the
3799 contractual agreements between the district school board and the
3800 administrator. The special checking account shall be maintained
3801 in a designated district school depository. The district school
3802 board may replenish such account as often as necessary upon the
3803 presentation by the service organization of documentation for
3804 claims or premiums due paid equal to the amount of the requested
3805 reimbursement. Such replenishment shall be made by a warrant
3806 signed by the chair of the district school board and
3807 countersigned by the district school superintendent. Such
3808 replenishment may be made by electronic, telephonic, or other
3809 medium, and each transfer shall be confirmed in writing and
3810 signed by the district school superintendent or his or her
3811 designee. The provisions of strict accountability of all funds
3812 and an annual audit by an independent certified public accountant



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3813 as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to
3814 this subsection.

3815 Section 66. Subsection (6) of section 1012.27, Florida
3816 Statutes, is renumbered as subsection (7), and a new subsection
3817 (6) is added to that section to read:

3818 1012.27 Public school personnel; powers and duties of
3819 district school superintendent.--The district school
3820 superintendent is responsible for directing the work of the
3821 personnel, subject to the requirements of this chapter, and in
3822 addition the district school superintendent shall perform the
3823 following:

3824 (6) EMPLOYMENT HISTORY CHECKS.--Before employing
3825 instructional personnel and school administrators, as defined in
3826 s. 1012.01, in any position that requires direct contact with
3827 students, conduct employment history checks of each of the
3828 personnel's or administrators' previous employer, screen the
3829 personnel or administrators through use of the educator screening
3830 tools described in s. 1001.10(5), and document the findings. If
3831 unable to contact a previous employer, the district school
3832 superintendent shall document efforts to contact the employer.

3833 Section 67. Section 1012.315, Florida Statutes, is created
3834 to read:

3835 1012.315 Disqualification from employment.--A person is
3836 ineligible for educator certification, and instructional
3837 personnel and school administrators, as defined in s. 1012.01,
3838 are ineligible for employment in any position that requires
3839 direct contact with students in a district school system, charter
3840 school, or private school that accepts scholarship students under
3841 s. 220.187 or s. 1002.39, if the person, instructional personnel,
3842 or school administrator has been convicted of:



- 3843 (1) Any felony offense prohibited under any of the
3844 following statutes:
- 3845 (a) Section 393.135, relating to sexual misconduct with
3846 certain developmentally disabled clients and reporting of such
3847 sexual misconduct.
- 3848 (b) Section 394.4593, relating to sexual misconduct with
3849 certain mental health patients and reporting of such sexual
3850 misconduct.
- 3851 (c) Section 415.111, relating to adult abuse, neglect, or
3852 exploitation of aged persons or disabled adults.
- 3853 (d) Section 782.04, relating to murder.
- 3854 (e) Section 782.07, relating to manslaughter, aggravated
3855 manslaughter of an elderly person or disabled adult, aggravated
3856 manslaughter of a child, or aggravated manslaughter of an
3857 officer, a firefighter, an emergency medical technician, or a
3858 paramedic.
- 3859 (f) Section 782.09, relating to killing of an unborn quick
3860 child by injury to the mother.
- 3861 (g) Section 784.021, relating to aggravated assault.
- 3862 (h) Section 784.045, relating to aggravated battery.
- 3863 (i) Section 784.075, relating to battery on a detention or
3864 commitment facility staff.
- 3865 (j) Section 787.01, relating to kidnapping.
- 3866 (k) Section 787.02, relating to false imprisonment.
- 3867 (l) Section 787.025, relating to luring or enticing a
3868 child.
- 3869 (m) Section 787.04(2), relating to leading, taking,
3870 enticing, or removing a minor beyond the state limits, or
3871 concealing the location of a minor, with criminal intent pending
3872 custody proceedings.



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3873 (n) Section 787.04(3), relating to leading, taking,
3874 enticing, or removing a minor beyond the state limits, or
3875 concealing the location of a minor, with criminal intent pending
3876 dependency proceedings or proceedings concerning alleged abuse or
3877 neglect of a minor.

3878 (o) Section 790.115(1), relating to exhibiting firearms or
3879 weapons within 1,000 feet of a school.

3880 (p) Section 790.115(2)(b), relating to possessing an
3881 electric weapon or device, destructive device, or other weapon on
3882 school property.

3883 (q) Section 794.011, relating to sexual battery.

3884 (r) Former section 794.041, relating to prohibited act of
3885 familial or custodial authority.

3886 (s) Section 794.05, relating to unlawful sexual activity
3887 with certain minors.

3888 (t) Section 794.08, relating to female genital mutilation.

3889 (u) Chapter 796, relating to prostitution.

3890 (v) Chapter 800, relating to lewdness and indecent
3891 exposure.

3892 (w) Section 806.01, relating to arson.

3893 (x) Section 810.14, relating to voyeurism.

3894 (y) Section 810.145, relating to video voyeurism.

3895 (z) Section 812.014(6), relating to coordinating the
3896 commission of theft in excess of \$3,000.

3897 (aa) Section 812.0145, relating to theft from persons 65
3898 years of age or older.

3899 (bb) Section 812.019, relating to dealing in stolen
3900 property.

3901 (cc) Section 812.13, relating to robbery.



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- 3902 (dd) Section 812.131, relating to robbery by sudden
3903 snatching.
- 3904 (ee) Section 812.133, relating to carjacking.
- 3905 (ff) Section 812.135, relating to home-invasion robbery.
- 3906 (gg) Section 817.563, relating to fraudulent sale of
3907 controlled substances.
- 3908 (hh) Section 825.102, relating to abuse, aggravated abuse,
3909 or neglect of an elderly person or disabled adult.
- 3910 (ii) Section 825.103, relating to exploitation of an
3911 elderly person or disabled adult.
- 3912 (jj) Section 825.1025, relating to lewd or lascivious
3913 offenses committed upon or in the presence of an elderly person
3914 or disabled person.
- 3915 (kk) Section 826.04, relating to incest.
- 3916 (ll) Section 827.03, relating to child abuse, aggravated
3917 child abuse, or neglect of a child.
- 3918 (mm) Section 827.04, relating to contributing to the
3919 delinquency or dependency of a child.
- 3920 (nn) Section 827.071, relating to sexual performance by a
3921 child.
- 3922 (oo) Section 843.01, relating to resisting arrest with
3923 violence.
- 3924 (pp) Chapter 847, relating to obscenity.
- 3925 (qq) Section 874.05, relating to encouraging or recruiting
3926 another to join a criminal gang.
- 3927 (rr) Chapter 893, relating to drug abuse prevention and
3928 control, if the offense was a felony of the second degree or
3929 greater severity.
- 3930 (ss) Section 916.1075, relating to sexual misconduct with
3931 certain forensic clients and reporting of such sexual misconduct.



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3932 (tt) Section 944.47, relating to introduction of contraband
3933 into a correctional facility.

3934 (uu) Section 985.701, relating to sexual misconduct in
3935 juvenile justice programs.

3936 (vv) Section 985.711, relating to contraband introduced
3937 into detention facilities.

3938 (2) Any misdemeanor offense prohibited under any of the
3939 following statutes:

3940 (a) Section 784.03, relating to battery, if the victim of
3941 the offense was a minor.

3942 (b) Section 787.025, relating to luring or enticing a
3943 child.

3944 (3) Any criminal act committed in another state or under
3945 federal law which, if committed in this state, constitutes an
3946 offense prohibited under any statute listed in subsection (1) or
3947 subsection (2).

3948 (4) Any delinquent act committed in this state or any
3949 delinquent or criminal act committed in another state or under
3950 federal law which, if committed in this state, qualifies an
3951 individual for inclusion on the Registered Juvenile Sex Offender
3952 List under s. 943.0435(1)(a)1.d.

3953 Section 68. Subsections (1) and (2) and paragraph (c) of
3954 subsection (3) of section 1012.32, Florida Statutes, are amended
3955 to read:

3956 1012.32 Qualifications of personnel.--

3957 (1) To be eligible for appointment in any position in any
3958 district school system, a person must ~~shall~~ be of good moral
3959 character; must ~~shall~~ have attained the age of 18 years, if he or
3960 she is to be employed in an instructional capacity; must not be
3961 ineligible for such employment under s. 1012.315; and must ~~shall~~,



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3962 when required by law, hold a certificate or license issued under
3963 rules of the State Board of Education or the Department of
3964 Children and Family Services, except when employed pursuant to s.
3965 1012.55 or under the emergency provisions of s. 1012.24. Previous
3966 residence in this state shall not be required in any school of
3967 the state as a prerequisite for any person holding a valid
3968 Florida certificate or license to serve in an instructional
3969 capacity.

3970 (2) (a) Instructional and noninstructional personnel who are
3971 hired or contracted to fill positions that require ~~requiring~~
3972 direct contact with students in any district school system or
3973 university lab school must ~~shall~~, upon employment or engagement
3974 to provide services, undergo background screening as required
3975 under s. 1012.465 or s. 1012.56, whichever is applicable.

3976 (b) Instructional and noninstructional personnel who are
3977 hired or contracted to fill positions in any charter school and
3978 members of the governing board of any charter school, in
3979 compliance with s. 1002.33(12)(g), must ~~shall~~, upon employment,
3980 engagement of services, or appointment, undergo background
3981 screening as required under s. 1012.465 or s. 1012.56, whichever
3982 is applicable, by filing with the district school board for the
3983 school district in which the charter school is located a complete
3984 set of fingerprints taken by an authorized law enforcement agency
3985 or an employee of the school or school district who is trained to
3986 take fingerprints.

3987 (c) Instructional and noninstructional personnel who are
3988 hired or contracted to fill positions that require ~~requiring~~
3989 direct contact with students in an alternative school that
3990 operates under contract with a district school system must ~~shall~~,
3991 upon employment or engagement to provide services, undergo



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3992 background screening as required under s. 1012.465 or s. 1012.56,
3993 whichever is applicable, by filing with the district school board
3994 for the school district to which the alternative school is under
3995 contract a complete set of fingerprints taken by an authorized
3996 law enforcement agency or an employee of the school or school
3997 district who is trained to take fingerprints.

3998 (d) Student teachers, persons participating in a field
3999 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons
4000 participating in a short-term experience as a teacher assistant
4001 pursuant to s. 1004.04(10) in any district school system, lab
4002 school, or charter school must ~~shall~~, upon engagement to provide
4003 services, undergo background screening as required under s.
4004 1012.56.

4005
4006 Fingerprints shall be submitted to the Department of Law
4007 Enforcement for state criminal records checks ~~processing~~ and to
4008 the Federal Bureau of Investigation for national criminal records
4009 checks ~~federal processing~~. A person ~~Persons~~ subject to this
4010 subsection who is found ineligible for employment under s.
4011 1012.315, or otherwise found through background screening
4012 ~~fingerprint processing~~ to have been convicted of any ~~a~~ crime
4013 involving moral turpitude as defined by rule of the State Board
4014 of Education, shall not be employed, engaged to provide services,
4015 or serve in any position that requires ~~requiring~~ direct contact
4016 with students. Probationary persons subject to this subsection
4017 terminated because of their criminal record have the right to
4018 appeal such decisions. The cost of the background screening may
4019 be borne by the district school board, the charter school, the
4020 employee, the contractor, or a person subject to this subsection.

4021 (3)



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4022 (c) Personnel whose fingerprints are not retained by the
4023 Department of Law Enforcement under paragraphs (a) and (b) must
4024 ~~are required to~~ be refingerprinted and rescreened in accordance
4025 with subsection (2) ~~must meet level 2 screening requirements as~~
4026 ~~described in this section~~ upon reemployment or reengagement to
4027 provide services in order to comply with the requirements of this
4028 subsection.

4029 Section 69. Paragraph (a) of subsection (1), paragraph (c)
4030 of subsection (4), and paragraph (b) of subsection (6) of section
4031 1012.33, Florida Statutes, are amended to read:

4032 1012.33 Contracts with instructional staff, supervisors,
4033 and school principals.--

4034 (1)(a) Each person employed as a member of the
4035 instructional staff in any district school system shall be
4036 properly certified pursuant to s. 1012.56 or s. 1012.57 or
4037 employed pursuant to s. 1012.39 and shall be entitled to and
4038 shall receive a written contract as specified in this section.
4039 All such contracts, except continuing contracts as specified in
4040 subsection (4), shall contain provisions for dismissal during the
4041 term of the contract only for just cause. Just cause includes,
4042 but is not limited to, the following instances, as defined by
4043 rule of the State Board of Education: immorality, misconduct in
4044 office, incompetency, gross insubordination, willful neglect of
4045 duty, or being convicted or found guilty of, or entering a plea
4046 of guilty to, regardless of adjudication of guilt, any ~~or~~
4047 ~~conviction of a crime involving moral turpitude.~~

4048 (4)

4049 (c) Any member of the district administrative or
4050 supervisory staff and any member of the instructional staff,
4051 including any school principal, who is under continuing contract



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4052 may be suspended or dismissed at any time during the school year;
4053 however, the charges against him or her must be based on
4054 immorality, misconduct in office, incompetency, gross
4055 insubordination, willful neglect of duty, drunkenness, or being
4056 convicted or found guilty of, or entering a plea of guilty to,
4057 regardless of adjudication of guilt, any conviction of a crime
4058 involving moral turpitude, as these terms are defined by rule of
4059 the State Board of Education. Whenever such charges are made
4060 against an ~~any such~~ employee of the district school board, the
4061 district school board may suspend such person without pay; but,
4062 if the charges are not sustained, he or she shall be immediately
4063 reinstated, and his or her back salary shall be paid. In cases of
4064 suspension by the district school board or by the district school
4065 superintendent, the district school board shall determine upon
4066 the evidence submitted whether the charges have been sustained
4067 and, if the charges are sustained, shall determine either to
4068 dismiss the employee or fix the terms under which he or she may
4069 be reinstated. If such charges are sustained by a majority vote
4070 of the full membership of the district school board and the ~~such~~
4071 employee is discharged, his or her contract of employment shall
4072 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee
4073 may be appealed by the employee pursuant to s. 120.68, provided
4074 the ~~such~~ appeal is filed within 30 days after the decision of the
4075 district school board.

4076 (6)

4077 (b) Any member of the district administrative or
4078 supervisory staff, including any principal but excluding an
4079 employee specified in subsection (4), may be suspended or
4080 dismissed at any time during the term of the contract; however,
4081 the charges against him or her must be based on immorality,



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4082 misconduct in office, incompetency, gross insubordination,
4083 willful neglect of duty, drunkenness, or being convicted or found
4084 guilty of, or entering a plea of guilty, regardless of
4085 adjudication of guilt, conviction of any crime involving moral
4086 turpitude, as these terms are defined by rule of the State Board
4087 of Education. Whenever such charges are made against an ~~any such~~
4088 employee of the district school board, the district school board
4089 may suspend the employee without pay; but, if the charges are not
4090 sustained, he or she shall be immediately reinstated, and his or
4091 her back salary shall be paid. In cases of suspension by the
4092 district school board or by the district school superintendent,
4093 the district school board shall determine upon the evidence
4094 submitted whether the charges have been sustained and, if the
4095 charges are sustained, shall determine either to dismiss the
4096 employee or fix the terms under which he or she may be
4097 reinstated. If such charges are sustained by a majority vote of
4098 the full membership of the district school board and the ~~such~~
4099 employee is discharged, his or her contract of employment shall
4100 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee
4101 may be appealed by him or her pursuant to s. 120.68, provided
4102 such appeal is filed within 30 days after the decision of the
4103 district school board.

4104 Section 70. Subsection (4) of section 1012.34, Florida
4105 Statutes, is amended to read:

4106 1012.34 Assessment procedures and criteria.--

4107 (4) The district school superintendent shall notify the
4108 department of any instructional personnel who receive two
4109 consecutive unsatisfactory evaluations and who have been given
4110 written notice by the district that their employment is being
4111 terminated or is not being renewed or that the district school



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4112 board intends to terminate, or not renew, their employment. The
4113 department shall conduct an investigation to determine whether
4114 action shall be taken against the certificateholder pursuant to
4115 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

4116 Section 71. Subsections (9) and (14) of section 1012.56,
4117 Florida Statutes, are amended to read:

4118 1012.56 Educator certification requirements.--

4119 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
4120 PERIODICALLY.--

4121 (a) Each person who seeks certification under this chapter
4122 must be fingerprinted and screened ~~meet level 2 screening~~
4123 ~~requirements as described in accordance with~~ s. 1012.32 and must
4124 not be ineligible for such certification under s. 1012.315. A
4125 person who has been screened in accordance with s. 1012.32 ~~unless~~
4126 ~~a level 2 screening has been conducted~~ by a district school board
4127 or the Department of Education within 12 months before the date
4128 the person initially obtains certification under this chapter,
4129 the results of which are submitted to the district school board
4130 or to the Department of Education, is not required to repeat the
4131 screening under this paragraph.

4132 (b) A person may not receive a certificate under this
4133 chapter until the person's level 2 screening under s. 1012.32 is
4134 ~~has been~~ completed and the results have been submitted to the
4135 Department of Education or to the district school superintendent
4136 of the school district that employs the person. Every 5 years
4137 after obtaining initial certification, each person who is
4138 required to be certified under this chapter must be rescreened
4139 ~~meet level 2 screening requirements as described in accordance~~
4140 with s. 1012.32, at which time the school district shall request
4141 the Department of Law Enforcement to forward the fingerprints to



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4142 the Federal Bureau of Investigation for national criminal records
4143 checks ~~the level 2 screening~~. If, for any reason after obtaining
4144 initial certification, the fingerprints of a person who is
4145 required to be certified under this chapter are not retained by
4146 the Department of Law Enforcement under s. 1012.32(3)(a) and (b),
4147 the person must file a complete set of fingerprints with the
4148 district school superintendent of the employing school district.
4149 Upon submission of fingerprints for this purpose, the school
4150 district shall request the Department of Law Enforcement to
4151 forward the fingerprints to the Federal Bureau of Investigation
4152 for national criminal records checks ~~the level 2 screening~~, and
4153 the fingerprints shall be retained by the Department of Law
4154 Enforcement under s. 1012.32(3)(a) and (b). The cost of the state
4155 and national federal criminal history checks ~~check~~ required by
4156 paragraph (a) and this paragraph ~~level 2 screening~~ may be borne
4157 by the district school board or the employee. Under penalty of
4158 perjury, each person who is certified under this chapter must
4159 agree to inform his or her employer within 48 hours if convicted
4160 of any disqualifying offense while he or she is employed in a
4161 position for which such certification is required.

4162 (c) If it is found under s. 1012.796 that a person who is
4163 employed in a position requiring certification under this chapter
4164 has does not been screened in accordance with s. 1012.32, or is
4165 ineligible for such certification under s. 1012.315 ~~meet the~~
4166 ~~level 2 screening requirements~~, the person's certification shall
4167 be immediately revoked or suspended and he or she shall be
4168 immediately suspended from the position requiring certification.

4169 (14) PERSONNEL RECORDS.--The Department of Education shall
4170 maintain an electronic database that includes, but need not be
4171 limited to, ~~a complete statement of~~ the academic preparation,



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4172 professional training, and teaching experience of each person to
4173 whom a certificate is issued. The applicant or the district
4174 school superintendent shall furnish the information using a
4175 format ~~or forms~~ provided by the department.

4176 Section 72. Subsection (1) and paragraph (a) of subsection
4177 (8) of section 1012.79, Florida Statutes, are amended to read:

4178 1012.79 Education Practices Commission; organization.--

4179 (1) The Education Practices Commission consists of 25 ~~17~~
4180 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
4181 of whom shall represent a private school; 7 and 5 lay citizens, 5
4182 of whom shall be parents of public school students and who are
4183 unrelated to public school employees and 2 of whom shall be
4184 former district school board members; ~~7~~ and 5 sworn law
4185 enforcement officials, appointed by the State Board of Education
4186 from nominations by the Commissioner of Education and subject to
4187 Senate confirmation. Prior to making nominations, the
4188 commissioner shall consult with ~~the~~ teaching associations, parent
4189 organizations, law enforcement agencies, and other involved
4190 associations in the state. In making nominations, the
4191 commissioner shall attempt to achieve equal geographical
4192 representation, as closely as possible.

4193 (a) A teacher member, in order to be qualified for
4194 appointment:

- 4195 1. Must be certified to teach in the state.
- 4196 2. Must be a resident of the state.
- 4197 3. Must have practiced the profession in this state for at
4198 least 5 years immediately preceding the appointment.

4199 (b) A school administrator member, in order to be qualified
4200 for appointment:



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4201 1. Must have an endorsement on the educator certificate in
4202 the area of school administration or supervision.

4203 2. Must be a resident of the state.

4204 3. Must have practiced the profession as an administrator
4205 for at least 5 years immediately preceding the appointment.

4206 (c) The lay members must be residents of the state.

4207 (d) The law enforcement official members must have served
4208 in the profession for at least 5 years immediately preceding
4209 appointment and have background expertise in child safety.

4210 (8)(a) The commission shall, from time to time, designate
4211 members of the commission to serve on panels for the purpose of
4212 reviewing and issuing final orders upon cases presented to the
4213 commission. A case concerning a complaint against a teacher shall
4214 be reviewed and a final order ~~thereon shall be~~ entered by a panel
4215 composed of five commission members, at least one of whom must be
4216 a parent or a sworn law enforcement officer and at least three of
4217 whom ~~must shall~~ be teachers. A case concerning a complaint
4218 against an administrator shall be reviewed and a final order
4219 ~~thereon shall be~~ entered by a panel composed of five commission
4220 members, at least one of whom must be a parent or a sworn law
4221 enforcement officer and at least three of whom ~~must shall~~ be
4222 administrators.

4223 Section 73. Subsection (1) of section 1012.795, Florida
4224 Statutes, is amended to read:

4225 1012.795 Education Practices Commission; authority to
4226 discipline.--

4227 (1) The Education Practices Commission may suspend the
4228 educator certificate of any person as defined in s. 1012.01(2) or
4229 (3) for a period of time not to exceed 5 years, thereby denying
4230 that person the right to teach or otherwise be employed by a



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4231 district school board or public school in any capacity requiring
4232 direct contact with students for that period of time, after which
4233 the holder may return to teaching as provided in subsection (4);
4234 may revoke the educator certificate of any person, thereby
4235 denying that person the right to teach or otherwise be employed
4236 by a district school board or public school in any capacity
4237 requiring direct contact with students for a period of time not
4238 to exceed 10 years, with reinstatement subject to the provisions
4239 of subsection (4); may revoke permanently the educator
4240 certificate of any person thereby denying that person the right
4241 to teach or otherwise be employed by a district school board or
4242 public school in any capacity requiring direct contact with
4243 students; may suspend the educator certificate, upon order of the
4244 court, of any person found to have a delinquent child support
4245 obligation; or may impose any other penalty provided by law, if
4246 ~~provided it can be shown that~~ the person:

4247 (a) Obtained or attempted to obtain an educator certificate
4248 by fraudulent means.

4249 (b) Knowingly failed to report actual or suspected child
4250 abuse as required in s. 1006.061 or report alleged misconduct by
4251 instructional personnel or school administrators which affects
4252 the health, safety, or welfare of a student as required in s.
4253 1012.796.

4254 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform
4255 duties as an employee of the public school system or to teach in
4256 or to operate a private school.

4257 (d) ~~(e)~~ Has been guilty of gross immorality or an act
4258 involving moral turpitude as defined by rule of the State Board
4259 of Education.



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4260 ~~(e)~~ ~~(d)~~ Has had an educator certificate sanctioned by
4261 revocation, suspension, or surrender in another state.

4262 ~~(f)~~ ~~(e)~~ Has been convicted or found guilty of, or entered a
4263 plea of guilty to, regardless of adjudication of guilt, a
4264 misdemeanor, felony, or any other criminal charge, other than a
4265 minor traffic violation.

4266 ~~(g)~~ ~~(f)~~ Upon investigation, has been found guilty of
4267 personal conduct which seriously reduces that person's
4268 effectiveness as an employee of the district school board.

4269 ~~(h)~~ ~~(g)~~ Has breached a contract, as provided in s.
4270 1012.33(2).

4271 ~~(i)~~ ~~(h)~~ Has been the subject of a court order directing the
4272 Education Practices Commission to suspend the certificate as a
4273 result of a delinquent child support obligation.

4274 ~~(j)~~ ~~(i)~~ Has violated the Principles of Professional Conduct
4275 for the Education Profession prescribed by State Board of
4276 Education rules.

4277 ~~(k)~~ ~~(j)~~ Has otherwise violated the provisions of law, the
4278 penalty for which is the revocation of the educator certificate.

4279 ~~(l)~~ ~~(k)~~ Has violated any order of the Education Practices
4280 Commission.

4281 ~~(m)~~ ~~(l)~~ Has been the subject of a court order or plea
4282 agreement in any jurisdiction which requires the
4283 certificateholder to surrender or otherwise relinquish his or her
4284 educator's certificate. A surrender or relinquishment shall be
4285 for permanent revocation of the certificate. A person may not
4286 surrender or otherwise relinquish his or her certificate prior to
4287 a finding of probable cause by the commissioner as provided in s.
4288 1012.796.



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4289 (n) Has been disqualified from educator certification under
4290 s. 1012.315.

4291 Section 74. Subsections (1), (3), and (5) of section
4292 1012.796, Florida Statutes, are amended to read:

4293 1012.796 Complaints against teachers and administrators;
4294 procedure; penalties.--

4295 (1) (a) The Department of Education shall cause to be
4296 investigated expeditiously any complaint filed before it or
4297 otherwise called to its attention which, if legally sufficient,
4298 contains grounds for the revocation or suspension of a
4299 certificate or any other appropriate penalty as set forth in
4300 subsection (7). The complaint is legally sufficient if it
4301 contains the ultimate facts which show a violation has occurred
4302 as provided in s. 1012.795 and defined by rule of the State Board
4303 of Education. The department shall ~~may~~ investigate or continue to
4304 investigate and take appropriate action on a complaint even
4305 though the original complainant withdraws the complaint or
4306 otherwise indicates a desire not to cause it to be investigated
4307 or prosecuted to completion. The department may investigate or
4308 continue to investigate and take action on a complaint filed
4309 against a person whose educator certificate has expired if the
4310 act or acts that ~~which~~ are the basis for the complaint were
4311 allegedly committed while that person possessed an educator
4312 certificate.

4313 (b) The department shall immediately investigate any
4314 legally sufficient complaint that involves misconduct by any
4315 certificated personnel which affects the health, safety, or
4316 welfare of a student, giving the complaint priority over other
4317 pending complaints. The department must investigate or continue
4318 to investigate and take action on such a complaint filed against



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4319 a person whose educator certificate has expired if the act or
4320 acts that are the basis for the complaint were allegedly
4321 committed while that person possessed an educator certificate.

4322 (c) ~~(b)~~ When an investigation is undertaken, the department
4323 shall notify the certificateholder or applicant for certification
4324 and the district school superintendent or the university
4325 laboratory school, charter school, or private school in which the
4326 certificateholder or applicant for certification is employed or
4327 was employed at the time the alleged offense occurred. In
4328 addition, the department shall inform the certificateholder or
4329 applicant for certification of the substance of any complaint
4330 which has been filed against that certificateholder or applicant,
4331 unless the department determines that such notification would be
4332 detrimental to the investigation, in which case the department
4333 may withhold notification.

4334 (d) ~~(e)~~ Each school district shall file in writing with the
4335 department all legally sufficient complaints within 30 days after
4336 the date on which subject matter of the complaint comes to the
4337 attention of the school district. A complaint is legally
4338 sufficient if it contains ultimate facts that show a violation
4339 has occurred as provided in s. 1012.795 and defined by rule of
4340 the State Board of Education. The school district shall include
4341 all information relating to the complaint which is known to the
4342 school district at the time of filing. Each district school board
4343 shall develop and adopt policies and procedures to comply with
4344 this reporting requirement. School board policies and procedures
4345 must include standards for screening, hiring, and terminating
4346 instructional personnel and school administrators, as defined in
4347 s. 1012.01; standards of ethical conduct for instructional
4348 personnel and school administrators; the duties of instructional



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4349 personnel and school administrators for upholding the standards;
4350 detailed procedures for reporting alleged misconduct by
4351 instructional personnel and school administrators which affects
4352 the health, safety, or welfare of a student; requirements for the
4353 reassignment of instructional personnel or school administrators
4354 pending the outcome of a misconduct investigation; and penalties
4355 for failing to comply with s. 1001.51 or s. 1012.795. The
4356 district school board policies and procedures shall include
4357 appropriate penalties for all personnel of the district school
4358 board for nonreporting and procedures for promptly informing the
4359 district school superintendent of each legally sufficient
4360 complaint. The district school superintendent is charged with
4361 knowledge of these policies and procedures and is accountable for
4362 the training of all instructional personnel and school
4363 administrators of the school district on the standards of ethical
4364 conduct, policies, and procedures. If the district school
4365 superintendent has knowledge of a legally sufficient complaint
4366 and does not report the complaint, or fails to enforce the
4367 policies and procedures of the district school board, and fails
4368 to comply with the requirements of this subsection, in addition
4369 to other actions against certificateholders authorized by law,
4370 the district school superintendent is ~~shall be~~ subject to
4371 penalties as specified in s. 1001.51(12). If the superintendent
4372 determines that misconduct by instructional personnel or school
4373 administrators who hold an educator certificate affects the
4374 health, safety, or welfare of a student, and the misconduct
4375 warrants termination, the instructional personnel or school
4376 administrators may resign or be terminated, and the
4377 superintendent must report the misconduct to the department in
4378 the format prescribed by the department. The department shall



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4379 maintain each report of misconduct as a public record in the
4380 instructional personnel's or school administrators' certification
4381 files. This paragraph does not limit or restrict the power and
4382 duty of the department to investigate complaints ~~as provided in~~
4383 ~~paragraphs (a) and (b)~~, regardless of the school district's
4384 untimely filing, or failure to file, complaints and followup
4385 reports.

4386 (e) If allegations arise against an employee who is
4387 certified under s. 1012.56, and employed in an educator-
4388 certificated position in any school or by any provider in the
4389 state, such school or provider, or governing body thereof, shall
4390 file in writing with the department a legally sufficient
4391 complaint within 30 days after the date on which the subject
4392 matter of the complaint came to the attention of the school or
4393 provider. A complaint is legally sufficient if it contains
4394 ultimate facts that show a violation has occurred as provided in
4395 s. 1012.795 and defined by rule of the State Board of Education.
4396 The school or provider shall include all known information
4397 relating to the complaint with the filing of the complaint. This
4398 paragraph does not limit or restrict the power and duty of the
4399 department to investigate complaints, regardless of the school's
4400 or the provider's untimely filing, or failure to file, complaints
4401 and followup reports.

4402 (f) ~~(d)~~ Notwithstanding any other law, all law enforcement
4403 agencies, state attorneys, social service agencies, district
4404 school boards, and the Division of Administrative Hearings shall
4405 fully cooperate with and, upon request, shall provide unredacted
4406 documents to the Department of Education to further
4407 investigations and prosecutions conducted pursuant to this



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4408 section. Any document received ~~pursuant to this paragraph~~ may not
4409 be redisclosed except as authorized by law.

4410 (3) The department staff shall advise the commissioner
4411 concerning the findings of the investigation. The department
4412 general counsel or members of that staff shall review the
4413 investigation and advise the commissioner concerning probable
4414 cause or lack thereof. The determination of probable cause shall
4415 be made by the commissioner. The commissioner shall provide an
4416 opportunity for a conference, if requested, prior to determining
4417 probable cause. The commissioner may enter into deferred
4418 prosecution agreements in lieu of finding probable cause if, when
4419 in his or her judgment, such agreements are ~~would be~~ in the best
4420 interests of the department, the certificateholder, and the
4421 public. Such deferred prosecution agreements shall become
4422 effective when filed with the clerk of the Education Practices
4423 Commission. However, a deferred prosecution agreement shall not
4424 be entered into if where there is probable cause to believe that
4425 a felony or an act of moral turpitude, as defined by rule of the
4426 State Board of Education, has occurred. Upon finding no probable
4427 cause, the commissioner shall dismiss the complaint.

4428 (5) When an allegation of misconduct by instructional
4429 personnel or school administrators, as defined in s. 1012.01, is
4430 received, if the alleged misconduct affects ~~deemed necessary to~~
4431 ~~protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student,
4432 the district school superintendent in consultation with the
4433 school principal, or may, and upon the request of the
4434 Commissioner of Education, must immediately ~~shall, temporarily~~
4435 suspend the instructional personnel or school administrators ~~a~~
4436 ~~certificateholder~~ from the ~~certificateholder's~~ regularly assigned
4437 duties, with pay, and reassign the suspended personnel or



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4438 administrators ~~certificatcholder~~ to positions ~~a position~~ that do
4439 ~~does~~ not require direct contact with students in the district
4440 school system. Such suspension shall continue until the
4441 completion of the proceedings and the determination of sanctions,
4442 if any, pursuant to this section and s. 1012.795.

4443 Section 75. Paragraph (b) of subsection (4) of section
4444 1012.98, Florida Statutes, is amended to read:

4445 1012.98 School Community Professional Development Act.--

4446 (4) The Department of Education, school districts, schools,
4447 community colleges, and state universities share the
4448 responsibilities described in this section. These
4449 responsibilities include the following:

4450 (b) Each school district shall develop a professional
4451 development system as specified in subsection (3). The system
4452 shall be developed in consultation with teachers, teacher-
4453 educators of community colleges and state universities, business
4454 and community representatives, and local education foundations,
4455 consortia, and professional organizations. The professional
4456 development system must:

4457 1. Be approved by the department. All substantial revisions
4458 to the system shall be submitted to the department for review for
4459 continued approval.

4460 2. Be based on analyses of student achievement data and
4461 instructional strategies and methods that support rigorous,
4462 relevant, and challenging curricula for all students. Schools and
4463 districts, in developing and refining the professional
4464 development system, shall also review and monitor school
4465 discipline data; school environment surveys; assessments of
4466 parental satisfaction; performance appraisal data of teachers,
4467 managers, and administrative personnel; and other performance



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4468 indicators to identify school and student needs that can be met
4469 by improved professional performance.

4470 3. Provide inservice activities coupled with followup
4471 support appropriate to accomplish district-level and school-level
4472 improvement goals and standards. The inservice activities for
4473 instructional personnel shall focus on analysis of student
4474 achievement data, ongoing formal and informal assessments of
4475 student achievement, identification and use of enhanced and
4476 differentiated instructional strategies that emphasize rigor,
4477 relevance, and reading in the content areas, enhancement of
4478 subject content expertise, integrated use of classroom technology
4479 that enhances teaching and learning, classroom management, parent
4480 involvement, and school safety.

4481 4. Include a master plan for inservice activities, pursuant
4482 to rules of the State Board of Education, for all district
4483 employees from all fund sources. The master plan shall be updated
4484 annually by September 1, must be based on input from teachers and
4485 district and school instructional leaders, and must use the
4486 latest available student achievement data and research to enhance
4487 rigor and relevance in the classroom. Each district inservice
4488 plan must be aligned to and support the school-based inservice
4489 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
4490 ~~1001.42(16)~~. District plans must be approved by the district
4491 school board annually in order to ensure compliance with
4492 subsection (1) and to allow for dissemination of research-based
4493 best practices to other districts. District school boards must
4494 submit verification of their approval to the Commissioner of
4495 Education no later than October 1, annually.

4496 5. Require each school principal to establish and maintain
4497 an individual professional development plan for each



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4498 instructional employee assigned to the school as a seamless
4499 component to the school improvement plans developed pursuant to
4500 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
4501 development plan must:

4502 a. Be related to specific performance data for the students
4503 to whom the teacher is assigned.

4504 b. Define the inservice objectives and specific measurable
4505 improvements expected in student performance as a result of the
4506 inservice activity.

4507 c. Include an evaluation component that determines the
4508 effectiveness of the professional development plan.

4509 6. Include inservice activities for school administrative
4510 personnel that address updated skills necessary for instructional
4511 leadership and effective school management pursuant to s.
4512 1012.986.

4513 7. Provide for systematic consultation with regional and
4514 state personnel designated to provide technical assistance and
4515 evaluation of local professional development programs.

4516 8. Provide for delivery of professional development by
4517 distance learning and other technology-based delivery systems to
4518 reach more educators at lower costs.

4519 9. Provide for the continuous evaluation of the quality and
4520 effectiveness of professional development programs in order to
4521 eliminate ineffective programs and strategies and to expand
4522 effective ones. Evaluations must consider the impact of such
4523 activities on the performance of participating educators and
4524 their students' achievement and behavior.

4525 Section 76. Subsection (4) of section 1013.03, Florida
4526 Statutes, is amended to read:



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4527 1013.03 Functions of the department and the Board of
4528 Governors.--The functions of the Department of Education as it
4529 pertains to educational facilities of school districts and
4530 community colleges and of the Board of Governors as it pertains
4531 to educational facilities of state universities shall include,
4532 but not be limited to, the following:

4533 (4) Require each board and other appropriate agencies to
4534 submit complete and accurate financial data as to the amounts of
4535 funds from all sources that are available and spent for
4536 construction and capital improvements. The commissioner shall
4537 prescribe the format and the date for the submission of this data
4538 and any other educational facilities data. If any district does
4539 not submit the required educational facilities fiscal data by the
4540 prescribed date, the Commissioner of Education shall notify the
4541 district school board of this fact and, if appropriate action is
4542 not taken to immediately submit the required report, the district
4543 school board shall be directed to proceed pursuant to s.
4544 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any
4545 community college or university does not submit the required
4546 educational facilities fiscal data by the prescribed date, the
4547 same policy prescribed in this subsection for school districts
4548 shall be implemented.

4549 Section 77. The sum of \$153,872 is appropriated from the
4550 Educational Certification and Services Trust Fund to the
4551 Department of Education for the 2008-2009 fiscal year, and two
4552 additional full-time equivalent positions and associated salary
4553 rate of 90,088 are authorized, for the purpose of implementing
4554 this act.

4555 Section 78. (1) School districts are encouraged to enter
4556 into partnerships with local businesses for purposes of



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4557 mentorship opportunities, the development of employment options
 4558 and additional funding sources, and other mutual benefits.

4559 (2) As a pilot program through June 30, 2011, the Palm
 4560 Beach County school district may recognize its business partners
 4561 by publicly displaying such business partners' names on school
 4562 district property in the unincorporated areas. "Project
 4563 Graduation" and athletic sponsorships are examples of appropriate
 4564 recognition. The district shall make every effort to display its
 4565 business partners' names in a manner that is consistent with the
 4566 county standards for uniformity in size, color, and placement of
 4567 signs. If the provisions of this section are inconsistent with
 4568 the county ordinances or regulations relating to signs in the
 4569 unincorporated areas or inconsistent with chapter 125, chapter
 4570 166, or chapter 479, Florida Statutes, the provisions of this
 4571 section prevail.

4572 Section 79. Except as otherwise expressly provided in this
 4573 act and except for this section, which shall take effect upon
 4574 becoming a law, this act shall take effect July 1, 2008.

4575
 4576 ===== T I T L E A M E N D M E N T =====

4577 And the title is amended as follows:

4578 Delete everything before the enacting clause
 4579 and insert:

4580 A bill to be entitled
 4581 An act relating to education; amending ss. 11.45, 218.50,
 4582 and 218.501, F.S., relating to audit reports by the
 4583 Auditor General; conforming provisions related to changes
 4584 in the entities subject to a state of financial emergency;
 4585 amending ss. 218.503 and 218.504, F.S.; providing that
 4586 charter technical career centers are subject to certain



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4587 requirements in the event of a financial emergency;
4588 requiring that the sponsor be notified of certain
4589 conditions; providing for the development of a financial
4590 recovery plan, which may be approved by the Commissioner
4591 of Education; amending s. 1002.33, F.S.; providing for
4592 duties of charter school sponsors and governing boards
4593 when charter schools and charter technical career centers
4594 experience a financial weakness or a financial emergency;
4595 specifying forms to be used by charter school applicants
4596 and sponsors; requiring applicant training and
4597 documentation; deleting the auditing requirements and
4598 financial emergency provisions for charter schools;
4599 requiring charters schools to disclose the identity of
4600 relatives of charter school personnel; providing that the
4601 immediate termination of a charter is exempt from
4602 requirements for an informal hearing or for a hearing
4603 under ch. 120, F.S.; revising provisions relating to
4604 eligible students; providing requirements for the
4605 distribution of funds for charter schools; providing for
4606 the disclosure of the performance of charter schools that
4607 are not given a school grade or school improvement rating;
4608 revising the requirements for providing information to the
4609 public on how to form and operate a charter school;
4610 providing reporting requirements; providing restrictions
4611 for the employment of relatives by charter school
4612 personnel; providing for a waiver by the Commissioner of
4613 Education; providing that members of a charter school
4614 governing board are subject to certain standards of
4615 conduct specified in ss. 112.313 and 112.3143, F.S.;
4616 amending s. 1002.335, F.S.; eliminating the requirement



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4617 | for district school boards to annually seek continued
4618 | exclusivity from the State Board of Education; specifying
4619 | additional components of cosponsor agreements; amending s.
4620 | 1002.34, F.S.; providing additional duties for charter
4621 | technical career centers, applicants, sponsors, and
4622 | governing boards; requiring the Department of Education to
4623 | offer or arrange training and assistance to applicants for
4624 | a charter technical career center; requiring that an
4625 | applicant participate in the training; creating s.
4626 | 1002.345, F.S.; establishing criteria and requirements for
4627 | charter schools and charter technical career centers that
4628 | have financial weaknesses or are in a state of financial
4629 | emergency; establishing requirements for charter schools,
4630 | charter technical career centers, governing bodies, and
4631 | sponsors; requiring financial audits of charter schools
4632 | and charter technical career centers; providing for
4633 | corrective action and financial recovery plans; providing
4634 | for duties of auditors, the Commissioner of Education, and
4635 | the Department of Education; requiring the State Board of
4636 | Education to adopt rules; providing grounds for
4637 | termination or nonrenewal of a charter; amending s.
4638 | 220.187, F.S.; providing legislative findings; revising
4639 | program purposes; providing that specified students who
4640 | are currently or have been in foster care are eligible for
4641 | participation in the program; providing that siblings of
4642 | certain students are eligible for participation in the
4643 | program; providing income criteria for continuation of
4644 | scholarships for students in foster care; revising
4645 | provisions authorizing the total amount of tax credits
4646 | that may be granted and deleting the reservation of a



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4647 | portion thereof; revising authorized uses of scholarship
4648 | funds and providing for premium payments to certain
4649 | students who participate in statewide assessments;
4650 | revising provisions relating to expenditure of
4651 | contributions received by a scholarship-funding
4652 | organization during a state fiscal year; authorizing
4653 | expenditure of contributions for specified administrative
4654 | expenses by certain scholarship-funding organizations;
4655 | providing for the annual return of specified eligible
4656 | contributions to the State Treasury; removing parent
4657 | responsibility for providing transportation to certain
4658 | assessment sites; providing obligations of the Department
4659 | of Education relating to scholarship student participation
4660 | in statewide assessments; revising scholarship amounts and
4661 | providing amount of premium payments; revising
4662 | requirements relating to verification of student
4663 | attendance for purposes of scholarship payment; providing
4664 | for preservation of credits under certain circumstances;
4665 | requiring the Office of Program Policy Analysis and
4666 | Government Accountability to submit a report on funding
4667 | for the scholarship program to the Governor and the
4668 | Legislature; specifying report requirements; authorizing
4669 | the Office of Program Policy Analysis and Government
4670 | Accountability to request the Revenue Estimating
4671 | Conference and the Education Estimating Conference to
4672 | evaluate its findings and recommendations; amending s.
4673 | 1000.21, F.S.; providing and revising definitions;
4674 | amending s. 1001.03, F.S.; requiring the State Board of
4675 | Education to periodically review and revise state
4676 | curriculum standards; eliminating provisions requiring



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4677 | that the state board report proposed revisions to the
4678 | Governor and the Legislature; amending s. 1001.41, F.S.;
4679 | revising the general powers of district school boards;
4680 | amending s. 1001.452, F.S.; revising provisions relating
4681 | to membership of school advisory councils; amending s.
4682 | 1003.41, F.S.; requiring that the State Board of Education
4683 | replace the Sunshine State Standards with the Next
4684 | Generation Sunshine State Standards; providing for
4685 | application of the Sunshine State Standards pending
4686 | adoption of the Next Generation Sunshine State Standards;
4687 | providing requirements concerning the content and
4688 | organization of the Next Generation Sunshine State
4689 | Standards; requiring that the Next Generation Sunshine
4690 | State Standards establish core curricular content in
4691 | specified areas for certain grades or grade clusters;
4692 | requiring that the state board establish schedules for the
4693 | adoption and revision of the Next Generation Sunshine
4694 | State Standards; requiring that the state board adopt the
4695 | Next Generation Sunshine State Standards by a specified
4696 | date; requiring the Commissioner of Education to provide
4697 | proposed Next Generation Sunshine State Standards or
4698 | proposed revisions of such standards to the state board;
4699 | providing requirements concerning the commissioner's
4700 | development of the proposed standards or revisions;
4701 | requiring consultation with certain experts; requiring
4702 | distribution of a proposal developed by the commissioner
4703 | for review and comment by certain experts; requiring a
4704 | written evaluation of the proposal developed by the
4705 | commissioner by a research institution meeting specified
4706 | criteria; requiring provision of the commissioner's



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4707 | proposed standards and the written evaluation and comments
4708 | to the Governor, the President of the Senate, and the
4709 | Speaker of the House of Representatives; authorizing
4710 | rulemaking by the State Board of Education; amending s.
4711 | 1003.413, F.S.; requiring policies of each district school
4712 | board to address an annual review of student education
4713 | plans; amending s. 1003.428, F.S.; revising courses that
4714 | are acceptable for high school graduation; conforming a
4715 | cross-reference; creating s. 1003.4285, F.S.; providing
4716 | for high school diploma designations; amending ss.
4717 | 1003.429, 1003.43, and 1003.433, F.S.; conforming cross-
4718 | references; amending s. 1003.63, F.S.; revising the type
4719 | of assessment tests reported to the Governor and the
4720 | Legislature relating to the deregulated public schools
4721 | pilot program; amending s. 1004.85, F.S.; conforming
4722 | cross-references; amending s. 1004.91, F.S.; expanding the
4723 | list of students who are exempt from basic skill mastery
4724 | for certificate career education programs; amending s.
4725 | 1004.99, F.S.; providing designations of Florida Ready to
4726 | Work credentials; amending s. 1007.21, F.S., relating to
4727 | postsecondary placement tests for high school students;
4728 | authorizing the common placement test to be administered
4729 | to high school students and not just second semester
4730 | sophomores; amending s. 1007.235, F.S.; revising the
4731 | components for the district interinstitutional
4732 | articulation agreement to include secondary school and
4733 | postsecondary institution responsibilities for calculation
4734 | of grades; amending s. 1008.22, F.S.; revising provisions
4735 | governing application of testing requirements for high
4736 | school graduation; providing criteria concerning the



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4737 testing and scores required for a continuously enrolled
4738 student to earn a standard high school diploma;
4739 authorizing the commissioner to administer comprehensive
4740 end-of-course assessments; providing requirements for
4741 comprehensive and end-of-course assessments; authorizing
4742 the commissioner to select a nationally developed
4743 comprehensive examination for use as an end-of-course
4744 assessment; revising the design of the testing program;
4745 authorizing the commissioner to collaborate with the
4746 American Diploma Project to develop end-of-course
4747 assessments; authorizing the commissioner to discontinue
4748 administration of an outdated assessment under certain
4749 conditions; requiring the commissioner to establish
4750 schedules for the administration of statewide assessments
4751 and the reporting of student test results; providing
4752 requirements for the testing and reporting schedules;
4753 requiring district school boards to prohibit public
4754 schools from suspending a program of curricula for the
4755 administration of practice tests; authorizing a district
4756 school board to permit a school to engage in certain test-
4757 preparation activities; revising the applicability of
4758 testing standards under certain conditions; revising the
4759 requirements contained in the annual report by the
4760 department to the Governor and the Legislature; amending
4761 s. 1008.30, F.S.; requiring the Department of Education to
4762 purchase or develop assessments to evaluate the college
4763 readiness of certain students before enrollment in a
4764 postsecondary institution; requiring a school district to
4765 provide certain students access to appropriate remediation
4766 courses; amending s. 1008.31, F.S.; declaring the



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4767 legislative intent that the K-20 education system comply
4768 with the Individuals with Disabilities Education Act;
4769 amending s. 1008.34, F.S.; revising the exceptions for a
4770 school to receive a school grade; revising the student
4771 assessment data used in determining school grades;
4772 requiring a school district that fails to assign FCAT
4773 scores back to students' schools to forfeit school
4774 recognition funds for a specified time; requiring the
4775 collaboration between a home school and alternative school
4776 to be between the principals of each school in order to
4777 promote student success; providing for a revised high
4778 school grading system beginning with the 2009-2010 school
4779 year which includes the statewide standardized assessment,
4780 graduation rates, performance and participation in certain
4781 courses, postsecondary readiness as measured by certain
4782 examinations, and the change in these factors from year to
4783 year; specifying the data components to be used in
4784 determining the revised high school grading system;
4785 requiring that the criteria for school grades give added
4786 weight to the graduation rate of all eligible at-risk
4787 students; authorizing the state board to adopt rules;
4788 amending s. 1008.341, F.S.; revising provisions for a
4789 school improvement rating for an alternative school;
4790 authorizing the state board to adopt rules; amending s.
4791 1008.36, F.S.; revising provisions relating to the Florida
4792 School Recognition Program; amending s. 1012.34, F.S.;
4793 revising provisions relating to assessment procedures and
4794 criteria for instructional personnel and school
4795 administrators; authorizing a school district to determine
4796 that the performance of instructional personnel and school



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4797 administrators is unsatisfactory based on student
4798 performance and certain approved criteria; amending s.
4799 1012.56, F.S.; requiring teacher certification exams to be
4800 aligned to revised curriculum standards; amending ss.
4801 1012.57 and 1012.586, F.S.; conforming cross-reference;
4802 amending s. 1012.71, F.S.; providing definitions; revising
4803 requirements for the use of program funds by classroom
4804 teachers; providing for the disbursement of funds to
4805 school districts; specifying the means for providing a
4806 classroom teacher with his or her proportionate share of
4807 program funds; providing that funds received are not
4808 subject to competitive bidding requirements or collective
4809 bargaining; requiring each classroom teacher to sign a
4810 statement acknowledging receipt of funds; providing
4811 requirements for accounting of expenditures and
4812 reimbursement of funds under certain conditions; amending
4813 s. 1013.12, F.S.; requiring that a school cafeteria post
4814 certain information concerning its sanitation certificate
4815 and inspection; creating s. 1002.375, F.S.; establishing a
4816 pilot project for awarding high school credit to students
4817 enrolled in industry certification programs; requiring the
4818 Commissioner of Education to establish criteria for
4819 program participation; requiring that a school district
4820 submit a letter of interest by a specified date in order
4821 to participate in the pilot project; requiring that the
4822 Commissioner of Education submit a report to the Governor
4823 and the Legislature; providing for specified courses to be
4824 included as alternative credit courses; exempting
4825 alternative credit courses from certain requirements;
4826 authorizing the Department of Education to approve certain



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4827 | courses for credit by examination; requiring the
4828 | Department of Education to adopt passing minimum scores on
4829 | approved assessments and maintain a course directory;
4830 | requiring the State Board of Education to adopt rules;
4831 | amending s. 1011.61, F.S., relating to definitions for the
4832 | Florida Education Finance Program; providing for an
4833 | alternate method of reporting full-time equivalent
4834 | membership for credit earned in alternative high school
4835 | credit courses for the pilot project created under s.
4836 | 1002.375, F.S.; amending s. 24.121, F.S., relating to
4837 | public school funding; conforming cross-references;
4838 | amending s. 112.3173, F.S.; specifying certain felony
4839 | offenses against a minor as additional offenses that
4840 | constitute a breach of the public trust; requiring a
4841 | person committing such an offense to forfeit benefits
4842 | under certain public retirement systems; amending s.
4843 | 121.091, F.S.; prohibiting the Division of Retirement from
4844 | paying benefits to a member who commits certain felony
4845 | offenses against a minor; conforming a cross-reference;
4846 | creating ss. 794.09 and 800.05, F.S.; providing notice in
4847 | the criminal statutes that certain retirement benefits are
4848 | subject to forfeiture for committing certain felony
4849 | offenses against a minor; amending s. 1001.10, F.S.;
4850 | requiring the Department of Education to assist school
4851 | districts, charter schools, the Florida School for the
4852 | Deaf and the Blind, and private schools that accept school
4853 | choice scholarship students in developing policies,
4854 | procedures, and training related to employment practices
4855 | and standards of ethical conduct; requiring the department
4856 | to provide authorized staff with access to certain



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4857 | databases for employment history verification; amending s.
4858 | 1001.32, F.S., relating to school administration;
4859 | conforming a cross-reference; amending s. 1001.42, F.S.;
4860 | requiring each district school board to adopt standards of
4861 | ethical conduct and provide training for instructional
4862 | personnel and school administrators; prohibiting
4863 | confidentiality agreements regarding terminated or
4864 | dismissed instructional personnel and school
4865 | administrators which have the effect of concealing certain
4866 | misconduct; prohibiting a school district from providing
4867 | employment references for specified personnel and
4868 | administrators except under certain circumstances;
4869 | requiring a person who committed certain crimes to be
4870 | disqualified from employment in certain positions in a
4871 | district school system under specified conditions;
4872 | providing that a district school board official who
4873 | knowingly signs and transmits a false or incorrect report,
4874 | or fails to adopt certain policies, forfeits his or her
4875 | salary for a specified period; amending s. 1001.452, F.S.,
4876 | relating to district and school advisory councils;
4877 | conforming cross-references; amending s. 1001.51, F.S.;
4878 | providing that a district school superintendent forfeits
4879 | his or her salary for a specified period following failure
4880 | to investigate and report allegations of certain
4881 | misconduct by specified personnel or administrators;
4882 | amending ss. 1001.54 and 1002.32, F.S., relating to duties
4883 | of principals and laboratory schools; conforming cross-
4884 | references; amending s. 1002.33, F.S.; requiring a person
4885 | who committed certain crimes to be disqualified from
4886 | employment in certain positions in a charter school under



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4887 | specified conditions; requiring charter schools to adopt
4888 | standards of ethical conduct and provide training for all
4889 | instructional personnel and school administrators;
4890 | prohibiting confidentiality agreements regarding
4891 | terminated or dismissed instructional personnel and school
4892 | administrators which have the effect of concealing certain
4893 | misconduct; prohibiting a charter school from providing
4894 | employment references for specified personnel and
4895 | administrators except under certain circumstances;
4896 | requiring a charter school to contact the previous
4897 | employer, and verify the employment history against
4898 | certain databases, of persons seeking employment in
4899 | certain positions; requiring a charter school's sponsor to
4900 | terminate the school's charter for failing to comply with
4901 | these requirements; amending s. 1002.36, F.S.; requiring
4902 | the Florida School for the Deaf and the Blind to meet
4903 | certain requirements governing the screening of personnel;
4904 | amending s. 1002.421, F.S.; requiring a person who
4905 | committed certain crimes to be disqualified from
4906 | employment in certain positions in a private school that
4907 | accepts certain scholarship students under specified
4908 | conditions; requiring certain private schools to adopt
4909 | standards of ethical conduct and provide training for all
4910 | instructional personnel and school administrations;
4911 | prohibiting confidentiality agreements regarding
4912 | terminated or dismissed instructional personnel or school
4913 | administrators which have the effect of concealing certain
4914 | misconduct; prohibiting a private school from providing
4915 | employment references for specified personnel and
4916 | administrators except under certain circumstances;



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4917 requiring a private school to contact the previous
4918 employer, and verify the employment history against
4919 certain databases, of persons seeking employment in
4920 certain positions; requiring the Department of Education
4921 to suspend enrollment of new students and the payment of
4922 funds to a private school failing to comply with these
4923 requirements; amending ss. 1003.413, 1003.53, and 1004.92,
4924 F.S., relating to educational instruction and programs;
4925 conforming cross-references; amending s. 1006.061, F.S.;
4926 requiring district school boards, charter schools, and
4927 private schools that accept certain scholarship students
4928 to post policies for reporting child abuse and misconduct
4929 by specified personnel and administrators; requiring the
4930 principal of such schools to act as a liaison in suspected
4931 cases of child abuse; requiring the Department of
4932 Education to publish sample notices; amending ss. 1008.33,
4933 1008.345, 1010.215, and 1011.18, F.S., relating to
4934 accountability procedures; conforming cross-references;
4935 amending s. 1012.27, F.S.; requiring the district school
4936 superintendent to contact the previous employer, and
4937 verify the employment history against certain databases,
4938 of persons seeking employment in certain positions;
4939 creating s. 1012.315, F.S.; specifying offenses that
4940 disqualify instructional personnel and school
4941 administrations from employment in certain positions that
4942 require direct contact with students; amending s. 1012.32,
4943 F.S.; requiring specified personnel or administrators who
4944 committed certain crimes to be disqualified from
4945 employment in certain positions in a district school
4946 system or charter school under specified conditions;



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4947 | amending s. 1012.33, F.S.; providing that just cause for
4948 | terminating instructional staff includes immorality or
4949 | commission of certain crimes; amending s. 1012.34, F.S.,
4950 | relating to assessment procedures; conforming a cross-
4951 | reference; amending s. 1012.56, F.S., relating to
4952 | certification requirements for educators; revising
4953 | requirements for conducting state and national ~~federal~~
4954 | criminal records checks of persons seeking certification;
4955 | requiring a person who committed certain crimes to be
4956 | ineligible for certification under specified conditions;
4957 | providing for the Department of Education to maintain
4958 | educator records in an electronic database; amending s.
4959 | 1012.79, F.S.; providing for additional members to be
4960 | appointed to the Education Practices Commission; revising
4961 | the composition of panels appointed to review complaints
4962 | against teachers and administrators; amending s. 1012.795,
4963 | F.S.; providing for the suspension of the educator
4964 | certificate of a person who knowingly fails to report
4965 | child abuse or misconduct by specified personnel or
4966 | administrators; clarifying authority of the commission to
4967 | discipline educators who commit certain crimes; amending
4968 | s. 1012.796, F.S.; requiring the Department of Education
4969 | to investigate each complaint involving misconduct by
4970 | certificated personnel; clarifying what constitutes a
4971 | legally sufficient complaint; providing requirements for
4972 | school board policies and procedures relating to standards
4973 | of ethical conduct; providing that the district school
4974 | superintendent is accountable for training of
4975 | instructional personnel and school administrators on the
4976 | standards, policies, and procedures; requiring employers



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4977 | of certificated personnel to report misconduct by such
4978 | personnel to the Department of Education; requiring that
4979 | instructional personnel or school administrators be
4980 | immediately suspended and reassigned under certain
4981 | circumstances; amending ss. 1012.98 and 1013.03, F.S.,
4982 | relating to the School Community Professional Development
4983 | Act and functions of the Department of Education and Board
4984 | of Governors; conforming cross-references; providing an
4985 | appropriation and authorizing additional positions;
4986 | encouraging school districts to enter into partnerships
4987 | with local businesses for certain purposes; authorizing
4988 | the Palm Beach County school district to recognize its
4989 | business partners by displaying such business partners'
4990 | names on school district property in unincorporated areas
4991 | if displayed in a manner consistent with certain
4992 | standards; providing an effective date.