

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representatives Traviesa, Kelly, Kriseman, Flores, Legg,  
2 McBurney, Nelson, Sachs, and Pickens offered the following:

3  
4 **Amendment to Senate Amendment (325318) (with title**  
5 **amendment)**

6 Remove lines 7-4574 and insert:

7 Section 1. This act may be cited as the "Freedom for  
8 Innovative Ideas in Education Act."

9 Section 2. Section 39.0016, Florida Statutes, is amended  
10 to read:

11 39.0016 Education of abused, neglected, and abandoned  
12 children; agency agreements; children having or suspected of  
13 having a disability.--

14 (1) DEFINITIONS.--As used in this section, the term:

15 (a) "Children known to the department" means children who  
16 are found to be dependent or children in shelter care.

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17 (b) "Department" means the Department of Children and  
18 Family Services or a community-based care lead agency acting on  
19 behalf of the Department of Children and Family Services, as  
20 appropriate.

21 (c) "Surrogate parent" means an individual appointed to  
22 act in the place of a parent in educational decisionmaking and  
23 in safeguarding a child's rights under the Individuals with  
24 Disabilities Education Act, this section, and s. 1003.572.

25 (2) AGENCY AGREEMENTS.--

26 (a)~~(3)~~ The department shall enter into an agreement with  
27 the Department of Education regarding the education and related  
28 care of children known to the department. Such agreement shall  
29 be designed to provide educational access to children known to  
30 the department for the purpose of facilitating the delivery of  
31 services or programs to children known to the department. The  
32 agreement shall avoid duplication of services or programs and  
33 shall provide for combining resources to maximize the  
34 availability or delivery of services or programs.

35 (b)~~(4)~~ The department shall enter into agreements with  
36 district school boards or other local educational entities  
37 regarding education and related services for children known to  
38 the department who are of school age and children known to the  
39 department who are younger than school age but who would  
40 otherwise qualify for services from the district school board.  
41 Such agreements shall include, but are not limited to:

42 1.~~(a)~~ A requirement that the department shall:

43 a.1. Enroll children known to the department in school.

44 The agreement shall provide for continuing the enrollment of a  
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45 child known to the department at the same school, if possible,  
46 with the goal of avoiding disruption of education.

47 ~~b.2-~~ Notify the school and school district in which a  
48 child known to the department is enrolled of the name and phone  
49 number of the child known to the department caregiver and  
50 caseworker for child safety purposes.

51 ~~c.3-~~ Establish a protocol for the department to share  
52 information about a child known to the department with the  
53 school district, consistent with the Family Educational Rights  
54 and Privacy Act, since the sharing of information will assist  
55 each agency in obtaining education and related services for the  
56 benefit of the child.

57 ~~d.4-~~ Notify the school district of the department's case  
58 planning for a child known to the department, both at the time  
59 of plan development and plan review. Within the plan development  
60 or review process, the school district may provide information  
61 regarding the child known to the department if the school  
62 district deems it desirable and appropriate.

63 ~~2.(b)~~ A requirement that the district school board shall:

64 ~~a.1-~~ Provide the department with a general listing of the  
65 services and information available from the district school  
66 board, including, but not limited to, the current Sunshine State  
67 Standards, the Surrogate Parent Training Manual, and other  
68 resources accessible through the Department of Education or  
69 local school districts to facilitate educational access for a  
70 child known to the department.

71 ~~b.2-~~ Identify all educational and other services provided  
72 by the school and school district which the school district

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73 believes are reasonably necessary to meet the educational needs  
74 of a child known to the department.

75 ~~c.3-~~ Determine whether transportation is available for a  
76 child known to the department when such transportation will  
77 avoid a change in school assignment due to a change in  
78 residential placement. Recognizing that continued enrollment in  
79 the same school throughout the time the child known to the  
80 department is in out-of-home care is preferable unless  
81 enrollment in the same school would be unsafe or otherwise  
82 impractical, the department, the district school board, and the  
83 Department of Education shall assess the availability of  
84 federal, charitable, or grant funding for such transportation.

85 ~~d.4-~~ Provide individualized student intervention or an  
86 individual educational plan when a determination has been made  
87 through legally appropriate criteria that intervention services  
88 are required. The intervention or individual educational plan  
89 must include strategies to enable the child known to the  
90 department to maximize the attainment of educational goals.

91 ~~3.(e)~~ A requirement that the department and the district  
92 school board shall cooperate in accessing the services and  
93 supports needed for a child known to the department who has or  
94 is suspected of having a disability to receive an appropriate  
95 education consistent with the Individuals with Disabilities  
96 Education Act and state implementing laws, rules, and  
97 assurances. Coordination of services for a child known to the  
98 department who has or is suspected of having a disability may  
99 include:

100 ~~a.1-~~ Referral for screening.

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101 ~~b.2-~~ Sharing of evaluations between the school district  
102 and the department where appropriate.

103 ~~c.3-~~ Provision of education and related services  
104 appropriate for the needs and abilities of the child known to  
105 the department.

106 ~~d.4-~~ Coordination of services and plans between the school  
107 and the residential setting to avoid duplication or conflicting  
108 service plans.

109 ~~e.5-~~ Appointment of a surrogate parent, consistent with  
110 the Individuals with Disabilities Education Act and pursuant to  
111 subsection (3) and s. 1003.572, for educational purposes for a  
112 child known to the department who qualifies ~~as soon as the child~~  
113 ~~is determined to be dependent and without a parent to act for~~  
114 ~~the child. The surrogate parent shall be appointed by the school~~  
115 ~~district without regard to where the child known to the~~  
116 ~~department is placed so that one surrogate parent can follow the~~  
117 ~~education of the child known to the department during his or her~~  
118 ~~entire time in state custody.~~

119 ~~f.6-~~ For each child known to the department 14 years of  
120 age and older, transition planning by the department and all  
121 providers, including the department's independent living program  
122 staff, to meet the requirements of the local school district for  
123 educational purposes.

124 ~~(c)(2)-~~ The provisions of this subsection ~~section~~ establish  
125 standards ~~goals~~ and not rights. This subsection ~~section~~ does not  
126 require the delivery of any particular service or level of  
127 service in excess of existing appropriations. A person may not  
128 maintain a cause of action against the state or any of its

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129 subdivisions, agencies, contractors, subcontractors, or agents  
130 based upon this subsection ~~section~~ becoming law or failure by  
131 the Legislature to provide adequate funding for the achievement  
132 of these standards ~~goals~~. This subsection ~~section~~ does not  
133 require the expenditure of funds to meet the standards ~~goals~~  
134 established in this subsection ~~section~~ except funds specifically  
135 appropriated for such purpose.

136 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.--

137 (a)1. The Legislature finds that disability is a natural  
138 part of the human experience and in no way diminishes the right  
139 of individuals to participate in or contribute to society.  
140 Improving educational results for children with disabilities is  
141 an essential element of our public policy of ensuring equality  
142 of opportunity, full participation, independent living, and  
143 economic self-sufficiency for individuals with disabilities.

144 2. The Legislature also finds that research and experience  
145 have shown that the education of children with disabilities can  
146 be made more effective by:

147 a. Having high expectations for these children and  
148 ensuring their access to the general education curriculum in the  
149 regular classroom, to the maximum extent possible.

150 b. Providing appropriate special education and related  
151 services, and aids and supports in the regular classroom, to  
152 these children, whenever appropriate.

153 c. Having a trained, interested, and consistent  
154 educational decisionmaker for the child when the parent is  
155 legally unavailable or when the foster parent is unwilling or  
156 not trained in the exceptional student education process.

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157 3. It is, therefore, the intent of the Legislature that  
158 all children with disabilities known to the department,  
159 consistent with the Individuals with Disabilities Education Act  
160 and s. 1003.572, have available to them a free, appropriate  
161 public education that emphasizes special education and related  
162 services designed to meet their unique needs and prepare them  
163 for further education, employment, and independent living and  
164 that the rights of children with disabilities are protected.

165 (b)1. Each district school board must appoint a surrogate  
166 parent under s. 1003.572 for a child known to the department who  
167 has or is suspected of having a disability, as defined in s.  
168 1003.01(3), when:

169 a. After reasonable efforts, no parent can be located; or

170 b. A court of competent jurisdiction over a child under  
171 this chapter has determined that no person has the authority,  
172 willingness, or ability to serve as the educational  
173 decisionmaker for the child.

174 2. The district school board must appoint a surrogate  
175 parent within 30 days after notice that the child meets the  
176 criteria in this paragraph.

177 3. A surrogate parent must be appointed by the district  
178 school board without regard to where the child is placed so that  
179 one surrogate parent can follow the education of the child  
180 during his or her entire time in state custody.

181 4. For a child known to the department, the responsibility  
182 to appoint a surrogate parent resides with both the district  
183 school board and the court with jurisdiction over the child;  
184 however, the court may defer to the district school board's

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185 appointment of a surrogate parent under s. 1003.572 if such  
186 appointment is made prior to the court's appointment of a  
187 surrogate parent. At any time that the court determines that it  
188 is in the best interests of a child to remove a surrogate  
189 parent, the court may appoint a new surrogate parent for  
190 educational decisionmaking purposes for that child.

191 (4)(5) TRAINING.--The department shall incorporate an  
192 education component into all training programs of the department  
193 regarding children known to the department. Such training shall  
194 be coordinated with the Department of Education and the local  
195 school districts. The department shall offer opportunities for  
196 education personnel to participate in such training. Such  
197 coordination shall include, but not be limited to, notice of  
198 training sessions, opportunities to purchase training materials,  
199 proposals to avoid duplication of services by offering joint  
200 training, and incorporation of materials available from the  
201 Department of Education and local school districts into the  
202 department training when appropriate. The department training  
203 components shall include:

204 (a) Training for surrogate parents to include how an  
205 ability to learn of a child known to the department is affected  
206 by abuse, abandonment, neglect, and removal from the home.

207 (b) Training for parents in cases in which reunification  
208 is the goal, or for preadoptive parents when adoption is the  
209 goal, so that such parents learn how to access the services the  
210 child known to the department needs and the importance of their  
211 involvement in the education of the child known to the  
212 department.

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213 (c) Training for caseworkers and foster parents to include  
214 information on the right of the child known to the department to  
215 an education, the role of an education in the development and  
216 adjustment of a child known to the department, the proper ways  
217 to access education and related services for the child known to  
218 the department, and the importance and strategies for parental  
219 involvement in education for the success of the child known to  
220 the department.

221 (d) Training of caseworkers regarding the services and  
222 information available through the Department of Education and  
223 local school districts, including, but not limited to, the  
224 current Sunshine State Standards, the Surrogate Parent Training  
225 Manual, and other resources accessible through the Department of  
226 Education or local school districts to facilitate educational  
227 access for a child known to the department.

228 Section 3. Paragraph (p) of subsection (2) of section  
229 39.202, Florida Statutes, is amended to read:

230 39.202 Confidentiality of reports and records in cases of  
231 child abuse or neglect.--

232 (2) Except as provided in subsection (4), access to such  
233 records, excluding the name of the reporter which shall be  
234 released only as provided in subsection (5), shall be granted  
235 only to the following persons, officials, and agencies:

236 (p) An employee of the local school district who is  
237 designated as a liaison between the school district and the  
238 department pursuant to an interagency agreement required under  
239 s. 39.0016 and the principal of a public school, private school,  
240 or charter school where the child is a student. Information

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241 contained in the records which the liaison or the principal  
242 determines are necessary for a school employee to effectively  
243 provide a student with educational services may be released to  
244 that employee.

245 Section 4. Subsections (11) of section 39.402, Florida  
246 Statutes, is amended to read:

247 39.402 Placement in a shelter.--

248 (11) (a) If a child is placed in a shelter pursuant to a  
249 court order following a shelter hearing, the court shall require  
250 in the shelter hearing order that the parents of the child, or  
251 the guardian of the child's estate, if possessed of assets which  
252 under law may be disbursed for the care, support, and  
253 maintenance of the child, to pay, to the department or  
254 institution having custody of the child, fees as established by  
255 the department. When the order affects the guardianship estate,  
256 a certified copy of the order shall be delivered to the judge  
257 having jurisdiction of the guardianship estate. The shelter  
258 order shall also require the parents to provide to the  
259 department and any other state agency or party designated by the  
260 court, within 28 days after entry of the shelter order, the  
261 financial information necessary to accurately calculate child  
262 support pursuant to s. 61.30.

263 (b) The court shall request that the parents consent to  
264 provide access to the child's medical records and provide  
265 information to the court, the department or its contract  
266 agencies, and any guardian ad litem or attorney for the child.  
267 If a parent is unavailable or unable to consent or withholds  
268 consent and the court determines access to the records and

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269 information is necessary to provide services to the child, the  
270 court shall issue an order granting access. The parent or legal  
271 guardian shall provide all known medical information to the  
272 department.

273 (c) The court shall request that the parents consent to  
274 provide access to the child's educational records and provide  
275 information to the court, the department or its contract  
276 agencies, and any guardian ad litem or attorney for the child.  
277 If a parent is unavailable or unable to consent or withholds  
278 consent and the court determines access to the records and  
279 information is necessary to provide services to the child, the  
280 court shall issue an order granting access. The court may  
281 appoint a surrogate parent under s. 1003.572 or may refer the  
282 child to the district school board for appointment of a  
283 surrogate parent.

284 Section 5. Subsection (8) of section 39.701, Florida  
285 Statutes, is amended to read:

286 39.701 Judicial review.--

287 (8) The court and any citizen review panel shall take into  
288 consideration the information contained in the social services  
289 study and investigation and all medical, psychological, and  
290 educational records that support the terms of the case plan;  
291 testimony by the social services agency, the parent, the foster  
292 parent or legal custodian, the guardian ad litem or surrogate  
293 parent for educational decisionmaking if one has been appointed  
294 for the child, and any other person deemed appropriate; and any  
295 relevant and material evidence submitted to the court, including  
296 written and oral reports to the extent of their probative value.

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297 These reports and evidence may be received by the court in its  
298 effort to determine the action to be taken with regard to the  
299 child and may be relied upon to the extent of their probative  
300 value, even though not competent in an adjudicatory hearing. In  
301 its deliberations, the court and any citizen review panel shall  
302 seek to determine:

303 (a) If the parent was advised of the right to receive  
304 assistance from any person or social service agency in the  
305 preparation of the case plan.

306 (b) If the parent has been advised of the right to have  
307 counsel present at the judicial review or citizen review  
308 hearings. If not so advised, the court or citizen review panel  
309 shall advise the parent of such right.

310 (c) If a guardian ad litem needs to be appointed for the  
311 child in a case in which a guardian ad litem has not previously  
312 been appointed or if there is a need to continue a guardian ad  
313 litem in a case in which a guardian ad litem has been appointed.

314 (d) If a surrogate parent has been appointed for a child  
315 who qualifies under s. 1003.572.

316 (e)-(d) The compliance or lack of compliance of all parties  
317 with applicable items of the case plan, including the parents'  
318 compliance with child support orders.

319 (f)-(e) The compliance or lack of compliance with a  
320 visitation contract between the parent and the social service  
321 agency for contact with the child, including the frequency,  
322 duration, and results of the parent-child visitation and the  
323 reason for any noncompliance.

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324        (g)~~(f)~~ The compliance or lack of compliance of the parent  
325 in meeting specified financial obligations pertaining to the  
326 care of the child, including the reason for failure to comply if  
327 such is the case.

328        (h)~~(g)~~ Whether the child is receiving safe and proper care  
329 according to s. 39.6012, including, but not limited to, the  
330 appropriateness of the child's current placement, including  
331 whether the child is in a setting that is as family-like and as  
332 close to the parent's home as possible, consistent with the  
333 child's best interests and special needs, and including  
334 maintaining stability in the child's educational placement.

335        (i)~~(h)~~ A projected date likely for the child's return home  
336 or other permanent placement.

337        (j)~~(i)~~ When appropriate, the basis for the unwillingness  
338 or inability of the parent to become a party to a case plan. The  
339 court and the citizen review panel shall determine if the  
340 efforts of the social service agency to secure party  
341 participation in a case plan were sufficient.

342        (k)~~(j)~~ For a child who has reached 13 years of age but is  
343 not yet 18 years of age, the adequacy of the child's preparation  
344 for adulthood and independent living.

345        (l)~~(k)~~ If amendments to the case plan are required.  
346 Amendments to the case plan must be made under s. 39.6013.

347        Section 6. Paragraph (j) is added to subsection (5) of  
348 section 445.004, Florida Statutes, to read:

349        445.004 Workforce Florida, Inc.; creation; purpose;  
350 membership; duties and powers.--

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351 (5) Workforce Florida, Inc., shall have all the powers and  
352 authority, not explicitly prohibited by statute, necessary or  
353 convenient to carry out and effectuate the purposes as  
354 determined by statute, Pub. L. No. 105-220, and the Governor, as  
355 well as its functions, duties, and responsibilities, including,  
356 but not limited to, the following:

357 (j) In partnership with the Department of Education,  
358 ensuring consistent use of the Florida Ready to Work Credential  
359 as created under s. 1004.99.

360 Section 7. Subsection (8) of section 1000.21, Florida  
361 Statutes, is renumbered as subsection (9), and a new subsection  
362 (8) is added to that section to read:

363 1000.21 Systemwide definitions.--As used in the Florida K-  
364 20 Education Code:

365 (8) "Surrogate parent" means an individual appointed to  
366 act in the place of a parent in educational decisionmaking and  
367 in safeguarding a child's rights under the Individuals with  
368 Disabilities Education Act and ss. 39.0016 and 1003.572.

369 Section 8. Subsections (8) and (13) of section 1003.01,  
370 Florida Statutes, are amended to read:

371 1003.01 Definitions.--As used in this chapter, the term:

372 (8) "Habitual truant" means a student who has 15  
373 unexcused absences within 90 calendar days with or without the  
374 knowledge or consent of the student's parent; ~~is~~ is subject to  
375 compulsory school attendance under s. 1003.21(1) and (2)(a) or  
376 is subject to the Student Preparedness Pilot Program under s.  
377 1003.215; ~~and~~ and is not exempt under s. 1003.21(3), ~~or~~ s. 1003.24,  
378 or by meeting the criteria for any other exemption specified by

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379 law or rules of the State Board of Education. Such a student  
380 must have been the subject of the activities specified in ss.  
381 1003.26 and 1003.27(3), without resultant successful remediation  
382 of the truancy problem before being dealt with as a child in  
383 need of services according to the provisions of chapter 984.

384 (13) (a) "Regular school attendance" means the actual  
385 attendance of a student during the school day as defined by law  
386 and rules of the State Board of Education. Regular attendance  
387 within the intent of s. 1003.21 may be achieved by attendance  
388 in:

389 1.(a) A public school supported by public funds;

390 2.(b) A parochial, religious, or denominational school;

391 3.(e) A private school supported in whole or in part by  
392 tuition charges or by endowments or gifts;

393 4.(d) A home education program that meets the requirements  
394 of chapter 1002; or

395 5.(e) A private tutoring program that meets the  
396 requirements of chapter 1002.

397 (b) "Regular program attendance" for a student in the  
398 Student Preparedness Pilot Program under s. 1003.215 means  
399 actual attendance by the student in traditional or  
400 nontraditional academic options as defined by law and rules of  
401 the State Board of Education. The district school superintendent  
402 shall be responsible for enforcing such attendance.

403 Section 9. Paragraphs (c) and (f) of subsection (1) and  
404 paragraph (g) of subsection (4) of section 1003.21, Florida  
405 Statutes, are amended to read:

406 1003.21 School attendance.--

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407 (1)

408 (c) A student who attains the age of 16 years during the  
409 school year is not subject to compulsory school attendance  
410 beyond the date upon which he or she attains that age if the  
411 student files a formal declaration of intent to terminate school  
412 enrollment with the district school board. Public school  
413 students who have attained the age of 16 years and who have not  
414 graduated are subject to compulsory school attendance until the  
415 formal declaration of intent is filed with the district school  
416 board. The declaration must acknowledge that terminating school  
417 enrollment is likely to reduce the student's earning potential  
418 and must be signed by the student and the student's parent. The  
419 school district must notify the student's parent of receipt of  
420 the student's declaration of intent to terminate school  
421 enrollment. The student's guidance counselor or other school  
422 personnel must conduct an exit interview with the student to  
423 determine the reasons for the student's decision to terminate  
424 school enrollment and actions that could be taken to keep the  
425 student in school. The student must be informed of opportunities  
426 to continue his or her education in a different environment,  
427 including, but not limited to, adult education and GED test  
428 preparation. Additionally, the student must complete a survey in  
429 a format prescribed by the Department of Education to provide  
430 data on student reasons for terminating enrollment and actions  
431 taken by schools to keep students enrolled. A student enrolled  
432 in a Student Preparedness Pilot Program school district must  
433 receive information regarding the program's attendance and  
434 completion requirements under s. 1003.215.

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435 (f) Homeless children, as defined in s. 1003.01, and  
436 children who are known to the department, as defined in s.  
437 39.0016, must have access to a free public education and must be  
438 admitted to school in the school district in which they or their  
439 families live. School districts shall assist homeless children  
440 and children who are known to the department to meet the  
441 requirements of subsection (4) and s. 1003.22, as well as local  
442 requirements for documentation.

443 (4) Before admitting a child to kindergarten, the  
444 principal shall require evidence that the child has attained the  
445 age at which he or she should be admitted in accordance with the  
446 provisions of subparagraph (1)(a)2. The district school  
447 superintendent may require evidence of the age of any child whom  
448 he or she believes to be within the limits of compulsory  
449 attendance as provided for by law. If the first prescribed  
450 evidence is not available, the next evidence obtainable in the  
451 order set forth below shall be accepted:

452 (g) If none of these evidences can be produced, an  
453 affidavit of age sworn to by the parent, accompanied by a  
454 certificate of age signed by a public health officer or by a  
455 public school physician, or, if neither of these is available in  
456 the county, by a licensed practicing physician designated by the  
457 district school board, which certificate states that the health  
458 officer or physician has examined the child and believes that  
459 the age as stated in the affidavit is substantially correct. A  
460 homeless child, as defined in s. 1003.01, and a child who is  
461 known to the department, as defined in s. 39.0016, shall be  
462 given temporary exemption from this section for 30 school days.

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463 Section 10. Section 1003.215, Florida Statutes, is created  
464 to read:

465 1003.215 Student Preparedness Pilot Program.--

466 (1) The Legislature finds it to be in the public interest  
467 that all students exit from the public schools with academic  
468 skills that provide the students with the opportunity to pursue  
469 postsecondary education or with skills that lead to ready to  
470 work certification, industry certification, or skill licensure.

471 (2) (a) Beginning with the 2008-2009 school year, and  
472 continuing through the 2014-2015 school year, there is created  
473 the Student Preparedness Pilot Program to be piloted by school  
474 districts. Students in a school district selected to implement  
475 the pilot program pursuant to subsection (3) who attain the age  
476 of 16 years but have not reached the age of 18 years and who  
477 choose to exercise their option not to regularly attend school  
478 pursuant to s. 1003.21(1)(c) shall be subject to the attendance  
479 and completion requirements of this section.

480 (b) In the 2008-2009 school year, each school district  
481 selected pursuant to subsection (3) shall use its current level  
482 of funding to review, identify, and develop curricula options  
483 for the implementation of the pilot program requirements  
484 pursuant to paragraph (5) (a) for students who attain the age of  
485 16 years but have not reached the age of 18 years whose academic  
486 goals may not include a traditional high school diploma. These  
487 options shall include, but are not limited to, nontraditional  
488 academic options and flexible attendance options and may include  
489 a phase-in of students by age or grade. Each selected school  
490 district must develop a plan to meet the student's needs and the

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491 attendance and completion requirements of this section prior to  
492 implementation of the pilot program in the 2009-2010 school  
493 year.

494 (3) The Department of Education shall develop an  
495 application process for all school districts to apply to  
496 participate in the pilot program. The State Board of Education  
497 shall select the pilot program districts, one of which shall be  
498 the Duval County School District.

499 (4) Parents of public school students enrolled in a  
500 participating pilot program district must receive accurate and  
501 timely information regarding their child's academic progress and  
502 must be informed of ways they can help their child to succeed in  
503 school.

504 (5) (a) A student in a participating pilot program district  
505 who attains the age of 16 years but has not reached the age of  
506 18 years has the right to file a formal declaration of intent to  
507 terminate school enrollment if the declaration is signed by the  
508 parent. The parent has the right to be notified by the school  
509 district of the district's receipt of the student's declaration  
510 of intent to terminate school enrollment. The student's guidance  
511 counselor or other school personnel must conduct an exit  
512 interview pursuant to s. 1003.21(1)(c). Any student in a  
513 participating pilot program district who files a declaration  
514 seeking to terminate school enrollment but has not reached the  
515 age of 18 years shall be required, until completion or  
516 attainment of the age of 18 years, to continue pursuing credits  
517 toward a high school diploma, pursue a high school equivalency  
518 diploma with participation in the Florida Ready to Work

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519 Certification Program under s. 1004.99, participate in a career  
520 or job training program leading to industry certification or  
521 skill licensure that is developed by or in cooperation with the  
522 district school board, or participate in the Florida Ready to  
523 Work Certification Program under s. 1004.99.

524 (b) A Student Preparedness Pilot Program student subject  
525 to the attendance and completion requirements of this section is  
526 not an "eligible student" for purposes of school grading under  
527 s. 1008.34(3)(b) if the student has selected a nontraditional  
528 academic option of the pilot program.

529 (6) Students who become or have become married or who are  
530 pregnant and parenting have the right to attend school and  
531 receive the same or equivalent educational instruction as other  
532 students.

533 (7) The Office of Program Policy Analysis and Government  
534 Accountability (OPPAGA), in cooperation with the participating  
535 pilot program districts, the applicable state attorneys' offices  
536 and regional workforce boards, the Agency for Workforce  
537 Innovation, the Department of Education, and the Department of  
538 Juvenile Justice, shall conduct a study annually of the impact  
539 of the pilot program on dropout and graduation rates, on the  
540 employability of students, and on juvenile crime, using 2007-  
541 2008 data as the baseline for the research. OPPAGA shall develop  
542 criteria for collection and reporting of data with input from  
543 the cooperating entities. The results of each annual report  
544 shall be made available to participating pilot program  
545 districts, the applicable state attorneys' offices and regional  
546 workforce boards, the Agency for Workforce Education, the

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547 Department of Education, the Department of Juvenile Justice, the  
548 Governor, the President of the Senate, and the Speaker of the  
549 House of Representatives by January 1 following each school  
550 year, beginning January 1, 2012.

551 Section 11. Subsection (1) and paragraph (e) of subsection  
552 (5) of section 1003.22, Florida Statutes, are amended to read:

553 1003.22 School-entry health examinations; immunization  
554 against communicable diseases; exemptions; duties of Department  
555 of Health.--

556 (1) Each district school board and the governing authority  
557 of each private school shall require that each child who is  
558 entitled to admittance to kindergarten, or is entitled to any  
559 other initial entrance into a public or private school in this  
560 state, present a certification of a school-entry health  
561 examination performed within 1 year prior to enrollment in  
562 school. Each district school board, and the governing authority  
563 of each private school, may establish a policy that permits a  
564 student up to 30 school days to present a certification of a  
565 school-entry health examination. A homeless child, as defined in  
566 s. 1003.01, and a child who is known to the department, as  
567 defined in s. 39.0016, shall be given a temporary exemption for  
568 30 school days. Any district school board that establishes such  
569 a policy shall include provisions in its local school health  
570 services plan to assist students in obtaining the health  
571 examinations. However, any child shall be exempt from the  
572 requirement of a health examination upon written request of the  
573 parent of the child stating objections to the examination on  
574 religious grounds.

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575 (5) The provisions of this section shall not apply if:

576 (e) An authorized school official issues a temporary  
577 exemption, for a period not to exceed 30 school days, to permit  
578 a student who transfers into a new county to attend class until  
579 his or her records can be obtained. A homeless child, as defined  
580 in s. 1003.01, and a child who is known to the department, as  
581 defined in s. 39.0016, shall be given a temporary exemption for  
582 30 school days. The public school health nurse or authorized  
583 private school official is responsible for followup of each such  
584 student until proper documentation or immunizations are  
585 obtained. An exemption for 30 days may be issued for a student  
586 who enters a juvenile justice program to permit the student to  
587 attend class until his or her records can be obtained or until  
588 the immunizations can be obtained. An authorized juvenile  
589 justice official is responsible for followup of each student who  
590 enters a juvenile justice program until proper documentation or  
591 immunizations are obtained.

592 Section 12. Paragraph (f) of subsection (1) of section  
593 1003.26, Florida Statutes, is amended to read:

594 1003.26 Enforcement of school attendance.--The Legislature  
595 finds that poor academic performance is associated with  
596 nonattendance and that school districts must take an active role  
597 in promoting and enforcing attendance as a means of improving  
598 student performance. It is the policy of the state that each  
599 district school superintendent be responsible for enforcing  
600 school attendance of all students subject to the compulsory  
601 school age in the school district and supporting enforcement of  
602 school attendance by local law enforcement agencies. The

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603 responsibility includes recommending policies and procedures to  
604 the district school board that require public schools to respond  
605 in a timely manner to every unexcused absence, and every absence  
606 for which the reason is unknown, of students enrolled in the  
607 schools. District school board policies shall require the parent  
608 of a student to justify each absence of the student, and that  
609 justification will be evaluated based on adopted district school  
610 board policies that define excused and unexcused absences. The  
611 policies must provide that public schools track excused and  
612 unexcused absences and contact the home in the case of an  
613 unexcused absence from school, or an absence from school for  
614 which the reason is unknown, to prevent the development of  
615 patterns of nonattendance. The Legislature finds that early  
616 intervention in school attendance is the most effective way of  
617 producing good attendance habits that will lead to improved  
618 student learning and achievement. Each public school shall  
619 implement the following steps to promote and enforce regular  
620 school attendance:

621 (1) CONTACT, REFER, AND ENFORCE.--

622 (f)1. If the parent of a child who has been identified as  
623 exhibiting a pattern of nonattendance enrolls the child in a  
624 home education program pursuant to chapter 1002, the district  
625 school superintendent shall provide the parent a copy of s.  
626 1002.41 and the accountability requirements of this paragraph.  
627 The district school superintendent shall also refer the parent  
628 to a home education review committee composed of the district  
629 contact for home education programs and at least two home  
630 educators selected by the parent from a district list of all

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631 home educators who have conducted a home education program for  
632 at least 3 years and who have indicated a willingness to serve  
633 on the committee. The home education review committee shall  
634 review the portfolio of the student, as defined by s. 1002.41,  
635 every 30 days during the district's regular school terms until  
636 the committee is satisfied that the home education program is in  
637 compliance with s. 1002.41(1)(b). The first portfolio review  
638 must occur within the first 30 calendar days of the  
639 establishment of the program. The provisions of subparagraph 2.  
640 do not apply once the committee determines the home education  
641 program is in compliance with s. 1002.41(1)(b).

642 2. If the parent fails to provide a portfolio to the  
643 committee, the committee shall notify the district school  
644 superintendent. The district school superintendent shall then  
645 terminate the home education program and require the parent to  
646 enroll the child in an attendance option that meets the  
647 definition of "regular school attendance" under s.  
648 1003.01(13)(a) 1., 2., 3., or 5. ~~(b), (c), or (e)~~, within 3  
649 days. Upon termination of a home education program pursuant to  
650 this subparagraph, the parent shall not be eligible to reenroll  
651 the child in a home education program for 180 calendar days.  
652 Failure of a parent to enroll the child in an attendance option  
653 as required by this subparagraph after termination of the home  
654 education program pursuant to this subparagraph shall constitute  
655 noncompliance with the compulsory attendance requirements of s.  
656 1003.21 and may result in criminal prosecution under s.  
657 1003.27(2). Nothing contained herein shall restrict the ability  
658 of the district school superintendent, or the ability of his or

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659 her designee, to review the portfolio pursuant to s.  
660 1002.41(1)(b).

661 Section 13. Paragraph (b) of subsection (2) of section  
662 1003.428, Florida Statutes, is amended to read:

663 1003.428 General requirements for high school graduation;  
664 revised.--

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

668 (b) Eight credits in majors, minors, or electives:

669 1. Four credits in a major area of interest, such as  
670 sequential courses in a career and technical program, fine and  
671 performing arts, or academic content area, selected by the  
672 student as part of the education plan required by s. 1003.4156.  
673 Students may revise major areas of interest each year as part of  
674 annual course registration processes and should update their  
675 education plan to reflect such revisions. Annually by October 1,  
676 the district school board shall approve major areas of interest  
677 and submit the list of majors to the Commissioner of Education  
678 for approval. Each major area of interest shall be deemed  
679 approved unless specifically rejected by the commissioner within  
680 60 days. Upon approval, each district's major areas of interest  
681 shall be available for use by all school districts and shall be  
682 posted on the department's website. Beginning with students  
683 entering grade 9 in the 2008-2009 school year, a student must  
684 earn a Florida Ready to Work Credential as created under s.  
685 1004.99 in order to graduate with a career or technical major  
686 area of interest.

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687           2. Four credits in elective courses selected by the  
688 student as part of the education plan required by s. 1003.4156.  
689 These credits may be combined to allow for a second major area  
690 of interest pursuant to subparagraph 1., a minor area of  
691 interest, elective courses, or intensive reading or mathematics  
692 intervention courses as described in this subparagraph.

693           a. Minor areas of interest are composed of three credits  
694 selected by the student as part of the education plan required  
695 by s. 1003.4156 and approved by the district school board.

696           b. Elective courses are selected by the student in order  
697 to pursue a complete education program as described in s.  
698 1001.41(3) and to meet eligibility requirements for  
699 scholarships.

700           c. For each year in which a student scores at Level 1 on  
701 FCAT Reading, the student must be enrolled in and complete an  
702 intensive reading course the following year. Placement of Level  
703 2 readers in either an intensive reading course or a content  
704 area course in which reading strategies are delivered shall be  
705 determined by diagnosis of reading needs. The department shall  
706 provide guidance on appropriate strategies for diagnosing and  
707 meeting the varying instructional needs of students reading  
708 below grade level. Reading courses shall be designed and offered  
709 pursuant to the comprehensive reading plan required by s.  
710 1011.62(8).

711           d. For each year in which a student scores at Level 1 or  
712 Level 2 on FCAT Mathematics, the student must receive  
713 remediation the following year. These courses may be taught  
714 through applied, integrated, or combined courses and are subject  
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715 to approval by the department for inclusion in the Course Code  
716 Directory.

717 Section 14. Section 1003.497, Florida Statutes, is created  
718 to read:

719 1003.497 Service learning.--

720 (1) The Department of Education shall encourage school  
721 districts to initiate, adopt, expand, and institutionalize  
722 service-learning programs, activities, and policies in  
723 kindergarten through grade 12. Service learning refers to a  
724 student-centered, research-based teaching and learning strategy  
725 that engages students in meaningful service activities in their  
726 schools or communities. Service-learning activities are directly  
727 tied to academic curricula, standards, and course, district, or  
728 state assessments. Service-learning activities foster academic  
729 achievement, character development, civic engagement, and career  
730 exploration and enable students to apply curriculum content,  
731 skills, and behaviors taught in the classroom.

732 (2) Upon request of any school district that elects to  
733 implement service-learning programs, activities, or policies,  
734 the department shall provide assistance in locating, leveraging,  
735 and utilizing available or alternative financial resources that  
736 will assist school districts or teachers desiring to receive  
737 training and other resources to develop and administer service-  
738 learning programs or activities. School districts are encouraged  
739 to include kindergarten through grade 12 service-learning  
740 programs and activities in proposals they submit to the  
741 department under federal entitlement grants and competitive  
742 state and federal grants administered through the department.

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743       (3) (a) The department shall develop and adopt elective  
744 service-learning courses for inclusion in middle and high school  
745 course code directories, which will allow additional  
746 opportunities for students to engage in service learning. School  
747 districts are encouraged to provide support for the use of  
748 service learning at any grade level as an instructional strategy  
749 to address appropriate areas of state education standards for  
750 student knowledge and performance.

751       (b) The hours that high school students devote to course-  
752 based service-learning activities may be counted toward meeting  
753 community service requirements for high school graduation and  
754 community service requirements for participation in the Florida  
755 Bright Futures Scholarship Program. School districts are  
756 encouraged to include service learning as part of any course or  
757 activity required for high school graduation and to include and  
758 accept service-learning activities and hours in requirements for  
759 academic awards, especially those awards that currently include  
760 community service as a criterion or selection factor.

761       Section 15. Section 1003.572, Florida Statutes, is created  
762 to read:

763       1003.572 Appointment of surrogate parent.--

764       (1) Each district school board must appoint a surrogate  
765 parent for a child known to the department, as defined in s.  
766 39.0016, who has or is suspected of having a disability when:

767       (a) After reasonable efforts, no parent can be located; or

768       (b) A court of competent jurisdiction over the child under  
769 chapter 39 has determined that no person has the authority,

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770 willingness, or ability to serve as the educational  
771 decisionmaker for the child.

772 (2) The district school board must appoint the surrogate  
773 parent within 30 days after notice that the child meets the  
774 criteria in subsection (1).

775 (3) A surrogate parent must be appointed by the district  
776 school board without regard to where the child is placed so that  
777 one surrogate parent can follow the education of the child  
778 during his or her entire time in state custody.

779 (4) For a child known to the department, as defined in s.  
780 39.0016, the responsibility to appoint a surrogate parent  
781 resides with both the district school board and the court with  
782 jurisdiction over the child. The district school board may defer  
783 to the court's appointment of a surrogate parent under s.  
784 39.0016.

785 (5) An individual qualified to be appointed as a surrogate  
786 parent must:

787 (a) Be 18 years of age or older.

788 (b) Have the knowledge, skills, and experience gained  
789 through successfully completing training using training  
790 materials developed and approved by the Division of Public  
791 Schools of the department or comparable knowledge, training, or  
792 experience needed to ensure adequate representation of the  
793 child.

794 (c) Have no personal or professional interests that  
795 conflict with the interests of the child.

796 (d) Not be an employee of the department, the district  
797 school board, a community-based care provider under s. 409.1671,  
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798 the Department of Children and Family Services, or any other  
799 public or private agency involved in the education or care of  
800 the child. However:

801 1. An individual who acts in a parental role to a child,  
802 such as a foster parent or relative caregiver, is not prohibited  
803 from serving as a surrogate parent if he or she is employed by  
804 such agency in a role not related to the child's care or  
805 custody.

806 2. Group home staff and therapeutic foster home parents  
807 are deemed employees who are not acting in a parental role for  
808 this purpose.

809 3. A person who is appointed as a surrogate parent is not  
810 an employee of an agency solely because he or she is paid by the  
811 agency to serve as a surrogate parent.

812 4. A guardian ad litem may serve as a surrogate parent.

813 5. A relative or other adult involved in the child's life,  
814 regardless of whether or not that person has custody of the  
815 child, may serve as a surrogate parent.

816 (6) An individual appointed as a surrogate parent shall:

817 (a) Become acquainted with the child and be knowledgeable  
818 about his or her handicapping condition and educational needs.

819 (b) Represent the child in all matters relating to the  
820 identification, evaluation, and educational placement of the  
821 child.

822 (c) Represent the interests and safeguard the rights of  
823 the child in educational decisions that affect the child.

824 (d) Represent the child in all matters relating to the  
825 provision of a free, appropriate public education for the child.

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826 (7) The responsibilities of an individual appointed as a  
827 surrogate parent shall not extend to:

828 (a) The care, maintenance, custody, residential placement,  
829 or any other area not specifically related to the education of  
830 the child; or

831 (b) The identification or evaluation of the child that  
832 does not relate specifically to special education.

833 (8) An individual appointed as a surrogate parent shall  
834 not be held liable for actions taken in good faith on behalf of  
835 the child in protecting the special education rights of the  
836 child.

837 (9) Nothing in this section shall preclude the appointment  
838 of a surrogate parent for a student who is gifted as defined in  
839 s. 1003.01(3).

840 Section 16. Section 1003.573, Florida Statutes, is created  
841 to read:

842 1003.573 Gifted student education.--

843 (1) For students in grades K through 12, each district  
844 school board shall annually:

845 (a) Provide written notice to each student's parent of the  
846 eligibility criteria for gifted student classification and the  
847 procedures for requesting an evaluation of a student to  
848 determine his or her eligibility for such classification.

849 (b) Report to the department by school and grade level:

850 1. The number of students classified as gifted. Such  
851 reporting shall separately identify the number of students  
852 classified as gifted under generally applicable criteria set  
853 forth in State Board of Education rule and under a department-

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854 approved school district plan for increasing the participation  
855 of underrepresented groups.

856 2. The types of gifted student education services that it  
857 provides and the number of students receiving each service. Such  
858 reporting shall:

859 a. Separately identify gifted student education services  
860 that provide: direct instruction to a class consisting only of  
861 gifted students; differentiated instruction for gifted students  
862 within a class that also includes students who are not gifted;  
863 and noninstructional consultation services.

864 b. Indicate the number of hours per week that each service  
865 identified under sub-subparagraph a. is provided to each gifted  
866 student and whether the service is provided by a teacher who has  
867 received the gifted endorsement under State Board of Education  
868 rule.

869 3. Performance data for students receiving gifted student  
870 education services.

871  
872 When reporting the number of students under this paragraph,  
873 district school boards shall classify students according to  
874 race, ethnicity, limited English proficient status, and free or  
875 reduced-price lunch eligibility status under the National School  
876 Lunch Act.

877 (3) The department shall develop data elements to  
878 facilitate district school board reporting under subsection (2).

879 (4) The State Board of Education shall adopt rules  
880 pursuant to ss. 120.536(1) and 120.54 to implement this section.

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881 Section 17. Section 1003.574, Florida Statutes, is created  
882 to read:

883 1003.574 Whole-grade and subject matter acceleration.--

884 (1) For students in grades K through 12, the department  
885 shall develop, and district school boards shall implement,  
886 statewide policies that set forth procedures and eligibility  
887 criteria for whole-grade and subject matter acceleration.

888 (2) Each district school board shall report annually to  
889 the department by school and grade level: the number of, and  
890 performance data for, students who were accelerated one or more  
891 whole grades; the types of subject matter acceleration programs  
892 offered; and the number of, and performance data for, students  
893 who participated in subject matter acceleration programs. When  
894 reporting the number of students, district school boards shall  
895 classify students according to race, ethnicity, limited English  
896 proficient status, and free or reduced-price lunch eligibility  
897 status under the National School Lunch Act.

898 (3) The department shall develop data elements to  
899 facilitate district school board reporting under subsection (2).

900 (4) The State Board of Education shall adopt rules  
901 pursuant to ss. 120.536(1) and 120.54 to implement this section.

902 Section 18. Paragraph (c) of subsection (3) of section  
903 1004.04, Florida Statutes, is amended to read:

904 1004.04 Public accountability and state approval for  
905 teacher preparation programs.--

906 (3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A system  
907 developed by the Department of Education in collaboration with  
908 postsecondary educational institutions shall assist departments  
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909 and colleges of education in the restructuring of their programs  
910 in accordance with this section to meet the need for producing  
911 quality teachers now and in the future.

912 (c) State-approved teacher preparation programs must  
913 incorporate:

914 1. Appropriate English for Speakers of Other Languages  
915 instruction so that program graduates will have completed the  
916 requirements for teaching limited English proficient students in  
917 Florida public schools.

918 2. Scientifically researched, knowledge-based reading  
919 literacy and computational skills instruction so that program  
920 graduates will be able to provide the necessary academic  
921 foundations for their students at whatever grade levels they  
922 choose to teach.

923 3. Gifted student instruction so that program graduates  
924 will:

925 a. Be able to recognize the characteristics of gifted  
926 students.

927 b. Have knowledge of the eligibility criteria for gifted  
928 student classification and the procedures for referring a  
929 student for an evaluation to determine his or her eligibility  
930 for such classification.

931 c. Have knowledge of how to differentiate the general  
932 education curriculum for gifted students.

933 Section 19. Paragraph (d) of subsection (3) of section  
934 1004.99, Florida Statutes, is amended, subsection (4) is  
935 renumbered as subsection (5), and a new subsection (4) is added  
936 to that section, to read:

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937 1004.99 Florida Ready to Work Certification Program.--

938 (3) The Florida Ready to Work Certification Program shall  
939 be composed of:

940 (d) A Florida Ready to Work Credential ~~certificate~~ and  
941 portfolio awarded to students upon successful completion of the  
942 instruction. Each portfolio must delineate the skills  
943 demonstrated by the student as evidence of the student's  
944 preparation for employment.

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

951 (a) A bronze-level credential requires a minimum score of  
952 3 or above on each of the assessments.

953 (b) A silver-level credential requires a minimum score of  
954 4 or above on each of the assessments.

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

957 Section 20. Subsection (1) of section 1009.536, Florida  
958 Statutes, is amended to read:

959 1009.536 Florida Gold Seal Vocational Scholars award.--The  
960 Florida Gold Seal Vocational Scholars award is created within  
961 the Florida Bright Futures Scholarship Program to recognize and  
962 reward academic achievement and career preparation by high  
963 school students who wish to continue their education.

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964 (1) A student is eligible for a Florida Gold Seal  
965 Vocational Scholars award if the student meets the general  
966 eligibility requirements for the Florida Bright Futures  
967 Scholarship Program and the student:

968 (a) Completes the secondary school portion of a sequential  
969 program of studies that requires at least three secondary school  
970 career credits taken over at least 2 academic years, and is  
971 continued in a planned, related postsecondary education program.  
972 If the student's school does not offer such a two-plus-two or  
973 tech-prep program, the student must complete a job-preparatory  
974 career education program selected by Workforce Florida, Inc.,  
975 for its ability to provide high-wage employment in an occupation  
976 with high potential for employment opportunities. On-the-job  
977 training may not be substituted for any of the three required  
978 career credits.

979 (b) Demonstrates readiness for postsecondary education by  
980 earning a passing score on the Florida College Entry Level  
981 Placement Test or its equivalent as identified by the Department  
982 of Education.

983 (c) Earns a minimum cumulative weighted grade point  
984 average of 3.0, as calculated pursuant to s. 1009.531, on all  
985 subjects required for a standard high school diploma, excluding  
986 elective courses.

987 (d) Earns a minimum unweighted grade point average of 3.5  
988 on a 4.0 scale for secondary career courses comprising the  
989 career program.

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990       (e) Beginning with students entering grade 9 in the 2008-  
991 2009 school year, earns a gold-level Florida Ready to Work  
992 Credential as created under s. 1004.99.

993       Section 21. Paragraph (e) of subsection (1) of section  
994 1011.62, Florida Statutes, is amended to read:

995       1011.62 Funds for operation of schools.--If the annual  
996 allocation from the Florida Education Finance Program to each  
997 district for operation of schools is not determined in the  
998 annual appropriations act or the substantive bill implementing  
999 the annual appropriations act, it shall be determined as  
1000 follows:

1001       (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1002 OPERATION.--The following procedure shall be followed in  
1003 determining the annual allocation to each district for  
1004 operation:

1005       (e) Funding model for exceptional student education  
1006 programs.--

1007       1.a. The funding model uses basic, at-risk, support levels  
1008 IV and V for exceptional students and career Florida Education  
1009 Finance Program cost factors, and a guaranteed allocation for  
1010 exceptional student education programs. Exceptional education  
1011 cost factors are determined by using a matrix of services to  
1012 document the services that each exceptional student will  
1013 receive. The nature and intensity of the services indicated on  
1014 the matrix shall be consistent with the services described in  
1015 each exceptional student's individual educational plan.

1016       b. In order to generate funds using one of the two  
1017 weighted cost factors, a matrix of services must be completed at  
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1018 the time of the student's initial placement into an exceptional  
1019 student education program and at least once every 3 years by  
1020 personnel who have received approved training. Nothing listed in  
1021 the matrix shall be construed as limiting the services a school  
1022 district must provide in order to ensure that exceptional  
1023 students are provided a free, appropriate public education.

1024 c. Students identified as exceptional, in accordance with  
1025 chapter 6A-6, Florida Administrative Code, who do not have a  
1026 matrix of services as specified in sub-subparagraph b. shall  
1027 generate funds on the basis of full-time-equivalent student  
1028 membership in the Florida Education Finance Program at the same  
1029 funding level per student as provided for basic students.

1030 Additional funds for these exceptional students will be provided  
1031 through the guaranteed allocation designated in subparagraph 2.

1032 2. For students identified as exceptional who do not have  
1033 a matrix of services and students who are gifted in grades K  
1034 through 8, there is created a guaranteed allocation to provide  
1035 these students with a free appropriate public education, in  
1036 accordance with s. 1001.42(4) (1) ~~(m)~~ and rules of the State Board  
1037 of Education, which shall be allocated annually to each school  
1038 district in the amount provided in the General Appropriations  
1039 Act. These funds shall be in addition to the funds appropriated  
1040 on the basis of FTE student membership in the Florida Education  
1041 Finance Program, and the amount allocated for each school  
1042 district shall not be recalculated during the year. These funds  
1043 shall be used to provide special education and related services  
1044 for exceptional students and students who are gifted in grades K  
1045 through 8. Beginning with the 2007-2008 fiscal year, a

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1046 district's expenditure of funds from the guaranteed allocation  
1047 for students in grades 9 through 12 who are gifted may not be  
1048 greater than the amount expended during the 2006-2007 fiscal  
1049 year for gifted students in grades 9 through 12. Each district  
1050 school board in its annual financial report to the department  
1051 shall separately identify the following amounts expended from  
1052 the guaranteed allocation:

1053 a. The amount expended for students identified as  
1054 exceptional who do not have a matrix of services.

1055 b. The amount expended for gifted students in grades K  
1056 through 12 according to grade level.

1057 Section 22. Subsections (4) and (6) of section 1012.56,  
1058 Florida Statutes, are amended to read:

1059 1012.56 Educator certification requirements.--

1060 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means  
1061 of demonstrating mastery of subject area knowledge are:

1062 (a) Achievement of passing scores on subject area  
1063 examinations required by state board rule, which may include,  
1064 but need not be limited to, world languages in Arabic, Chinese,  
1065 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,  
1066 Italian, Japanese, Portuguese, Russian, and Spanish;

1067 (b) Completion of a bachelor's degree or higher and  
1068 verification of the attainment of an oral proficiency interview  
1069 score above the intermediate level and a written proficiency  
1070 score above the intermediate level on a test administered by the  
1071 American Council on the Teaching of Foreign Languages for which  
1072 there is no Florida-developed examination;

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1073        (c) ~~(b)~~ Completion of the subject area specialization  
1074 requirements specified in state board rule and verification of  
1075 the attainment of the essential subject matter competencies by  
1076 the district school superintendent of the employing school  
1077 district or chief administrative officer of the employing state-  
1078 supported or private school for a subject area for which a  
1079 subject area examination has not been developed and required by  
1080 state board rule;

1081        (d) ~~(e)~~ Completion of the subject area specialization  
1082 requirements specified in state board rule for a subject  
1083 coverage requiring a master's or higher degree and achievement  
1084 of a passing score on the subject area examination specified in  
1085 state board rule;

1086        (e) ~~(d)~~ A valid professional standard teaching certificate  
1087 issued by another state; or

1088        (f) ~~(e)~~ A valid certificate issued by the National Board  
1089 for Professional Teaching Standards or a national educator  
1090 credentialing board approved by the State Board of Education.

1091  
1092 School districts are encouraged to provide mechanisms for those  
1093 middle school teachers holding only a K-6 teaching certificate  
1094 to obtain a subject area coverage for middle grades through  
1095 postsecondary coursework or district add-on certification.

1096        (6) TYPES AND TERMS OF CERTIFICATION.--

1097        (a) The Department of Education shall issue a professional  
1098 certificate for a period not to exceed 5 years to any applicant  
1099 who meets all the requirements outlined in subsection (2).

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1100 (b) The department shall issue a temporary certificate to  
1101 any applicant who completes the requirements outlined in  
1102 paragraphs (2)(a)-(f) and completes the subject area content  
1103 requirements specified in state board rule or demonstrates  
1104 mastery of subject area knowledge pursuant to subsection (4) and  
1105 holds an accredited degree or a degree approved by the  
1106 Department of Education at the level required for the subject  
1107 area specialization in state board rule.

1108 (c) The department shall issue one nonrenewable 2-year  
1109 temporary certificate and one nonrenewable 5-year professional  
1110 certificate to a qualified applicant who holds a bachelor's  
1111 degree in the area of speech-language impairment to allow for  
1112 completion of a master's degree program in speech-language  
1113 impairment.

1114  
1115 Each temporary certificate is valid for 3 school fiscal years  
1116 and is nonrenewable. ~~However, the requirement in paragraph~~  
1117 ~~(2)(g) must be met within 1 calendar year of the date of~~  
1118 ~~employment under the temporary certificate. Individuals who are~~  
1119 ~~employed under contract at the end of the 1 calendar year time~~  
1120 ~~period may continue to be employed through the end of the school~~  
1121 ~~year in which they have been contracted. A school district shall~~  
1122 ~~not employ, or continue the employment of, an individual in a~~  
1123 ~~position for which a temporary certificate is required beyond~~  
1124 ~~this time period if the individual has not met the requirement~~  
1125 ~~of paragraph (2)(g).~~ The State Board of Education shall adopt  
1126 rules to allow the department to extend the validity period of a  
1127 temporary certificate for 2 years when the requirements for the

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1128 professional certificate, ~~not including the requirement in~~  
1129 ~~paragraph (2)(g)~~, were not completed due to the serious illness  
1130 or injury of the applicant or other extraordinary extenuating  
1131 circumstances. The department shall reissue the temporary  
1132 certificate for 2 additional years upon approval by the  
1133 Commissioner of Education. A written request for reissuance of  
1134 the certificate shall be submitted by the district school  
1135 superintendent, the governing authority of a university lab  
1136 school, the governing authority of a state-supported school, or  
1137 the governing authority of a private school.

1138 Section 23. Gifted and Academically Talented Student Task  
1139 Force.--

1140 (1) Effective upon this act becoming a law, there is  
1141 created the Gifted and Academically Talented Student Task Force.  
1142 The task force is composed of the following seven members:

1143 (a) The chair of the State Board of Education or his or  
1144 her designee, who shall serve as chair.

1145 (b) The Commissioner of Education or his or her designee,  
1146 who shall serve as vice chair.

1147 (c) Four members who collectively have experience in  
1148 gifted and academically talented student screening,  
1149 identification, and education, one of whom shall be appointed by  
1150 the Governor, one of whom shall be appointed by the President of  
1151 the Senate, one of whom shall be appointed by the Speaker of the  
1152 House of Representatives, and one of whom shall be appointed by  
1153 the chair of State Board of Education.

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1154 (d) One member who represents an advocacy group for  
1155 parents of gifted children who shall be appointed by the  
1156 Governor.

1157 (2) The members of the task force shall be appointed by  
1158 July 1, 2008, and shall convene the initial meeting of the task  
1159 force by August 1, 2008.

1160 (3) The task force is assigned to the Department of  
1161 Education for administrative purposes. Members of the task force  
1162 are not entitled to compensation but are entitled to per diem  
1163 and travel expenses under s. 112.061, Florida Statutes. Members  
1164 of the task force are subject to the Code of Ethics for Public  
1165 Officers and Employees under part III of chapter 112, Florida  
1166 Statutes.

1167 (4) By February 1, 2009, the task force shall submit a  
1168 report to the Governor, the President of the Senate, and the  
1169 Speaker of the House of Representatives that includes, but is  
1170 not limited to, recommendations, based upon peer-reviewed  
1171 research and the members' collective expertise, for the  
1172 following:

1173 (a) Revisions to statute and rule governing eligibility  
1174 criteria for gifted student classification generally and in  
1175 underrepresented groups.

1176 (b) Eligibility criteria for academically talented student  
1177 classification. Such criteria shall identify students who are  
1178 not classified as gifted but who possess high achievement  
1179 capability in one or more academic subject areas and who would  
1180 benefit from participation in accelerated or differentiated  
1181 curricula learning opportunities.

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1182 (c) Annual screening procedures for the determination of  
1183 students who should be further evaluated for identification as  
1184 gifted or academically talented students. These procedures, at a  
1185 minimum, shall identify:

1186 1. The most appropriate grade or grades within each of the  
1187 elementary, middle, and high school levels to administer such  
1188 screenings for all students.

1189 2. One or more recommended screening instruments.

1190 (d) Model gifted and academically talented student  
1191 education programs. The programs must include, but are not  
1192 limited to:

1193 1. Classroom-based, school-based, and district-based  
1194 implementation options.

1195 2. Subject matter acceleration opportunities,  
1196 differentiated curricula that address the exceptional learning  
1197 needs of gifted and academically talented students, and  
1198 enrichment activities that extend learning opportunities  
1199 available in the classroom.

1200 (e) Procedures for annually evaluating the effectiveness  
1201 of model gifted and academically talented student education  
1202 programs.

1203 (f) Procedures for evaluating students participating in  
1204 gifted or academically talented student education programs to  
1205 determine student performance and whether the students are  
1206 benefiting from, and continue to be eligible to participate in,  
1207 the programs.

1208 (5) Upon delivery of its final report and recommendations,  
1209 the task force is abolished.

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1210 Section 24. Except as otherwise expressly provided in this  
1211 act, this act shall take effect July 1, 2008.

1212  
1213  
1214 -----

1215 **T I T L E A M E N D M E N T**

1216 Remove lines 4581-4992 and insert:

1217 An act relating to education; providing a short title; amending  
1218 s. 39.0016, F.S.; defining the term "surrogate parent";  
1219 providing conditions for district school board or court  
1220 appointment of a surrogate parent for educational decisionmaking  
1221 for a child who has or is suspected of having a disability;  
1222 amending s. 39.202, F.S.; providing for access to certain  
1223 records to liaisons between school districts and the Department  
1224 of Children and Family Services; amending s. 39.402, F.S.;  
1225 requiring access to a child's medical records and educational  
1226 records if a child is placed in a shelter; amending s. 39.701,  
1227 F.S.; requiring the court and citizen review panel in judicial  
1228 reviews to consider testimony by a surrogate parent for  
1229 educational decisionmaking; amending s. 445.004, F.S.; requiring  
1230 Workforce Florida, Inc., and the Department of Education to  
1231 ensure consistent use of the credential; amending s. 1000.21,  
1232 F.S.; defining the term "surrogate parent" for purposes of the  
1233 K-20 Education Code; amending s. 1003.01, F.S.; providing that  
1234 habitual truancy provisions apply to students subject to Student  
1235 Preparedness Pilot Program requirements; defining regular  
1236 program attendance in a pilot program school district; amending  
1237 s. 1003.21, F.S.; requiring a student in a pilot program school

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1238 district to be informed of attendance and completion  
1239 requirements; providing access to free public education for  
1240 children known to the department; authorizing a temporary  
1241 exemption relating to school attendance; creating s. 1003.215,  
1242 F.S.; creating the Student Preparedness Pilot Program; requiring  
1243 the Duval County School District and each selected school  
1244 district to review and identify curricula options for certain  
1245 students; requiring students who attain the age of 16 years but  
1246 have not reached the age of 18 years in pilot program districts  
1247 who do not regularly attend school to be subject to specific  
1248 attendance and completion requirements; providing for an  
1249 application and selection process for school district  
1250 participation; specifying procedures for termination of school  
1251 enrollment and requirements for pilot program attendance and  
1252 completion; specifying that students who select a nontraditional  
1253 academic option are not eligible students for purposes of school  
1254 grading; requiring an annual study and reporting by the Office  
1255 of Program Policy Analysis and Government Accountability;  
1256 amending s. 1003.22, F.S.; authorizing a temporary exemption  
1257 from school-entry health examinations for children known to the  
1258 department; amending s. 1003.26, F.S.; conforming cross-  
1259 references; amending s. 1003.428, F.S.; requiring a student to  
1260 earn the credential for high school graduation with a career or  
1261 technical major area of interest; creating s. 1003.497, F.S.;  
1262 requiring the Department of Education to encourage school  
1263 districts to initiate, adopt, expand, and institutionalize  
1264 service-learning programs, activities, and policies in  
1265 kindergarten through grade 12; defining service learning;

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1266 providing for department assistance to a school district that  
1267 elects to implement service-learning activities; requiring  
1268 development and adoption of service-learning courses;  
1269 authorizing service-learning activities to count toward high  
1270 school graduation or academic award requirements; encouraging  
1271 school districts to include service learning as part of courses  
1272 or activities required for high school graduation or receipt of  
1273 academic awards; creating s. 1003.572, F.S.; requiring a  
1274 district school board to appoint a surrogate parent for a child  
1275 who has or is suspected of having a disability under certain  
1276 circumstances; providing joint responsibility of a district  
1277 school board and the court; providing qualifications,  
1278 responsibilities, and immunities for a surrogate parent;  
1279 creating s. 1003.573, F.S.; requiring district school boards to  
1280 provide parental notice of requirements and procedures for  
1281 requesting evaluations for gifted student classification;  
1282 requiring district school board reporting of gifted student  
1283 classification, services, and performance data; requiring the  
1284 Department of Education to develop data elements for district  
1285 reporting; requiring rulemaking; creating s. 1003.574, F.S.;  
1286 requiring the department to develop procedures and eligibility  
1287 criteria for whole-grade and subject matter acceleration;  
1288 requiring district school boards to implement procedures and  
1289 eligibility criteria; requiring district school board reporting  
1290 of student acceleration data; requiring the department to  
1291 develop data elements for district reporting; requiring  
1292 rulemaking; amending s. 1004.04, F.S.; requiring state-approved  
1293 teacher preparation programs to incorporate specified gifted

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HOUSE AMENDMENT  
Bill No. CS/HB 7045

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1294 student instruction; amending s. 1004.99, F.S., relating to the  
1295 Florida Ready to Work Certification Program; providing for the  
1296 award of a Florida Ready to Work Credential; providing  
1297 requirements for attaining bronze, silver, and gold credential  
1298 levels based on assessment scores; amending s. 1009.536, F.S.;  
1299 requiring a student to earn the credential for receipt of a  
1300 Florida Gold Seal Vocational Scholars award; amending s.  
1301 1011.62, F.S.; requiring certain school district guaranteed  
1302 allocation expenditures to be reported separately; amending s.  
1303 1012.56, F.S.; revising provisions relating to the means for  
1304 demonstrating mastery of subject area knowledge; specifying  
1305 world languages for which subject area examinations may be  
1306 required by State Board of Education rule; authorizing degree  
1307 completion and attainment of foreign language proficiency on  
1308 specified national tests; revising requirements relating to the  
1309 issuance of temporary certificates; creating the Gifted and  
1310 Academically Talented Student Task Force within the Department  
1311 of Education; designating members; providing for per diem and  
1312 travel expenses; requiring the task force to submit a report to  
1313 the Governor and Legislature; providing report requirements;  
1314 providing for the future abolishment of the task force;  
1315 providing effective dates.

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