



171226

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
	.	
	.	
	.	

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1002.385, Florida Statutes, is created
to read:

1002.385 Florida Personalized Accounts for Learning.-

(1) ESTABLISHMENT OF PROGRAM.-The Florida Personalized
Accounts for Learning is established to provide the option for a
parent to better meet the individual educational needs of his or
her eligible child.



171226

12 (2) DEFINITIONS.—As used in this section, the term:

13 (a) "Approved provider" means a provider approved by the
14 Agency for Persons with Disabilities and a provider approved by
15 the department pursuant to s. 1002.66.

16 (b) "Authorized financial institution" means the
17 institution that is designated in writing by the parent to
18 receive payment of program funds into the parent's personalized
19 account for learning at such institution.

20 (c) "Chief Financial Officer" means the chief fiscal
21 officer of this state, as defined in s. 17.001.

22 (d) "Curriculum" means a complete course of study for a
23 particular content area or grade level, including any required
24 supplemental materials.

25 (e) "Department" means the Department of Education.

26 (f) "Disability" means, for a student in kindergarten to
27 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,
28 as defined in s. 393.063(4); Down syndrome, as defined in s.
29 393.063(13); an intellectual disability, as defined in s.
30 393.063(21); Prader-Willi syndrome, as defined in s.
31 393.063(25); or Spina bifida, as defined in s. 393.063(36); for
32 a student in kindergarten, being a high-risk child, as defined
33 in s. 393.063(20)(a); and Williams syndrome.

34 (g) "Eligible postsecondary educational institution" means
35 a Florida College System institution, a state university, a
36 school district technical center, a school district adult
37 general education center, or an accredited nonpublic
38 postsecondary educational institution, as defined in s. 1005.02,
39 which is licensed to operate in the state pursuant to
40 requirements specified in part III of chapter 1005.



171226

41 (h) "Eligible private school" means a private school, as
42 defined in s. 1002.01, which is located in this state, which
43 offers an education to students in any grade from kindergarten
44 to grade 12, and which meets requirements of ss. 1002.42 and
45 1002.421.

46 (i) "IEP" means individual education plan.

47 (j) "Parent" means a resident of this state who is a
48 parent, as defined in s. 1000.21.

49 (k) "Program" means the Florida Personalized Accounts for
50 Learning established in this section.

51 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
52 disability may request and receive from the state a Florida
53 personalized account for learning for the purposes specified in
54 subsection (5) if:

55 (a) The student:

56 1. Is a resident of this state;

57 2. Is eligible to enroll in kindergarten through grade 12
58 in a public school in this state;

59 3. Has a disability as defined in paragraph (2) (e) and is
60 eligible for Level 3 to Level 5 services; and

61 4. Is the subject of an IEP written in accordance with
62 rules of the State Board of Education; and

63 (b) The parent has requested from the department a
64 participation in the program at least 60 days before the date of
65 the first payment. The request must be communicated directly to
66 the department in a manner that creates a written or electronic
67 record of the request and the date of receipt of the request.
68 The department must notify the district of the parent's intent
69 upon receipt of the parent's request.



171226

70 (4) PROGRAM PROHIBITIONS.—
71 (a) A student is not eligible for the program while he or
72 she is:
73 1. Enrolled in a public school, including, but not limited
74 to, the Florida School for the Deaf and the Blind, the Florida
75 Virtual School, the College-Preparatory Boarding Academy, a
76 developmental research school authorized under s. 1002.32, a
77 charter school authorized under s. 1002.33, s. 1002.331, or s.
78 1002.332, or a virtual education program authorized under s.
79 1002.45;
80 2. Enrolled in a school operating for the purpose of
81 providing educational services to youth in the Department of
82 Juvenile Justice commitment programs;
83 3. Receiving a scholarship pursuant to the Florida Tax
84 Credit Scholarship Program under s. 1002.395 or the John M.
85 McKay Scholarships for Students with Disabilities Program under
86 s. 1002.39; or
87 4. Receiving an educational scholarship pursuant to this
88 chapter.
89 (b) A student is not eligible for the program if:
90 1. The student or student's parent has accepted any
91 payment, refund, or rebate, in any manner, from a provider of
92 any services received pursuant to subsection (5);
93 2. The student's participation in the program has been
94 denied or revoked by the Commissioner of Education pursuant to
95 subsection (9); or
96 3. The student's parent has forfeited participation in the
97 program for failure to comply with requirements pursuant to
98 subsection (10).



171226

99 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
100 spent for the following purposes, as specified in the student’s
101 IEP or the portion of the IEP regarding the transition of the
102 student to postsecondary education and career opportunities
103 pursuant to s. 1003.5716:

104 (a) Instructional materials, including digital devices,
105 digital periphery devices, and assistive technology devices that
106 allow a student to access instruction or instructional content.

107 (b) Curriculum as defined in paragraph (2)(c).

108 (c) Specialized services by approved providers that are
109 selected by the parent and specified in the student’s IEP. These
110 specialized services may include, but are not limited to:

111 1. Applied behavior analysis services as provided in ss.
112 627.6686 and 641.31098.

113 2. Services provided by speech-language pathologists as
114 defined in s. 468.1125.

115 3. Occupational therapy services as defined in s. 468.203.

116 4. Services provided by physical therapists as defined in
117 s. 486.021.

118 5. Services provided by listening and spoken language
119 specialists and an appropriate acoustical environment for a
120 child who is deaf or hard of hearing and who has received an
121 implant or assistive hearing device.

122 (d) Enrollment in, or tuition or fees associated with
123 enrollment in, an eligible private school, an eligible
124 postsecondary educational institution, a private tutoring
125 program authorized under s. 1002.43, a virtual program offered
126 by a department-approved private online provider that meets the
127 provider qualifications specified in s. 1002.45(2)(a), or an



171226

128 approved online course offered pursuant to ss. 1003.499 or
129 1004.0961.

130 (e) Fees for nationally standardized, norm-referenced
131 achievement tests, Advanced Placement Examinations, industry
132 certification examinations, assessments related to postsecondary
133 education, or other assessments specified in the student's IEP.

134 (f) Contributions to a Coverdell education savings account
135 established pursuant to 26 U.S.C. s. 530 of the Internal Revenue
136 Code for the benefit of the eligible student.

137 (g) Contracted services provided by a public school or
138 school district, including classes and extracurricular programs
139 for the services specified in the IEP or additional services. A
140 student who receives services under a contract under this
141 paragraph shall not be considered to be enrolled in a public
142 school for eligibility purposes as specified in subsection (4).

143
144 A specialized service provider, eligible private school,
145 eligible postsecondary educational institution, private tutoring
146 program provider, online or virtual program provider, public
147 school, school district, or other entity receiving payments
148 pursuant to this subsection may not share, refund, or rebate any
149 moneys from the Florida Personalized Account for Learning with
150 the parent or participating student in any manner.

151 (6) TERM OF THE PROGRAM.—For purposes of continuity of
152 educational choice, the program payments made under this section
153 shall remain in force until a student participating in the
154 program participates in any of the prohibited activities
155 specified in subsection (4), has funds revoked by the
156 Commissioner of Education pursuant to subsection (9), or returns



171226

157 to a public school, graduates from high school, or reaches 22
158 years of age, whichever occurs first. A participating student
159 who enrolls in a public school or public school program is
160 considered to have returned to a public school for the purpose
161 of determining the end of the program's term.

162 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

163 (a) By April 1 of each year and within 10 days after an IEP
164 meeting, a school district shall notify the parent of the
165 student who meets eligibility requirements under subsection (3)
166 of the option to participate in the program.

167 (b)1. For a student with a disability who does not have a
168 matrix of services under s. 1011.62(1)(e), the school district
169 shall complete a matrix that assigns the student to one of the
170 levels of service as they existed before the 2000-2001 school
171 year.

172 2.a. Within 10 school days after a school district receives
173 notification of a parent's request for participation in the
174 program under this section, the school district shall notify the
175 student's parent if the matrix of services has not been
176 completed and inform the parent that the district is required to
177 complete the matrix within 30 days after receiving notice of the
178 parent's request for participation. This notice must include the
179 required completion date for the matrix.

180 b. The school district shall complete the matrix of
181 services for a student who is participating in the program and
182 shall notify the department of the student's matrix level within
183 30 days after receiving notification of a request to participate
184 in the program. The school district must provide the student's
185 parent with the student's matrix level within 10 school days



171226

186 after its completion.

187 c. The department shall notify the parent of the amount of
188 the funds awarded within 10 days after receiving the school
189 district's notification of the student's matrix level.

190 d. A school district may change a matrix of services only
191 if the change is to correct a technical, typographical, or
192 calculation error.

193 (c) For each student participating in the program who takes
194 statewide, standardized assessments under s. 1008.22, the school
195 district in which the student resides must notify the student
196 and his or her parent about the locations and times to take all
197 statewide, standardized assessments.

198 (d) For each student participating in the program, a school
199 district shall notify the parent about the availability of a
200 reevaluation at least every 3 years.

201 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
202 shall:

203 (a) Establish an annual enrollment period and a process in
204 which a parent may apply to enroll his or her student in the
205 program. The enrollment period shall begin on July 1 and end on
206 May 1 of each year for applications for the following state
207 fiscal year. All applications must be approved by June 1 of each
208 year for program participation for the following fiscal year.

209 (b) Conduct or contract for annual audits of the program to
210 ensure compliance with this section.

211 (c) Notify the authorized financial institution of students
212 who are approved to participate in the program. The notice must
213 be made annually by June 1, after the department processes all
214 applications to participate in the program.



171226

215 (d) Establish a process by which a person may notify the
216 department of any violation of laws or rules relating to
217 participation in the program. The department shall conduct an
218 inquiry of all signed, written, and legally sufficient
219 complaints that allege a violation of this section or make a
220 referral to the appropriate agency for an investigation. A
221 complaint is legally sufficient if it contains ultimate facts
222 showing that a violation of this section or a violation of a
223 rule adopted under this section has occurred. In order to
224 determine legal sufficiency, the department may require
225 supporting information or documentation from the complainant. A
226 department inquiry is not subject to the requirements of chapter
227 120.

228 (e) Compare the list of students participating in the
229 program with the public school enrollment lists before each
230 program payment to avoid duplicate payments.

231 (f) Select an independent research organization, which may
232 be a public or private entity or university, to which
233 participating entities must report the scores of students
234 participating in the program on the standardized assessments
235 administered by the schools as specified in the IEP.

236 1. The independent research organization shall annually
237 issue a report to the department which includes:

238 a. The year-to-year learning gains of students
239 participating in the program.

240 b. To the extent possible, a comparison of the learning
241 gains of students in the program to the statewide learning gains
242 of public school students having backgrounds similar to those of
243 the students in the program. In order to minimize the costs and



171226

244 time that the independent research organization requires for
245 analysis and evaluation, the department shall conduct analyses
246 of assessment data from matched students in public schools and
247 shall calculate the learning gains of control groups using a
248 methodology outlined in the contract with the independent
249 research organization.

250 c. The aggregate year-to-year learning gains of students in
251 the program in each participating entity in which there are at
252 least 30 participating students that have scores for tests for 2
253 consecutive years at that entity.

254 2. The sharing and reporting of the learning gains of
255 students pursuant to this paragraph must be in accordance with
256 the Family Educational Rights and Privacy Act, 20 U.S.C. s.
257 1232g, and shall be for the sole purpose of creating the annual
258 report required under subparagraph 1. All parties shall preserve
259 the confidentiality of such information as required by law. The
260 independent research organization may not disaggregate data in
261 its annual report to a level that identifies individual
262 participating entities, except as required under sub-
263 subparagraph 1.c., or disclose the academic level of individual
264 students.

265 3. The department shall publish on its website the annual
266 report required by subparagraph 1.

267 (g) Coordinate with state-funded or federally funded
268 benefits programs to advise a parent about the possible effect
269 his or her child's participation in the program under this
270 section may have on the child's eligibility for participating in
271 those state-funded or federally funded benefits programs.

272 (h) Issue a report by December 15, 2014, and annually



171226

273 thereafter to the Governor, the President of the Senate, and the
274 Speaker of the House of Representatives describing the
275 implementation of accountability mechanisms for the program,
276 identifying any substantial allegations and violations of a law
277 or rule governing the program, and describing the corrective
278 actions taken by the department relating to violations of a law
279 or rule governing the program.

280 (9) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

281 (a) The Commissioner of Education:

282 1. Shall deny, suspend, or revoke a student's participation
283 in the program if the health, safety, or welfare of the student
284 is threatened or fraud is suspected.

285 2. Shall deny, suspend, or revoke an authorized use of
286 program funds if the health, safety, or welfare of the student
287 is threatened or fraud is suspected.

288 3. May deny, suspend, or revoke an authorized use of
289 program funds for material failure to comply with this section
290 and applicable department rules if the noncompliance is
291 correctable within a reasonable period of time. Otherwise, the
292 commissioner shall deny, suspend, or revoke an authorized use
293 for failure to materially comply with the law and rules adopted
294 under this section.

295 4. Shall require compliance by the appropriate party by a
296 date certain for all nonmaterial failures to comply with this
297 section and applicable department rules. The commissioner may
298 deny, suspend, or revoke program participation under this
299 section thereafter.

300 (b) In determining whether to deny, suspend, or revoke in
301 accordance with this subsection, the commissioner may consider



171226

302 factors that include, but are not limited to, acts or omissions
303 by a participating entity which led to a previous denial or
304 revocation of participation in an education scholarship program;
305 failure to reimburse the department for program funds improperly
306 received or retained by the entity; imposition of a prior
307 criminal sanction related to the entity or its officers or
308 employees; imposition of a civil fine or administrative fine,
309 license revocation or suspension, or program eligibility
310 suspension, termination, or revocation related to an entity's
311 management or operation; or other types of criminal proceedings
312 in which the entity or its officers or employees were found
313 guilty of, regardless of adjudication, or entered a plea of nolo
314 contendere or guilty to, any offense involving fraud, deceit,
315 dishonesty, or moral turpitude.

316 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
317 PARTICIPATION.—A parent who applies for program participation
318 under this section is exercising his or her parental option to
319 determine the appropriate placement or services that best meet
320 the needs of his or her student. To enroll an eligible student
321 in the program, the parent must sign an agreement with the
322 department and annually submit a notarized, sworn compliance
323 statement to the department to:

324 (a) Affirm that the student meets minimum student
325 attendance requirements as provided in s. 1003.21.

326 (b) Use the program funds only for authorized purposes, as
327 described in subsection (5).

328 (c) Affirm that the student takes all appropriate
329 standardized assessments as specified in the student's IEP. The
330 parent is responsible for transporting the student to the



171226

331 assessment site designated by the school district.
332 (d) Request participation in the program at least 60 days
333 before the date of the first program payment.
334 (e) Affirm that the student remains in good standing with
335 the provider or school if those options are selected by the
336 parent.
337 (f) Apply for admission of his or her child if the private
338 school option is selected by the parent.
339 (g) Annually renew participation in the program.
340 Notwithstanding any changes to the student's IEP, a student who
341 was previously eligible for participation in the program shall
342 remain eligible to apply for renewal as provided in subsection
343 (6).
344 (h) Designate in writing the authorized financial
345 institution to receive payment of program funds and maintain a
346 separate personalized account for learning at that institution.
347 (i) Affirm that the parent will not transfer any college
348 savings funds to another beneficiary.
349 (j) Affirm that the parent will not take possession of any
350 funding contributed by the state.
351 (k) Maintain a portfolio of records and materials which
352 must be preserved by the parent for 2 years and be made
353 available for inspection by the district school superintendent
354 or the superintendent's designee upon 15 days' written notice.
355 This paragraph does not require the superintendent to inspect
356 the portfolio. The portfolio of records and materials consists
357 of:
358 1. A log of educational instruction and services which is
359 made contemporaneously with delivery of the instruction and



171226

360 services and which designates by title any reading materials
361 used; and

362 2. Samples of any writings, worksheets, workbooks, or
363 creative materials used or developed by the student.

364
365 A parent who fails to comply with this subsection forfeits the
366 personalized account for learning.

367 (11) FUNDING AND PAYMENT.—

368 (a)1. The maximum funding amount granted for an eligible
369 student with a disability, pursuant to subsection (3), shall be
370 equivalent to the base student allocation in the Florida
371 Education Finance Program multiplied by the appropriate cost
372 factor for the educational program which would have been
373 provided for the student in the district school to which he or
374 she would have been assigned, multiplied by the district cost
375 differential.

376 2. In addition, an amount equivalent to a share of the
377 guaranteed allocation for exceptional students in the Florida
378 Education Finance Program shall be determined and added to the
379 amount in subparagraph 1. The calculation shall be based on the
380 methodology and the data used to calculate the guaranteed
381 allocation for exceptional students for each district in chapter
382 2000-166, Laws of Florida. Except as provided in subparagraph
383 3., the calculation shall be based on the student's grade, the
384 matrix level of services, and the difference between the 2000-
385 2001 basic program and the appropriate level of services cost
386 factor, multiplied by the 2000-2001 base student allocation and
387 the 2000-2001 district cost differential for the sending
388 district. The calculated amount must also include an amount



171226

389 equivalent to the per-student share of supplemental academic
390 instruction funds, instructional materials funds, technology
391 funds, and other categorical funds as provided in the General
392 Appropriations Act.

393 3. Until the school district completes the matrix required
394 under paragraph (7) (b), the calculation shall be based on the
395 matrix that assigns the student to support level 3 of services.
396 When the school district completes the matrix, the amount of the
397 payment shall be adjusted as needed.

398 (b) The amount of the awarded funds shall be 90 percent of
399 the calculated amount.

400 (c) The school district shall report all students who are
401 participating in the program. The participating students who
402 have previously been included in the Florida Education Finance
403 Program and are included in public school enrollment counts
404 shall be reported separately from other students reported for
405 purposes of the Florida Education Finance Program. Participating
406 students who have been enrolled in nonpublic schools shall also
407 be reported separately.

408 (d) Following notification on July 1, September 1, December
409 1, or February 1 of the number of program participants:

410 1. For students who have been enrolled in public schools
411 and are included in public school enrollment counts, the
412 department shall transfer, from General Revenue funds only, the
413 amount of the awarded program funds calculated pursuant to
414 paragraph (b) from the school district's total funding
415 entitlement under the Florida Education Finance Program and from
416 authorized categorical accounts to a separate account for the
417 program for quarterly disbursement to the personalized account



171226

418 for learning at an authorized financial institution on behalf of
419 the parent and student; and

420 2. For students who have been and will continue to be
421 enrolled in nonpublic schools, the department shall also
422 transfer from an appropriation for the program the amount
423 calculated under paragraph (b) to a separate account for the
424 program for quarterly disbursement to the personalized account
425 for learning at an authorized financial institution on behalf of
426 the parent and student. Nonpublic school students shall be
427 provided awarded funds on a first-come, first-served basis.

428 (e) When a student enters the program, the department must
429 receive, at least 30 days before the first quarterly program
430 payment is made to the personalized account for learning for the
431 student, all documentation required for the student's
432 participation in the program.

433 (f) Upon notification by the department that it has
434 received the documentation required under paragraph (d), the
435 department shall make payments in four equal amounts no later
436 than September 1, November 1, February 1, and April 1 of each
437 academic year in which the awarded funds are in force. The
438 initial payment shall be made after department verification of
439 the establishment of the personalized account for learning at an
440 authorized financial institution, and subsequent payments shall
441 be made upon verification of parental obligations under
442 subsection (10). Payment must be by individual warrant made
443 payable to the personalized account for learning on behalf of
444 the parent and student. The authorized financial institution
445 shall mail or electronically process payments as directed by the
446 parent for authorized uses.



171226

447 (g) Subsequent to each payment, the department shall
448 request from the Department of Financial Services a sample of
449 payments from the authorized financial institution for
450 authorized uses to endorsed warrants to review and confirm
451 compliance with this section.

452 (h) Upon an eligible student's graduation from an eligible
453 postsecondary educational institution or after any period of 4
454 consecutive years after high school graduation in which the
455 student is not enrolled in an eligible postsecondary educational
456 institution, the student's personalized account for learning
457 shall be closed, and any remaining funds shall revert to the
458 state.

459 (i) The department shall make payments to fund personalized
460 accounts for learning at the authorized financial institution
461 pursuant to this section.

462 (j) The department shall develop a system for payment of
463 benefits by electronic funds transfer, including, but not
464 limited to, debit cards, electronic payment cards, or any other
465 means of electronic payment that the department deems to be
466 commercially viable or cost-effective. Commodities or services
467 related to the development of such a system shall be procured by
468 competitive solicitation unless they are purchased from a state
469 term contract pursuant to s. 287.056. The State Board of
470 Education shall adopt rules to administer this paragraph.

471 (k) The department shall require audits of the authorized
472 financial institution's personalized accounts for learning
473 pursuant to this section. The Chief Financial Officer shall
474 conduct audits pursuant to this section.

475 (12) LIABILITY.—The state is not liable for the award or



171226

476 any use of awarded funds under this section.

477 (13) SCOPE OF AUTHORITY.—This section does not expand the
478 regulatory authority of this state, its officers, or any school
479 district to impose additional regulation on participating
480 private schools, nonpublic postsecondary educational
481 institutions, and private providers beyond those reasonably
482 necessary to enforce requirements expressly set forth in this
483 section.

484 (14) RULES.—The State Board of Education shall adopt rules
485 pursuant to ss. 120.536(1) and 120.54 to administer this
486 section. The rules must identify the appropriate school district
487 personnel who must complete the matrix of services.

488 Section 2. Present subsection (10) of section 1003.4282,
489 Florida Statutes, is renumbered as subsection (11), and a new
490 subsection (10) is added to that section, to read:

491 1003.4282 Requirements for a standard high school diploma.—

492 (10) STUDENTS WITH DISABILITIES.—Beginning with students
493 entering grade 9 in the 2014-2015 school year, this subsection
494 applies to a student with an intellectual or cognitive
495 disability for whom the IEP team has determined that the Florida
496 Alternate Assessment is the most appropriate measure of the
497 student's skills.

498 (a) A parent of the student with a disability shall, in
499 collaboration with the individual education plan team pursuant
500 to s. 1003.5716, declare an intent for the student to graduate
501 from high school with either a standard high school diploma or a
502 certificate of completion. A student with a disability who does
503 not satisfy the standard high school diploma requirements
504 pursuant to this section shall be awarded a certificate of



171226

505 completion.

506 (b) The following options, in addition to the other options
507 specified in this section, may be used to satisfy the standard
508 high school diploma requirements, as specified in the student's
509 individual education plan:

510 1. A combination of course substitutions, assessments,
511 industry certifications, and other acceleration options
512 appropriate to the student's unique skills and abilities that
513 meet the criteria established by State Board of Education rule.

514 2. A portfolio of quantifiable evidence that documents a
515 student's mastery of academic standards through rigorous metrics
516 established by State Board of Education rule. A portfolio may
517 include, but is not limited to, documentation of work
518 experience, internships, community service, and postsecondary
519 credit.

520 (c) A student with a disability who meets the standard high
521 school diploma requirements in this section may defer the
522 receipt of a standard high school diploma if the student:

523 1. Has an individual education plan that prescribes special
524 education, transition planning, transition services, or related
525 services through age 21; and

526 2. Is enrolled in accelerated college credit instruction
527 pursuant to s. 1007.27, industry certification courses that lead
528 to college credit, a collegiate high school program, courses
529 necessary to satisfy the Scholar designation requirements, or a
530 structured work-study, internship, or pre-apprenticeship
531 program.

532 (d) A student with a disability who receives a certificate
533 of completion and has an individual education plan that



171226

534 prescribes special education, transition planning, transition
535 services, or related services through 21 years of age may
536 continue to receive the specified instruction and services.

537 (e) Any waiver of the statewide, standardized assessment
538 requirements by the individual education plan team, pursuant to
539 s. 1008.22(3)(c), must be approved by the parent and is subject
540 to verification for appropriateness by an independent reviewer
541 selected by the parent as provided for in s. 1003.572.

542 Section 3. Effective July 1, 2015, section 1003.438,
543 Florida Statutes, is repealed.

544 Section 4. Section 1003.5716, Florida Statutes, is created
545 to read:

546 1003.5716 Transition to postsecondary education and career
547 opportunities.—All students with disabilities who are 3 years of
548 age to 21 years of age have the right to a free, appropriate
549 public education. As used in this section, the term "IEP" means
550 individual education plan.

551 (1) To ensure quality planning for a successful transition
552 of a student with a disability to postsecondary education and
553 career opportunities, an IEP team shall begin the process of,
554 and develop an IEP for, identifying the need for transition
555 services before the student with a disability attains the age of
556 14 years in order for his or her postsecondary goals and career
557 goals to be identified and in place when he or she attains the
558 age of 16 years. This process must include, but is not limited
559 to:

560 (a) Consideration of the student's need for instruction in
561 the area of self-determination and self-advocacy to assist the
562 student's active and effective participation in an IEP meeting;



171226

563 and

564 (b) Preparation for the student to graduate from high
565 school with a standard high school diploma pursuant to s.
566 1003.4282 with a Scholar designation unless the parent chooses a
567 Merit designation.

568 (2) Beginning not later than the first IEP to be in effect
569 when the student turns 16, or younger, if determined appropriate
570 by the parent and the IEP team, the IEP must include the
571 following statements that must be updated annually:

572 (a) A statement of intent to pursue a standard high school
573 diploma and a Scholar or Merit designation, pursuant to s.
574 1003.4285, as determined by the parent.

575 (b) A statement of intent to receive a standard high school
576 diploma before the student reaches the age of 22 and a
577 description of how the student will fully meet the requirements
578 in s. 1003.428 or s. 1003.4282, as applicable, including, but
579 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that
580 meets the criteria specified in State Board of Education rule.
581 The IEP must also specify the outcomes and additional benefits
582 expected by the parent and the IEP team at the time of the
583 student's graduation.

584 (c) A statement of appropriate measurable long-term
585 postsecondary education and career goals based upon age-
586 appropriate transition assessments related to training,
587 education, employment, and, if appropriate, independent living
588 skills and the transition services, including courses of study
589 needed to assist the student in reaching those goals.

590 (3) Any change in the IEP for the goals specified in
591 subsection (2) must be approved by the parent and is subject to



171226

592 verification for appropriateness by an independent reviewer
593 selected by the parent as provided in s. 1003.572.

594 (4) If a participating agency responsible for transition
595 services, other than the school district, fails to provide the
596 transition services described in the IEP, the school district
597 shall reconvene the IEP team to identify alternative strategies
598 to meet the transition objectives for the student that are
599 specified in the IEP. However, this does not relieve any
600 participating agency of the responsibility to provide or pay for
601 any transition service that the agency would otherwise provide
602 to students with disabilities who meet the eligibility criteria
603 of that agency.

604 Section 5. Subsection (3) of section 1003.572, Florida
605 Statutes, is amended to read:

606 1003.572 Collaboration of public and private instructional
607 personnel.—

608 (3) Private instructional personnel who are hired or
609 contracted by parents to collaborate with public instructional
610 personnel must be permitted to observe the student in the
611 educational setting, collaborate with instructional personnel in
612 the educational setting, and provide services in the educational
613 setting according to the following requirements:

614 (a) The student's public instructional personnel and
615 principal consent to the time and place.

616 (b) The private instructional personnel satisfy the
617 requirements of s. 1012.32 or s. 1012.321.

618

619 For the purpose of implementing this subsection, a school
620 district may not impose any requirements beyond those



171226

621 requirements specified in this subsection or charge any fees.

622 Section 6. Section 1008.2121, Florida Statutes, is created
623 to read:

624 1008.2121 Students with severe cognitive or physical
625 disabilities; permanent exemption.—Based on information that a
626 reasonably prudent person would rely upon, including, but not
627 limited to, facts contained within an individual education plan
628 under s. 1008.212, documentation from an appropriate health care
629 provider, or certification from the district school board
630 superintendent, the Commissioner of Education shall
631 perfunctorily grant a permanent exemption to a student who
632 suffers from such a severe cognitive disability or physical
633 disability that the student permanently lacks the capacity to
634 take statewide, standardized assessments. The State Board of
635 Education shall adopt rules to administer this section,
636 including, but not limited to, expediting the exemption process
637 to demonstrate the utmost compassion and consideration for
638 meeting the parent's and student's needs.

639 Section 7. Paragraph (c) of subsection (5) and paragraph
640 (b) of subsection (6) of section 1008.25, Florida Statutes, are
641 amended to read:

642 1008.25 Public school student progression; remedial
643 instruction; reporting requirements.—

644 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

645 (c) The parent of any student who exhibits a substantial
646 deficiency in reading, as described in paragraph (a), must be
647 notified in writing of the following:

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



171226

650 2. A description of the current services that are provided
651 to the child.

652 3. A description of the proposed supplemental instructional
653 services and supports that will be provided to the child that
654 are designed to remediate the identified area of reading
655 deficiency.

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

659 5. Strategies for parents to use in helping their child
660 succeed in reading proficiency.

661 6. That the Florida Comprehensive Assessment Test (FCAT) is
662 not the sole determiner of promotion and that additional
663 evaluations, portfolio reviews, and assessments are available to
664 the child to assist parents and the school district in knowing
665 when a child is reading at or above grade level and ready for
666 grade promotion.

667 7. The district's specific criteria and policies for a
668 portfolio as provided in subparagraph (6)(b)4. and the evidence
669 required for a student to demonstrate mastery of Florida's
670 academic standards for English Language Arts. A parent of a
671 student in grade 3 who is identified anytime during the year as
672 being at risk of retention may request that the school
673 immediately begin collecting evidence for a portfolio.

674 ~~8.7.~~ The district's specific criteria and policies for
675 midyear promotion. Midyear promotion means promotion of a
676 retained student at any time during the year of retention once
677 the student has demonstrated ability to read at grade level.

678 (6) ELIMINATION OF SOCIAL PROMOTION.—



171226

679 (b) The district school board may only exempt students from
680 mandatory retention, as provided in paragraph (5)(b), for good
681 cause. A student who is promoted to grade 4 with a good cause
682 exemption shall be provided intensive reading instruction and
683 intervention that include specialized diagnostic information and
684 specific reading strategies to meet the needs of each student so
685 promoted. The school district shall assist schools and teachers
686 with the implementation of reading strategies for students
687 promoted with a good cause exemption which research has shown to
688 be successful in improving reading among students that have
689 reading difficulties. Good cause exemptions shall be limited to
690 the following:

691 1. Limited English proficient students who have had less
692 than 2 years of instruction in an English for Speakers of Other
693 Languages program.

694 2. Students with disabilities whose individual education
695 plan indicates that participation in the statewide assessment
696 program is not appropriate, consistent with the requirements of
697 State Board of Education rule.

698 3. Students who demonstrate an acceptable level of
699 performance on an alternative standardized reading or English
700 Language Arts assessment approved by the State Board of
701 Education.

702 4. A student who demonstrates through a student portfolio
703 that he or she is performing at least at Level 2 on FCAT Reading
704 or the common core English Language Arts assessment, as
705 applicable under s. 1008.22.

706 5. Students with disabilities who participate in FCAT
707 Reading or the common core English Language Arts assessment, as



171226

708 applicable under s. 1008.22, and who have an individual
709 education plan or a Section 504 plan that reflects that the
710 student has received intensive remediation in reading and
711 English Language Arts for more than 2 years but still
712 demonstrates a deficiency and was previously retained in
713 kindergarten, grade 1, grade 2, or grade 3.

714 6. Students who have received intensive reading
715 intervention for 2 or more years but still demonstrate a
716 deficiency in reading and who were previously retained in
717 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
718 years. A student may not be retained more than once in grade 3.

719 ~~7.6.~~ Students who have received intensive remediation in
720 reading and English Language Arts, as applicable under s.
721 1008.22, for 2 or more years but still demonstrate a deficiency
722 and who were previously retained in kindergarten, grade 1, grade
723 2, or grade 3 for a total of 2 years. Intensive instruction for
724 students so promoted must include an altered instructional day
725 that includes specialized diagnostic information and specific
726 reading strategies for each student. The district school board
727 shall assist schools and teachers to implement reading
728 strategies that research has shown to be successful in improving
729 reading among low-performing readers.

730 Section 8. Effective July 1, 2015, paragraph (c) of
731 subsection (1) of section 120.81, Florida Statutes, is amended
732 to read:

733 120.81 Exceptions and special requirements; general areas.—

734 (1) EDUCATIONAL UNITS.—

735 (c) Notwithstanding s. 120.52(16), any tests, test scoring
736 criteria, or testing procedures relating to student assessment



171226

737 which are developed or administered by the Department of
738 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.
739 1008.22, or s. 1008.25, or any other statewide educational tests
740 required by law, are not rules.

741 Section 9. Effective July 1, 2015, subsection (2) of
742 section 409.1451, Florida Statutes, is amended to read:

743 409.1451 The Road-to-Independence Program.—

744 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

745 (a) A young adult is eligible for services and support
746 under this subsection if he or she:

747 1. Was living in licensed care on his or her 18th birthday
748 or is currently living in licensed care; or was at least 16
749 years of age and was adopted from foster care or placed with a
750 court-approved dependency guardian after spending at least 6
751 months in licensed care within the 12 months immediately
752 preceding such placement or adoption;

753 2. Spent at least 6 months in licensed care before reaching
754 his or her 18th birthday;

755 3. Earned a standard high school diploma or its equivalent
756 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.
757 1003.435, ~~or s. 1003.438~~;

758 4. Has been admitted for enrollment as a full-time student
759 or its equivalent in an eligible postsecondary educational
760 institution as provided in s. 1009.533. For purposes of this
761 section, the term "full-time" means 9 credit hours or the
762 vocational school equivalent. A student may enroll part-time if
763 he or she has a recognized disability or is faced with another
764 challenge or circumstance that would prevent full-time
765 attendance. A student needing to enroll part-time for any reason



171226

766 other than having a recognized disability must get approval from
767 his or her academic advisor;

768 5. Has reached 18 years of age but is not yet 23 years of
769 age;

770 6. Has applied, with assistance from the young adult's
771 caregiver and the community-based lead agency, for any other
772 grants and scholarships for which he or she may qualify;

773 7. Submitted a Free Application for Federal Student Aid
774 which is complete and error free; and

775 8. Signed an agreement to allow the department and the
776 community-based care lead agency access to school records.

777 Section 10. Effective July 1, 2015, subsection (4) of
778 section 1007.263, Florida Statutes, is amended to read:

779 1007.263 Florida College System institutions; admissions of
780 students.—Each Florida College System institution board of
781 trustees is authorized to adopt rules governing admissions of
782 students subject to this section and rules of the State Board of
783 Education. These rules shall include the following:

784 (4) A student who has been awarded ~~a special diploma as~~
785 ~~defined in s. 1003.438~~ or a certificate of completion as defined
786 in s. 1003.428(7)(b) is eligible to enroll in certificate career
787 education programs.

788
789 Each board of trustees shall establish policies that notify
790 students about developmental education options for improving
791 their communication or computation skills that are essential to
792 performing college-level work, including tutoring, extended time
793 in gateway courses, free online courses, adult basic education,
794 adult secondary education, or private provider instruction.



171226

795 Section 11. Except as otherwise expressly provided in this
796 act, this act shall take effect July 1, 2014.

797
798 ===== T I T L E A M E N D M E N T =====

799 And the title is amended as follows:

800 Delete everything before the enacting clause
801 and insert:

802 A bill to be entitled
803 An act relating to students with disabilities;
804 creating s. 1002.385, F.S.; establishing the Florida
805 Personalized Accounts for Learning; defining terms;
806 specifying criteria for students who are eligible to
807 participate in the program; identifying certain
808 students who are not eligible to participate in the
809 program; authorizing the use of awarded funds for
810 specific purposes; prohibiting specific providers,
811 schools, institutions, school districts, and other
812 entities from sharing, refunding, or rebating program
813 funds; specifying the terms of the program; requiring
814 a school district to notify the parent regarding the
815 option to participate in the program; specifying the
816 school district's responsibilities for completing a
817 matrix of services and notifying the Department of
818 Education of the completion of the matrix; requiring
819 the department to notify the parent regarding the
820 amount of the awarded funds; authorizing the school
821 district to change the matrix under certain
822 circumstances; requiring the school district in which
823 a student resides to provide locations and times to



824 take all statewide assessments; requiring the school
825 district to notify parents of the availability of a
826 reevaluation; specifying the duties of the Department
827 of Education relating to the program; requiring the
828 Commissioner of Education to deny, suspend, or revoke
829 participation in the program or use of program funds
830 under certain circumstances; providing additional
831 factors under which the commissioner may deny,
832 suspend, or revoke a participation in the program or
833 program funds; requiring a parent to sign an agreement
834 with the Department of Education to enroll his or her
835 child in the program which specifies the
836 responsibilities of a parent or student for using
837 funds in an account and for submitting a compliance
838 statement to the department; providing that a parent
839 who fails to comply with the responsibilities of the
840 agreement forfeits the personalized account for
841 learning; providing for funding and payments;
842 requiring the department to request from the
843 Department of Financial Services a sample of payments
844 from the authorized financial institution for
845 specified purposes; providing for the closing of a
846 student's account and reversion of funds to the state;
847 requiring the department to make payments to the
848 personalized accounts for learning at the authorized
849 financial institution, select an authorized financial
850 institution through a competitive bidding process to
851 administer the personalized accounts for learning, and
852 require audits of the authorized financial



171226

853 institution's personalized accounts for learning;
854 requiring the Chief Financial Officer to conduct
855 audits; providing that the state is not liable for the
856 award or use of awarded funds; providing for the scope
857 of authority of the act; requiring the State Board of
858 Education to adopt rules to administer the program;
859 requiring the Chief Financial Officer to conduct
860 audits; amending s. 1003.4282, F.S.; providing
861 standard high school diploma requirements for certain
862 students with an intellectual disability or cognitive
863 disability; authorizing certain students with
864 disabilities to continue to receive certain
865 instructions and services; requiring an independent
866 review and a parent's approval to waive statewide,
867 standardized assessment requirements by the IEP team;
868 repealing s. 1003.438, F.S., relating to special high
869 school graduation requirements for certain exceptional
870 students; creating s. 1003.5716, F.S.; providing that
871 certain students with disabilities have a right to
872 free, appropriate public education; requiring an
873 individual education plan (IEP) team to begin the
874 process of, and to develop an IEP for, identifying
875 transition services needs for a student with a
876 disability before the student attains a specified age;
877 providing requirements for the process; requiring
878 certain statements to be included and annually updated
879 in the IEP; providing that changes in the goals
880 specified in an IEP are subject to independent review
881 and parental approval; requiring the school district



171226

882 to reconvene the IEP team to identify alternative
883 strategies to meet transition objectives if a
884 participating agency fails to provide transition
885 services specified in the IEP; providing that the
886 agency's failure does not relieve the agency of the
887 responsibility to provide or pay for the transition
888 services that the agency otherwise would have
889 provided; amending s. 1003.572, F.S.; prohibiting a
890 school district from charging fees or imposing
891 additional requirements on private instructional
892 personnel; creating s. 1008.2121, F.S.; requiring the
893 Commissioner of Education to permanently exempt
894 certain students with disabilities from taking
895 statewide, standardized assessments; requiring the
896 State Board of Education to adopt rules; amending s.
897 1008.25, F.S.; requiring written notification relating
898 to portfolios to a parent of a student with a
899 substantial reading deficiency; requiring a student
900 promoted to a certain grade with a good cause
901 exemption to receive intensive reading instruction and
902 intervention; requiring a school district to assist
903 schools and teachers with the implementation of
904 reading strategies; revising good cause exemptions;
905 amending ss. 120.81, 409.1451, and 1007.263, F.S.;
906 conforming cross-references; providing effective
907 dates.