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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to education; creating s. 1002.385, F.S.; establishing the Florida Personal Learning Scholarship Accounts; defining terms; specifying criteria for students who are eligible to participate in the program; identifying certain students who are not eligible to participate in the program; authorizing the use of awarded funds for specific purposes; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; specifying the terms of the program; providing that the school district retains all duties, authority, and responsibilities specified in the Florida K-20 Education Code; specifying the duties of the Department of Education relating to the program; providing that the Commissioner of Education retains all current duties, authority, and responsibilities as specified in the Florida K-20 Education Code; requiring the executive director of the Agency for Persons with Disabilities to deny, suspend, or revoke participation in the program or use of program funds under certain circumstances; providing additional factors under which the executive director may deny, suspend, or revoke a participation in the program or program funds; requiring a parent to sign an agreement with the Agency for Persons with Disabilities to



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28 enroll his or her child in the program which specifies  
29 the responsibilities of a parent or student for using  
30 funds in a personal learning scholarship account and  
31 for submitting a compliance statement to the agency;  
32 providing that a parent who fails to comply with the  
33 responsibilities of the agreement forfeits the  
34 personal learning scholarship account; providing  
35 eligibility requirements and obligations for private  
36 schools under the program; specifying agency  
37 obligations under the program; authorizing the agency  
38 to contract for services; providing for funding and  
39 payment; providing the Auditor General's obligations  
40 under the program; providing that the state is not  
41 liable for the use of awarded funds; providing for the  
42 scope of authority; requiring the agency to adopt  
43 rules; providing for implementation of the program in  
44 a specified school year; providing an appropriation;  
45 amending s. 1003.4282, F.S.; providing standard high  
46 school diploma requirements for certain students with  
47 disabilities; authorizing certain students with  
48 disabilities to continue to receive certain  
49 instructions and services; requiring an independent  
50 review and a parent's approval to waive statewide,  
51 standardized assessment requirements by the individual  
52 education plan (IEP) team; repealing s. 1003.438,  
53 F.S., relating to special high school graduation  
54 requirements for certain exceptional students;  
55 creating s. 1003.5716, F.S.; providing that certain  
56 students with disabilities have a right to free,



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57 appropriate public education; requiring an IEP team to  
58 begin the process of, and to develop an IEP for,  
59 identifying transition services needs for a student  
60 with a disability before the student attains a  
61 specified age; providing requirements for the process;  
62 requiring certain statements to be included and  
63 annually updated in the IEP; providing that changes in  
64 the goals specified in an IEP are subject to  
65 independent review and parental approval; requiring  
66 the school district to reconvene the IEP team to  
67 identify alternative strategies to meet transition  
68 objectives if a participating agency fails to provide  
69 transition services specified in the IEP; providing  
70 that the agency's failure does not relieve the agency  
71 of the responsibility to provide or pay for the  
72 transition services that the agency otherwise would  
73 have provided; amending s. 1003.572, F.S.; prohibiting  
74 a school district from imposing additional  
75 requirements on private instructional personnel or  
76 charging fees; creating s. 1008.2121, F.S.; requiring  
77 the Commissioner of Education to permanently exempt  
78 certain students with disabilities from taking  
79 statewide, standardized assessments; requiring the  
80 State Board of Education to adopt rules; amending s.  
81 1008.25, F.S.; requiring written notification relating  
82 to portfolios to a parent of a student with a  
83 substantial reading deficiency; requiring a student  
84 promoted to a certain grade with a good cause  
85 exemption to receive intensive reading instruction and



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86 intervention; requiring a school district to assist  
87 schools and teachers with the implementation of  
88 reading strategies; revising good cause exemptions;  
89 amending ss. 120.81, 409.1451, and 1007.263, F.S.;  
90 conforming cross-references; providing effective  
91 dates.

92  
93 Be It Enacted by the Legislature of the State of Florida:

94  
95 Section 1. Section 1002.385, Florida Statutes, is created  
96 to read:

97 1002.385 Florida Personal Learning Scholarship Accounts.—

98 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning  
99 Scholarship Accounts is established to provide the option for a  
100 parent to better meet the individual educational needs of his or  
101 her eligible child.

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

103 (a) "Agency" means the Agency for Persons with  
104 Disabilities.

105 (b) "Approved provider" means a provider approved by the  
106 Agency for Persons with Disabilities, a health care practitioner  
107 as defined in s. 456.001(4), or a provider approved by the  
108 Department of Education pursuant to s. 1002.66.

109 (c) "Curriculum" means a complete course of study for a  
110 particular content area or grade level, including any required  
111 supplemental materials.

112 (d) "Disability" means, for a student in kindergarten to  
113 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,  
114 as defined in s. 393.063(4); Down syndrome, as defined in s.



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115 393.063(13); an intellectual disability, as defined in s.  
116 393.063(21); Prader-Willi syndrome, as defined in s.  
117 393.063(25); Spina bifida, as defined in s. 393.063(36); for a  
118 student in kindergarten, being a high-risk child, as defined in  
119 s. 393.063(20)(a); or Williams syndrome.

120 (e) "Eligible postsecondary educational institution" means  
121 a Florida College System institution, a state university, a  
122 school district technical center, a school district adult  
123 general education center, or an accredited nonpublic  
124 postsecondary educational institution, as defined in s. 1005.02,  
125 which is licensed to operate in the state pursuant to  
126 requirements specified in part III of chapter 1005.

127 (f) "Eligible private school" means a private school, as  
128 defined in s. 1002.01, which is located in this state, which  
129 offers an education to students in any grade from kindergarten  
130 to grade 12, and which meets the requirements of:

- 131 1. Sections 1002.42 and 1002.421; and  
132 2. A scholarship program under s. 1002.39 or s. 1002.395,  
133 as applicable, if the private school participates in a  
134 scholarship program under s. 1002.39 or s. 1002.395.

135 (g) "ILSP" means an individual learning services plan that  
136 is developed for a student who participates in the program.

137 (h) "Parent" means a resident of this state who is a  
138 parent, as defined in s. 1000.21.

139 (i) "Program" means the Florida Personal Learning  
140 Scholarship Accounts established in this section.

141 (3) PROGRAM ELIGIBILITY.—A parent of a student with a  
142 disability may request and receive from the state a Florida  
143 personal learning scholarship account for the purposes specified



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144 in subsection (5) if:

145 (a) The student:

146 1. Is a resident of this state;

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

149 3. Has a disability as defined in paragraph (2) (d) and  
150 meets the agency's eligibility criteria;

151 4. Has an ILSP developed by the agency in consultation with  
152 the parent and written in accordance with rules of the Agency  
153 for Persons with Disabilities; and

154 5. Complies with regular school attendance pursuant to s.  
155 1003.01(13); and

156 (b) The parent has applied to the agency to participate in  
157 the program by February 1 prior to the school year in which the  
158 student will participate or an alternate date adopted by the  
159 agency in rule for any vacant, funded slots. The request must be  
160 communicated directly to the agency in a manner that creates a  
161 written or electronic record of the request and the date of  
162 receipt of the request. The agency must notify the school  
163 district and the Department of Education of the parent's intent  
164 upon receipt of the parent's request.

165 (4) PROGRAM PROHIBITIONS.—A student is not eligible for the  
166 program if:

167 (a) The student or student's parent has accepted any  
168 payment, refund, or rebate, in any manner, from a provider of  
169 any services received pursuant to subsection (5);

170 (b) The student's participation in the program has been  
171 denied or revoked by the executive director of the Agency for  
172 Persons with Disabilities pursuant to subsection (10); or



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173 (c) The student's parent has forfeited participation in the  
174 program for failure to comply with requirements pursuant to  
175 subsection (11).

176 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be  
177 spent for the following purposes, according to the goals and  
178 objectives identified in the student's ILSP:

179 (a) Instructional materials, including digital devices,  
180 digital periphery devices, and assistive technology devices that  
181 allow a student to access instruction or instructional content.

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

183 (c) Specialized services by approved providers that are  
184 selected by the parent and specified in the student's ILSP.  
185 These specialized services may include, but are not limited to:

186 1. Applied behavior analysis services as provided in ss.  
187 627.6686 and 641.31098.

188 2. Services provided by speech-language pathologists as  
189 defined in s. 468.1125.

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

191 4. Services provided by physical therapists as defined in  
192 s. 486.021.

193 5. Services provided by listening and spoken language  
194 specialists and an appropriate acoustical environment for a  
195 child who is deaf or hard of hearing and who has received an  
196 implant or assistive hearing device.

197 (d) Enrollment in, or tuition or fees associated with  
198 enrollment in, an eligible private school, an eligible  
199 postsecondary educational institution, a private tutoring  
200 program authorized under s. 1002.43, a virtual program offered  
201 by a department-approved private online provider that meets the



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202 provider qualifications specified in s. 1002.45(2)(a), or an  
203 approved online course offered pursuant to s. 1003.499 or s.  
204 1004.0961.

205 (e) Fees for nationally standardized, norm-referenced  
206 achievement tests, Advanced Placement examinations, industry  
207 certification examinations, assessments related to postsecondary  
208 education, or other assessments specified in the student's ILSP.

209 (f) Contributions to a Coverdell education savings  
210 established pursuant to 26 U.S.C. s. 530 of the Internal Revenue  
211 Code for the benefit of the eligible student.

212 (g) Contributions to the Stanley G. Tate Florida Prepaid  
213 College Program pursuant to s. 1009.98, for the benefit of the  
214 eligible student.

215 (h) Contracted services provided by a public school or  
216 school district, including classes for the services specified in  
217 the ILSP or additional services. A student who receives services  
218 under a contract under this paragraph shall not be considered to  
219 be enrolled in a public school for eligibility purposes as  
220 specified in subsection (3).

221  
222 A specialized service provider, eligible private school,  
223 eligible postsecondary educational institution, private tutoring  
224 program provider, online or virtual program provider, public  
225 school, school district, or other entity receiving payments  
226 pursuant to this subsection may not share, refund, or rebate any  
227 moneys from a Florida personal learning scholarship account with  
228 the parent or participating student in any manner.

229 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
230 educational choice, the program payments made under this section





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231 shall remain in force until a student participating in the  
232 program participates in any of the prohibited activities  
233 specified in subsection (4), has funds revoked by the agency  
234 pursuant to subsection (10), graduates from high school, or  
235 reaches 22 years of age, whichever occurs first.

236 (7) SCHOOL DISTRICT OBLIGATIONS.—The school district  
237 retains all current duties, authority, and responsibilities as  
238 specified in the Florida K-20 Education Code.

239 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
240 shall:

241 (a) Maintain a list of eligible private schools as defined  
242 in paragraph (2)(f) and private tutoring programs pursuant to s.  
243 1002.43.

244 (b) Compare the list of students participating in the  
245 program with the public school enrollment lists before each  
246 program payment to avoid duplicate payments.

247  
248 The department retains all current duties, authority, and  
249 responsibilities as specified in the Florida K-20 Education  
250 Code.

251 (9) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—  
252 The Commissioner of Education retains all current duties,  
253 authority, and responsibilities as specified in the Florida K-20  
254 Education Code.

255 (10) AUTHORITY AND OBLIGATIONS OF THE EXECUTIVE DIRECTOR OF  
256 THE AGENCY FOR PERSONS WITH DISABILITIES.—

257 (a) The executive director:

258 1. Shall deny, suspend, or revoke a student's participation  
259 in the program if the health, safety, or welfare of the student



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260 is threatened or fraud is suspected.

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

264 3. May deny, suspend, or revoke an authorized use of  
265 program funds for material failure to comply with this section  
266 and applicable agency rules if the noncompliance is correctable  
267 within a reasonable period of time. Otherwise, the executive  
268 director shall deny, suspend, or revoke an authorized use for  
269 failure to materially comply with the law and rules adopted  
270 under this section.

271 4. Shall require compliance by the appropriate party by a  
272 date certain for all nonmaterial failures to comply with this  
273 section and applicable agency rules. The executive director may  
274 deny, suspend, or revoke program participation under this  
275 section thereafter.

276 (b) In determining whether to deny, suspend, or revoke in  
277 accordance with this subsection, the executive director may  
278 consider factors that include, but are not limited to, acts or  
279 omissions by a participating entity which led to a previous  
280 denial or revocation of participation in an education  
281 scholarship program under this chapter; failure to reimburse the  
282 agency for program funds improperly received or retained by the  
283 entity; imposition of a prior criminal sanction related to the  
284 entity or its officers or employees; imposition of a civil fine  
285 or administrative fine, license revocation or suspension, or  
286 program eligibility suspension, termination, or revocation  
287 related to an entity's management or operation; or other types  
288 of criminal proceedings in which the entity or its officers or



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289 employees were found guilty of, regardless of adjudication, or  
290 entered a plea of nolo contendere or guilty to, any offense  
291 involving fraud, deceit, dishonesty, or moral turpitude.

292 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
293 PARTICIPATION.—A parent who applies for program participation  
294 under this section is exercising his or her parental option to  
295 determine the appropriate placement or services that best meet  
296 the needs of his or her student. To enroll an eligible student  
297 in the program, the parent must sign an agreement with the  
298 agency and annually submit a notarized, sworn compliance  
299 statement to the agency to:

300 (a) Affirm that the student is enrolled in a school or  
301 program that meets minimum student attendance requirements as  
302 provided in s. 1003.21.

303 (b) Comply with the ILSP and use the program funds only for  
304 authorized purposes to meet the student's goals and objectives  
305 in the ILSP as described in subsection (2).

306 (c) Provide for an appropriate assessment that documents  
307 the student's demonstration of educational progress at a level  
308 commensurate with her or his ability, in accordance with the  
309 requirements for the academic program selected by the parent who  
310 enrolls the student in a private school pursuant to paragraph  
311 (2) (f), a home education program pursuant to s. 1002.41, or a  
312 scholarship program pursuant to s. 1002.39 or s. 1002.395.

313 (d) Affirm that the student takes all appropriate  
314 assessments as specified in the student's ILSP. The parent is  
315 responsible for transporting the student to the assessment site  
316 designated by the school district if the parent selects a  
317 statewide, standardized assessment pursuant to s. 1008.22.



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318 (e) Notify the school district that the student is  
319 participating in the program if the parent chooses to enroll the  
320 student in an eligible private school pursuant to paragraph  
321 (2)(f), a home education program pursuant to s. 1002.41, a  
322 scholarship program pursuant to this chapter, or a private  
323 tutoring program authorized under s. 1002.43.

324 (f) Request participation in the program at least 60 days  
325 before the date of the first program payment.

326 (g) Affirm that the student remains in good standing with  
327 the provider or school if those options are selected by the  
328 parent.

329 (h) Apply for admission of his or her child if the private  
330 school option is selected by the parent.

331 (i) Annually renew participation in the program.

332 (j) Be responsible for the payment of all eligible expenses  
333 in excess of the amount of the personal learning scholarship  
334 account.

335 (k) Affirm that the parent will not transfer any college  
336 savings funds to another beneficiary.

337 (l) Affirm that the parent will not take possession of any  
338 funding contributed by the state.

339 (m) Maintain a portfolio of records and materials which  
340 must be preserved by the parent for 2 years and be made  
341 available for inspection by the district school superintendent  
342 or the superintendent's designee upon 15 days' written notice.  
343 This paragraph does not require the superintendent to inspect  
344 the portfolio. The portfolio of records and materials consists  
345 of:

346 1. A log of educational instruction and services which is



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347 made contemporaneously with delivery of the instruction and  
348 services and which designates by title any reading materials  
349 used; and

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

352  
353 A parent who fails to comply with this subsection forfeits the  
354 personal learning scholarship account.

355 (12) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
356 eligible private school as defined in paragraph (2)(f) must:

357 (a) Comply with all requirements for private schools in ss.  
358 1002.42 and 1002.421. A private school participating in a  
359 scholarship program under s. 1002.39 or s. 1002.395 must also  
360 comply with the requirements of that scholarship program.

361 (b) Provide to the agency, upon request, all documentation  
362 required for the student's participation, including the private  
363 school's and student's fee schedules.

364 (c) Be academically accountable to the parent for meeting  
365 the educational needs of the student.

366 (d) Employ or contract with teachers who have regular and  
367 direct contact with each student receiving a scholarship under  
368 this section at the school's physical location.

369  
370 The inability of a private school to meet the requirements of  
371 this subsection shall constitute a basis for the ineligibility  
372 of the private school to participate in the scholarship program  
373 as determined by the Department of Education.

374 (13) AGENCY FOR PERSONS WITH DISABILITIES OBLIGATIONS.—

375 (a) The agency shall:



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- 376       1. Monitor and provide oversight for the program.
- 377       2. Receive applications and determine student eligibility  
378 in accordance with the requirements of this section. The agency  
379 must notify the Department of Education of the applicants for  
380 the program by February 1 prior to the school year in which the  
381 student intends to participate and indicate how the student will  
382 comply with regular school attendance pursuant to ss.  
383 1003.01(13) and 1003.23.
- 384       3. Notify parents of their receipt of a scholarship on a  
385 first-come, first-served basis based upon the funds provided for  
386 this program in the General Appropriations Act.
- 387       4. Establish a date by which a parent must confirm initial  
388 or continuing participation in the program and confirm the  
389 establishment or continuance of a personal learning scholarship  
390 account.
- 391       5. Establish a date and process by which students on the  
392 wait list or late-filing applicants may be allowed to  
393 participate in the program during the school year, within the  
394 amount of funds provided for this program in the General  
395 Appropriations Act.
- 396       6. Develop an ILSP, in consultation with the parent, which  
397 documents the following:
- 398           a. That the student has an eligible disability.
- 399           b. Learning goals and objectives for the student which are  
400 linked directly to how program funds will be spent for  
401 authorized services.
- 402           c. How attendance requirements in s. 1003.21 will be met.
- 403           d. How progress towards meeting the individual learning  
404 goals and objectives will be assessed and documented for



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405 purposes of continued participation in the program.

406 7. Assign a level of services category for each student  
407 that documents the nature and intensity of services that the  
408 student will need to meet the learning outcomes specified in his  
409 or her ILSP. The level of services determines the amount of the  
410 award for the student.

411 8. Receive an administrative fee of up to 10 percent from  
412 the appropriation to operate the Florida Personal Learning  
413 Scholarship Accounts.

414 9. Establish and maintain a separate account for each  
415 eligible student.

416 10. Establish and maintain a list of approved providers  
417 pursuant to paragraph (2) (b).

418 11. Verify eligible expenditures prior to the distribution  
419 of funds for any expenditures made pursuant to paragraphs (5) (a)  
420 and (b). The review of expenditures for services in paragraphs  
421 (5) (c) through (h) may be completed after the payment has been  
422 made.

423 12. Develop a system for payment of benefits by electronic  
424 funds transfer, including, but not limited to, debit cards,  
425 electronic payment cards, or any other means of electronic  
426 payment that the agency deems to be commercially viable or cost-  
427 effective. Commodities or services related to the development of  
428 such a system shall be procured by competitive solicitation  
429 unless they are purchased from a state term contract pursuant to  
430 s. 287.056.

431 (b) The agency may contract for services.

432 (14) FUNDING AND PAYMENT.—

433 (a) Funding for the Florida Personal Learning Scholarship



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434 Accounts shall be provided in the General Appropriations Act  
435 which shall specify the annual amount per service level for  
436 public school students, private school students, home education  
437 students, students receiving a scholarship pursuant to s.  
438 1002.39 or s. 1002.395, and students participating in a private  
439 tutoring program.

440 (b) Upon an eligible student's graduation from an eligible  
441 postsecondary educational institution or after any period of 4  
442 consecutive years after high school graduation in which the  
443 student is not enrolled in an eligible postsecondary educational  
444 institution, the student's personal learning scholarship account  
445 shall be closed, and any remaining funds shall revert to the  
446 state.

447 (c) Moneys received pursuant to this section do not  
448 constitute taxable income to the parent of an eligible student.

449 (15) OBLIGATIONS OF THE AUDITOR GENERAL.—The Auditor  
450 General shall conduct an annual financial and operational audit  
451 of accounts and records of the Florida Personal Learning  
452 Scholarship Accounts. As a part of this audit, the Auditor  
453 General shall verify, at a minimum, the total amount of students  
454 served and eligibility of reimbursement made by the agency and  
455 transmit that information to the agency.

456 (16) LIABILITY.—The state is not liable for the award or  
457 any use of awarded funds under this section.

458 (17) SCOPE OF AUTHORITY.—This section does not expand the  
459 regulatory authority of this state, its officers, or any school  
460 district to impose additional regulation on participating  
461 private schools, nonpublic postsecondary educational  
462 institutions, and private providers beyond those reasonably





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463 necessary to enforce requirements expressly set forth in this  
464 section.

465 (18) RULES.—The Agency for Persons with Disabilities shall  
466 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer  
467 this section.

468 (19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL  
469 YEAR.—

470 (a) The Agency for Persons with Disabilities shall, in  
471 consultation with an advisory work group, develop an ILSP,  
472 levels of services requirements, a system for payment of claims  
473 and providers, and a system to document and assess progress  
474 toward meeting the individual learning goals and objectives in  
475 the ILSP. The advisory work group shall make specific  
476 recommendations by October 1, 2014, to the agency. The agency  
477 shall adopt rules to implement the recommendations of the  
478 advisory group by December 31, 2014. The Commissioner of  
479 Education, the executive director of the agency, the Chancellor  
480 of the State University System, and the director of the Division  
481 of Vocational Rehabilitation shall appoint staff to work on the  
482 advisory group with representatives from the Center for Autism  
483 and Related Disabilities (CARD) and the Florida Diagnostic and  
484 Learning Resources System (FDLRS).

485 (b) Notwithstanding the provisions of this section related  
486 to notification and eligibility timelines, the agency may enroll  
487 parents in a statewide pilot program on a rolling schedule on a  
488 first-come, first-served basis, no later than January 31, 2015,  
489 within the amount of funds provided in the General  
490 Appropriations Act.

491 (c) There is hereby appropriated for the 2014-2015 fiscal



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492 year to the Agency for Persons with Disabilities a sum of  
493 \$18,400,000 from the Operations and Maintenance Trust Fund for  
494 the implementation of the Personal Learning Scholarship Accounts  
495 Program. From these funds, \$1,500,000 shall be allocated to the  
496 Agency for Persons with Disabilities for startup costs for  
497 planning and implementation of the pilot program. For the pilot  
498 program in the 2014-2015 fiscal year, the agency shall provide  
499 awards for eligible students which range from \$5,000 to \$19,000  
500 per recipient and shall be based on service levels established  
501 by the agency. Public school students and students who receive a  
502 scholarship pursuant to ss. 1002.39 and 1002.395 shall receive  
503 50 percent of the designated amount for the student's service  
504 level.

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

508 1003.4282 Requirements for a standard high school diploma.—

509 (10) STUDENTS WITH DISABILITIES.—Beginning with students  
510 entering grade 9 in the 2014-2015 school year, this subsection  
511 applies to a student with a disability for whom the IEP team has  
512 determined that the Florida Alternate Assessment is the most  
513 appropriate measure of the student's skills.

514 (a) A parent of the student with a disability shall, in  
515 collaboration with the individual education plan team pursuant  
516 to s. 1003.5716, declare an intent for the student to graduate  
517 from high school with either a standard high school diploma or a  
518 certificate of completion. A student with a disability who does  
519 not satisfy the standard high school diploma requirements  
520 pursuant to this section shall be awarded a certificate of



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521 completion.

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

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

530 2. A portfolio of quantifiable evidence that documents a  
531 student's mastery of academic standards through rigorous metrics  
532 established by State Board of Education rule. A portfolio may  
533 include, but is not limited to, documentation of work  
534 experience, internships, community service, and postsecondary  
535 credit.

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

539 1. Has an individual education plan that prescribes special  
540 education, transition planning, transition services, or related  
541 services through age 21; and

542 2. Is enrolled in accelerated college credit instruction  
543 pursuant to s. 1007.27, industry certification courses that lead  
544 to college credit, a collegiate high school program, courses  
545 necessary to satisfy the Scholar designation requirements, or a  
546 structured work-study, internship, or preapprenticeship program.

547 (d) A student with a disability who receives a certificate  
548 of completion and has an individual education plan that  
549 prescribes special education, transition planning, transition



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550 services, or related services through 21 years of age may  
551 continue to receive the specified instruction and services.

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

557 Section 3. Effective July 1, 2015, section 1003.438,  
558 Florida Statutes, is repealed.

559 Section 4. Section 1003.5716, Florida Statutes, is created  
560 to read:

561 1003.5716 Transition to postsecondary education and career  
562 opportunities.—All students with disabilities who are 3 years of  
563 age to 21 years of age have the right to a free, appropriate  
564 public education. As used in this section, the term "IEP" means  
565 individual education plan.

566 (1) To ensure quality planning for a successful transition  
567 of a student with a disability to postsecondary education and  
568 career opportunities, an IEP team shall begin the process of,  
569 and develop an IEP for, identifying the need for transition  
570 services before the student with a disability attains the age of  
571 14 years in order for his or her postsecondary goals and career  
572 goals to be identified and in place when he or she attains the  
573 age of 16 years. This process must include, but is not limited  
574 to:

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



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579       (b) Preparation for the student to graduate from high  
580 school with a standard high school diploma pursuant to s.  
581 1003.4282 with a Scholar designation unless the parent chooses a  
582 Merit designation.

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

587       (a) A statement of intent to pursue a standard high school  
588 diploma and a Scholar or Merit designation, pursuant to s.  
589 1003.4285, as determined by the parent.

590       (b) A statement of intent to receive a standard high school  
591 diploma before the student reaches the age of 22 and a  
592 description of how the student will fully meet the requirements  
593 in s. 1003.428 or s. 1003.4282, as applicable, including, but  
594 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that  
595 meets the criteria specified in State Board of Education rule.  
596 The IEP must also specify the outcomes and additional benefits  
597 expected by the parent and the IEP team at the time of the  
598 student's graduation.

599       (c) A statement of appropriate measurable long-term  
600 postsecondary education and career goals based upon age-  
601 appropriate transition assessments related to training,  
602 education, employment, and, if appropriate, independent living  
603 skills and the transition services, including courses of study  
604 needed to assist the student in reaching those goals.

605       (3) Any change in the IEP for the goals specified in  
606 subsection (2) must be approved by the parent and is subject to  
607 verification for appropriateness by an independent reviewer



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608 selected by the parent as provided in s. 1003.572.

609 (4) If a participating agency responsible for transition  
610 services, other than the school district, fails to provide the  
611 transition services described in the IEP, the school district  
612 shall reconvene the IEP team to identify alternative strategies  
613 to meet the transition objectives for the student that are  
614 specified in the IEP. However, this does not relieve any  
615 participating agency of the responsibility to provide or pay for  
616 any transition service that the agency would otherwise provide  
617 to students with disabilities who meet the eligibility criteria  
618 of that agency.

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

621 1003.572 Collaboration of public and private instructional  
622 personnel.—

623 (3) Private instructional personnel who are hired or  
624 contracted by parents to collaborate with public instructional  
625 personnel must be permitted to observe the student in the  
626 educational setting, collaborate with instructional personnel in  
627 the educational setting, and provide services in the educational  
628 setting according to the following requirements:

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

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

633  
634 For the purpose of implementing this subsection, a school  
635 district may not impose any requirements beyond those  
636 requirements specified in this subsection or charge any fees.



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637 Section 6. Section 1008.2121, Florida Statutes, is created  
638 to read:

639 1008.2121 Students with severe cognitive or physical  
640 disabilities; permanent exemption.—Based on information that a  
641 reasonably prudent person would rely upon, including, but not  
642 limited to, facts contained within an individual education plan  
643 under s. 1008.212, documentation from an appropriate health care  
644 provider, or certification from the district school board  
645 superintendent, the Commissioner of Education shall  
646 perfunctorily grant a permanent exemption to a student who  
647 suffers from such a severe cognitive disability or physical  
648 disability that the student permanently lacks the capacity to  
649 take statewide, standardized assessments. The State Board of  
650 Education shall adopt rules to administer this section,  
651 including, but not limited to, expediting the exemption process  
652 to demonstrate the utmost compassion and consideration for  
653 meeting the parent's and student's needs.

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

657 1008.25 Public school student progression; remedial  
658 instruction; reporting requirements.—

659 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

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

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

665 2. A description of the current services that are provided



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666 to the child.

667 3. A description of the proposed supplemental instructional  
668 services and supports that will be provided to the child that  
669 are designed to remediate the identified area of reading  
670 deficiency.

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

674 5. Strategies for parents to use in helping their child  
675 succeed in reading proficiency.

676 6. That the Florida Comprehensive Assessment Test (FCAT) is  
677 not the sole determiner of promotion and that additional  
678 evaluations, portfolio reviews, and assessments are available to  
679 the child to assist parents and the school district in knowing  
680 when a child is reading at or above grade level and ready for  
681 grade promotion.

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

689 ~~8.7.~~ The district's specific criteria and policies for  
690 midyear promotion. Midyear promotion means promotion of a  
691 retained student at any time during the year of retention once  
692 the student has demonstrated ability to read at grade level.

693 (6) ELIMINATION OF SOCIAL PROMOTION.—

694 (b) The district school board may only exempt students from





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695 mandatory retention, as provided in paragraph (5)(b), for good  
696 cause. A student who is promoted to grade 4 with a good cause  
697 exemption shall be provided intensive reading instruction and  
698 intervention that include specialized diagnostic information and  
699 specific reading strategies to meet the needs of each student so  
700 promoted. The school district shall assist schools and teachers  
701 with the implementation of reading strategies for students  
702 promoted with a good cause exemption which research has shown to  
703 be successful in improving reading among students that have  
704 reading difficulties. Good cause exemptions shall be limited to  
705 the following:

706 1. Limited English proficient students who have had less  
707 than 2 years of instruction in an English for Speakers of Other  
708 Languages program.

709 2. Students with disabilities whose individual education  
710 plan indicates that participation in the statewide assessment  
711 program is not appropriate, consistent with the requirements of  
712 State Board of Education rule.

713 3. Students who demonstrate an acceptable level of  
714 performance on an alternative standardized reading or English  
715 Language Arts assessment approved by the State Board of  
716 Education.

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

721 5. Students with disabilities who participate in FCAT  
722 Reading or the common core English Language Arts assessment, as  
723 applicable under s. 1008.22, and who have an individual



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724 education plan or a Section 504 plan that reflects that the  
725 student has received intensive remediation in reading and  
726 English Language Arts for more than 2 years but still  
727 demonstrates a deficiency and was previously retained in  
728 kindergarten, grade 1, grade 2, or grade 3.

729 6. Students who have received intensive reading  
730 intervention for 2 or more years but still demonstrate a  
731 deficiency in reading and who were previously retained in  
732 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
733 years. A student may not be retained more than once in grade 3.

734 ~~7.6.~~ Students who have received intensive remediation in  
735 reading and English Language Arts, as applicable under s.  
736 1008.22, for 2 or more years but still demonstrate a deficiency  
737 and who were previously retained in kindergarten, grade 1, grade  
738 2, or grade 3 for a total of 2 years. Intensive instruction for  
739 students so promoted must include an altered instructional day  
740 that includes specialized diagnostic information and specific  
741 reading strategies for each student. The district school board  
742 shall assist schools and teachers to implement reading  
743 strategies that research has shown to be successful in improving  
744 reading among low-performing readers.

745 Section 8. Effective July 1, 2015, paragraph (c) of  
746 subsection (1) of section 120.81, Florida Statutes, is amended  
747 to read:

748 120.81 Exceptions and special requirements; general areas.—

749 (1) EDUCATIONAL UNITS.—

750 (c) Notwithstanding s. 120.52(16), any tests, test scoring  
751 criteria, or testing procedures relating to student assessment  
752 which are developed or administered by the Department of



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753 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.  
754 1008.22, or s. 1008.25, or any other statewide educational tests  
755 required by law, are not rules.

756 Section 9. Effective July 1, 2015, paragraph (a) of  
757 subsection (2) of section 409.1451, Florida Statutes, is amended  
758 to read:

759 409.1451 The Road-to-Independence Program.—

760 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

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

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

771 3. Earned a standard high school diploma or its equivalent  
772 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.  
773 1003.435, ~~or s. 1003.438~~;

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



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

784 5. Has reached 18 years of age but is not yet 23 years of  
785 age;

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

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

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

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

795 1007.263 Florida College System institutions; admissions of  
796 students.—Each Florida College System institution board of  
797 trustees is authorized to adopt rules governing admissions of  
798 students subject to this section and rules of the State Board of  
799 Education. These rules shall include the following:

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

804

805 Each board of trustees shall establish policies that notify  
806 students about developmental education options for improving  
807 their communication or computation skills that are essential to  
808 performing college-level work, including tutoring, extended time  
809 in gateway courses, free online courses, adult basic education,  
810 adult secondary education, or private provider instruction.



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811           Section 11. Except as otherwise expressly provided in this  
812 act, this act shall take effect upon becoming a law.