

**By** the Committee on Education; and Senators Stargel, Thrasher, Gardiner, and Galvano

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1                   A bill to be entitled  
2       An act relating to students with disabilities;  
3       creating s. 1002.385, F.S.; establishing the Florida  
4       Personalized Accounts for Learning; defining terms;  
5       specifying criteria for students who are eligible to  
6       participate in the program; identifying certain  
7       students who are not eligible to participate in the  
8       program; authorizing the use of awarded funds for  
9       specific purposes; prohibiting specific providers,  
10      schools, institutions, school districts, and other  
11      entities from sharing, refunding, or rebating program  
12      funds; specifying the terms of the program; requiring  
13      a school district to notify the parent regarding the  
14      option to participate in the program; specifying the  
15      school district's responsibilities for completing a  
16      matrix of services and notifying the Department of  
17      Education of the completion of the matrix; requiring  
18      the department to notify the parent regarding the  
19      amount of the awarded funds; authorizing the school  
20      district to change the matrix under certain  
21      circumstances; requiring the school district in which  
22      a student resides to provide locations and times to  
23      take all statewide assessments; requiring the school  
24      district to notify parents of the availability of a  
25      reevaluation; specifying the duties of the Department  
26      of Education relating to the program; requiring the  
27      Commissioner of Education to deny, suspend, or revoke  
28      participation in the program or use of program funds  
29      under certain circumstances; providing additional

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30 factors under which the commissioner may deny,  
31 suspend, or revoke a participation in the program or  
32 program funds; requiring a parent to sign an agreement  
33 with the Department of Education to enroll his or her  
34 child in the program which specifies the  
35 responsibilities of a parent or student for using  
36 funds in an account and for submitting a compliance  
37 statement to the department; providing that a parent  
38 who fails to comply with the responsibilities of the  
39 agreement forfeits the personalized account for  
40 learning; providing for funding and payments;  
41 requiring the department to request from the  
42 Department of Financial Services a sample of payments  
43 from the authorized financial institution for  
44 specified purposes; providing for the closing of a  
45 student's account and reversion of funds to the state;  
46 requiring the department to make payments to the  
47 personalized accounts for learning at the authorized  
48 financial institution, select an authorized financial  
49 institution through a competitive bidding process to  
50 administer the personalized accounts for learning, and  
51 require audits of the authorized financial  
52 institution's personalized accounts for learning;  
53 requiring the Chief Financial Officer to conduct  
54 audits; providing that the state is not liable for the  
55 award or use of awarded funds; providing for the scope  
56 of authority of the act; requiring the State Board of  
57 Education to adopt rules to administer the program;  
58 amending s. 1003.4282, F.S.; providing standard high

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59 school diploma requirements for certain students with  
60 an intellectual disability or cognitive disability;  
61 authorizing certain students with disabilities to  
62 continue to receive certain instructions and services;  
63 requiring an independent review and a parent's  
64 approval to waive statewide, standardized assessment  
65 requirements by the IEP team; repealing s. 1003.438,  
66 F.S., relating to special high school graduation  
67 requirements for certain exceptional students;  
68 creating s. 1003.5716, F.S.; providing that certain  
69 students with disabilities have a right to free,  
70 appropriate public education; requiring an individual  
71 education plan (IEP) team to begin the process of, and  
72 to develop an IEP for, identifying transition services  
73 needs for a student with a disability before the  
74 student attains a specified age; providing  
75 requirements for the process; requiring certain  
76 statements to be included and annually updated in the  
77 IEP; providing that changes in the goals specified in  
78 an IEP are subject to independent review and parental  
79 approval; requiring the school district to reconvene  
80 the IEP team to identify alternative strategies to  
81 meet transition objectives if a participating agency  
82 fails to provide transition services specified in the  
83 IEP; providing that the agency's failure does not  
84 relieve the agency of the responsibility to provide or  
85 pay for the transition services that the agency  
86 otherwise would have provided; amending s. 1003.572,  
87 F.S.; prohibiting a school district from charging fees

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88 or imposing additional requirements on private  
89 instructional personnel; creating s. 1008.2121, F.S.;  
90 requiring the Commissioner of Education to permanently  
91 exempt certain students with disabilities from taking  
92 statewide, standardized assessments; requiring the  
93 State Board of Education to adopt rules; amending s.  
94 1008.25, F.S.; requiring written notification relating  
95 to portfolios to a parent of a student with a  
96 substantial reading deficiency; requiring a student  
97 promoted to a certain grade with a good cause  
98 exemption to receive intensive reading instruction and  
99 intervention; requiring a school district to assist  
100 schools and teachers with the implementation of  
101 reading strategies; revising good cause exemptions;  
102 amending ss. 120.81, 409.1451, and 1007.263, F.S.;  
103 conforming cross-references; providing effective  
104 dates.

105  
106 Be It Enacted by the Legislature of the State of Florida:

107  
108 Section 1. Section 1002.385, Florida Statutes, is created  
109 to read:

110 1002.385 Florida Personalized Accounts for Learning.—

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

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

116 (a) "Approved provider" means a provider approved by the

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117 Agency for Persons with Disabilities and a provider approved by  
118 the department pursuant to s. 1002.66.

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

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

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

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

129 (f) "Disability" means, for a student in kindergarten to  
130 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,  
131 as defined in s. 393.063(4); Down syndrome, as defined in s.  
132 393.063(13); an intellectual disability, as defined in s.  
133 393.063(21); Prader-Willi syndrome, as defined in s.  
134 393.063(25); or Spina bifida, as defined in s. 393.063(36); for  
135 a student in kindergarten, being a high-risk child, as defined  
136 in s. 393.063(20)(a); and Williams syndrome.

137 (g) "Eligible postsecondary educational institution" means  
138 a Florida College System institution, a state university, a  
139 school district technical center, a school district adult  
140 general education center, or an accredited nonpublic  
141 postsecondary educational institution, as defined in s. 1005.02,  
142 which is licensed to operate in the state pursuant to  
143 requirements specified in part III of chapter 1005.

144 (h) "Eligible private school" means a private school, as  
145 defined in s. 1002.01, which is located in this state, which

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146 offers an education to students in any grade from kindergarten  
147 to grade 12, and which meets requirements of ss. 1002.42 and  
148 1002.421.

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

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

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

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

158 (a) The student:

159 1. Is a resident of this state;

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

162 3. Has a disability as defined in paragraph (2)(f) and is  
163 eligible for Level 3 to Level 5 services; and

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

166 (b) The parent has requested from the department a  
167 participation in the program at least 60 days before the date of  
168 the first payment. The request must be communicated directly to  
169 the department in a manner that creates a written or electronic  
170 record of the request and the date of receipt of the request.  
171 The department must notify the district of the parent's intent  
172 upon receipt of the parent's request.

173 (4) PROGRAM PROHIBITIONS.—

174 (a) A student is not eligible for the program while he or

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175 she is:

176 1. Enrolled in a public school, including, but not limited  
177 to, the Florida School for the Deaf and the Blind, the Florida  
178 Virtual School, the College-Preparatory Boarding Academy, a  
179 developmental research school authorized under s. 1002.32, a  
180 charter school authorized under s. 1002.33, s. 1002.331, or s.  
181 1002.332, or a virtual education program authorized under s.  
182 1002.45;

183 2. Enrolled in a school operating for the purpose of  
184 providing educational services to youth in the Department of  
185 Juvenile Justice commitment programs;

186 3. Receiving a scholarship pursuant to the Florida Tax  
187 Credit Scholarship Program under s. 1002.395 or the John M.  
188 McKay Scholarships for Students with Disabilities Program under  
189 s. 1002.39; or

190 4. Receiving an educational scholarship pursuant to this  
191 chapter.

192 (b) A student is not eligible for the program if:

193 1. The student or student's parent has accepted any  
194 payment, refund, or rebate, in any manner, from a provider of  
195 any services received pursuant to subsection (5);

196 2. The student's participation in the program has been  
197 denied or revoked by the Commissioner of Education pursuant to  
198 subsection (9); or

199 3. The student's parent has forfeited participation in the  
200 program for failure to comply with requirements pursuant to  
201 subsection (10).

202 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be  
203 spent for the following purposes, as specified in the student's

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204 IEP or the portion of the IEP regarding the transition of the  
205 student to postsecondary education and career opportunities  
206 pursuant to s. 1003.5716:

207 (a) Instructional materials, including digital devices,  
208 digital periphery devices, and assistive technology devices that  
209 allow a student to access instruction or instructional content.

210 (b) Curriculum as defined in paragraph (2) (d).

211 (c) Specialized services by approved providers that are  
212 selected by the parent and specified in the student's IEP. These  
213 specialized services may include, but are not limited to:

214 1. Applied behavior analysis services as provided in ss.  
215 627.6686 and 641.31098.

216 2. Services provided by speech-language pathologists as  
217 defined in s. 468.1125.

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

219 4. Services provided by physical therapists as defined in  
220 s. 486.021.

221 5. Services provided by listening and spoken language  
222 specialists and an appropriate acoustical environment for a  
223 child who is deaf or hard of hearing and who has received an  
224 implant or assistive hearing device.

225 (d) Enrollment in, or tuition or fees associated with  
226 enrollment in, an eligible private school, an eligible  
227 postsecondary educational institution, a private tutoring  
228 program authorized under s. 1002.43, a virtual program offered  
229 by a department-approved private online provider that meets the  
230 provider qualifications specified in s. 1002.45(2) (a), or an  
231 approved online course offered pursuant to ss. 1003.499 or  
232 1004.0961.



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

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

240 (g) Contracted services provided by a public school or  
241 school district, including classes and extracurricular programs  
242 for the services specified in the IEP or additional services. A  
243 student who receives services under a contract under this  
244 paragraph shall not be considered to be enrolled in a public  
245 school for eligibility purposes as specified in subsection (4).

246  
247 A specialized service provider, eligible private school,  
248 eligible postsecondary educational institution, private tutoring  
249 program provider, online or virtual program provider, public  
250 school, school district, or other entity receiving payments  
251 pursuant to this subsection may not share, refund, or rebate any  
252 moneys from the Florida Personalized Account for Learning with  
253 the parent or participating student in any manner.

254 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
255 educational choice, the program payments made under this section  
256 shall remain in force until a student participating in the  
257 program participates in any of the prohibited activities  
258 specified in subsection (4), has funds revoked by the  
259 Commissioner of Education pursuant to subsection (9), or returns  
260 to a public school, graduates from high school, or reaches 22  
261 years of age, whichever occurs first. A participating student

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262 who enrolls in a public school or public school program is  
263 considered to have returned to a public school for the purpose  
264 of determining the end of the program's term.

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

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

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

275 2.a. Within 10 school days after a school district receives  
276 notification of a parent's request for participation in the  
277 program under this section, the school district shall notify the  
278 student's parent if the matrix of services has not been  
279 completed and inform the parent that the district is required to  
280 complete the matrix within 30 days after receiving notice of the  
281 parent's request for participation. This notice must include the  
282 required completion date for the matrix.

283 b. The school district shall complete the matrix of  
284 services for a student who is participating in the program and  
285 shall notify the department of the student's matrix level within  
286 30 days after receiving notification of a request to participate  
287 in the program. The school district must provide the student's  
288 parent with the student's matrix level within 10 school days  
289 after its completion.

290 c. The department shall notify the parent of the amount of

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291 the funds awarded within 10 days after receiving the school  
292 district's notification of the student's matrix level.

293 d. A school district may change a matrix of services only  
294 if the change is to correct a technical, typographical, or  
295 calculation error.

296 (c) For each student participating in the program who takes  
297 statewide, standardized assessments under s. 1008.22, the school  
298 district in which the student resides must notify the student  
299 and his or her parent about the locations and times to take all  
300 statewide, standardized assessments.

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

304 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
305 shall:

306 (a) Establish an annual enrollment period and a process in  
307 which a parent may apply to enroll his or her student in the  
308 program. The enrollment period shall begin on July 1 and end on  
309 May 1 of each year for applications for the following state  
310 fiscal year. All applications must be approved by June 1 of each  
311 year for program participation for the following fiscal year.

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

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

318 (d) Establish a process by which a person may notify the  
319 department of any violation of laws or rules relating to

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320 participation in the program. The department shall conduct an  
321 inquiry of all signed, written, and legally sufficient  
322 complaints that allege a violation of this section or make a  
323 referral to the appropriate agency for an investigation. A  
324 complaint is legally sufficient if it contains ultimate facts  
325 showing that a violation of this section or a violation of a  
326 rule adopted under this section has occurred. In order to  
327 determine legal sufficiency, the department may require  
328 supporting information or documentation from the complainant. A  
329 department inquiry is not subject to the requirements of chapter  
330 120.

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

334 (f) Select an independent research organization, which may  
335 be a public or private entity or university, to which  
336 participating entities must report the scores of students  
337 participating in the program on the standardized assessments  
338 administered by the schools as specified in the IEP.

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

341 a. The year-to-year learning gains of students  
342 participating in the program.

343 b. To the extent possible, a comparison of the learning  
344 gains of students in the program to the statewide learning gains  
345 of public school students having backgrounds similar to those of  
346 the students in the program. In order to minimize the costs and  
347 time that the independent research organization requires for  
348 analysis and evaluation, the department shall conduct analyses

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349 of assessment data from matched students in public schools and  
350 shall calculate the learning gains of control groups using a  
351 methodology outlined in the contract with the independent  
352 research organization.

353 c. The aggregate year-to-year learning gains of students in  
354 the program in each participating entity in which there are at  
355 least 30 participating students that have scores for tests for 2  
356 consecutive years at that entity.

357 2. The sharing and reporting of the learning gains of  
358 students pursuant to this paragraph must be in accordance with  
359 the Family Educational Rights and Privacy Act, 20 U.S.C. s.  
360 1232g, and shall be for the sole purpose of creating the annual  
361 report required under subparagraph 1. All parties shall preserve  
362 the confidentiality of such information as required by law. The  
363 independent research organization may not disaggregate data in  
364 its annual report to a level that identifies individual  
365 participating entities, except as required under sub-  
366 subparagraph 1.c., or disclose the academic level of individual  
367 students.

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

370 (g) Coordinate with state-funded or federally funded  
371 benefits programs to advise a parent about the possible effect  
372 his or her child's participation in the program under this  
373 section may have on the child's eligibility for participating in  
374 those state-funded or federally funded benefits programs.

375 (h) Issue a report by December 15, 2014, and annually  
376 thereafter to the Governor, the President of the Senate, and the  
377 Speaker of the House of Representatives describing the

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378 implementation of accountability mechanisms for the program,  
379 identifying any substantial allegations and violations of a law  
380 or rule governing the program, and describing the corrective  
381 actions taken by the department relating to violations of a law  
382 or rule governing the program.

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

384 (a) The Commissioner of Education:

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

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

391 3. May deny, suspend, or revoke an authorized use of  
392 program funds for material failure to comply with this section  
393 and applicable department rules if the noncompliance is  
394 correctable within a reasonable period of time. Otherwise, the  
395 commissioner shall deny, suspend, or revoke an authorized use  
396 for failure to materially comply with the law and rules adopted  
397 under this section.

398 4. Shall require compliance by the appropriate party by a  
399 date certain for all nonmaterial failures to comply with this  
400 section and applicable department rules. The commissioner may  
401 deny, suspend, or revoke program participation under this  
402 section thereafter.

403 (b) In determining whether to deny, suspend, or revoke in  
404 accordance with this subsection, the commissioner may consider  
405 factors that include, but are not limited to, acts or omissions  
406 by a participating entity which led to a previous denial or

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407 revocation of participation in an education scholarship program;  
408 failure to reimburse the department for program funds improperly  
409 received or retained by the entity; imposition of a prior  
410 criminal sanction related to the entity or its officers or  
411 employees; imposition of a civil fine or administrative fine,  
412 license revocation or suspension, or program eligibility  
413 suspension, termination, or revocation related to an entity's  
414 management or operation; or other types of criminal proceedings  
415 in which the entity or its officers or employees were found  
416 guilty of, regardless of adjudication, or entered a plea of nolo  
417 contendere or guilty to, any offense involving fraud, deceit,  
418 dishonesty, or moral turpitude.

419 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
420 PARTICIPATION.—A parent who applies for program participation  
421 under this section is exercising his or her parental option to  
422 determine the appropriate placement or services that best meet  
423 the needs of his or her student. To enroll an eligible student  
424 in the program, the parent must sign an agreement with the  
425 department and annually submit a notarized, sworn compliance  
426 statement to the department to:

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

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

431 (c) Affirm that the student takes all appropriate  
432 standardized assessments as specified in the student's IEP. The  
433 parent is responsible for transporting the student to the  
434 assessment site designated by the school district.

435 (d) Request participation in the program at least 60 days

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436 before the date of the first program payment.

437 (e) Affirm that the student remains in good standing with  
438 the provider or school if those options are selected by the  
439 parent.

440 (f) Apply for admission of his or her child if the private  
441 school option is selected by the parent.

442 (g) Annually renew participation in the program.  
443 Notwithstanding any changes to the student's IEP, a student who  
444 was previously eligible for participation in the program shall  
445 remain eligible to apply for renewal as provided in subsection  
446 (6).

447 (h) Designate in writing the authorized financial  
448 institution to receive payment of program funds and maintain a  
449 separate personalized account for learning at that institution.

450 (i) Affirm that the parent will not transfer any college  
451 savings funds to another beneficiary.

452 (j) Affirm that the parent will not take possession of any  
453 funding contributed by the state.

454 (k) Maintain a portfolio of records and materials which  
455 must be preserved by the parent for 2 years and be made  
456 available for inspection by the district school superintendent  
457 or the superintendent's designee upon 15 days' written notice.  
458 This paragraph does not require the superintendent to inspect  
459 the portfolio. The portfolio of records and materials consists  
460 of:

461 1. A log of educational instruction and services which is  
462 made contemporaneously with delivery of the instruction and  
463 services and which designates by title any reading materials  
464 used; and



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

467  
468 A parent who fails to comply with this subsection forfeits the  
469 personalized account for learning.

470 (11) FUNDING AND PAYMENT.—

471 (a)1. The maximum funding amount granted for an eligible  
472 student with a disability, pursuant to subsection (3), shall be  
473 equivalent to the base student allocation in the Florida  
474 Education Finance Program multiplied by the appropriate cost  
475 factor for the educational program which would have been  
476 provided for the student in the district school to which he or  
477 she would have been assigned, multiplied by the district cost  
478 differential.

479 2. In addition, an amount equivalent to a share of the  
480 guaranteed allocation for exceptional students in the Florida  
481 Education Finance Program shall be determined and added to the  
482 amount in subparagraph 1. The calculation shall be based on the  
483 methodology and the data used to calculate the guaranteed  
484 allocation for exceptional students for each district in chapter  
485 2000-166, Laws of Florida. Except as provided in subparagraph  
486 3., the calculation shall be based on the student's grade, the  
487 matrix level of services, and the difference between the 2000-  
488 2001 basic program and the appropriate level of services cost  
489 factor, multiplied by the 2000-2001 base student allocation and  
490 the 2000-2001 district cost differential for the sending  
491 district. The calculated amount must also include an amount  
492 equivalent to the per-student share of supplemental academic  
493 instruction funds, instructional materials funds, technology

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494 funds, and other categorical funds as provided in the General  
495 Appropriations Act.

496 3. Until the school district completes the matrix required  
497 under paragraph (7) (b), the calculation shall be based on the  
498 matrix that assigns the student to support level 3 of services.  
499 When the school district completes the matrix, the amount of the  
500 payment shall be adjusted as needed.

501 (b) The amount of the awarded funds shall be 90 percent of  
502 the calculated amount.

503 (c) The school district shall report all students who are  
504 participating in the program. The participating students who  
505 have previously been included in the Florida Education Finance  
506 Program and are included in public school enrollment counts  
507 shall be reported separately from other students reported for  
508 purposes of the Florida Education Finance Program. Participating  
509 students who have been enrolled in nonpublic schools shall also  
510 be reported separately.

511 (d) Following notification on July 1, September 1, December  
512 1, or February 1 of the number of program participants:

513 1. For students who have been enrolled in public schools  
514 and are included in public school enrollment counts, the  
515 department shall transfer, from General Revenue funds only, the  
516 amount of the awarded program funds calculated pursuant to  
517 paragraph (b) from the school district's total funding  
518 entitlement under the Florida Education Finance Program and from  
519 authorized categorical accounts to a separate account for the  
520 program for quarterly disbursement to the personalized account  
521 for learning at an authorized financial institution on behalf of  
522 the parent and student; and

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523       2. For students who have been and will continue to be  
524 enrolled in nonpublic schools, the department shall also  
525 transfer from an appropriation for the program the amount  
526 calculated under paragraph (b) to a separate account for the  
527 program for quarterly disbursement to the personalized account  
528 for learning at an authorized financial institution on behalf of  
529 the parent and student. Nonpublic school students shall be  
530 provided awarded funds on a first-come, first-served basis.

531       (e) When a student enters the program, the department must  
532 receive, at least 30 days before the first quarterly program  
533 payment is made to the personalized account for learning for the  
534 student, all documentation required for the student's  
535 participation in the program.

536       (f) Upon notification by the department that it has  
537 received the documentation required under paragraph (d), the  
538 department shall make payments in four equal amounts no later  
539 than September 1, November 1, February 1, and April 1 of each  
540 academic year in which the awarded funds are in force. The  
541 initial payment shall be made after department verification of  
542 the establishment of the personalized account for learning at an  
543 authorized financial institution, and subsequent payments shall  
544 be made upon verification of parental obligations under  
545 subsection (10). Payment must be by individual warrant made  
546 payable to the personalized account for learning on behalf of  
547 the parent and student. The authorized financial institution  
548 shall mail or electronically process payments as directed by the  
549 parent for authorized uses.

550       (g) Subsequent to each payment, the department shall  
551 request from the Department of Financial Services a sample of

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552 payments from the authorized financial institution for  
553 authorized uses to endorsed warrants to review and confirm  
554 compliance with this section.

555 (h) Upon an eligible student's graduation from an eligible  
556 postsecondary educational institution or after any period of 4  
557 consecutive years after high school graduation in which the  
558 student is not enrolled in an eligible postsecondary educational  
559 institution, the student's personalized account for learning  
560 shall be closed, and any remaining funds shall revert to the  
561 state.

562 (i) The department shall make payments to fund personalized  
563 accounts for learning at the authorized financial institution  
564 pursuant to this section.

565 (j) The department shall develop a system for payment of  
566 benefits by electronic funds transfer, including, but not  
567 limited to, debit cards, electronic payment cards, or any other  
568 means of electronic payment that the department deems to be  
569 commercially viable or cost-effective. Commodities or services  
570 related to the development of such a system shall be procured by  
571 competitive solicitation unless they are purchased from a state  
572 term contract pursuant to s. 287.056. The State Board of  
573 Education shall adopt rules to administer this paragraph.

574 (k) The department shall require audits of the authorized  
575 financial institution's personalized accounts for learning  
576 pursuant to this section. The Chief Financial Officer shall  
577 conduct audits pursuant to this section.

578 (12) LIABILITY.—The state is not liable for the award or  
579 any use of awarded funds under this section.

580 (13) SCOPE OF AUTHORITY.—This section does not expand the

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581 regulatory authority of this state, its officers, or any school  
582 district to impose additional regulation on participating  
583 private schools, nonpublic postsecondary educational  
584 institutions, and private providers beyond those reasonably  
585 necessary to enforce requirements expressly set forth in this  
586 section.

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

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

594 1003.4282 Requirements for a standard high school diploma.—

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

601 (a) A parent of the student with a disability shall, in  
602 collaboration with the individual education plan team pursuant  
603 to s. 1003.5716, declare an intent for the student to graduate  
604 from high school with either a standard high school diploma or a  
605 certificate of completion. A student with a disability who does  
606 not satisfy the standard high school diploma requirements  
607 pursuant to this section shall be awarded a certificate of  
608 completion.

609 (b) The following options, in addition to the other options

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610 specified in this section, may be used to satisfy the standard  
611 high school diploma requirements, as specified in the student's  
612 individual education plan:

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

617 2. A portfolio of quantifiable evidence that documents a  
618 student's mastery of academic standards through rigorous metrics  
619 established by State Board of Education rule. A portfolio may  
620 include, but is not limited to, documentation of work  
621 experience, internships, community service, and postsecondary  
622 credit.

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

626 1. Has an individual education plan that prescribes special  
627 education, transition planning, transition services, or related  
628 services through age 21; and

629 2. Is enrolled in accelerated college credit instruction  
630 pursuant to s. 1007.27, industry certification courses that lead  
631 to college credit, a collegiate high school program, courses  
632 necessary to satisfy the Scholar designation requirements, or a  
633 structured work-study, internship, or pre-apprenticeship  
634 program.

635 (d) A student with a disability who receives a certificate  
636 of completion and has an individual education plan that  
637 prescribes special education, transition planning, transition  
638 services, or related services through 21 years of age may

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639 continue to receive the specified instruction and services.

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

645 Section 3. Effective July 1, 2015, section 1003.438,  
646 Florida Statutes, is repealed.

647 Section 4. Section 1003.5716, Florida Statutes, is created  
648 to read:

649 1003.5716 Transition to postsecondary education and career  
650 opportunities.—All students with disabilities who are 3 years of  
651 age to 21 years of age have the right to a free, appropriate  
652 public education. As used in this section, the term "IEP" means  
653 individual education plan.

654 (1) To ensure quality planning for a successful transition  
655 of a student with a disability to postsecondary education and  
656 career opportunities, an IEP team shall begin the process of,  
657 and develop an IEP for, identifying the need for transition  
658 services before the student with a disability attains the age of  
659 14 years in order for his or her postsecondary goals and career  
660 goals to be identified and in place when he or she attains the  
661 age of 16 years. This process must include, but is not limited  
662 to:

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

667 (b) Preparation for the student to graduate from high

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668 school with a standard high school diploma pursuant to s.  
669 1003.4282 with a Scholar designation unless the parent chooses a  
670 Merit designation.

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

675 (a) A statement of intent to pursue a standard high school  
676 diploma and a Scholar or Merit designation, pursuant to s.  
677 1003.4285, as determined by the parent.

678 (b) A statement of intent to receive a standard high school  
679 diploma before the student reaches the age of 22 and a  
680 description of how the student will fully meet the requirements  
681 in s. 1003.428 or s. 1003.4282, as applicable, including, but  
682 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that  
683 meets the criteria specified in State Board of Education rule.  
684 The IEP must also specify the outcomes and additional benefits  
685 expected by the parent and the IEP team at the time of the  
686 student's graduation.

687 (c) A statement of appropriate measurable long-term  
688 postsecondary education and career goals based upon age-  
689 appropriate transition assessments related to training,  
690 education, employment, and, if appropriate, independent living  
691 skills and the transition services, including courses of study  
692 needed to assist the student in reaching those goals.

693 (3) Any change in the IEP for the goals specified in  
694 subsection (2) must be approved by the parent and is subject to  
695 verification for appropriateness by an independent reviewer  
696 selected by the parent as provided in s. 1003.572.



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697       (4) If a participating agency responsible for transition  
698 services, other than the school district, fails to provide the  
699 transition services described in the IEP, the school district  
700 shall reconvene the IEP team to identify alternative strategies  
701 to meet the transition objectives for the student that are  
702 specified in the IEP. However, this does not relieve any  
703 participating agency of the responsibility to provide or pay for  
704 any transition service that the agency would otherwise provide  
705 to students with disabilities who meet the eligibility criteria  
706 of that agency.

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

709       1003.572 Collaboration of public and private instructional  
710 personnel.—

711       (3) Private instructional personnel who are hired or  
712 contracted by parents to collaborate with public instructional  
713 personnel must be permitted to observe the student in the  
714 educational setting, collaborate with instructional personnel in  
715 the educational setting, and provide services in the educational  
716 setting according to the following requirements:

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

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

721  
722 For the purpose of implementing this subsection, a school  
723 district may not impose any requirements beyond those  
724 requirements specified in this subsection or charge any fees.

725       Section 6. Section 1008.2121, Florida Statutes, is created

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726 to read:

727 1008.2121 Students with severe cognitive or physical  
728 disabilities; permanent exemption.—Based on information that a  
729 reasonably prudent person would rely upon, including, but not  
730 limited to, facts contained within an individual education plan  
731 under s. 1008.212, documentation from an appropriate health care  
732 provider, or certification from the district school board  
733 superintendent, the Commissioner of Education shall  
734 perfunctorily grant a permanent exemption to a student who  
735 suffers from such a severe cognitive disability or physical  
736 disability that the student permanently lacks the capacity to  
737 take statewide, standardized assessments. The State Board of  
738 Education shall adopt rules to administer this section,  
739 including, but not limited to, expediting the exemption process  
740 to demonstrate the utmost compassion and consideration for  
741 meeting the parent's and student's needs.

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

745 1008.25 Public school student progression; remedial  
746 instruction; reporting requirements.—

747 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

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

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

753 2. A description of the current services that are provided  
754 to the child.

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755 3. A description of the proposed supplemental instructional  
756 services and supports that will be provided to the child that  
757 are designed to remediate the identified area of reading  
758 deficiency.

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

762 5. Strategies for parents to use in helping their child  
763 succeed in reading proficiency.

764 6. That the Florida Comprehensive Assessment Test (FCAT) is  
765 not the sole determiner of promotion and that additional  
766 evaluations, portfolio reviews, and assessments are available to  
767 the child to assist parents and the school district in knowing  
768 when a child is reading at or above grade level and ready for  
769 grade promotion.

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

777 ~~8.7.~~ The district's specific criteria and policies for  
778 midyear promotion. Midyear promotion means promotion of a  
779 retained student at any time during the year of retention once  
780 the student has demonstrated ability to read at grade level.

781 (6) ELIMINATION OF SOCIAL PROMOTION.—

782 (b) The district school board may only exempt students from  
783 mandatory retention, as provided in paragraph (5)(b), for good

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784 cause. A student who is promoted to grade 4 with a good cause  
785 exemption shall be provided intensive reading instruction and  
786 intervention that include specialized diagnostic information and  
787 specific reading strategies to meet the needs of each student so  
788 promoted. The school district shall assist schools and teachers  
789 with the implementation of reading strategies for students  
790 promoted with a good cause exemption which research has shown to  
791 be successful in improving reading among students that have  
792 reading difficulties. Good cause exemptions shall be limited to  
793 the following:

794 1. Limited English proficient students who have had less  
795 than 2 years of instruction in an English for Speakers of Other  
796 Languages program.

797 2. Students with disabilities whose individual education  
798 plan indicates that participation in the statewide assessment  
799 program is not appropriate, consistent with the requirements of  
800 State Board of Education rule.

801 3. Students who demonstrate an acceptable level of  
802 performance on an alternative standardized reading or English  
803 Language Arts assessment approved by the State Board of  
804 Education.

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

809 5. Students with disabilities who participate in FCAT  
810 Reading or the common core English Language Arts assessment, as  
811 applicable under s. 1008.22, and who have an individual  
812 education plan or a Section 504 plan that reflects that the

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813 student has received intensive remediation in reading and  
814 English Language Arts for more than 2 years but still  
815 demonstrates a deficiency and was previously retained in  
816 kindergarten, grade 1, grade 2, or grade 3.

817 6. Students who have received intensive reading  
818 intervention for 2 or more years but still demonstrate a  
819 deficiency in reading and who were previously retained in  
820 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
821 years. A student may not be retained more than once in grade 3.

822 ~~7.6.~~ Students who have received intensive remediation in  
823 reading and English Language Arts, as applicable under s.  
824 1008.22, for 2 or more years but still demonstrate a deficiency  
825 and who were previously retained in kindergarten, grade 1, grade  
826 2, or grade 3 for a total of 2 years. Intensive instruction for  
827 students so promoted must include an altered instructional day  
828 that includes specialized diagnostic information and specific  
829 reading strategies for each student. The district school board  
830 shall assist schools and teachers to implement reading  
831 strategies that research has shown to be successful in improving  
832 reading among low-performing readers.

833 Section 8. Effective July 1, 2015, paragraph (c) of  
834 subsection (1) of section 120.81, Florida Statutes, is amended  
835 to read:

836 120.81 Exceptions and special requirements; general areas.—

837 (1) EDUCATIONAL UNITS.—

838 (c) Notwithstanding s. 120.52(16), any tests, test scoring  
839 criteria, or testing procedures relating to student assessment  
840 which are developed or administered by the Department of  
841 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.

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842 1008.22, or s. 1008.25, or any other statewide educational tests  
843 required by law, are not rules.

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

846 409.1451 The Road-to-Independence Program.—

847 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

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

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

858 3. Earned a standard high school diploma or its equivalent  
859 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.  
860 1003.435, ~~or s. 1003.438~~;

861 4. Has been admitted for enrollment as a full-time student  
862 or its equivalent in an eligible postsecondary educational  
863 institution as provided in s. 1009.533. For purposes of this  
864 section, the term "full-time" means 9 credit hours or the  
865 vocational school equivalent. A student may enroll part-time if  
866 he or she has a recognized disability or is faced with another  
867 challenge or circumstance that would prevent full-time  
868 attendance. A student needing to enroll part-time for any reason  
869 other than having a recognized disability must get approval from  
870 his or her academic advisor;

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871           5. Has reached 18 years of age but is not yet 23 years of  
872 age;

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

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

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

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

882           1007.263 Florida College System institutions; admissions of  
883 students.—Each Florida College System institution board of  
884 trustees is authorized to adopt rules governing admissions of  
885 students subject to this section and rules of the State Board of  
886 Education. These rules shall include the following:

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

891  
892 Each board of trustees shall establish policies that notify  
893 students about developmental education options for improving  
894 their communication or computation skills that are essential to  
895 performing college-level work, including tutoring, extended time  
896 in gateway courses, free online courses, adult basic education,  
897 adult secondary education, or private provider instruction.

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