

2014850e2

1                   A bill to be entitled  
2           An act relating to education; amending s. 1001.42,  
3           F.S.; requiring a school that includes middle grades  
4           to include information, data, and instructional  
5           strategies in its school improvement plan; requiring a  
6           school that includes middle grades to implement an  
7           early warning system based on indicators to identify  
8           students in need of additional academic support;  
9           amending s. 1003.02, F.S.; requiring a district school  
10          board to notify parents of return on investment  
11          relating to industry certifications; amending s.  
12          1003.42, F.S.; providing State Board of Education  
13          duties relating to middle grades courses; amending s.  
14          1003.4203, F.S.; requiring a district school board, in  
15          consultation with the district school superintendent,  
16          to make CAPE Digital Tool certificates and CAPE  
17          industry certifications available to students,  
18          including students with disabilities, in  
19          prekindergarten through grade 12, to enable students  
20          to attain digital skills; providing eligibility for  
21          additional FTE funding; requiring innovative programs  
22          and courses that combine academic and career  
23          instructional tools and industry certifications into  
24          education for both college and career preparedness;  
25          providing for additional FTE funding; providing for  
26          grade point average calculation; requiring the  
27          Department of Education to collaborate with Florida  
28          educators and school leaders to provide technical  
29          assistance to district school boards regarding

2014850e2

30 implementation; authorizing public schools to provide  
31 students with access to third-party assessment centers  
32 and career and professional academy curricula;  
33 encouraging third-party assessment providers and  
34 career and professional academy curricula providers to  
35 provide annual training; amending s. 1003.4281, F.S.;  
36 deleting calculations for paid and unpaid high school  
37 credits; amending s. 1003.492, F.S.; requiring return-  
38 on-investment information for career education;  
39 amending s. 1003.4935, F.S.; authorizing additional  
40 FTE funding for certain Digital Tool certificates and  
41 industry certifications; amending s. 1003.53, F.S.;  
42 authorizing dropout prevention and academic  
43 intervention services for a student identified by a  
44 school's early warning system; amending s. 1006.135,  
45 F.S.; including middle grades schools under provisions  
46 prohibiting hazing; revising the definition of the  
47 term "hazing"; requiring a school district policy that  
48 prohibits hazing and establishes consequences for an  
49 act of hazing; revising penalty provisions and  
50 providing for applicability; creating s. 1007.273,  
51 F.S.; requiring a Florida College System institution  
52 to work with each district school board in its  
53 designated service area to establish collegiate high  
54 school programs; providing options for participation  
55 in a collegiate high school program; requiring a local  
56 Florida College System institution to execute a  
57 contract with a district school board to establish the  
58 program; authorizing another Florida College System

2014850e2

59 institution to execute a contract with the district  
60 school board in certain circumstances; requiring each  
61 district school board to execute the contract with the  
62 local Florida College System institution; requiring  
63 the contract to be executed by a specified date for  
64 the purpose of implementation; specifying information  
65 that must be included in the contract; specifying  
66 requirements for student performance contracts for  
67 students participating in the collegiate high school  
68 program; authorizing district school boards to execute  
69 a contract with a state university or certain  
70 independent colleges and universities to establish the  
71 collegiate high school program; providing funding;  
72 requiring the State Board of Education to enforce  
73 compliance; amending s. 1008.345, F.S.; correcting a  
74 cross-reference; amending s. 1008.44, F.S.; requiring  
75 the department to annually identify CAPE Digital Tool  
76 certificates and CAPE industry certifications;  
77 authorizing the Commissioner of Education to recommend  
78 adding certain certificates and certifications;  
79 providing requirements for inclusion of CAPE Digital  
80 Tool certificates and CAPE industry certifications on  
81 the funding list; authorizing the commissioner to  
82 limit certain Digital Tool certificates and CAPE  
83 industry certifications to students in certain grades;  
84 providing requirements for the Articulation  
85 Coordinating Committee; amending s. 1011.62, F.S.;  
86 specifying requirements relating to additional FTE  
87 funding based on completion of certain courses or

2014850e2

88 programs and issuance of CAPE industry certification;  
89 deleting obsolete provisions; deleting provisions  
90 regarding Florida Cyber Security Recognition, Florida  
91 Digital Arts Recognition, and Florida Digital Tool  
92 Certificates; amending s. 1012.98, F.S.; providing  
93 requirements relating to professional development,  
94 including inservice plans and instructional  
95 strategies, for middle grades educators; requiring the  
96 Department of Education to disseminate professional  
97 development in the use of integrated digital  
98 instruction; amending s. 11.45, F.S.; authorizing the  
99 Auditor General to conduct audits of the accounts and  
100 records of nonprofit scholarship-funding  
101 organizations; creating s. 1002.385, F.S.;  
102 establishing the Florida Personal Learning Scholarship  
103 Accounts Program; defining terms; specifying criteria  
104 for students who are eligible to participate in the  
105 program; identifying certain students who are not  
106 eligible to participate in the program; authorizing  
107 the use of awarded funds for specific purposes;  
108 prohibiting specific providers, schools, institutions,  
109 school districts, and other entities from sharing,  
110 refunding, or rebating program funds; specifying the  
111 terms of the program; requiring a school district to  
112 notify the parent regarding the option to participate  
113 in the program; specifying the school district's  
114 responsibilities for completing a matrix of services  
115 and notifying the Department of Education of the  
116 completion of the matrix; requiring the department to

2014850e2

117 notify the parent regarding the amount of the awarded  
118 funds; authorizing the school district to change the  
119 matrix under certain circumstances; requiring the  
120 school district in which a student resides to notify  
121 students and parents of locations and times to take  
122 all statewide assessments; requiring the school  
123 district to notify parents of the availability of a  
124 reevaluation; specifying the eligibility requirements  
125 and obligations of an eligible private school relating  
126 to the program; specifying the duties of the  
127 Department of Education relating to the program;  
128 requiring the Commissioner of Education to deny,  
129 suspend, or revoke participation in the program or use  
130 of program funds under certain circumstances;  
131 providing additional factors under which the  
132 commissioner may deny, suspend, or revoke a  
133 participation in the program or program funds;  
134 requiring a parent to sign an agreement with the  
135 Department of Education to enroll his or her child in  
136 the program which specifies the responsibilities of a  
137 parent or student for using funds in an account and  
138 for submitting a compliance statement to the  
139 department; providing that a parent who fails to  
140 comply with the responsibilities of the agreement  
141 forfeits the personal learning scholarship account;  
142 authorizing an eligible nonprofit scholarship-funding  
143 organization to establish personal learning  
144 scholarship accounts for eligible students  
145 participating in the program; providing for funding

2014850e2

146 and payments; providing for the closing of a student's  
147 account and reversion of funds to the state; requiring  
148 an eligible nonprofit scholarship-funding organization  
149 to develop a system for payment of benefits by  
150 electronic funds transfer; providing that moneys  
151 received pursuant to the program do not constitute  
152 taxable income; providing the Auditor General's  
153 obligations under the program; requiring the  
154 Department of Health, the Agency for Persons with  
155 Disabilities, and the Department of Education to work  
156 with an eligible nonprofit scholarship-funding  
157 organization for easy or automated access to lists of  
158 licensed providers of services; providing that the  
159 state is not liable for the award or use of awarded  
160 funds; providing for the scope of authority of the  
161 act; requiring the State Board of Education to adopt  
162 rules to administer the program; providing for  
163 implementation of the program in a specified school  
164 year; amending s. 1002.395, F.S.; revising the purpose  
165 of the Florida Tax Credit Scholarship Program;  
166 revising definitions; revising eligibility  
167 requirements for the Florida Tax Credit Scholarship  
168 Program; requiring the Department of Education and  
169 Department of Revenue to publish the tax credit cap on  
170 their websites when it is increased; requiring the  
171 Department of Revenue to provide a copy of a letter  
172 approving a taxpayer for a specified tax credit to the  
173 eligible nonprofit scholarship-funding organization;  
174 authorizing certain entities to convey, transfer, or

2014850e2

175 assign certain tax credits; providing for the  
176 calculation of underpayment of estimated corporate  
177 income taxes and tax installation payments for taxes  
178 on insurance premiums and assessments and the  
179 determination of whether penalties or interest shall  
180 be imposed on the underpayment; revising the  
181 disqualifying offenses for nonprofit scholarship-  
182 funding organization owners and operators; revising  
183 priority for new applicants; allowing a student in  
184 foster care or out-of-home care to apply for a  
185 scholarship at any time; prohibiting use of eligible  
186 contributions from being used for lobbying or  
187 political activity or related expenses; requiring  
188 application fees to be expended for student  
189 scholarships in any year a nonprofit scholarship-  
190 funding organization uses eligible contributions for  
191 administrative expenses; requiring amounts carried  
192 forward to be specifically reserved for particular  
193 students and schools for audit purposes; revising  
194 audit and report requirements for nonprofit  
195 scholarship-funding organizations and Auditor General  
196 review of all reports; requiring nonprofit  
197 scholarship-funding organizations to maintain a surety  
198 bond or letter of credit and to adjust the bond or  
199 letter of credit quarterly based upon a statement from  
200 a certified public accountant; providing exceptions;  
201 requiring the nonprofit scholarship-funding  
202 organization to provide the Auditor General any  
203 information or documentation requested in connection

2014850e2

204 with an operational audit; requiring a private school  
205 to provide agreed upon transportation and make  
206 arrangements for taking statewide assessments at the  
207 school district testing site and in accordance with  
208 the district's testing schedule if the student chooses  
209 to take the statewide assessment; requiring parental  
210 authorization for access to income eligibility  
211 information; specifying that the independent research  
212 organization is the Learning System Institute at the  
213 Florida State University; identifying grant terms and  
214 payments; revising statewide and individual school  
215 report requirements; revising limitations on annual  
216 scholarship amounts; providing initial and renewal  
217 application requirements and an approval process for a  
218 charitable organization that seeks to be a nonprofit  
219 scholarship-funding organization; requiring the State  
220 Board of Education to adopt rules; providing a  
221 registration notice requirement for public and private  
222 universities to be nonprofit scholarship-funding  
223 organizations; requiring the State Board of Education  
224 to adopt rules; allowing existing nonprofit  
225 scholarship-funding organizations to provide the  
226 required bond at a specified date; repealing s.  
227 1003.438, F.S., relating to special high school  
228 graduation requirements for certain exceptional  
229 students; creating s. 1003.5716, F.S.; providing that  
230 certain students with disabilities have a right to  
231 free, appropriate public education; requiring an  
232 individual education plan (IEP) team to begin the



2014850e2

233 process of, and to develop an IEP for, identifying  
234 transition services needs for a student with a  
235 disability before the student attains a specified age;  
236 providing requirements for the process; requiring  
237 certain statements to be included and annually updated  
238 in the IEP; providing that changes in the goals  
239 specified in an IEP are subject to independent review  
240 and parental approval; requiring the school district  
241 to reconvene the IEP team to identify alternative  
242 strategies to meet transition objectives if a  
243 participating agency fails to provide transition  
244 services specified in the IEP; providing that the  
245 agency's failure does not relieve the agency of the  
246 responsibility to provide or pay for the transition  
247 services that the agency otherwise would have  
248 provided; amending s. 1003.572, F.S.; prohibiting a  
249 school district from charging fees or imposing  
250 additional requirements on private instructional  
251 personnel; amending s. 1008.25, F.S.; requiring  
252 written notification relating to portfolios to a  
253 parent of a student with a substantial reading  
254 deficiency; requiring a student promoted to a certain  
255 grade with a good cause exemption to receive intensive  
256 reading instruction and intervention; requiring a  
257 school district to assist schools and teachers with  
258 the implementation of reading strategies; revising  
259 good cause exemptions; directing the Florida Prepaid  
260 College Board to conduct a study and submit to the  
261 Legislature a report under established parameters;

2014850e2

262 amending ss. 120.81, 409.1451, and 1007.263, F.S.;

263 conforming cross-references; providing for application

264 of specified provisions in the act; amending s.

265 985.622, F.S.; revising requirements for the

266 multiagency education plan for students in juvenile

267 justice education programs; including virtual

268 education as an option; amending s. 1001.31, F.S.;

269 authorizing instructional personnel at all juvenile

270 justice facilities to access specific student records

271 at the district; amending s. 1003.51, F.S.; revising

272 terminology; revising requirements for rules to be

273 maintained by the State Board of Education; providing

274 expectations for effective education programs for

275 students in Department of Juvenile Justice programs;

276 revising requirements for contract and cooperative

277 agreements for the delivery of appropriate education

278 services to students in Department of Juvenile Justice

279 programs; requiring the Department of Education to

280 ensure that juvenile justice students who are eligible

281 have access to high school equivalency testing and

282 assist juvenile justice education programs with

283 becoming high school equivalency testing centers;

284 revising requirements for an accountability system for

285 all juvenile justice education programs; revising

286 requirements for district school boards; amending s.

287 1003.52, F.S.; revising requirements for activities to

288 be coordinated by the coordinators for juvenile

289 justice education programs; authorizing contracting

290 for educational assessments; revising requirements for

2014850e2

291 assessments; authorizing access to local virtual  
292 education courses; requiring that an education program  
293 shall be based on each student's transition plan and  
294 assessed educational needs; providing requirements for  
295 prevention and day treatment juvenile justice  
296 education programs; requiring progress monitoring  
297 plans for all students not classified as exceptional  
298 student education students; revising requirements for  
299 such plans; requiring the Department of Education, in  
300 partnership with the Department of Juvenile Justice,  
301 to ensure that school districts and juvenile justice  
302 education providers develop individualized transition  
303 plans; providing requirements for such plans;  
304 authorizing the Secretary of Juvenile Justice or the  
305 director of a juvenile justice program to request that  
306 a school district teacher's performance be reviewed by  
307 the district and that the teacher be reassigned in  
308 certain circumstances; requiring the Department of  
309 Education to establish by rule objective and  
310 measurable student performance measures and program  
311 performance ratings; providing requirements for such  
312 ratings; requiring a comprehensive accountability and  
313 program improvement process; providing requirements  
314 for such a process; deleting provisions for minimum  
315 thresholds for the standards and key indicators for  
316 education programs in juvenile justice facilities;  
317 revising data collection and annual report  
318 requirements; deleting provisions concerning the  
319 Arthur Dozier School for Boys; requiring rulemaking;

2014850e2

320 amending s. 1001.42, F.S.; revising terminology;  
321 revising a cross-reference; amending s. 1003.4282,  
322 F.S.; revising provisions relating to the online  
323 course requirement for a standard high school diploma;  
324 providing standard high school diploma requirements  
325 for students with disabilities; requiring an  
326 independent review and a parent's approval to change a  
327 high school graduation option specified in the  
328 student's individual education plan; providing for a  
329 student with a disability to defer the receipt of a  
330 standard high school diploma under certain  
331 circumstances; authorizing certain students with  
332 disabilities to continue to receive certain  
333 instruction and services; requiring parental approval  
334 and independent review of a waiver of statewide,  
335 standardized assessments; requiring the State Board of  
336 Education to adopt rules; providing construction with  
337 respect to the passage of similar legislation;  
338 creating s. 1003.4995, F.S.; requiring the  
339 Commissioner of Education to prepare an annual report  
340 relating to student access to and participation in  
341 fine arts courses and information on educators,  
342 facilities, and instruction in such courses; renaming  
343 the Florida Agricultural and Mechanical University  
344 Crestview Education Center as the "Senator Durell  
345 Peaden, Jr., FAMU Educational Center"; providing  
346 effective dates.

347  
348 Be It Enacted by the Legislature of the State of Florida:

2014850e2

349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377

Section 1. Subsection (18) of section 1001.42, Florida Statutes, is amended to read:

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

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.— Maintain a state system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include the following:

(a) *School improvement plans.*—

1. The district school board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. If a school has a significant gap in achievement on statewide assessments pursuant to s. 1008.34(3)(b) by one or more student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly decreased the percentage of students scoring below satisfactory on statewide assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate, that school's improvement plan shall include strategies for improving these results. The state board shall adopt rules

2014850e2

378 establishing thresholds and for determining compliance with this  
379 subparagraph ~~paragraph~~.

380 2. A school that includes any of grades 6, 7, or 8 shall  
381 include annually in its school improvement plan information and  
382 data on the school's early warning system required under  
383 paragraph (b), including a list of the early warning indicators  
384 used in the system, the number of students identified by the  
385 system as exhibiting two or more early warning indicators, the  
386 number of students by grade level that exhibit each early  
387 warning indicator, and a description of all intervention  
388 strategies employed by the school to improve the academic  
389 performance of students identified by the early warning system.  
390 In addition, a school that includes any of grades 6, 7, or 8  
391 shall describe in its school improvement plan the strategies  
392 used by the school to implement the instructional practices for  
393 middle grades emphasized by the district's professional  
394 development system pursuant to s. 1012.98(4)(b)9.

395 (b) Early warning system.—

396 1. A school that includes any of grades 6, 7, or 8 shall  
397 implement an early warning system to identify students in grades  
398 6, 7, and 8 who need additional support to improve academic  
399 performance and stay engaged in school. The early warning system  
400 must include the following early warning indicators:

401 a. Attendance below 90 percent, regardless of whether  
402 absence is excused or a result of out-of-school suspension.

403 b. One or more suspensions, whether in school or out of  
404 school.

405 c. Course failure in English Language Arts or mathematics.

406 d. A Level 1 score on the statewide, standardized

2014850e2

407 assessments in English Language Arts or mathematics.

408

409 A school district may identify additional early warning  
410 indicators for use in a school's early warning system.

411 2. When a student exhibits two or more early warning  
412 indicators, the school's child study team under s. 1003.02 or a  
413 school-based team formed for the purpose of implementing the  
414 requirements of this paragraph shall convene to determine  
415 appropriate intervention strategies for the student. The school  
416 shall provide at least 10 days' written notice of the meeting to  
417 the student's parent, indicating the meeting's purpose, time,  
418 and location, and provide the parent the opportunity to  
419 participate.

420 (c) ~~(b)~~ *Public disclosure.*—The district school board shall  
421 provide information regarding the performance of students and  
422 educational programs as required pursuant to ss. 1008.22 and  
423 1008.385 and implement a system of school reports as required by  
424 statute and State Board of Education rule which shall include  
425 schools operating for the purpose of providing educational  
426 services to students ~~youth~~ in Department of Juvenile Justice  
427 programs, and for those schools, report on the elements  
428 specified in s. 1003.52(17) ~~1003.52(19)~~. Annual public  
429 disclosure reports shall be in an easy-to-read report card  
430 format and shall include the school's grade, high school  
431 graduation rate calculated without high school equivalency  
432 examinations ~~GED tests~~, disaggregated by student ethnicity, and  
433 performance data as specified in state board rule.

434 (d) ~~(e)~~ *School improvement funds.*—The district school board  
435 shall provide funds to schools for developing and implementing

2014850e2

436 school improvement plans. Such funds shall include those funds  
437 appropriated for the purpose of school improvement pursuant to  
438 s. 24.121(5)(c).

439 Section 2. Subsection (1) of section 1003.02, Florida  
440 Statutes, is amended to read:

441 1003.02 District school board operation and control of  
442 public K-12 education within the school district.—As provided in  
443 part II of chapter 1001, district school boards are  
444 constitutionally and statutorily charged with the operation and  
445 control of public K-12 education within their school district.  
446 The district school boards must establish, organize, and operate  
447 their public K-12 schools and educational programs, employees,  
448 and facilities. Their responsibilities include staff  
449 development, public K-12 school student education including  
450 education for exceptional students and students in juvenile  
451 justice programs, special programs, adult education programs,  
452 and career education programs. Additionally, district school  
453 boards must:

454 (1) Provide for the proper accounting for all students of  
455 school age, for the attendance and control of students at  
456 school, and for proper attention to health, safety, and other  
457 matters relating to the welfare of students in the following  
458 areas ~~fields~~:

459 (a) *Admission, classification, promotion, and graduation of*  
460 *students.*—Adopt rules for admitting, classifying, promoting, and  
461 graduating students to or from the various schools of the  
462 district.

463 (b) *Enforcement of attendance laws.*—Provide for the  
464 enforcement of all laws and rules relating to the attendance of



2014850e2

465 students at school. District school boards are authorized to  
466 establish policies that allow accumulated unexcused tardies,  
467 regardless of when they occur during the school day, and early  
468 departures from school to be recorded as unexcused absences.  
469 District school boards are also authorized to establish policies  
470 that require referral to a school's child study team for  
471 students who have fewer absences than the number required by s.  
472 1003.26(1) (b).

473 (c) *Control of students.*—

474 1. Adopt rules for the control, attendance, discipline, in-  
475 school suspension, suspension, and expulsion of students and  
476 decide all cases recommended for expulsion.

477 2. Maintain a code of student conduct as provided in  
478 chapter 1006.

479 (d) *Courses of study and instructional materials.*—

480 1. Provide adequate instructional materials for all  
481 students as follows and in accordance with the requirements of  
482 chapter 1006, in the core courses of mathematics, language arts,  
483 social studies, science, reading, and literature, except for  
484 instruction for which the school advisory council approves the  
485 use of a program that does not include a textbook as a major  
486 tool of instruction.

487 2. Adopt courses of study for use in the schools of the  
488 district.

489 3. Provide for proper requisitioning, distribution,  
490 accounting, storage, care, and use of all instructional  
491 materials as may be needed, and ensure that instructional  
492 materials used in the district are consistent with the district  
493 goals and objectives and the curriculum frameworks approved by

2014850e2

494 the State Board of Education, as well as with the state and  
495 school district performance standards required by law and state  
496 board rule.

497 (e) *Transportation.*—Make provision for the transportation  
498 of students to the public schools or school activities they are  
499 required or expected to attend, efficiently and economically, in  
500 accordance with the requirements of chapter 1006, which function  
501 may be accomplished, in whole or part, by means of an interlocal  
502 agreement under s. 163.01.

503 (f) *Facilities and school plant.*—

504 1. Approve and adopt a districtwide school facilities  
505 program, in accordance with the requirements of chapter 1013.

506 2. Approve plans for locating, planning, constructing,  
507 sanitating, insuring, maintaining, protecting, and condemning  
508 school property as prescribed in chapter 1013.

509 3. Approve and adopt a districtwide school building  
510 program.

511 4. Select and purchase school sites, playgrounds, and  
512 recreational areas located at centers at which schools are to be  
513 constructed, of adequate size to meet the needs of projected  
514 students to be accommodated.

515 5. Approve the proposed purchase of any site, playground,  
516 or recreational area for which school district funds are to be  
517 used.

518 6. Expand existing sites.

519 7. Rent buildings when necessary, which function may be  
520 accomplished, in whole or part, by means of an interlocal  
521 agreement under s. 163.01.

522 8. Enter into leases or lease-purchase arrangements, in

2014850e2

523 accordance with the requirements and conditions provided in s.  
524 1013.15(2).

525 9. Provide for the proper supervision of construction.

526 10. Make or contract for additions, alterations, and  
527 repairs on buildings and other school properties.

528 11. Ensure that all plans and specifications for buildings  
529 provide adequately for the safety and well-being of students, as  
530 well as for economy of construction.

531 12. Provide adequately for the proper maintenance and  
532 upkeep of school plants, which function may be accomplished, in  
533 whole or part, by means of an interlocal agreement under s.  
534 163.01.

535 13. Carry insurance on every school building in all school  
536 plants including contents, boilers, and machinery, except  
537 buildings of three classrooms or less which are of frame  
538 construction and located in a tenth class public protection zone  
539 as defined by the Florida Inspection and Rating Bureau, and on  
540 all school buses and other property under the control of the  
541 district school board or title to which is vested in the  
542 district school board, except as exceptions may be authorized  
543 under rules of the State Board of Education.

544 14. Condemn and prohibit the use for public school purposes  
545 of any building under the control of the district school board.

546 (g) *School operation.*—

547 1. Provide for the operation of all public schools as free  
548 schools for a term of 180 days or the equivalent on an hourly  
549 basis as specified by rules of the State Board of Education;  
550 determine district school funds necessary in addition to state  
551 funds to operate all schools for the minimum term; and arrange

2014850e2

552 for the levying of district school taxes necessary to provide  
553 the amount needed from district sources.

554 2. Prepare, adopt, and timely submit to the Department of  
555 Education, as required by law and by rules of the State Board of  
556 Education, the annual school budget, so as to promote the  
557 improvement of the district school system.

558 (h) *Records and reports.*—

559 1. Keep all necessary records and make all needed and  
560 required reports, as required by law or by rules of the State  
561 Board of Education.

562 2. At regular intervals require reports to be made by  
563 principals or teachers in all public schools to the parents of  
564 the students enrolled and in attendance at their schools,  
565 apprising them of the academic and other progress being made by  
566 the student and giving other useful information.

567 (i) *Parental notification of acceleration options.*—At the  
568 beginning of each school year, notify parents of students in or  
569 entering high school of the opportunity and benefits of advanced  
570 placement, International Baccalaureate, Advanced International  
571 Certificate of Education, dual enrollment, and Florida Virtual  
572 School courses and options for early graduation under s.  
573 1003.4281.

574 (j) *Return on investment.*—Notify the parent of a student  
575 who earns an industry certification that articulates for  
576 postsecondary credit of the estimated cost savings to the parent  
577 before the student's high school graduation versus the cost of  
578 acquiring such certification after high school graduation, which  
579 would include the tuition and fees associated with available  
580 postsecondary credits. Also, the student and the parent must be

2014850e2

581 informed of any additional industry certifications available to  
582 the student.

583 Section 3. Subsection (1) of section 1003.42, Florida  
584 Statutes, is amended to read:

585 1003.42 Required instruction.—

586 (1) Each district school board shall provide all courses  
587 required for middle grades promotion, high school graduation,  
588 and appropriate instruction designed to ensure that students  
589 meet State Board of Education adopted standards in the following  
590 subject areas: reading and other language arts, mathematics,  
591 science, social studies, foreign languages, health and physical  
592 education, and the arts. The state board must remove a middle  
593 grades course in the Course Code Directory that does not fully  
594 integrate all appropriate curricular content required by s.  
595 1003.41 and may approve a new course only if it meets the  
596 required curricular content.

597 Section 4. Section 1003.4203, Florida Statutes, is amended  
598 to read:

599 1003.4203 Digital materials, CAPE Digital Tool  
600 ~~recognitions~~, certificates, and technical assistance.—

601 (1) DIGITAL MATERIALS.—Each district school board, in  
602 consultation with the district school superintendent, shall make  
603 available digital materials, CAPE Digital Tool certificates, and  
604 CAPE industry certifications for students in prekindergarten  
605 through grade 12 in order to enable students to attain digital  
606 skills. The digital materials, CAPE Digital Tool certificates,  
607 and CAPE industry certifications may be integrated into subject  
608 area curricula, offered as a separate course, made available  
609 through open-access options, or deployed through online or

2014850e2

610 digital computer applications, ~~subject to available funding.~~

611 (2) CAPE ESE DIGITAL TOOLS. ~~Beginning with the 2013-2014~~  
612 ~~school year,~~ Each district school board, in consultation with  
613 the district school superintendent, shall make available digital  
614 and instructional materials, including software applications, to  
615 students with disabilities who are in prekindergarten through  
616 grade 12. Beginning with the 2015-2016 school year:

617 (a) Digital materials may include CAPE Digital Tool  
618 certificates, workplace industry certifications, and OSHA  
619 industry certifications identified pursuant to s. 1008.44 for  
620 students with disabilities; and

621 (b) Each student's individual educational plan for students  
622 with disabilities developed pursuant to this chapter must  
623 identify the CAPE Digital Tool certificates and CAPE industry  
624 certifications the student seeks to attain before high school  
625 graduation.

626 (3) ~~Subject to available funding, by December 1, 2013, the~~  
627 ~~department shall contract with one or more technology companies,~~  
628 ~~or affiliated nonprofit organizations, that have approved~~  
629 ~~industry certifications identified on the Industry Certification~~  
630 ~~Funding List or the Postsecondary Industry Certification Funding~~  
631 ~~List, pursuant to s. 1003.492 or s. 1008.44, to develop a~~  
632 ~~Florida Cyber Security Recognition and a Florida Digital Arts~~  
633 ~~Recognition. The department shall notify each school district~~  
634 ~~when the recognitions are developed and available. The~~  
635 ~~recognitions shall be made available to all public elementary~~  
636 ~~school students at no cost to the districts or charter schools.~~

637 (a) ~~Targeted knowledge and skills to be mastered for each~~  
638 ~~recognition shall be identified by the department. Knowledge and~~

2014850e2

639 ~~skills may be demonstrated through student attainment of the~~  
640 ~~below recognitions in particular content areas:~~

641 ~~1. The Florida Cyber Security Recognition must be based~~  
642 ~~upon an understanding of computer processing operations and, in~~  
643 ~~most part, on cyber security skills that increase a student's~~  
644 ~~cyber safe practices.~~

645 ~~2. The Florida Digital Arts Recognition must reflect a~~  
646 ~~balance of skills in technology and the arts.~~

647 ~~(b) The technology companies or affiliated nonprofit~~  
648 ~~organizations that provide the recognition must provide open~~  
649 ~~access to materials for teaching and assessing the skills a~~  
650 ~~student must acquire in order to earn a Florida Cyber Security~~  
651 ~~Recognition or a Florida Digital Arts Recognition. The school~~  
652 ~~district shall notify each elementary school advisory council of~~  
653 ~~the methods of delivery of the open access content and~~  
654 ~~assessments. If there is no elementary school advisory council,~~  
655 ~~notification must be provided to the district advisory council.~~

656 ~~(3)-(4) CAPE DIGITAL TOOL CERTIFICATES. Subject to available~~  
657 ~~funding, by December 1, 2013, The department shall identify, by~~  
658 ~~June 15 of each year, CAPE Digital Tool certificates that~~  
659 ~~contract with one or more technology companies that have~~  
660 ~~approved industry certifications identified on the Industry~~  
661 ~~Certification Funding List or the Postsecondary Industry~~  
662 ~~Certification Funding List, pursuant to s. 1003.492 or s.~~  
663 ~~1008.44, to develop a Florida Digital Tools Certificate to~~  
664 ~~indicate a student's digital skills. The department shall notify~~  
665 ~~each school district when the certificates are ~~certificate is~~~~  
666 ~~developed and available. The certificates ~~certificate~~ shall be~~  
667 ~~made available to all public elementary and middle grades~~

2014850e2

668 students ~~at no cost to the districts or charter schools.~~

669 (a) Targeted skills to be mastered for the certificate  
670 include digital skills that are necessary to the student's  
671 academic work and skills the student may need in future  
672 employment. The skills must include, but are not limited to,  
673 word processing; spreadsheets; ~~spreadsheet display, and~~  
674 ~~creation of presentations, including sound, motion, and color~~  
675 presentations; digital arts; cybersecurity; and coding including  
676 ~~sound, text, and graphic presentations,~~ consistent with CAPE  
677 industry certifications that are listed on the CAPE Industry  
678 Certification Funding List, pursuant to ss. 1003.492 and  
679 1008.44. CAPE Digital Tool certificates earned by students are  
680 eligible for additional full-time equivalent membership pursuant  
681 to s. 1011.62(1)(o)1.a s. 1003.492.

682 (b) ~~A technology company that provides the certificate must~~  
683 ~~provide open access to materials for teaching and assessing the~~  
684 ~~skills necessary to earn the certificate.~~ The school district  
685 shall notify each middle school advisory council of the methods  
686 of delivery of the open-access content and assessments for the  
687 certificates certificate. If there is no middle school advisory  
688 council, notification must be provided to the district advisory  
689 council.

690 (c) The Legislature intends that by July 1, 2018, on an  
691 annual basis, at least 75 percent of public middle grades  
692 students earn at least one CAPE Digital Tool certificate ~~a~~  
693 ~~Florida Digital Tools Certificate.~~

694 (4) CAPE INDUSTRY CERTIFICATIONS.-

695 (a) CAPE industry certifications, issued to middle school  
696 and high school students, which do not articulate for college



2014850e2

697 credit, are eligible for additional full-time equivalent  
698 membership pursuant to s. 1011.62(1)(o)1.b.

699 (b) CAPE industry certifications, issued to high school  
700 students, which articulate for college credit, are eligible for  
701 additional full-time equivalent membership pursuant to s.  
702 1011.62(1)(o)1.b.

703 (5) CAPE INNOVATION AND CAPE ACCELERATION.-

704 (a) CAPE Innovation.-Up to five courses annually approved  
705 by the commissioner that combine academic and career content,  
706 and performance outcome expectations that, if achieved by a  
707 student, shall articulate for college credit and be eligible for  
708 additional full-time equivalent membership pursuant to s.  
709 1011.62(1)(o)1.c. Such approved courses must incorporate at  
710 least two third-party assessments that, if successfully  
711 completed by a student, shall articulate for college credit. At  
712 least one of the two third-party assessments must be associated  
713 with an industry certification that is identified on the CAPE  
714 Industry Certification Funding List. Each course that is  
715 approved by the commissioner must be specifically identified in  
716 the Course Code Directory as a CAPE Innovation Course.

717 (b) CAPE Acceleration.-Industry certifications, annually  
718 approved by the commissioner, that articulate for 15 or more  
719 college credit hours and, if successfully completed, shall be  
720 eligible for additional full-time equivalent membership pursuant  
721 to s. 1011.62(1)(o)1.d. Each approved industry certification  
722 must be specifically identified in the CAPE Industry  
723 Certification Funding List as a CAPE Acceleration Industry  
724 Certification.

725 (6) GRADE POINT AVERAGE CALCULATION.-For purposes of

2014850e2

726 calculating grade point average, a grade in a course that is  
727 level 3 or above and leads to an industry certification must be  
728 weighted the same as a grade in an Honors course.

729 (7)-(5) TECHNICAL ASSISTANCE.—

730 (a) The Department of Education ~~or a company contracted~~  
731 with under subsection (4) shall collaborate with Florida  
732 educators and school leaders to provide technical assistance to  
733 district school boards in the implementation of this section.  
734 Technical assistance to districts shall include, but is not  
735 limited to, identification of digital resources, primarily open-  
736 access resources, including digital curriculum, instructional  
737 materials, media assets, and other digital tools and  
738 applications; training mechanisms for teachers and others to  
739 facilitate integration of digital resources and technologies  
740 into instructional strategies; and model policies and procedures  
741 that support sustainable implementation practices.

742 (b) Public schools may provide students with access to  
743 third-party assessment centers and career and professional  
744 academy curricula in a digital format in support of CAPE Digital  
745 Tool certificates and CAPE industry certifications, pursuant to  
746 ss. 1003.4203 and 1008.44, to assist public schools and school  
747 districts to establish Florida Digital Classrooms.

748 (8)-(6) PARTNERSHIPS.—

749 (a) A district school board may seek partnerships with  
750 other school districts, private businesses, postsecondary  
751 institutions, or consultants to offer classes and instruction to  
752 teachers and students to assist the school district in providing  
753 digital materials, CAPE Digital Tool recognitions, and  
754 certificates, and CAPE industry certifications established

2014850e2

755 pursuant to this section.

756 (b) Third-party assessment providers and career and  
757 professional academy curricula providers are encouraged to  
758 provide annual training to staff of the Department of Education,  
759 staff of school district offices, instructional staff of public  
760 schools, including charter schools, and other appropriate  
761 administrative staff through face-to-face training models;  
762 online, video conferencing training models; and through state,  
763 regional, or conference presentations.

764 (9)-(7) RULES.—The State Board of Education shall adopt  
765 rules to administer this section.

766 Section 5. Subsection (5) of section 1003.4281, Florida  
767 Statutes, is amended to read:

768 1003.4281 Early high school graduation.—

769 ~~(5) For purposes of this section, a credit is equal to 1/6~~  
770 ~~FTE. A student may earn up to six paid high school credits~~  
771 ~~equivalent to 1 FTE per school year in grades 9 through 12 for~~  
772 ~~courses provided by the school district. High school credits~~  
773 ~~earned in excess of six per school year in courses delivered by~~  
774 ~~the school district are unpaid credits.~~

775 Section 6. Subsection (3) of section 1003.492, Florida  
776 Statutes, is amended to read:

777 1003.492 Industry-certified career education programs.—

778 (3) The Department of Education shall collect student  
779 achievement and performance data in industry-certified career  
780 education programs and career-themed courses and shall work with  
781 Workforce Florida, Inc., in the analysis of collected data. The  
782 data collection and analyses shall examine the performance of  
783 participating students over time. Performance factors shall

2014850e2

784 include, but not be limited to, graduation rates, retention  
785 rates, Florida Bright Futures Scholarship awards, additional  
786 educational attainment, employment records, earnings, industry  
787 certification, return on investment, and employer satisfaction.  
788 The results of this study shall be submitted to the President of  
789 the Senate and the Speaker of the House of Representatives  
790 annually by December 31.

791 Section 7. Subsection (4) is added to section 1003.4935,  
792 Florida Statutes, to read:

793 1003.4935 Middle grades career and professional academy  
794 courses and career-themed courses.—

795 (4) CAPE Digital Tool certificates and CAPE industry  
796 certifications offered in the middle grades that are included on  
797 the CAPE Industry Certification Funding List, if earned by  
798 students, are eligible for additional full-time equivalent  
799 membership pursuant to s. 1011.62(1)(o)1.a. and b.

800 Section 8. Paragraph (c) of subsection (1) of section  
801 1003.53, Florida Statutes, is amended to read:

802 1003.53 Dropout prevention and academic intervention.—

803 (1)

804 (c) A student shall be identified as being eligible to  
805 receive services funded through the dropout prevention and  
806 academic intervention program based upon one of the following  
807 criteria:

808 1. The student is academically unsuccessful as evidenced by  
809 low test scores, retention, failing grades, low grade point  
810 average, falling behind in earning credits, or not meeting the  
811 state or district proficiency levels in reading, mathematics, or  
812 writing.

2014850e2

813           2. The student has a pattern of excessive absenteeism or  
814 has been identified as a habitual truant.

815           3. The student has a history of disruptive behavior in  
816 school or has committed an offense that warrants out-of-school  
817 suspension or expulsion from school according to the district  
818 school board's code of student conduct. For the purposes of this  
819 program, "disruptive behavior" is behavior that:

820           a. Interferes with the student's own learning or the  
821 educational process of others and requires attention and  
822 assistance beyond that which the traditional program can provide  
823 or results in frequent conflicts of a disruptive nature while  
824 the student is under the jurisdiction of the school either in or  
825 out of the classroom; or

826           b. Severely threatens the general welfare of students or  
827 others with whom the student comes into contact.

828           4. The student is identified by a school's early warning  
829 system pursuant to s. 1001.42(18)(b).

830           Section 9. Section 1006.135, Florida Statutes, is amended  
831 to read:

832           1006.135 Hazing prohibited at ~~high~~ schools with any of  
833 grades 6-12 ~~9-12 prohibited.~~

834           (1) DEFINITION.—As used in this section, "hazing" means any  
835 action or situation that ~~recklessly or intentionally~~ endangers  
836 the mental or physical health or safety of a student at a ~~high~~  
837 school with any of grades ~~6~~ 9 through 12 for purposes including,  
838 but not limited to, initiation or admission into or affiliation  
839 with any organization operating under the sanction of a ~~high~~  
840 school with any of grades ~~6~~ 9 through 12. "Hazing" includes, but  
841 is not limited to: 7

2014850e2

842 (a) Pressuring, ~~or~~ coercing, or forcing a the student into:  
843 1. Violating state or federal law;  
844 2. Consuming any food, liquor, drug, or other substance; or  
845 3. Participating in physical activity that could adversely  
846 affect the health or safety of the student.

847 (b) Any brutality of a physical nature, such as whipping,  
848 beating, branding, or exposure to the elements, ~~forced~~  
849 consumption of any food, liquor, drug, or other substance, or  
850 other forced physical activity that could adversely affect the  
851 physical health or safety of the student, and also includes any  
852 activity that would subject the student to extreme mental  
853 stress, such as sleep deprivation, forced exclusion from social  
854 contact, forced conduct that could result in extreme  
855 embarrassment, or other forced activity that could adversely  
856 affect the mental health or dignity of the student.

857  
858 Hazing does not include customary athletic events or other  
859 similar contests or competitions or any activity or conduct that  
860 furthers a legal and legitimate objective.

861 (2) SCHOOL DISTRICT POLICY.—Each school district shall  
862 adopt in rule a policy that prohibits hazing and establishes  
863 consequences for a student who commits an act of hazing. The  
864 policy must include:

865 (a) A definition of hazing, which must include the  
866 definition provided in this section.

867 (b) A procedure for reporting an alleged act of hazing,  
868 including provisions that permit a person to anonymously report  
869 such an act. However, disciplinary action may not be based  
870 solely on an anonymous report.

2014850e2

871 (c) A requirement that a school with any of grades 9  
872 through 12 report an alleged act of hazing to a local law  
873 enforcement agency if the alleged act meets the criteria  
874 established under subsection (3).

875 (d) A provision for referral of victims and perpetrators of  
876 hazing to a certified school counselor.

877 (e) A requirement that each incident of hazing be reported  
878 in the school's safety and discipline report required under s.  
879 1006.09(6). The report must include the number of hazing  
880 incidents reported, the number of incidents referred to a local  
881 law enforcement agency, the number of incidents that result in  
882 disciplinary action taken by the school, and the number of  
883 incidents that do not result in either referral to a local law  
884 enforcement agency or disciplinary action taken by the school.

885 (3)(2) CRIMINAL PENALTIES.—This subsection applies only to  
886 students in any of grades 9 through 12.

887 (a)1. A person who commits an act of hazing, a third degree  
888 felony, punishable as provided in s. 775.082 or s. 775.083, when  
889 he or she intentionally or recklessly commits any act of hazing  
890 as defined in subsection (1) upon another person who is a member  
891 of or an applicant to any type of student organization commits a  
892 felony of the third degree, punishable as provided in s. 775.082  
893 or s. 775.083, if the person knew or should have known the act  
894 would result in serious bodily injury or death of such other  
895 person and the act hazing results in serious bodily injury or  
896 death of such other person.

897 2.(3) A person who commits an act of hazing, a first degree  
898 misdemeanor, punishable as provided in s. 775.082 or s. 775.083,  
899 when he or she intentionally or recklessly commits any act of

2014850e2

900 ~~hazing as defined in subsection (1)~~ upon another person who is a  
901 member of or an applicant to any type of student organization  
902 commits a misdemeanor of the first degree, punishable as  
903 provided in s. 775.082 or s. 775.083, if the person knew or  
904 should have known the act would create a potential risk of  
905 physical injury or death to such other person and the act ~~hazing~~  
906 creates a potential ~~substantial~~ risk of physical injury or death  
907 to such other person.

908 (b) ~~(4)~~ As a condition of any sentence imposed pursuant to  
909 paragraph (a) ~~subsection (2) or subsection (3)~~, the court:

910 1. Shall order the defendant to attend and complete a 4-  
911 hour hazing education course and may also impose a condition of  
912 drug or alcohol probation.

913 2. May require the defendant to make a public apology to  
914 the students and victims at the school.

915 3. May require the defendant to participate in a school-  
916 sponsored antihazing campaign to raise awareness of what  
917 constitutes hazing and the penalties for hazing.

918 (c) ~~(5)~~ It is not a defense to a charge of hazing that:

919 1. ~~(a)~~ Consent of the victim had been obtained;

920 2. ~~(b)~~ The conduct or activity that resulted in the death or  
921 injury of a person was not part of an official organizational  
922 event or was not otherwise sanctioned or approved by the  
923 organization; or

924 3. ~~(c)~~ The conduct or activity that resulted in death or  
925 injury of the person was not done as a condition of membership  
926 to an organization.

927 (4) ~~(6)~~ CONSTRUCTION.—This section shall not be construed to  
928 preclude prosecution for a more general offense resulting from



2014850e2

929 the same criminal transaction or episode.

930 Section 10. Section 1007.273, Florida Statutes, is created  
931 to read:

932 1007.273 Collegiate high school program.—

933 (1) Each Florida College System institution shall work with  
934 each district school board in its designated service area to  
935 establish one or more collegiate high school programs.

936 (2) At a minimum, collegiate high school programs must  
937 include an option for public school students in grade 11 or  
938 grade 12 participating in the program, for at least 1 full  
939 school year, to earn CAPE industry certifications pursuant to s.  
940 1008.44 and to successfully complete 30 credit hours through the  
941 dual enrollment program under s. 1007.271 toward the first year  
942 of college for an associate degree or baccalaureate degree while  
943 enrolled in the program.

944 (3) Each district school board and its local Florida  
945 College System institution shall execute a contract to establish  
946 one or more collegiate high school programs at a mutually agreed  
947 upon location or locations. Beginning with the 2015-2016 school  
948 year, if the institution does not establish a program with a  
949 district school board in its designated service area, another  
950 Florida College System institution may execute a contract with  
951 that district school board to establish the program. The  
952 contract must be executed by January 1 of each school year for  
953 implementation of the program during the next school year. The  
954 contract must:

955 (a) Identify the grade levels to be included in the  
956 collegiate high school program which must, at a minimum, include  
957 grade 12.

2014850e2

958 (b) Describe the collegiate high school program, including  
959 the delineation of courses and industry certifications offered,  
960 including online course availability; the high school and  
961 college credits earned for each postsecondary course completed  
962 and industry certification earned; student eligibility criteria;  
963 and the enrollment process and relevant deadlines.

964 (c) Describe the methods, medium, and process by which  
965 students and their parents are annually informed about the  
966 availability of the collegiate high school program, the return  
967 on investment associated with participation in the program, and  
968 the information described in paragraphs (a) and (b).

969 (d) Identify the delivery methods for instruction and the  
970 instructors for all courses.

971 (e) Identify student advising services and progress  
972 monitoring mechanisms.

973 (f) Establish a program review and reporting mechanism  
974 regarding student performance outcomes.

975 (g) Describe the terms of funding arrangements to implement  
976 the collegiate high school program.

977 (4) Each student participating in a collegiate high school  
978 program must enter into a student performance contract which  
979 must be signed by the student, the parent, and a representative  
980 of the school district and the applicable Florida College System  
981 institution, state university, or other institution  
982 participating pursuant to subsection (5). The performance  
983 contract must include the schedule of courses, by semester, and  
984 industry certifications to be taken by the student, student  
985 attendance requirements, and course grade requirements.

986 (5) In addition to executing a contract with the local

2014850e2

987 Florida College System institution under this section, a  
988 district school board may execute a contract to establish a  
989 collegiate high school program with a state university or an  
990 institution that is eligible to participate in the William L.  
991 Boyd, IV, Florida Resident Access Grant Program, that is a  
992 nonprofit independent college or university located and  
993 chartered in this state, and that is accredited by the  
994 Commission on Colleges of the Southern Association of Colleges  
995 and Schools to grant baccalaureate degrees. Such university or  
996 institution must meet the requirements specified under  
997 subsections (3) and (4).

998 (6) The collegiate high school program shall be funded  
999 pursuant to ss. 1007.271 and 1011.62. The State Board of  
1000 Education shall enforce compliance with this section by  
1001 withholding the transfer of funds for the school districts and  
1002 the Florida College System institutions in accordance with s.  
1003 1008.32.

1004 Section 11. Subsection (5) of section 1008.345, Florida  
1005 Statutes, is amended to read:

1006 1008.345 Implementation of state system of school  
1007 improvement and education accountability.-

1008 (5) The commissioner shall report to the Legislature and  
1009 recommend changes in state policy necessary to foster school  
1010 improvement and education accountability. Included in the report  
1011 shall be a list of the schools, including schools operating for  
1012 the purpose of providing educational services to youth in  
1013 Department of Juvenile Justice programs, for which district  
1014 school boards have developed intervention and support strategies  
1015 and an analysis of the various strategies used by the school

2014850e2

1016 boards. School reports shall be distributed pursuant to this  
1017 subsection and s. 1001.42(18)(c) ~~1001.42(18)(b)~~ and according to  
1018 rules adopted by the State Board of Education.

1019 Section 12. Section 1008.44, Florida Statutes, is amended  
1020 to read:

1021 1008.44 ~~Industry certifications;~~ CAPE Industry  
1022 Certification Funding List and CAPE Postsecondary Industry  
1023 Certification Funding List.—

1024 (1) Pursuant to ss. 1003.4203 and s. 1003.492, the  
1025 Department of Education shall, at least annually, identify,  
1026 under rules adopted by the State Board of Education, and the  
1027 ~~Industry Certification Funding List that must be applied in the~~  
1028 ~~distribution of funding to school districts pursuant to s.~~  
1029 ~~1011.62.~~ the Commissioner of Education may at any time recommend  
1030 adding the following certificates, certifications, and courses:-

1031 (a) CAPE industry certifications identified on the CAPE  
1032 Industry Certification Funding List that must be applied in the  
1033 distribution of funding to school districts pursuant to s.  
1034 1011.62(1)(o). The CAPE Industry Certification Funding List  
1035 shall incorporate by reference the industry certifications on  
1036 the career pathways list approved for the Florida Gold Seal  
1037 Vocational Scholars award. In addition, by August 1 of each  
1038 year, the not-for-profit corporation established pursuant to s.  
1039 445.004 may annually select one industry certification, that  
1040 does not articulate for college credit, for inclusion on the  
1041 CAPE Industry Certification Funding List for a period of 3 years  
1042 unless otherwise approved by the curriculum review committee  
1043 pursuant to s. 1003.491. Such industry certifications, if earned  
1044 by a student, shall be eligible for additional full-time

2014850e2

1045 equivalent membership, pursuant to s. 1011.62(1)(o)1.

1046 (b) No more than 15 CAPE Digital Tool certificates limited  
1047 to the areas of word processing; spreadsheets; sound, motion,  
1048 and color presentations; digital arts; cybersecurity; and coding  
1049 pursuant to s. 1003.4203(3) that do not articulate for college  
1050 credit. Such certificates shall be annually identified on the  
1051 CAPE Industry Certification Funding List and updated solely by  
1052 the Chancellor of Career and Adult Education. The certificates  
1053 shall be made available to students in elementary school and  
1054 middle school grades and, if earned by a student, shall be  
1055 eligible for additional full-time equivalent membership pursuant  
1056 to s. 1011.62(1)(o)1.

1057 (c) CAPE ESE Digital Tool certificates, workplace industry  
1058 certifications, and OSHA industry certifications identified by  
1059 the Chancellor of Career and Adult Education for students with  
1060 disabilities pursuant to s. 1003.4203(2). Such certificates and  
1061 certifications shall be identified on the CAPE Industry  
1062 Certification Funding List and, if earned by a student, be  
1063 eligible for additional full-time equivalent membership pursuant  
1064 to s. 1011.62(1)(o)1.

1065 (d) CAPE Innovation Courses that combine academic and  
1066 career performance outcomes with embedded industry  
1067 certifications shall be annually approved by the Commissioner of  
1068 Education and identified pursuant to s. 1003.4203(5)(a) and, if  
1069 completed by a student, be eligible for additional full-time  
1070 equivalent membership pursuant to s. 1011.62(1)(o)1.

1071 (e) CAPE Acceleration Industry Certifications that  
1072 articulate for 15 or more college credit hours pursuant to s.  
1073 1003.4203(5)(b) shall be annually approved by the Commissioner

2014850e2

1074 of Education and, if successfully completed, shall be eligible  
1075 for additional full-time equivalent membership pursuant to s.  
1076 1011.62(1)(o)1. The approved industry certifications must be  
1077 identified on the CAPE Industry Certification Funding List.

1078 (2) The State Board of Education shall approve, at least  
1079 annually, the CAPE Postsecondary Industry Certification Funding  
1080 List pursuant to this section. The Commissioner of Education  
1081 shall recommend, at least annually, the CAPE Postsecondary  
1082 Industry Certification Funding List to the State Board of  
1083 Education and may at any time recommend adding certifications.  
1084 The Chancellor of the State University System, the Chancellor of  
1085 the Florida College System, and the Chancellor of Career and  
1086 Adult Education shall work with local workforce boards, other  
1087 postsecondary institutions, businesses, and industry to  
1088 identify, create, and recommend to the Commissioner of Education  
1089 industry certifications to be placed on the funding list. The  
1090 list shall be used to determine annual performance funding  
1091 distributions to school districts or Florida College System  
1092 institutions as specified in ss. 1011.80 and 1011.81,  
1093 respectively. The chancellors shall review results of the  
1094 economic security report of employment and earning outcomes  
1095 produced annually pursuant to s. 445.07 ~~s. 445.007~~ when  
1096 determining recommended certifications for the list, as well as  
1097 other reports and indicators available regarding certification  
1098 needs.

1099 (3) In the case of rigorous industry certifications that  
1100 have embedded prerequisite minimum age, grade level, diploma or  
1101 degree, postgraduation period of work experience of at least 12  
1102 months, or other reasonable requirements that may limit the

2014850e2

1103 extent to which a student can complete all requirements of the  
1104 certification recognized by industry for employment purposes,  
1105 the Commissioner of Education shall differentiate content,  
1106 instructional, and assessment requirements that, when provided  
1107 by a public institution and satisfactorily attained by a  
1108 student, indicate accomplishment of requirements necessary for  
1109 funding pursuant to ss. 1011.62, 1011.80, and 1011.81,  
1110 notwithstanding attainment of prerequisite requirements  
1111 necessary for recognition by industry for employment purposes.  
1112 The differentiated requirements established by the Commissioner  
1113 of Education shall be included on ~~in~~ the CAPE Industry  
1114 Certification Funding List at the time the certification is  
1115 adopted.

1116 (4) (a) CAPE industry certifications and CAPE Digital Tool  
1117 certificates placed on the CAPE Industry Certification Funding  
1118 List must include the version of the certifications and  
1119 certificates available at the time of the adoption and, without  
1120 further review and approval, include the subsequent updates to  
1121 the certifications and certificates on the approved list, unless  
1122 the certifications and certificates are specifically removed  
1123 from the CAPE Industry Certification Funding List by the  
1124 Commissioner of Education.

1125 (b) The Commissioner of Education may limit CAPE industry  
1126 certifications and CAPE Digital Tool certificates to students in  
1127 certain grades based on formal recommendations by providers of  
1128 CAPE industry certifications and CAPE Digital Tool certificates.

1129 (c) The Articulation Coordinating Committee shall review  
1130 statewide articulation agreement proposals for industry  
1131 certifications and make recommendations to the State Board of

2014850e2

1132 Education for approval. After an industry certification is  
1133 adopted by the State Board of Education for inclusion on the  
1134 Industry Certification Funding List, the Chancellor of Career  
1135 and Adult Education, within 90 days, must provide to the  
1136 Articulation Coordinating Committee recommendations for  
1137 articulation of postsecondary credit for related degrees for the  
1138 approved certifications.

1139 Section 13. Paragraphs (o), (p), and (s) of subsection (1)  
1140 of section 1011.62, Florida Statutes, are amended to read:

1141 1011.62 Funds for operation of schools.—If the annual  
1142 allocation from the Florida Education Finance Program to each  
1143 district for operation of schools is not determined in the  
1144 annual appropriations act or the substantive bill implementing  
1145 the annual appropriations act, it shall be determined as  
1146 follows:

1147 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1148 OPERATION.—The following procedure shall be followed in  
1149 determining the annual allocation to each district for  
1150 operation:

1151 (o) *Calculation of additional full-time equivalent*  
1152 *membership based on successful completion of a career-themed*  
1153 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*  
1154 *courses with embedded CAPE industry certifications or CAPE*  
1155 *Digital Tool certificates, and issuance of industry*  
1156 *certification identified on ~~in~~ the CAPE Industry Certification*  
1157 *Funding List pursuant to rules adopted by the State Board of*  
1158 *Education or CAPE Digital Tool certificates pursuant to s.*  
1159 *1003.4203.*—

1160 1.a. A value of 0.025 full-time equivalent student



2014850e2

1161 membership shall be calculated for CAPE Digital Tool  
1162 certificates earned by students in elementary and middle school  
1163 grades.

1164 ~~b.1.~~ A value of 0.1 or 0.2 full-time equivalent student  
1165 membership shall be calculated for each student who completes a  
1166 ~~career-themed~~ course as defined in s. 1003.493(1) (b) or courses  
1167 with embedded CAPE industry certifications and who is issued an  
1168 industry certification identified annually on ~~in~~ the CAPE  
1169 Industry Certification Funding List approved under rules adopted  
1170 by the State Board of Education. ~~The maximum full-time~~  
1171 ~~equivalent student membership value for any student in grades 9~~  
1172 ~~through 12 is 0.3.~~ A value of 0.2 full-time equivalent  
1173 membership shall be calculated for each student who is issued a  
1174 CAPE ~~an~~ industry certification that has a statewide articulation  
1175 agreement for college credit approved by the State Board of  
1176 Education. For CAPE industry certifications that do not  
1177 articulate for college credit, the Department of Education shall  
1178 assign a full-time equivalent value of 0.1 for each  
1179 certification. Middle grades students who earn additional FTE  
1180 membership for a CAPE Digital Tool certificate pursuant to sub-  
1181 subparagraph a. may not use the previously funded examination to  
1182 satisfy the requirements for earning an industry certification  
1183 under this sub-subparagraph. Additional FTE membership for an  
1184 elementary or middle grades student shall not exceed 0.1 for  
1185 certificates or certifications earned within the same fiscal  
1186 year. The State Board of Education shall include the assigned  
1187 values on ~~in~~ the CAPE Industry Certification Funding List under  
1188 rules adopted by the state board. Such value shall be added to  
1189 the total full-time equivalent student membership ~~in secondary~~

2014850e2

1190 ~~career education programs~~ for grades ~~6~~ 9 through 12 in the  
1191 subsequent year for courses that were not provided through dual  
1192 enrollment. CAPE industry certifications earned through dual  
1193 enrollment must be reported and funded pursuant to s. 1011.80  
1194 ~~ss. 1011.80 and 1011.81.~~

1195 c. A value of 0.3 full-time equivalent student membership  
1196 shall be calculated for student completion of the courses and  
1197 the embedded certifications identified on the CAPE Industry  
1198 Certification Funding List and approved by the commissioner  
1199 pursuant to s. 1003.4203(5) (a) and s. 1008.44.

1200 d. A value of 0.5 full-time equivalent student membership  
1201 shall be calculated for CAPE Acceleration Industry  
1202 Certifications that articulate for 15 to 29 college credit  
1203 hours, and 1.0 full-time equivalent student membership shall be  
1204 calculated for CAPE Acceleration Industry Certifications that  
1205 articulate for 30 or more college credit hours pursuant to CAPE  
1206 Acceleration Industry Certifications approved by the  
1207 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

1208 2. Each district must allocate at least 80 percent of the  
1209 funds provided for CAPE industry certification, in accordance  
1210 with this paragraph, to the program that generated the funds.  
1211 This allocation may not be used to supplant funds provided for  
1212 basic operation of the program. ~~Unless a different amount is~~  
1213 ~~specified in the General Appropriations Act, the appropriation~~  
1214 ~~for this calculation is limited to \$60 million annually. If the~~  
1215 ~~appropriation is insufficient to fully fund the total~~  
1216 ~~calculation, the appropriation shall be prorated.~~

1217 3. For CAPE industry certifications earned in the 2013-2014  
1218 school year and in subsequent years, the school district shall

2014850e2

1219 distribute to each classroom teacher who provided direct  
1220 instruction toward the attainment of a CAPE ~~an~~ industry  
1221 certification that qualified for additional full-time equivalent  
1222 membership under subparagraph 1.:

1223 a. A bonus in the amount of \$25 for each student taught by  
1224 a teacher who provided instruction in a course that led to the  
1225 attainment of a CAPE ~~an~~ industry certification on the CAPE  
1226 Industry Certification Funding List with a weight of 0.1.

1227 b. A bonus in the amount of \$50 for each student taught by  
1228 a teacher who provided instruction in a course that led to the  
1229 attainment of a CAPE ~~an~~ industry certification on the CAPE  
1230 Industry Certification Funding List with a weight of 0.2, 0.3,  
1231 0.5, and 1.0.

1232 ~~4. For the 2013-2014 fiscal year, the additional FTE~~  
1233 ~~membership calculation must include the additional FTE for any~~  
1234 ~~student who earned a certification in the 2009-2010, 2010-2011,~~  
1235 ~~and 2011-2012 fiscal years who was not previously funded and was~~  
1236 ~~enrolled in 2012-2013.~~

1237  
1238 Bonuses awarded pursuant to this paragraph shall be provided to  
1239 teachers who are employed by the district in the year in which  
1240 the additional FTE membership calculation is included in the  
1241 calculation. Bonuses shall be calculated based upon the  
1242 associated weight of a CAPE ~~an~~ industry certification on the  
1243 CAPE Industry Certification Funding List for the year in which  
1244 the certification is earned by the student. Any bonus awarded to  
1245 a teacher under this paragraph may not exceed \$2,000 in any  
1246 given school year and is in addition to any regular wage or  
1247 other bonus the teacher received or is scheduled to receive.

2014850e2

1248 (p) Calculation of additional full-time equivalent  
1249 membership based upon early high school graduation.—  
1250 Notwithstanding s. 1011.61(4), Each unpaid high school credit  
1251 delivered by a school district may receive funding for each  
1252 during the student's prior enrollment may be reported by the  
1253 district as 1/6 FTE when the student who graduates early  
1254 pursuant to s. 1003.4281. A district may earn 0.25 additional  
1255 report up to 1/2 FTE for unpaid credits delivered by the  
1256 district for a student who graduates one semester in advance of  
1257 the student's cohort and 0.5 additional and up to 1 FTE for a  
1258 student who graduates 1 year or more in advance of the student's  
1259 cohort. If the student was enrolled in the district as a full-  
1260 time high school student for at least 2 years, the district  
1261 shall report the additional unpaid FTE for payment in the  
1262 subsequent fiscal year delivered by the district during the  
1263 student's prior enrollment. If the student was enrolled in the  
1264 district for less than 2 years, the district of enrollment shall  
1265 report the additional unpaid FTE delivered by the district and  
1266 by the district in which the student was previously enrolled.  
1267 The district of enrollment for which early graduation is claimed  
1268 shall transfer a proportionate share of the funds earned for  
1269 early graduation the unpaid FTE to the district in which the  
1270 student was previously enrolled. Additional FTE included in the  
1271 2014-2015 Florida Education Finance Program for early graduation  
1272 shall be reported and funded pursuant to this paragraph.

1273 ~~(s) Florida Cyber Security Recognition, Florida Digital~~  
1274 ~~Arts Recognition, and Florida Digital Tools Certificate~~  
1275 ~~established pursuant to s. 1003.4203.—~~

1276 ~~1. Each school district shall certify by June 30 of each~~

2014850e2

1277 ~~year to the Department of Education each elementary school that~~  
1278 ~~achieves 50 percent of student attainment of the Florida Cyber~~  
1279 ~~Security Recognition or the Florida Digital Arts Recognition~~  
1280 ~~established pursuant to s. 1003.4203. Upon verification by the~~  
1281 ~~department, each school that has achieved the designated student~~  
1282 ~~recognitions shall be awarded a Florida Digital Learning~~  
1283 ~~Certificate of Achievement by the Commissioner of Education.~~

1284 ~~2. Each middle school shall receive \$50 for each student~~  
1285 ~~who earns the Florida Digital Tools Certificate established~~  
1286 ~~pursuant to s. 1003.4203 with a minimum awarded per school of~~  
1287 ~~\$1,000 annually and a maximum award per school of \$15,000~~  
1288 ~~annually. This performance payment shall be calculated in the~~  
1289 ~~FEFP as a full-time equivalent student.~~

1290 Section 14. Paragraph (d) is added to subsection (3) of  
1291 section 1012.98, Florida Statutes, and subsections (4) and (7)  
1292 of that section are amended, to read:

1293 1012.98 School Community Professional Development Act.—

1294 (3) The activities designed to implement this section must:

1295 (d) Provide middle grades instructional personnel and  
1296 school administrators with the knowledge, skills, and best  
1297 practices necessary to support excellence in classroom  
1298 instruction and educational leadership.

1299 (4) The Department of Education, school districts, schools,  
1300 Florida College System institutions, and state universities  
1301 share the responsibilities described in this section. These  
1302 responsibilities include the following:

1303 (a) 1. The department shall disseminate to the school  
1304 community research-based professional development methods and  
1305 programs that have demonstrated success in meeting identified

2014850e2

1306 student needs. The Commissioner of Education shall use data on  
1307 student achievement to identify student needs. The methods of  
1308 dissemination must include a web-based statewide performance  
1309 support system, including a database of exemplary professional  
1310 development activities, a listing of available professional  
1311 development resources, training programs, and available  
1312 assistance.

1313 2. The web-based statewide performance support system  
1314 established pursuant to subparagraph 1. must include for middle  
1315 grades, subject to appropriation, materials related to classroom  
1316 instruction, including integrated digital instruction and  
1317 competency-based instruction; CAPE Digital Tool certificates and  
1318 CAPE industry certifications; classroom management; student  
1319 behavior and interaction; extended learning opportunities for  
1320 students; and instructional leadership.

1321 (b) Each school district shall develop a professional  
1322 development system as specified in subsection (3). The system  
1323 shall be developed in consultation with teachers, teacher-  
1324 educators of Florida College System institutions and state  
1325 universities, business and community representatives, and local  
1326 education foundations, consortia, and professional  
1327 organizations. The professional development system must:

1328 1. Be approved by the department. All substantial revisions  
1329 to the system shall be submitted to the department for review  
1330 for continued approval.

1331 2. Be based on analyses of student achievement data and  
1332 instructional strategies and methods that support rigorous,  
1333 relevant, and challenging curricula for all students. Schools  
1334 and districts, in developing and refining the professional

2014850e2

1335 development system, shall also review and monitor school  
1336 discipline data; school environment surveys; assessments of  
1337 parental satisfaction; performance appraisal data of teachers,  
1338 managers, and administrative personnel; and other performance  
1339 indicators to identify school and student needs that can be met  
1340 by improved professional performance.

1341 3. Provide inservice activities coupled with followup  
1342 support appropriate to accomplish district-level and school-  
1343 level improvement goals and standards. The inservice activities  
1344 for instructional personnel shall focus on analysis of student  
1345 achievement data, ongoing formal and informal assessments of  
1346 student achievement, identification and use of enhanced and  
1347 differentiated instructional strategies that emphasize rigor,  
1348 relevance, and reading in the content areas, enhancement of  
1349 subject content expertise, integrated use of classroom  
1350 technology that enhances teaching and learning, classroom  
1351 management, parent involvement, and school safety.

1352 4. Include a master plan for inservice activities, pursuant  
1353 to rules of the State Board of Education, for all district  
1354 employees from all fund sources. The master plan shall be  
1355 updated annually by September 1, must be based on input from  
1356 teachers and district and school instructional leaders, and must  
1357 use the latest available student achievement data and research  
1358 to enhance rigor and relevance in the classroom. Each district  
1359 inservice plan must be aligned to and support the school-based  
1360 inservice plans and school improvement plans pursuant to s.  
1361 1001.42(18). Each district inservice plan must provide a  
1362 description of the training that middle grades instructional  
1363 personnel and school administrators receive on the district's

2014850e2

1364 code of student conduct adopted pursuant to s. 1006.07;  
1365 integrated digital instruction and competency-based instruction  
1366 and CAPE Digital Tool certificates and CAPE industry  
1367 certifications; classroom management; student behavior and  
1368 interaction; extended learning opportunities for students; and  
1369 instructional leadership. District plans must be approved by the  
1370 district school board annually in order to ensure compliance  
1371 with subsection (1) and to allow for dissemination of research-  
1372 based best practices to other districts. District school boards  
1373 must submit verification of their approval to the Commissioner  
1374 of Education no later than October 1, annually. Each school  
1375 principal may establish and maintain an individual professional  
1376 development plan for each instructional employee assigned to the  
1377 school as a seamless component to the school improvement plans  
1378 developed pursuant to s. 1001.42(18). An individual professional  
1379 development plan must be related to specific performance data  
1380 for the students to whom the teacher is assigned, define the  
1381 inservice objectives and specific measurable improvements  
1382 expected in student performance as a result of the inservice  
1383 activity, and include an evaluation component that determines  
1384 the effectiveness of the professional development plan.

1385         5. Include inservice activities for school administrative  
1386 personnel that address updated skills necessary for  
1387 instructional leadership and effective school management  
1388 pursuant to s. 1012.986.

1389         6. Provide for systematic consultation with regional and  
1390 state personnel designated to provide technical assistance and  
1391 evaluation of local professional development programs.

1392         7. Provide for delivery of professional development by



2014850e2

1393 distance learning and other technology-based delivery systems to  
1394 reach more educators at lower costs.

1395 8. Provide for the continuous evaluation of the quality and  
1396 effectiveness of professional development programs in order to  
1397 eliminate ineffective programs and strategies and to expand  
1398 effective ones. Evaluations must consider the impact of such  
1399 activities on the performance of participating educators and  
1400 their students' achievement and behavior.

1401 9. For middle grades, emphasize:

1402 a. Interdisciplinary planning, collaboration, and  
1403 instruction.

1404 b. Alignment of curriculum and instructional materials to  
1405 the state academic standards adopted pursuant to s. 1003.41.

1406 c. Use of small learning communities; problem-solving,  
1407 inquiry-driven research and analytical approaches for students;  
1408 strategies and tools based on student needs; competency-based  
1409 instruction; integrated digital instruction; and project-based  
1410 instruction.

1411  
1412 Each school that includes any of grades 6, 7, or 8 must include  
1413 in its school improvement plan, required under s. 1001.42(18), a  
1414 description of the specific strategies used by the school to  
1415 implement each item listed in this subparagraph.

1416 (7)(a) The Department of Education shall disseminate, using  
1417 web-based technology, research-based best practice methods by  
1418 which the state and district school boards may evaluate and  
1419 improve the professional development system. The best practices  
1420 must include data that indicate the progress of all students.  
1421 The department shall report annually to the State Board of

2014850e2

1422 Education and the Legislature any school district that, in the  
1423 determination of the department, has failed to provide an  
1424 adequate professional development system. This report must  
1425 include the results of the department's investigation and of any  
1426 intervention provided.

1427 (b) The department shall also disseminate, using web-based  
1428 technology, professional development in the use of integrated  
1429 digital instruction at schools that include middle grades. The  
1430 professional development must provide training and materials  
1431 that districts can use to provide instructional personnel with  
1432 the necessary knowledge, skills, and strategies to effectively  
1433 blend digital instruction into subject-matter curricula. The  
1434 professional development must emphasize online learning and  
1435 research techniques, reading instruction, the use of digital  
1436 devices to supplement the delivery of curricular content to  
1437 students, and digital device management and security. Districts  
1438 are encouraged to incorporate the professional development as  
1439 part of their professional development system.

1440 Section 15. Paragraph (k) is added to subsection (2) and  
1441 paragraph (y) is added to subsection (3) of section 11.45,  
1442 Florida Statutes, and subsection (8) of that section is amended,  
1443 to read:

1444 11.45 Definitions; duties; authorities; reports; rules.—

1445 (2) DUTIES.—The Auditor General shall:

1446 (k) Annually conduct operational audits of the accounts and  
1447 records of eligible nonprofit scholarship-funding organizations  
1448 receiving eligible contributions under s. 1002.395, including  
1449 any contracts for services with related entities, to determine  
1450 compliance with the provisions of that section. Such audits

2014850e2

1451 shall include, but not be limited to, a determination of the  
1452 eligible nonprofit scholarship-funding organization's compliance  
1453 with s. 1002.395(6)(j). The Auditor General shall provide its  
1454 report on the results of the audits to the Governor, the  
1455 President of the Senate, the Speaker of the House of  
1456 Representatives, the Chief Financial Officer, and the  
1457 Legislative Auditing Committee, within 30 days of completion of  
1458 the audit.

1459  
1460 The Auditor General shall perform his or her duties  
1461 independently but under the general policies established by the  
1462 Legislative Auditing Committee. This subsection does not limit  
1463 the Auditor General's discretionary authority to conduct other  
1464 audits or engagements of governmental entities as authorized in  
1465 subsection (3).

1466 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor  
1467 General may, pursuant to his or her own authority, or at the  
1468 direction of the Legislative Auditing Committee, conduct audits  
1469 or other engagements as determined appropriate by the Auditor  
1470 General of:

1471 (y) The accounts and records of a nonprofit scholarship-  
1472 funding organization participating in a state sponsored  
1473 scholarship program authorized by chapter 1002.

1474 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in  
1475 consultation with the Board of Accountancy, shall adopt rules  
1476 for the form and conduct of all financial audits performed by  
1477 independent certified public accountants pursuant to ss.  
1478 215.981, 218.39, 1001.453, 1002.395, 1004.28, and 1004.70. The  
1479 rules for audits of local governmental entities, charter

2014850e2

1480 schools, charter technical career centers, and district school  
1481 boards must include, but are not limited to, requirements for  
1482 the reporting of information necessary to carry out the purposes  
1483 of the Local Governmental Entity, Charter School, Charter  
1484 Technical Career Center, and District School Board Financial  
1485 Emergencies Act as stated in s. 218.501.

1486 Section 16. Section 1002.385, Florida Statutes, is created  
1487 to read:

1488 1002.385 Florida personal learning scholarship accounts.-

1489 (1) ESTABLISHMENT OF PROGRAM.-The Florida Personal Learning  
1490 Scholarship Accounts Program is established to provide the  
1491 option for a parent to better meet the individual educational  
1492 needs of his or her eligible child.

1493 (2) DEFINITIONS.-As used in this section, the term:

1494 (a) "Approved provider" means a provider approved by the  
1495 Agency for Persons with Disabilities, a health care practitioner  
1496 as defined in s. 456.001(4), or a provider approved by the  
1497 department pursuant to s. 1002.66.

1498 (b) "Curriculum" means a complete course of study for a  
1499 particular content area or grade level, including any required  
1500 supplemental materials.

1501 (c) "Department" means the Department of Education.

1502 (d) "Disability" means, for a student in kindergarten to  
1503 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,  
1504 as defined in s. 393.063(4); Down syndrome, as defined in s.  
1505 393.063(13); an intellectual disability, as defined in s.  
1506 393.063(21); Prader-Willi syndrome, as defined in s.  
1507 393.063(25); or Spina bifida, as defined in s. 393.063(36); for  
1508 a student in kindergarten, being a high-risk child, as defined

2014850e2

1509 in s. 393.063(20) (a); and Williams syndrome.

1510 (e) "Eligible nonprofit scholarship-funding organization"  
1511 or "organization" has the same meaning as in s. 1002.395.

1512 (f) "Eligible postsecondary educational institution" means  
1513 a Florida College System institution, a state university, a  
1514 school district technical center, a school district adult  
1515 general education center, or an accredited nonpublic  
1516 postsecondary educational institution, as defined in s. 1005.02,  
1517 which is licensed to operate in the state pursuant to  
1518 requirements specified in part III of chapter 1005.

1519 (g) "Eligible private school" means a private school, as  
1520 defined in s. 1002.01, which is located in this state, which  
1521 offers an education to students in any grade from kindergarten  
1522 to grade 12, and which meets requirements of:

1523 1. Sections 1002.42 and 1002.421; and  
1524 2. A scholarship program under s. 1002.39 or s. 1002.395,  
1525 as applicable, if the private school participates in a  
1526 scholarship program under s. 1002.39 or s. 1002.395.

1527 (h) "IEP" means individual education plan.

1528 (i) "Parent" means a resident of this state who is a  
1529 parent, as defined in s. 1000.21.

1530 (j) "Program" means the Florida Personal Learning  
1531 Scholarship Accounts Program established in this section.

1532 (3) PROGRAM ELIGIBILITY.—A parent of a student with a  
1533 disability may request and receive from the state a Florida  
1534 personal learning scholarship account for the purposes specified  
1535 in subsection (5) if:

1536 (a) The student:

1537 1. Is a resident of this state;

2014850e2

1538 2. Is eligible to enroll in kindergarten through grade 12  
1539 in a public school in this state;

1540 3. Has a disability as defined in paragraph (2) (d); and

1541 4. Is the subject of an IEP written in accordance with  
1542 rules of the State Board of Education or has received a  
1543 diagnosis of a disability as defined in subsection (2) from a  
1544 physician who is licensed under chapter 458 or chapter 459 or a  
1545 psychologist who is licensed in this state.

1546 (b) Beginning January, 2015, the parent has applied to an  
1547 eligible nonprofit scholarship-funding organization to  
1548 participate in the program by February 1 before the school year  
1549 in which the student will participate or an alternative date as  
1550 set by the organization for any vacant, funded slots. The  
1551 request must be communicated directly to the organization in a  
1552 manner that creates a written or electronic record of the  
1553 request and the date of receipt of the request. The organization  
1554 shall notify the district and the department of the parent's  
1555 intent upon receipt of the parent's request.

1556 (4) PROGRAM PROHIBITIONS.—

1557 (a) A student is not eligible for the program while he or  
1558 she is:

1559 1. Enrolled in a public school, including, but not limited  
1560 to, the Florida School for the Deaf and the Blind, the Florida  
1561 Virtual School, the College-Preparatory Boarding Academy, a  
1562 developmental research school authorized under s. 1002.32, a  
1563 charter school authorized under s. 1002.33, s. 1002.331, or s.  
1564 1002.332, or a virtual education program authorized under s.  
1565 1002.45;

1566 2. Enrolled in a school operating for the purpose of

2014850e2

1567 providing educational services to youth in the Department of  
1568 Juvenile Justice commitment programs;

1569 3. Receiving a scholarship pursuant to the Florida Tax  
1570 Credit Scholarship Program under s. 1002.395 or the John M.  
1571 McKay Scholarships for Students with Disabilities Program under  
1572 s. 1002.39; or

1573 4. Receiving any other educational scholarship pursuant to  
1574 this chapter.

1575 (b) A student is not eligible for the program if:

1576 1. The student or student's parent has accepted any  
1577 payment, refund, or rebate, in any manner, from a provider of  
1578 any services received pursuant to subsection (5);

1579 2. The student's participation in the program has been  
1580 denied or revoked by the Commissioner of Education pursuant to  
1581 subsection (10); or

1582 3. The student's parent has forfeited participation in the  
1583 program for failure to comply with requirements pursuant to  
1584 subsection (11).

1585 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be  
1586 spent for the following purposes:

1587 (a) Instructional materials, including digital devices,  
1588 digital periphery devices, and assistive technology devices that  
1589 allow a student to access instruction or instructional content.

1590 (b) Curriculum as defined in paragraph (2) (b).

1591 (c) Specialized services by approved providers that are  
1592 selected by the parent. These specialized services may include,  
1593 but are not limited to:

1594 1. Applied behavior analysis services as provided in ss.  
1595 627.6686 and 641.31098.

2014850e2

1596 2. Services provided by speech-language pathologists as  
1597 defined in s. 468.1125.

1598 3. Occupational therapy services as defined in s. 468.203.

1599 4. Services provided by physical therapists as defined in  
1600 s. 486.021.

1601 5. Services provided by listening and spoken language  
1602 specialists and an appropriate acoustical environment for a  
1603 child who is deaf or hard of hearing and who has received an  
1604 implant or assistive hearing device.

1605 (d) Enrollment in, or tuition or fees associated with  
1606 enrollment in, an eligible private school, an eligible  
1607 postsecondary educational institution, a private tutoring  
1608 program authorized under s. 1002.43, a virtual program offered  
1609 by a department-approved private online provider that meets the  
1610 provider qualifications specified in s. 1002.45(2)(a), the  
1611 Florida Virtual School as a private paying student, or an  
1612 approved online course offered pursuant to s. 1003.499 or s.  
1613 1004.0961.

1614 (e) Fees for nationally standardized, norm-referenced  
1615 achievement tests, Advanced Placement Examinations, industry  
1616 certification examinations, assessments related to postsecondary  
1617 education, or other assessments.

1618 (f) Contributions to the Stanley G. Tate Florida Prepaid  
1619 College Program pursuant to s. 1009.98, for the benefit of the  
1620 eligible student.

1621 (g) Contracted services provided by a public school or  
1622 school district, including classes. A student who receives  
1623 services under a contract under this paragraph is not considered  
1624 enrolled in a public school for eligibility purposes as



2014850e2

1625 specified in subsection (4).

1626  
1627 A specialized service provider, eligible private school,  
1628 eligible postsecondary educational institution, private tutoring  
1629 program provider, online or virtual program provider, public  
1630 school, school district, or other entity receiving payments  
1631 pursuant to this subsection may not share, refund, or rebate any  
1632 moneys from the Florida Personal learning scholarship account  
1633 with the parent or participating student in any manner.

1634 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
1635 educational choice, the program payments made under this section  
1636 shall remain in force until a student participating in the  
1637 program participates in any of the prohibited activities  
1638 specified in subsection (4), has funds revoked by the  
1639 Commissioner of Education pursuant to subsection (10), returns  
1640 to a public school, graduates from high school, or attains 22  
1641 years of age, whichever occurs first. A participating student  
1642 who enrolls in a public school or public school program is  
1643 considered to have returned to a public school for the purpose  
1644 of determining the end of the program's term.

1645 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

1646 (a)1. For a student with a disability who does not have a  
1647 matrix of services under s. 1011.62(1)(e) and for whom the  
1648 parent requests a matrix of services, the school district must  
1649 complete a matrix that assigns the student to one of the levels  
1650 of service as they existed before the 2000-2001 school year.

1651 2.a. Within 10 school days after a school district receives  
1652 notification of a parent's request for completion of a matrix of  
1653 services, the school district must notify the student's parent

2014850e2

1654 if the matrix of services has not been completed and inform the  
1655 parent that the district is required to complete the matrix  
1656 within 30 days after receiving notice of the parent's request  
1657 for the matrix of services. This notice must include the  
1658 required completion date for the matrix.

1659 b. The school district shall complete the matrix of  
1660 services for a student whose parent has made a request. The  
1661 school district must provide the student's parent with the  
1662 student's matrix level within 10 school days after its  
1663 completion.

1664 c. The department shall notify the parent and the eligible  
1665 nonprofit scholarship-funding organization of the amount of the  
1666 funds awarded within 10 days after receiving the school  
1667 district's notification of the student's matrix level.

1668 d. A school district may change a matrix of services only  
1669 if the change is to correct a technical, typographical, or  
1670 calculation error.

1671 (b) For each student participating in the program who  
1672 chooses to participate in statewide, standardized assessments  
1673 under s. 1008.22 or the Florida Alternate Assessment, the school  
1674 district in which the student resides must notify the student  
1675 and his or her parent about the locations and times to take all  
1676 statewide, standardized assessments.

1677 (c) For each student participating in the program, a school  
1678 district shall notify the parent about the availability of a  
1679 reevaluation at least every 3 years.

1680 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
1681 private school may be sectarian or nonsectarian and shall:

1682 (a) Comply with all requirements for private schools

2014850e2

1683 participating in state school choice scholarship programs  
1684 pursuant to s. 1002.421.

1685 (b) Provide to the eligible nonprofit scholarship-funding  
1686 organization, upon request, all documentation required for the  
1687 student's participation, including the private school's and  
1688 student's fee schedules.

1689 (c) Be academically accountable to the parent for meeting  
1690 the educational needs of the student by:

1691 1. At a minimum, annually providing to the parent a written  
1692 explanation of the student's progress.

1693 2. Annually administering or making provision for students  
1694 participating in the program in grades 3 through 10 to take one  
1695 of the nationally norm-referenced tests identified by the  
1696 Department of Education or the statewide assessments pursuant to  
1697 s. 1008.22. Students with disabilities for whom standardized  
1698 testing is not appropriate are exempt from this requirement. A  
1699 participating private school shall report a student's scores to  
1700 the parent.

1701 3. Cooperating with the scholarship student whose parent  
1702 chooses to have the student participate in the statewide  
1703 assessments pursuant to s. 1008.22 or, if a private school  
1704 chooses to offer the statewide assessments, administering the  
1705 assessments at the school.

1706 a. A participating private school may choose to offer and  
1707 administer the statewide assessments to all students who attend  
1708 the private school in grades 3 through 10.

1709 b. A participating private school shall submit a request in  
1710 writing to the Department of Education by March 1 of each year  
1711 in order to administer the statewide assessments in the

2014850e2

1712 subsequent school year.

1713 (d) Employ or contract with teachers who have regular and  
1714 direct contact with each student receiving a scholarship under  
1715 this section at the school's physical location.

1716 (e) Annually contract with an independent certified public  
1717 accountant to perform the agreed-upon procedures developed under  
1718 s. 1002.395(6) (n) and produce a report of the results if the  
1719 private school receives more than \$250,000 in funds from  
1720 scholarships awarded under this section in the 2014-2015 state  
1721 fiscal year or a state fiscal year thereafter. A private school  
1722 subject to this paragraph must submit the report by September  
1723 15, 2015, and annually thereafter to the scholarship-funding  
1724 organization that awarded the majority of the school's  
1725 scholarship funds. The agreed-upon procedures must be conducted  
1726 in accordance with attestation standards established by the  
1727 American Institute of Certified Public Accountants.

1728  
1729 The inability of a private school to meet the requirements of  
1730 this subsection constitutes a basis for the ineligibility of the  
1731 private school to participate in the program as determined by  
1732 the department.

1733 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
1734 shall:

1735 (a) Maintain a list of approved providers.

1736 (b) Require each eligible nonprofit scholarship-funding  
1737 organization to verify eligible expenditures before the  
1738 distribution of funds for any expenditures made pursuant to  
1739 paragraphs (5) (a) and (b). Review of expenditures made for  
1740 services in paragraphs (5) (c) through (g) may be completed after

2014850e2

1741 the payment has been made.

1742 (c) Investigate any written complaint of a violation of  
1743 this section in accordance with the process established by s.  
1744 1002.395(9)(f).

1745 (d) Require quarterly reports by an eligible nonprofit  
1746 scholarship-funding organization regarding the number of  
1747 students participating in the program, the providers of services  
1748 to students, and other information deemed necessary by the  
1749 department.

1750 (e) Compare the list of student's participating in the  
1751 program with the public school enrollment lists before each  
1752 program payment to avoid duplicate payments.

1753 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

1754 (a) The Commissioner of Education:

1755 1. Shall deny, suspend, or revoke a student's participation  
1756 in the program if the health, safety, or welfare of the student  
1757 is threatened or fraud is suspected.

1758 2. Shall deny, suspend, or revoke an authorized use of  
1759 program funds if the health, safety, or welfare of the student  
1760 is threatened or fraud is suspected.

1761 3. May deny, suspend, or revoke an authorized use of  
1762 program funds for material failure to comply with this section  
1763 and applicable department rules if the noncompliance is  
1764 correctable within a reasonable period of time. Otherwise, the  
1765 commissioner shall deny, suspend, or revoke an authorized use  
1766 for failure to materially comply with the law and rules adopted  
1767 under this section.

1768 4. Shall require compliance by the appropriate party by a  
1769 date certain for all nonmaterial failures to comply with this

2014850e2

1770 section and applicable department rules. The commissioner may  
1771 deny, suspend, or revoke program participation under this  
1772 section thereafter.

1773 (b) In determining whether to deny, suspend, or revoke in  
1774 accordance with this subsection, the commissioner may consider  
1775 factors that include, but are not limited to, acts or omissions  
1776 by a participating entity which led to a previous denial or  
1777 revocation of participation in an education scholarship program;  
1778 failure to reimburse the eligible nonprofit scholarship-funding  
1779 organization for program funds improperly received or retained  
1780 by the entity; imposition of a prior criminal sanction related  
1781 to the entity or its officers or employees; imposition of a  
1782 civil fine or administrative fine, license revocation or  
1783 suspension, or program eligibility suspension, termination, or  
1784 revocation related to an entity's management or operation; or  
1785 other types of criminal proceedings in which the entity or its  
1786 officers or employees were found guilty of, regardless of  
1787 adjudication, or entered a plea of nolo contendere or guilty to,  
1788 any offense involving fraud, deceit, dishonesty, or moral  
1789 turpitude.

1790 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
1791 PARTICIPATION.—A parent who applies for program participation  
1792 under this section is exercising his or her parental option to  
1793 determine the appropriate placement or the services that best  
1794 meet the needs of his or her child. The scholarship award for a  
1795 student is based on a matrix that assigns the student to support  
1796 Level III services. If a parent chooses to request and receive  
1797 an IEP and a matrix of services from the school district, the  
1798 amount of the payment shall be adjusted as needed, when the

2014850e2

1799 school district completes the matrix.

1800 (a) To enroll an eligible student in the program, the  
1801 parent must sign an agreement with the eligible nonprofit  
1802 scholarship-funding organization and annually submit a  
1803 notarized, sworn compliance statement to the organization to:

1804 1. Affirm that the student is enrolled in a program that  
1805 meets regular school attendance requirements as provided in s.  
1806 1003.01(13) (b) through (d).

1807 2. Use the program funds only for authorized purposes, as  
1808 described in subsection (5).

1809 3. Affirm that the student takes all appropriate  
1810 standardized assessments as specified in this section.

1811 a. If the parent enrolls the child in an eligible private  
1812 school, the student must take an assessment selected by the  
1813 private school pursuant to s. 1002.395(7) (e).

1814 b. If the parent enrolls the child in a home education  
1815 program, the parent may choose to participate in an assessment  
1816 as part of the annual evaluation provided for in s.  
1817 1002.41(1) (c).

1818 4. Notify the school district that the student is  
1819 participating in the Personal Learning Scholarship Accounts if  
1820 the parent chooses to enroll in a home education program as  
1821 provided in s. 1002.41.

1822 5. Request participation in the program by the date  
1823 established by the eligible nonprofit scholarship-funding  
1824 organization.

1825 6. Affirm that the student remains in good standing with  
1826 the provider or school if those options are selected by the  
1827 parent.

2014850e2

1828 7. Apply for admission of his or her child if the private  
1829 school option is selected by the parent.

1830 8. Annually renew participation in the program.  
1831 Notwithstanding any changes to the student's IEP, a student who  
1832 was previously eligible for participation in the program shall  
1833 remain eligible to apply for renewal as provided in subsection  
1834 (6).

1835 9. Affirm that the parent will not transfer any college  
1836 savings funds to another beneficiary.

1837 10. Affirm that the parent will not take possession of any  
1838 funding provided by the state for the Florida Personal Learning  
1839 Scholarship Accounts.

1840 11. Maintain a portfolio of records and materials which  
1841 must be preserved by the parent for 2 years and be made  
1842 available for inspection by the district school superintendent  
1843 or the superintendent's designee upon 15 days' written notice.  
1844 This paragraph does not require the superintendent to inspect  
1845 the portfolio. The portfolio of records and materials must  
1846 consist of:

1847 a. A log of educational instruction and services which is  
1848 made contemporaneously with delivery of the instruction and  
1849 services and which designates by title any reading materials  
1850 used; and

1851 b. Samples of any writings, worksheets, workbooks, or  
1852 creative materials used or developed by the student.

1853 (b) The parent is responsible for procuring the services  
1854 necessary to educate the student. When the student receives a  
1855 personal learning scholarship account, the district school board  
1856 is not obligated to provide the student with a free appropriate



2014850e2

1857 public education. For purposes of s. 1003.57 and the Individuals  
1858 with Disabilities in Education Act, a participating student has  
1859 only those rights that apply to all other unilaterally  
1860 parentally placed students, except that, when requested by the  
1861 parent, school district personnel must develop an individual  
1862 education plan or matrix level of services.

1863 (c) The parent is responsible for the payment of all  
1864 eligible expenses in excess of the amount of the personal  
1865 learning scholarship account in accordance with the terms agreed  
1866 to between the parent and the providers.

1867  
1868 A parent who fails to comply with this subsection forfeits the  
1869 personal learning scholarship account.

1870 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP  
1871 ACCOUNTS.—An eligible nonprofit scholarship-funding organization  
1872 participating in the Florida Tax Credit Scholarship Program  
1873 established under s. 1002.395 may establish personal learning  
1874 scholarship accounts for eligible students by:

1875 (a) Receiving applications and determining student  
1876 eligibility in accordance with the requirements of this section.  
1877 The organization shall notify the department of the applicants  
1878 for the program by March 1 before the school year in which the  
1879 student intends to participate. When an application is received,  
1880 the scholarship funding organization must provide the department  
1881 with information on the student to enable the department to  
1882 report the student for funding in accordance with subsection  
1883 (13).

1884 (b) Notifying parents of their receipt of a scholarship on  
1885 a first-come, first-served basis based upon the funds provided

2014850e2

1886 for this program in the General Appropriations Act.

1887 (c) Establishing a date by which a parent must confirm  
1888 initial or continuing participation in the program and confirm  
1889 the establishment or continuance of a personal learning  
1890 scholarship account.

1891 (d) Establishing a date and process by which students on  
1892 the wait list or late-filing applicants may be allowed to  
1893 participate in the program during the school year, within the  
1894 amount of funds provided for this program in the General  
1895 Appropriations Act.

1896 (e) Establishing and maintaining separate accounts for each  
1897 eligible student.

1898 (f) Verifying qualifying expenditures pursuant to the  
1899 requirements of paragraph (8) (b).

1900 (g) Returning any unused funds to the department when the  
1901 student is no longer eligible for a personal scholarship  
1902 learning account.

1903 (13) FUNDING AND PAYMENT.—

1904 (a)1. The maximum funding amount granted for an eligible  
1905 student with a disability, pursuant to subsection (3), shall be  
1906 equivalent to the base student allocation in the Florida  
1907 Education Finance Program multiplied by the appropriate cost  
1908 factor for the educational program which would have been  
1909 provided for the student in the district school to which he or  
1910 she would have been assigned, multiplied by the district cost  
1911 differential.

1912 2. In addition, an amount equivalent to a share of the  
1913 guaranteed allocation for exceptional students in the Florida  
1914 Education Finance Program shall be determined and added to the

2014850e2

1915 amount in subparagraph 1. The calculation shall be based on the  
1916 methodology and the data used to calculate the guaranteed  
1917 allocation for exceptional students for each district in chapter  
1918 2000-166, Laws of Florida. Except as provided in subparagraph  
1919 3., the calculation shall be based on the student's grade, the  
1920 matrix level of services, and the difference between the 2000-  
1921 2001 basic program and the appropriate level of services cost  
1922 factor, multiplied by the 2000-2001 base student allocation and  
1923 the 2000-2001 district cost differential for the sending  
1924 district. The calculated amount must also include an amount  
1925 equivalent to the per-student share of supplemental academic  
1926 instruction funds, instructional materials funds, technology  
1927 funds, and other categorical funds as provided in the General  
1928 Appropriations Act.

1929 3. Except as otherwise provided, the calculation for all  
1930 students participating in the program shall be based on the  
1931 matrix that assigns the student to support level III of  
1932 services. If a parent chooses to request and receive a matrix of  
1933 services from the school district, when the school district  
1934 completes the matrix, the amount of the payment shall be  
1935 adjusted as needed.

1936 (b) The amount of the awarded funds shall be 90 percent of  
1937 the calculated amount.

1938 (c) Upon an eligible student's graduation from an eligible  
1939 postsecondary educational institution or after any period of 4  
1940 consecutive years after high school graduation in which the  
1941 student is not enrolled in an eligible postsecondary educational  
1942 institution, the student's personal learning scholarship account  
1943 shall be closed, and any remaining funds shall revert to the

2014850e2

1944 state.

1945 (d) The eligible nonprofit scholarship-funding organization  
1946 shall develop a system for payment of benefits by electronic  
1947 funds transfer, including, but not limited to, debit cards,  
1948 electronic payment cards, or any other means of electronic  
1949 payment that the department deems to be commercially viable or  
1950 cost-effective. Commodities or services related to the  
1951 development of such a system shall be procured by competitive  
1952 solicitation unless they are purchased from a state term  
1953 contract pursuant to s. 287.056.

1954 (e) Moneys received pursuant to this section do not  
1955 constitute taxable income to the parent of the qualified  
1956 student.

1957 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

1958 (a) The Auditor General shall conduct an annual financial  
1959 and operational audit of accounts and records of each eligible  
1960 scholarship-funding organization that participates in the  
1961 program. As part of this audit, the Auditor General shall  
1962 verify, at a minimum, the total amount of students served and  
1963 eligibility of reimbursements made by each eligible nonprofit  
1964 scholarship-funding organization and transmit that information  
1965 to the department.

1966 (b) The Auditor General shall notify the department of any  
1967 eligible nonprofit scholarship-funding organization that fails  
1968 to comply with a request for information.

1969 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The  
1970 Department of Health, the Agency for Persons with Disabilities,  
1971 and the Department of Education shall work with an eligible  
1972 nonprofit scholarship-funding organization for easy or automated

2014850e2

1973 access to lists of licensed providers of services specified in  
1974 paragraph (5)(c) to ensure efficient administration of the  
1975 program.

1976 (16) LIABILITY.—The state is not liable for the award or  
1977 any use of awarded funds under this section.

1978 (17) SCOPE OF AUTHORITY.—This section does not expand the  
1979 regulatory authority of this state, its officers, or any school  
1980 district to impose additional regulation on participating  
1981 private schools, nonpublic postsecondary educational  
1982 institutions, and private providers beyond those reasonably  
1983 necessary to enforce requirements expressly set forth in this  
1984 section.

1985 (18) RULES.—The State Board of Education shall adopt rules  
1986 pursuant to ss. 120.536(1) and 120.54 to administer this  
1987 section.

1988 (19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL  
1989 YEAR.—Notwithstanding the provisions of this section related to  
1990 notification and eligibility timelines, an eligible nonprofit  
1991 scholarship-funding organization may enroll parents on a rolling  
1992 schedule on a first-come, first-served basis, within the amount  
1993 of funds provided in the General Appropriations Act.

1994 Section 17. Paragraph (c) is added to subsection (1),  
1995 paragraph (f) of subsection (2), subsection (3), subsection (5),  
1996 subsection (6), paragraphs (c) and (e) of subsection (8),  
1997 paragraphs (d), (j), and (o) of subsection (9), and paragraph  
1998 (a) of subsection (12) of section 1002.395, Florida Statutes,  
1999 are amended, present paragraphs (h) through (j) of subsection  
2000 (2) are redesignated as paragraphs (i) through (k),  
2001 respectively, and a new paragraph (h) is added to that

2014850e2

2002 subsection, paragraph (g) is added to subsection (7), and  
2003 subsection (16) is added to that section, to read:

2004 1002.395 Florida Tax Credit Scholarship Program.—

2005 (1) FINDINGS AND PURPOSE.—

2006 (c) The purpose of this section is not to prescribe the  
2007 standards or curriculum for private schools. A private school  
2008 retains the authority to determine its own standards and  
2009 curriculum.

2010 (2) DEFINITIONS.—As used in this section, the term:

2011 (f) “Eligible nonprofit scholarship-funding organization”  
2012 means a state university; or an independent college or  
2013 university that is eligible to participate in the William L.  
2014 Boyd, IV, Florida Resident Access Grant Program, located and  
2015 chartered in this state, is not for profit, and is accredited by  
2016 the Commission on Colleges of the Southern Association of  
2017 Colleges and Schools; or is a charitable organization that:

2018 1. Is exempt from federal income tax pursuant to s.  
2019 501(c)(3) of the Internal Revenue Code;

2020 2. Is a Florida entity formed under chapter 607, chapter  
2021 608, or chapter 617 and whose principal office is located in the  
2022 state; and

2023 3. Complies with subsections ~~the provisions of subsection~~  
2024 (6) and (16).

2025 (h) “Household income” has the same meaning as the term  
2026 “income” is defined in the Income Eligibility Guidelines for  
2027 free and reduced price meals under the National School Lunch  
2028 Program in 7 C.F.R. part 210 as published in the Federal  
2029 Register by the United States Department of Agriculture.

2030 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

2014850e2

2031 (a) The Florida Tax Credit Scholarship Program is  
2032 established.

2033 (b) For the 2014-2015 and 2015-2016 school years,  
2034 contingent upon available funds, a student is eligible for a  
2035 Florida tax credit scholarship under this section if the student  
2036 meets one or more of the following criteria:

2037 1. The student qualifies for free or reduced-price school  
2038 lunches under the National School Lunch Act or is on the direct  
2039 certification list; ~~and:~~

2040 ~~a. Was counted as a full-time equivalent student during the~~  
2041 ~~previous state fiscal year for purposes of state per-student~~  
2042 ~~funding;~~

2043 ~~b. Received a scholarship from an eligible nonprofit~~  
2044 ~~scholarship-funding organization or from the State of Florida~~  
2045 ~~during the previous school year; or~~

2046 ~~e. Is eligible to enter kindergarten through fifth grade.~~

2047 2. The student is currently placed, or during the previous  
2048 state fiscal year was placed, in foster care or in out-of-home  
2049 care as defined in s. 39.01; ~~or.~~

2050 3. The student continues in the scholarship program as long  
2051 as the student's household income level does not exceed 230  
2052 percent of the federal poverty level.

2053 ~~4. The student, who is a first-time tax credit scholarship~~  
2054 ~~recipient, is a sibling of a student who is continuing in the~~  
2055 ~~scholarship program and who resides in the same household as the~~  
2056 ~~student if the sibling meets one or more of the criteria~~  
2057 ~~specified in subparagraphs 1. and 2. and as long as the~~  
2058 ~~student's and sibling's household income level does not exceed~~  
2059 ~~230 percent of the federal poverty level.~~

2014850e2

2060 (c) For the 2016-2017 school year and thereafter,  
2061 contingent upon available funds, a student is eligible for a  
2062 Florida tax credit scholarship under this section if the student  
2063 meets one or more of the following criteria:

2064 1. The student is on the direct certification list or the  
2065 student's household income level does not exceed 185 percent of  
2066 the federal poverty level; or

2067 2. The student is currently placed, or during the previous  
2068 state fiscal year was placed, in foster care or in out-of-home  
2069 care as defined in s. 39.01.

2070 3. The student's household income level is greater than 185  
2071 percent of the federal poverty level but does not exceed 260  
2072 percent of the federal poverty level.

2073  
2074 A student who initially receives a scholarship based on  
2075 eligibility under subparagraph (b)2. or subparagraph (c)2.  
2076 remains eligible until the student graduates from high school or  
2077 attains the age of 21 years, whichever occurs first, regardless  
2078 of the student's household income level. A sibling of a student  
2079 who is participating in the scholarship program under this  
2080 subsection is eligible for a scholarship if the student resides  
2081 in the same household as the sibling.

2082 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

2083 (a)1. The tax credit cap amount is \$229 million in the  
2084 2012-2013 state fiscal year.

2085 2. In the 2013-2014 state fiscal year and each state fiscal  
2086 year thereafter, the tax credit cap amount is the tax credit cap  
2087 amount in the prior state fiscal year. However, in any state  
2088 fiscal year when the annual tax credit amount for the prior



2014850e2

2089 state fiscal year is equal to or greater than 90 percent of the  
2090 tax credit cap amount applicable to that state fiscal year, the  
2091 tax credit cap amount shall increase by 25 percent. The  
2092 Department of Education and Department of Revenue ~~department~~  
2093 shall publish on their websites ~~its website~~ information  
2094 identifying the tax credit cap amount when it is increased  
2095 pursuant to this subparagraph.

2096 (b) A taxpayer may submit an application to the department  
2097 for a tax credit or credits under one or more of s. 211.0251, s.  
2098 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

2099 1. The taxpayer shall specify in the application each tax  
2100 for which the taxpayer requests a credit and the applicable  
2101 taxable year for a credit under s. 220.1875 or s. 624.51055 or  
2102 the applicable state fiscal year for a credit under s. 211.0251,  
2103 s. 212.1831, or s. 561.1211. The department shall approve tax  
2104 credits on a first-come, first-served basis and must obtain the  
2105 division's approval before ~~prior to~~ approving a tax credit under  
2106 s. 561.1211.

2107 2. Within 10 days after approving an application, the  
2108 department shall provide a copy of its approval letter to the  
2109 eligible nonprofit scholarship-funding organization specified by  
2110 the taxpayer in the application.

2111 (c) If a tax credit approved under paragraph (b) is not  
2112 fully used within the specified state fiscal year for credits  
2113 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes  
2114 due for the specified taxable year for credits under s. 220.1875  
2115 or s. 624.51055 because of insufficient tax liability on the  
2116 part of the taxpayer, the unused amount may be carried forward  
2117 for a period not to exceed 5 years. However, any taxpayer that

2014850e2

2118 seeks to carry forward an unused amount of tax credit must  
2119 submit an application to the department for approval of the  
2120 carryforward tax credit in the year that the taxpayer intends to  
2121 use the carryforward. The department must obtain the division's  
2122 approval prior to approving the carryforward of a tax credit  
2123 under s. 561.1211.

2124 (d) A taxpayer may not convey, assign, or transfer an  
2125 approved tax credit or a carryforward tax credit to another  
2126 entity unless all of the assets of the taxpayer are conveyed,  
2127 assigned, or transferred in the same transaction. However, a tax  
2128 credit under s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211,  
2129 or s. 624.51055 may be conveyed, transferred, or assigned  
2130 between members of an affiliated group of corporations if the  
2131 type of tax credit under s. 211.0251, s. 212.1831, s. 220.1875,  
2132 s. 561.1211, or s. 624.51055 remains the same. A taxpayer shall  
2133 notify the department of its intent to convey, transfer, or  
2134 assign a tax credit to another member within an affiliated group  
2135 of corporations. The amount conveyed, transferred, or assigned  
2136 is available to another member of the affiliated group of  
2137 corporations upon approval by the department. The department  
2138 shall obtain the division's approval before approving a  
2139 conveyance, transfer, or assignment of a tax credit under s.  
2140 561.1211.

2141 (e) Within any state fiscal year, a taxpayer may rescind  
2142 all or part of a tax credit approved under paragraph (b). The  
2143 amount rescinded shall become available for that state fiscal  
2144 year to another eligible taxpayer as approved by the department  
2145 if the taxpayer receives notice from the department that the  
2146 rescindment has been accepted by the department. The department

2014850e2

2147 must obtain the division's approval prior to accepting the  
2148 rescindment of a tax credit under s. 561.1211. Any amount  
2149 rescinded under this paragraph shall become available to an  
2150 eligible taxpayer on a first-come, first-served basis based on  
2151 tax credit applications received after the date the rescindment  
2152 is accepted by the department.

2153 (f) For purposes of calculating the underpayment of  
2154 estimated corporate income taxes pursuant to s. 220.34 and tax  
2155 installment payments for taxes on insurance premiums or  
2156 assessments under s. 624.5092, the final amount due is the  
2157 amount after credits earned under s. 220.1875 or s. 624.51055  
2158 for contributions to eligible nonprofit scholarship-funding  
2159 organizations are deducted.

2160 1. For purposes of determining if a penalty or interest  
2161 shall be imposed for underpayment of estimated corporate income  
2162 tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning  
2163 a credit under s. 220.1875, reduce the following estimated  
2164 payment in that taxable year by the amount of the credit. This  
2165 subparagraph applies to contributions made on or after July 1,  
2166 2014.

2167 2. For purposes of determining if a penalty under s.  
2168 624.5092 shall be imposed, an insurer may, after earning a  
2169 credit under s. 624.51055, reduce the following installment  
2170 payment of 27 percent of the amount of the net tax due as  
2171 reported on the return for the preceding year under s.  
2172 624.5092(2)(b) by the amount of the credit. This subparagraph  
2173 applies to contributions made on or after July 1, 2014.

2174 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
2175 ORGANIZATIONS.—An eligible nonprofit scholarship-funding

2014850e2

2176 organization:

2177 (a) Must comply with the antidiscrimination provisions of  
2178 42 U.S.C. s. 2000d.

2179 (b) Must comply with the following background check  
2180 requirements:

2181 1. All owners and operators as defined in subparagraph  
2182 (2) (i) 1. ~~(2) (h) 1.~~ are, before ~~upon~~ employment or engagement to  
2183 provide services, subject to level 2 background screening as  
2184 provided under chapter 435. The fingerprints for the background  
2185 screening must be electronically submitted to the Department of  
2186 Law Enforcement and can be taken by an authorized law  
2187 enforcement agency or by an employee of the eligible nonprofit  
2188 scholarship-funding organization or a private company who is  
2189 trained to take fingerprints. However, the complete set of  
2190 fingerprints of an owner or operator may not be taken by the  
2191 owner or operator. The results of the state and national  
2192 criminal history check shall be provided to the Department of  
2193 Education for screening under chapter 435. The cost of the  
2194 background screening may be borne by the eligible nonprofit  
2195 scholarship-funding organization or the owner or operator.

2196 2. Every 5 years following employment or engagement to  
2197 provide services or association with an eligible nonprofit  
2198 scholarship-funding organization, each owner or operator must  
2199 meet level 2 screening standards as described in s. 435.04, at  
2200 which time the nonprofit scholarship-funding organization shall  
2201 request the Department of Law Enforcement to forward the  
2202 fingerprints to the Federal Bureau of Investigation for level 2  
2203 screening. If the fingerprints of an owner or operator are not  
2204 retained by the Department of Law Enforcement under subparagraph

2014850e2

2205 3., the owner or operator must electronically file a complete  
2206 set of fingerprints with the Department of Law Enforcement. Upon  
2207 submission of fingerprints for this purpose, the eligible  
2208 nonprofit scholarship-funding organization shall request that  
2209 the Department of Law Enforcement forward the fingerprints to  
2210 the Federal Bureau of Investigation for level 2 screening, and  
2211 the fingerprints shall be retained by the Department of Law  
2212 Enforcement under subparagraph 3.

2213 3. ~~All~~ Fingerprints submitted to the Department of Law  
2214 Enforcement as required by this paragraph must be retained by  
2215 the Department of Law Enforcement in a manner approved by rule  
2216 and entered in the statewide automated biometric identification  
2217 system authorized by s. 943.05(2)(b). The fingerprints must  
2218 thereafter be available for all purposes and uses authorized for  
2219 arrest fingerprints entered in the statewide automated biometric  
2220 identification system pursuant to s. 943.051.

2221 4. The Department of Law Enforcement shall search all  
2222 arrest fingerprints received under s. 943.051 against the  
2223 fingerprints retained in the statewide automated biometric  
2224 identification system under subparagraph 3. Any arrest record  
2225 that is identified with an owner's or operator's fingerprints  
2226 must be reported to the Department of Education. The Department  
2227 of Education shall participate in this search process by paying  
2228 an annual fee to the Department of Law Enforcement and by  
2229 informing the Department of Law Enforcement of any change in the  
2230 employment, engagement, or association status of the owners or  
2231 operators whose fingerprints are retained under subparagraph 3.  
2232 The Department of Law Enforcement shall adopt a rule setting the  
2233 amount of the annual fee to be imposed upon the Department of

2014850e2

2234 Education for performing these services and establishing the  
2235 procedures for the retention of owner and operator fingerprints  
2236 and the dissemination of search results. The fee may be borne by  
2237 the owner or operator of the nonprofit scholarship-funding  
2238 organization.

2239 5. A nonprofit scholarship-funding organization whose owner  
2240 or operator fails the level 2 background screening is not ~~shall~~  
2241 ~~not be~~ eligible to provide scholarships under this section.

2242 6. A nonprofit scholarship-funding organization whose owner  
2243 or operator in the last 7 years has filed for personal  
2244 bankruptcy or corporate bankruptcy in a corporation of which he  
2245 or she owned more than 20 percent shall not be eligible to  
2246 provide scholarships under this section.

2247 7. In addition to the offenses listed in s. 435.04, a  
2248 person required to undergo background screening pursuant to this  
2249 part or authorizing statutes must not have an arrest awaiting  
2250 final disposition for, must not have been found guilty of, or  
2251 entered a plea of nolo contendere to, regardless of  
2252 adjudication, and must not have been adjudicated delinquent, and  
2253 the record must not have been sealed or expunged for, any of the  
2254 following offenses or any similar offense of another  
2255 jurisdiction:

2256 a. Any authorizing statutes, if the offense was a felony.

2257 b. This chapter, if the offense was a felony.

2258 c. Section 409.920, relating to Medicaid provider fraud.

2259 d. Section 409.9201, relating to Medicaid fraud.

2260 e. Section 741.28, relating to domestic violence.

2261 f. Section 817.034, relating to fraudulent acts through

2262 mail, wire, radio, electromagnetic, photoelectronic, or

2014850e2

- 2263 photooptical systems.
- 2264 g. Section 817.234, relating to false and fraudulent
- 2265 insurance claims.
- 2266 h. Section 817.505, relating to patient brokering.
- 2267 i. Section 817.568, relating to criminal use of personal
- 2268 identification information.
- 2269 j. Section 817.60, relating to obtaining a credit card
- 2270 through fraudulent means.
- 2271 k. Section 817.61, relating to fraudulent use of credit
- 2272 cards, if the offense was a felony.
- 2273 l. Section 831.01, relating to forgery.
- 2274 m. Section 831.02, relating to uttering forged instruments.
- 2275 n. Section 831.07, relating to forging bank bills, checks,
- 2276 drafts, or promissory notes.
- 2277 o. Section 831.09, relating to uttering forged bank bills,
- 2278 checks, drafts, or promissory notes.
- 2279 p. Section 831.30, relating to fraud in obtaining medicinal
- 2280 drugs.
- 2281 q. Section 831.31, relating to the sale, manufacture,
- 2282 delivery, or possession with the intent to sell, manufacture, or
- 2283 deliver any counterfeit controlled substance, if the offense was
- 2284 a felony.
- 2285 (c) Must not have an owner or operator who owns or operates
- 2286 an eligible private school that is participating in the
- 2287 scholarship program.
- 2288 (d) Must provide scholarships, from eligible contributions,
- 2289 to eligible students for the cost of:
- 2290 1. Tuition and fees for an eligible private school; or
- 2291 2. Transportation to a Florida public school that is

2014850e2

2292 located outside the district in which the student resides or to  
2293 a lab school as defined in s. 1002.32.

2294 (e) Must give first priority to eligible students who  
2295 received a scholarship from an eligible nonprofit scholarship-  
2296 funding organization or from the State of Florida during the  
2297 previous school year. Beginning in the 2016-2017 school year, an  
2298 eligible nonprofit scholarship-funding organization shall give  
2299 priority to new applicants whose household income levels do not  
2300 exceed 185 percent of the federal poverty level or who are in  
2301 foster care or out-of-home care.

2302 (f) Must provide a scholarship to an eligible student on a  
2303 first-come, first-served basis unless the student qualifies for  
2304 priority pursuant to paragraph (e).

2305 (g) May not restrict or reserve scholarships for use at a  
2306 particular private school or provide scholarships to a child of  
2307 an owner or operator.

2308 (h) Must allow a student in foster care or out-of-home care  
2309 to apply for a scholarship at any time.

2310 (i) ~~(h)~~ Must allow an eligible student to attend any  
2311 eligible private school and must allow a parent to transfer a  
2312 scholarship during a school year to any other eligible private  
2313 school of the parent's choice.

2314 (j) ~~(i)~~ 1. May use up to 3 percent of eligible contributions  
2315 received during the state fiscal year in which such  
2316 contributions are collected for administrative expenses if the  
2317 organization has operated under this section for at least 3  
2318 state fiscal years and did not have any negative financial  
2319 findings in its most recent audit under paragraph (m) ~~(l)~~. Such  
2320 administrative expenses must be reasonable and necessary for the



2014850e2

2321 organization's management and distribution of eligible  
2322 contributions under this section. No funds authorized under this  
2323 subparagraph shall be used for lobbying or political activity or  
2324 expenses related to lobbying or political activity. Up to ~~no~~  
2325 ~~more than~~ one-third of the funds authorized for administrative  
2326 expenses under this subparagraph may be used for expenses  
2327 related to the recruitment of contributions from taxpayers. If  
2328 an eligible nonprofit scholarship-funding organization charges  
2329 an application fee for a scholarship, the application fee must  
2330 be immediately refunded to the person that paid the fee if the  
2331 student is not enrolled in a participating school within twelve  
2332 months.

2333 2. Must expend for annual or partial-year scholarships an  
2334 amount equal to or greater than 75 percent of the net eligible  
2335 contributions remaining after administrative expenses during the  
2336 state fiscal year in which such contributions are collected. No  
2337 more than 25 percent of such net eligible contributions may be  
2338 carried forward to the following state fiscal year. All amounts  
2339 carried forward, for audit purposes, must be specifically  
2340 identified for particular students, by student name and the name  
2341 of the school to which the student is admitted, subject to the  
2342 requirements of s. 1002.22, s. 1002.221, 20 U.S.C. s. 1232g, and  
2343 the applicable rules and regulations issued pursuant thereto.

2344 Any amounts carried forward shall be expended for annual or  
2345 partial-year scholarships in the following state fiscal year.  
2346 Net eligible contributions remaining on June 30 of each year  
2347 that are in excess of the 25 percent that may be carried forward  
2348 shall be returned to the State Treasury for deposit in the  
2349 General Revenue Fund.

2014850e2

2350 3. Must, before granting a scholarship for an academic  
2351 year, document each scholarship student's eligibility for that  
2352 academic year. A scholarship-funding organization may not grant  
2353 multiyear scholarships in one approval process.

2354 (k)~~(j)~~ Must maintain separate accounts for scholarship  
2355 funds and operating funds.

2356 (l)~~(k)~~ With the prior approval of the Department of  
2357 Education, may transfer funds to another eligible nonprofit  
2358 scholarship-funding organization if additional funds are  
2359 required to meet scholarship demand at the receiving nonprofit  
2360 scholarship-funding organization. A transfer is ~~shall be~~ limited  
2361 to the greater of \$500,000 or 20 percent of the total  
2362 contributions received by the nonprofit scholarship-funding  
2363 organization making the transfer. All transferred funds must be  
2364 deposited by the receiving nonprofit scholarship-funding  
2365 organization into its scholarship accounts. All transferred  
2366 amounts received by any nonprofit scholarship-funding  
2367 organization must be separately disclosed in the annual  
2368 financial and compliance audit required in this section.

2369 (m)~~(l)~~ Must provide to the Auditor General and the  
2370 Department of Education a report on the results of an annual  
2371 financial and compliance audit of its accounts and records  
2372 conducted by an independent certified public accountant ~~and~~ in  
2373 accordance with auditing standards generally accepted in the  
2374 United States, government auditing standards, and rules  
2375 promulgated ~~adopted~~ by the Auditor General. The audit report  
2376 ~~must be conducted in compliance with generally accepted auditing~~  
2377 ~~standards and~~ must include a report on financial statements  
2378 presented in accordance with generally accepted accounting

2014850e2

2379 principles ~~set forth by the American Institute of Certified~~  
2380 ~~Public Accountants for not-for-profit organizations and a~~  
2381 ~~determination of compliance with the statutory eligibility and~~  
2382 ~~expenditure requirements set forth in this section.~~ Audit  
2383 reports ~~Audits~~ must be provided to the Auditor General and the  
2384 Department of Education within 180 days after completion of the  
2385 eligible nonprofit scholarship-funding organization's fiscal  
2386 year. The Auditor General shall review all audit reports  
2387 submitted pursuant to this paragraph. The Auditor General shall  
2388 request any significant items that were omitted in violation of  
2389 a rule adopted by the Auditor General. The items must be  
2390 provided within 45 days after the date of the request. If the  
2391 scholarship-funding organization does not comply with the  
2392 Auditor General's request, the Auditor General shall notify the  
2393 Legislative Auditing Committee.

2394 (n) ~~(m)~~ Must prepare and submit quarterly reports to the  
2395 Department of Education pursuant to paragraph (9) (m). In  
2396 addition, an eligible nonprofit scholarship-funding organization  
2397 must submit in a timely manner any information requested by the  
2398 Department of Education relating to the scholarship program.

2399 (o) ~~(n)~~ 1.a. Must participate in the joint development of  
2400 agreed-upon procedures to be performed by an independent  
2401 certified public accountant as required under paragraph (8) (e)  
2402 if the scholarship-funding organization provided more than  
2403 \$250,000 in scholarship funds to an eligible private school  
2404 under this section during the 2009-2010 state fiscal year. The  
2405 agreed-upon procedures must uniformly apply to all private  
2406 schools and must determine, at a minimum, whether the private  
2407 school has been verified as eligible by the Department of

2014850e2

2408 Education under paragraph (9) (c); has an adequate accounting  
2409 system, system of financial controls, and process for deposit  
2410 and classification of scholarship funds; and has properly  
2411 expended scholarship funds for education-related expenses.  
2412 During the development of the procedures, the participating  
2413 scholarship-funding organizations shall specify guidelines  
2414 governing the materiality of exceptions that may be found during  
2415 the accountant's performance of the procedures. The procedures  
2416 and guidelines shall be provided to private schools and the  
2417 Commissioner of Education by March 15, 2011.

2418       b. Must participate in a joint review of the agreed-upon  
2419 procedures and guidelines developed under sub-subparagraph a.,  
2420 by February 2013 and biennially thereafter, if the scholarship-  
2421 funding organization provided more than \$250,000 in scholarship  
2422 funds to an eligible private school under this section during  
2423 the state fiscal year preceding the biennial review. If the  
2424 procedures and guidelines are revised, the revisions must be  
2425 provided to private schools and the Commissioner of Education by  
2426 March 15, 2013, and biennially thereafter.

2427       c. Must monitor the compliance of a private school with  
2428 paragraph (8) (e) if the scholarship-funding organization  
2429 provided the majority of the scholarship funding to the school.  
2430 For each private school subject to paragraph (8) (e), the  
2431 appropriate scholarship-funding organization shall notify the  
2432 Commissioner of Education by October 30, 2011, and annually  
2433 thereafter of:

2434           (I) A private school's failure to submit a report required  
2435 under paragraph (8) (e); or

2436           (II) Any material exceptions set forth in the report

2014850e2

2437 required under paragraph (8) (e).

2438 2. Must seek input from the accrediting associations that  
2439 are members of the Florida Association of Academic Nonpublic  
2440 Schools when jointly developing the agreed-upon procedures and  
2441 guidelines under sub-subparagraph 1.a. and conducting a review  
2442 of those procedures and guidelines under sub-subparagraph 1.b.

2443 (p) Must maintain the surety bond or letter of credit  
2444 required by subsection (16). The amount of the surety bond or  
2445 letter of credit may be adjusted quarterly to equal the actual  
2446 amount of undisbursed funds based upon submission by the  
2447 organization of a statement from a certified public accountant  
2448 verifying the amount of undisbursed funds. The requirements of  
2449 this paragraph are waived if the cost of acquiring a surety bond  
2450 or letter of credit exceeds the average 10-year cost of  
2451 acquiring a surety bond or letter of credit by 200 percent. The  
2452 requirements of this paragraph are waived for a state  
2453 university; or an independent college or university which is  
2454 eligible to participate in the William L. Boyd, IV, Florida  
2455 Resident Access Grant Program, located and chartered in this  
2456 state, is not for profit, and is accredited by the Commission on  
2457 Colleges of the Southern Association of Colleges and Schools.

2458 (q) Must provide to the Auditor General any information or  
2459 documentation requested in connection with an operational audit  
2460 of a scholarship funding organization conducted pursuant to s.  
2461 11.45.

2462  
2463 ~~Any and all~~ Information and documentation provided to the  
2464 Department of Education and the Auditor General relating to the  
2465 identity of a taxpayer that provides an eligible contribution

2014850e2

2466 under this section shall remain confidential at all times in  
2467 accordance with s. 213.053.

2468 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
2469 PARTICIPATION.—

2470 (g) The parent shall authorize the nonprofit scholarship-  
2471 funding organization to access information needed for income  
2472 eligibility determination and verification held by other state  
2473 or federal agencies, including the Department of Revenue, the  
2474 Department of Children and Families, the Department of  
2475 Education, the Department of Economic Opportunity, and the  
2476 Agency for Health Care Administration.

2477 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
2478 private school may be sectarian or nonsectarian and must:

2479 (c) Be academically accountable to the parent for meeting  
2480 the educational needs of the student by:

2481 1. At a minimum, annually providing to the parent a written  
2482 explanation of the student's progress.

2483 2. Annually administering or making provision for students  
2484 participating in the scholarship program in grades 3 through 10  
2485 to take one of the nationally norm-referenced tests identified  
2486 by the Department of Education or the statewide assessments  
2487 pursuant to s. 1008.22. Students with disabilities for whom  
2488 standardized testing is not appropriate are exempt from this  
2489 requirement. A participating private school must report a  
2490 student's scores to the parent. A participating private school  
2491 must annually report by August 15 the scores of all  
2492 participating students to the Learning System Institute  
2493 ~~independent research organization~~ described in paragraph (9) (j).

2494 3. Cooperating with—the scholarship student whose parent

2014850e2

2495 chooses to have the student participate in the statewide  
2496 assessments pursuant to s. 1008.22 or, if a private school  
2497 chooses to offer the statewide assessments, administering the  
2498 assessments at the school.

2499 a. A participating private school may choose to offer and  
2500 administer the statewide assessments to all students who attend  
2501 the private school in grades 3 through 10.

2502 b. A participating private school must submit a request in  
2503 writing to the Department of Education by March 1 of each year  
2504 in order to administer the statewide assessments in the  
2505 subsequent school year.

2506 (e) Annually contract with an independent certified public  
2507 accountant to perform the agreed-upon procedures developed under  
2508 paragraph (6) (o) ~~(6) (n)~~ and produce a report of the results if  
2509 the private school receives more than \$250,000 in funds from  
2510 scholarships awarded under this section in the 2010-2011 state  
2511 fiscal year or a state fiscal year thereafter. A private school  
2512 subject to this paragraph must submit the report by September  
2513 15, 2011, and annually thereafter to the scholarship-funding  
2514 organization that awarded the majority of the school's  
2515 scholarship funds. The agreed-upon procedures must be conducted  
2516 in accordance with attestation standards established by the  
2517 American Institute of Certified Public Accountants.

2518  
2519 The inability of a private school to meet the requirements of  
2520 this subsection shall constitute a basis for the ineligibility  
2521 of the private school to participate in the scholarship program  
2522 as determined by the Department of Education.

2523 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of

2014850e2

2524 Education shall:

2525 (d) Annually verify the eligibility of expenditures as  
2526 provided in paragraph (6) (d) using the audit required by  
2527 paragraph (6) (m) and s. 11.45(2) (k) ~~(6) (l)~~.

2528 (j) Issue a project grant award to the Learning System  
2529 Institute at the Florida State University ~~Select an independent~~  
2530 ~~research organization, which may be a public or private entity~~  
2531 ~~or university, to which participating private schools must~~  
2532 report the scores of participating students on the nationally  
2533 norm-referenced tests or the statewide assessments administered  
2534 by the private school in grades 3 through 10. The project term  
2535 is 2 years, and the amount of the project is up to \$500,000 per  
2536 year. The project grant award must be reissued in 2 year  
2537 intervals in accordance with this paragraph.

2538 1. The Learning System Institute ~~independent research~~  
2539 ~~organization~~ must annually report to the Department of Education  
2540 on the student performance ~~year-to-year learning gains~~ of  
2541 participating students:

2542 a. On a statewide basis. The report shall also include, to  
2543 the extent possible, a comparison of scholarship students'  
2544 performance ~~these learning gains~~ to the statewide student  
2545 performance ~~learning gains~~ of public school students with  
2546 socioeconomic backgrounds similar to those of students  
2547 participating in the scholarship program. To minimize costs and  
2548 reduce time required for the Learning System Institute's  
2549 ~~independent research organization's~~ analysis and evaluation, the  
2550 Department of Education shall coordinate with the Learning  
2551 System Institute to provide data to the Learning System  
2552 Institute in order to conduct analyses of matched students from



2014850e2

2553 public school assessment data and calculate control group  
2554 student performance learning gains using an agreed-upon  
2555 methodology ~~outlined in the contract~~ with the Learning System  
2556 Institute independent research organization; and

2557       b. On an individual school basis. The annual report must  
2558 include student performance for each participating private  
2559 school in which at least 51 percent of the total enrolled  
2560 students in the private school participated in the Florida Tax  
2561 Credit Scholarship Program in the prior school year. The report  
2562 shall be according to each participating private school, and for  
2563 participating students, in which there are at least 30  
2564 participating students who have scores for tests administered  
2565 during or after the 2009-2010 school year for 2 consecutive  
2566 years at that private school. If the Learning System Institute  
2567 determines that the 30 participating student cell size may be  
2568 reduced without disclosing personally identifiable information,  
2569 as described in 34 C.F.R. 99.12, of a participating student, the  
2570 Learning System Institute may reduce the participating student  
2571 cell size, but the cell size must not be reduced to less than 10  
2572 participating students. The department shall provide each  
2573 private school's prior school year's student enrollment  
2574 information to the Learning System Institute no later than June  
2575 15 of each year, or as requested by the Learning System  
2576 Institute.

2577       2. The sharing and reporting of student performance  
2578 ~~learning gain~~ data under this paragraph must be in accordance  
2579 with requirements of s. 1002.22, s. 1002.221, 20 U.S.C. s.  
2580 1232g, the Family Educational Rights and Privacy Act, and the  
2581 applicable rules and regulations issued pursuant thereto, and

2014850e2

2582 shall be for the sole purpose of creating the annual report  
2583 required by subparagraph 1. All parties must preserve the  
2584 confidentiality of such information as required by law. The  
2585 annual report must not disaggregate data to a level that will  
2586 identify individual participating schools, except as required  
2587 under sub-subparagraph 1.b., or disclose the academic level of  
2588 individual students.

2589 3. The annual report required by subparagraph 1. shall be  
2590 published by the Department of Education on its website.

2591 (o) Provide a process to match the direct certification  
2592 list with the scholarship application data submitted by any  
2593 nonprofit scholarship-funding organization eligible to receive  
2594 the 3-percent administrative allowance under paragraph (6)(j)  
2595 ~~(6)(i)~~.

2596 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

2597 (a)~~1~~. Except as provided in subparagraph 2., the amount of  
2598 a scholarship provided to any student for any single school year  
2599 by an eligible nonprofit scholarship-funding organization from  
2600 eligible contributions shall be for total costs authorized under  
2601 paragraph (6)(d), not to exceed annual limits, which shall be  
2602 determined as follows:

2603 1.a. For a scholarship awarded to a student enrolled in an  
2604 eligible private school~~+~~

2605 ~~(I) For the 2009-2010 state fiscal year, the limit shall be~~  
2606 ~~\$3,950.~~

2607 ~~(II) For the 2010-2011 state fiscal year, the limit shall~~  
2608 ~~be 60 percent of the unweighted FTE funding amount for that~~  
2609 ~~year.~~

2610 ~~(III) For the 2011-2012 state fiscal year and thereafter,~~

2014850e2

2611 the limit shall be determined by multiplying the unweighted FTE  
2612 funding amount in that state fiscal year by the percentage used  
2613 to determine the limit in the prior state fiscal year. However,  
2614 in each state fiscal year that the tax credit cap amount  
2615 increases pursuant to paragraph (5) (a) ~~subparagraph (5) (a) 2.~~,  
2616 the prior year percentage shall be increased by 4 percentage  
2617 points and the increased percentage shall be used to determine  
2618 the limit for that state fiscal year. If the percentage so  
2619 calculated reaches 80 percent in a state fiscal year, no further  
2620 increase in the percentage is allowed and the limit shall be 80  
2621 percent of the unweighted FTE funding amount for that state  
2622 fiscal year and thereafter. Beginning in the 2016-2017 state  
2623 fiscal year, the amount of a scholarship awarded to a student  
2624 enrolled in an eligible private school shall be equal to 82  
2625 percent of the unweighted FTE funding amount for that state  
2626 fiscal year and thereafter.

2627 b. For a scholarship awarded to a student enrolled in a  
2628 Florida public school that is located outside the district in  
2629 which the student resides or in a lab school as defined in s.  
2630 1002.32, the limit shall be \$500.

2631 2. The annual limit for a scholarship under sub-  
2632 subparagraph 1.a. shall be reduced by:

2633 a. Twenty-five percent if the student's household income  
2634 level is equal to or greater than 200 percent, but less than 215  
2635 percent, of the federal poverty level.

2636 b. Fifty percent if the student's household income level is  
2637 equal to or greater than 215 percent, but equal to or less than  
2638 230 percent, of the federal poverty level.

2639 3. For the 2016-2017 state fiscal year and thereafter, the

2014850e2

2640 annual limit for a scholarship under sub-subparagraph 1.a. shall  
2641 be reduced by:

2642 a. Twelve percent if the student's household income level  
2643 is greater than or equal to 200 percent, but less than 215  
2644 percent, of the federal poverty level.

2645 b. Twenty-six percent if the student's household income  
2646 level is greater than or equal to 215 percent, but less than 230  
2647 percent, of the federal poverty level.

2648 c. Forty percent if the student's household income level is  
2649 greater than or equal to 230 percent, but less than 245 percent,  
2650 of the federal poverty level.

2651 d. Fifty percent if the student's household income level is  
2652 greater than or equal to 245 percent, but less than or equal to  
2653 260 percent, of the federal poverty level.

2654 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;  
2655 APPLICATION.—In order to participate in the scholarship program  
2656 created under this section, a charitable organization that seeks  
2657 to be a nonprofit scholarship-funding organization must submit  
2658 an application for initial approval or renewal to the Office of  
2659 Independent Education and Parental Choice no later than  
2660 September 1 of each year before the school year for which the  
2661 organization intends to offer scholarships.

2662 (a) An application for initial approval must include:

2663 1. A copy of the organization's incorporation documents and  
2664 registration with the Division of Corporations of the Department  
2665 of State.

2666 2. A copy of the organization's Internal Revenue Service  
2667 determination letter as a s. 501(c)(3) not-for-profit  
2668 organization.

2014850e2

2669       3. A description of the organization's financial plan that  
2670 demonstrates sufficient funds to operate throughout the school  
2671 year.

2672       4. A description of the geographic region that the  
2673 organization intends to serve and an analysis of the demand and  
2674 unmet need for eligible students in that area.

2675       5. The organization's organizational chart.

2676       6. A description of the criteria and methodology that the  
2677 organization will use to evaluate scholarship eligibility.

2678       7. A description of the application process, including  
2679 deadlines and any associated fees.

2680       8. A description of the deadlines for attendance  
2681 verification and scholarship payments.

2682       9. A copy of the organization's policies on conflict of  
2683 interest and whistleblowers.

2684       10. A copy of a surety bond or letter of credit in an  
2685 amount equal to 25 percent of the scholarship funds anticipated  
2686 for each school year or \$100,000, whichever is greater.

2687       (b) In addition to the information required by  
2688 subparagraphs (a)1.-9., an application for renewal must include:

2689       1. A surety bond or letter of credit equal to the amount of  
2690 undisbursed donations held by the organization based on the  
2691 annual report submitted pursuant to paragraph (6) (m). The amount  
2692 of the surety bond or letter of credit must be at least  
2693 \$100,000, but not more than \$25 million.

2694       2. The organization's completed Internal Revenue Service  
2695 Form 990 submitted no later than November 30 of the year before  
2696 the school year that the organization intends to offer the  
2697 scholarships, notwithstanding the September 1 application

2014850e2

2698 deadline.

2699 3. A copy of the statutorily required audit to the  
2700 Department of Education and Auditor General.

2701 4. An annual report that includes:

2702 a. The number of students who completed applications, by  
2703 county and by grade.

2704 b. The number of students who were approved for  
2705 scholarships, by county and by grade.

2706 c. The number of students who received funding for  
2707 scholarships within each funding category, by county and by  
2708 grade.

2709 d. The amount of funds received, the amount of funds  
2710 distributed in scholarships, and an accounting of remaining  
2711 funds and the obligation of those funds.

2712 e. A detailed accounting of how the organization spent the  
2713 administrative funds allowable under paragraph (6) (j).

2714 (c) In consultation with the Department of Revenue and the  
2715 Chief Financial Officer, the Office of Independent Education and  
2716 Parental Choice shall review the application. The Department of  
2717 Education shall notify the organization in writing of any  
2718 deficiencies within 30 days after receipt of the application and  
2719 allow the organization 30 days to correct any deficiencies.

2720 (d) Within 30 days after receipt of the finalized  
2721 application by the Office of Independent Education and Parental  
2722 Choice, the Commissioner of Education shall recommend approval  
2723 or disapproval of the application to the State Board of  
2724 Education. The State Board of Education shall consider the  
2725 application and recommendation at the next scheduled meeting,  
2726 adhering to appropriate meeting notice requirements. If the

2014850e2

2727 State Board of Education disapproves the organization's  
2728 application, it shall provide the organization with a written  
2729 explanation of that determination. The State Board of  
2730 Education's action is not subject to chapter 120.

2731 (e) If the State Board of Education disapproves the renewal  
2732 of a nonprofit scholarship-funding organization, the  
2733 organization must notify the affected eligible students and  
2734 parents of the decision within 15 days after disapproval. An  
2735 eligible student affected by the disapproval of an  
2736 organization's participation remains eligible under this section  
2737 until the end of the school year in which the organization was  
2738 disapproved. The student must apply and be accepted by another  
2739 eligible nonprofit scholarship-funding organization for the  
2740 upcoming school year. The student shall be given priority in  
2741 accordance with paragraph (6) (f).

2742 (f) All remaining funds held by a nonprofit scholarship-  
2743 funding organization that is disapproved for participation must  
2744 revert to the Department of Revenue for redistribution to other  
2745 eligible nonprofit scholarship-funding organizations.

2746 (g) A nonprofit scholarship-funding organization is a  
2747 renewing organization if it maintains continuous approval and  
2748 participation in the program. An organization that chooses not  
2749 to participate for 1 year or more or is disapproved to  
2750 participate for 1 year or more must submit an application for  
2751 initial approval in order to participate in the program again.

2752 (h) The State Board of Education shall adopt rules  
2753 providing guidelines for receiving, reviewing, and approving  
2754 applications for new and renewing nonprofit scholarship-funding  
2755 organizations. The rules must include a process for compiling

2014850e2

2756 input and recommendations from the Chief Financial Officer, the  
2757 Department of Revenue, and the Department of Education. The  
2758 rules must also require that the nonprofit scholarship-funding  
2759 organization make a brief presentation to assist the State Board  
2760 of Education in its decision.

2761 (i) A state university; or an independent college or  
2762 university which is eligible to participate in the William L.  
2763 Boyd, IV, Florida Resident Access Grant Program, located and  
2764 chartered in this state, is not for profit, and is accredited by  
2765 the Commission on Colleges of the Southern Association of  
2766 Colleges and Schools, is exempt from the initial or renewal  
2767 application process, but must file a registration notice with  
2768 the Department of Education to be an eligible nonprofit  
2769 scholarship-funding organization. The State Board of Education  
2770 shall adopt rules that identify the procedure for filing the  
2771 registration notice with the department. The rules must identify  
2772 appropriate reporting requirements for fiscal, programmatic, and  
2773 performance accountability purposes consistent with this  
2774 section, but shall not exceed the requirements for eligible  
2775 nonprofit scholarship-funding organizations for charitable  
2776 organizations. An nonprofit scholarship-funding organization  
2777 that becomes eligible pursuant to this paragraph may begin  
2778 providing scholarships to participating students in the 2015-  
2779 2016 school year.

2780 Section 18. A nonprofit scholarship-funding organization  
2781 whose application for participation in the program established  
2782 by s. 1002.395, Florida Statutes, was approved before July 1,  
2783 2014, must, by August 1, 2014, provide a copy of a surety bond  
2784 or letter of credit meeting the requirements of s. 1002.395(16),



2014850e2

2785 Florida Statutes, to the Office of Independent Education and  
2786 Parental Choice.

2787 Section 19. Effective July 1, 2015, section 1003.438,  
2788 Florida Statutes, is repealed.

2789 Section 20. Section 1003.5716, Florida Statutes, is created  
2790 to read:

2791 1003.5716 Transition to postsecondary education and career  
2792 opportunities.—All students with disabilities who are 3 years of  
2793 age to 21 years of age have the right to a free, appropriate  
2794 public education. As used in this section, the term “IEP” means  
2795 individual education plan.

2796 (1) To ensure quality planning for a successful transition  
2797 of a student with a disability to postsecondary education and  
2798 career opportunities, an IEP team shall begin the process of,  
2799 and develop an IEP for, identifying the need for transition  
2800 services before the student with a disability attains the age of  
2801 14 years in order for his or her postsecondary goals and career  
2802 goals to be identified and in place when he or she attains the  
2803 age of 16 years. This process must include, but is not limited  
2804 to:

2805 (a) Consideration of the student’s need for instruction in  
2806 the area of self-determination and self-advocacy to assist the  
2807 student’s active and effective participation in an IEP meeting;  
2808 and

2809 (b) Preparation for the student to graduate from high  
2810 school with a standard high school diploma pursuant to s.  
2811 1003.4282 with a Scholar designation unless the parent chooses a  
2812 Merit designation.

2813 (2) Beginning not later than the first IEP to be in effect

2014850e2

2814 when the student attains the age of 16, or younger if determined  
2815 appropriate by the parent and the IEP team, the IEP must include  
2816 the following statements that must be updated annually:

2817 (a) A statement of intent to pursue a standard high school  
2818 diploma and a Scholar or Merit designation, pursuant to s.  
2819 1003.4285, as determined by the parent.

2820 (b) A statement of intent to receive a standard high school  
2821 diploma before the student attains the age of 22 and a  
2822 description of how the student will fully meet the requirements  
2823 in s. 1003.428 or s. 1003.4282, as applicable, including, but  
2824 not limited to, a portfolio pursuant to s. 1003.4282(10)(b)  
2825 which meets the criteria specified in State Board of Education  
2826 rule. The IEP must also specify the outcomes and additional  
2827 benefits expected by the parent and the IEP team at the time of  
2828 the student's graduation.

2829 (c) A statement of appropriate measurable long-term  
2830 postsecondary education and career goals based upon age-  
2831 appropriate transition assessments related to training,  
2832 education, employment, and, if appropriate, independent living  
2833 skills and the transition services, including courses of study  
2834 needed to assist the student in reaching those goals.

2835 (3) Any change in the IEP for the goals specified in  
2836 subsection (2) must be approved by the parent and is subject to  
2837 verification for appropriateness by an independent reviewer  
2838 selected by the parent as provided in s. 1003.572.

2839 (4) If a participating agency responsible for transition  
2840 services, other than the school district, fails to provide the  
2841 transition services described in the IEP, the school district  
2842 shall reconvene the IEP team to identify alternative strategies

2014850e2

2843 to meet the transition objectives for the student that are  
2844 specified in the IEP. However, this does not relieve any  
2845 participating agency of the responsibility to provide or pay for  
2846 any transition service that the agency would otherwise provide  
2847 to students with disabilities who meet the eligibility criteria  
2848 of that agency.

2849 Section 21. Subsection (3) of section 1003.572, Florida  
2850 Statutes, is amended to read:

2851 1003.572 Collaboration of public and private instructional  
2852 personnel.—

2853 (3) Private instructional personnel who are hired or  
2854 contracted by parents to collaborate with public instructional  
2855 personnel must be permitted to observe the student in the  
2856 educational setting, collaborate with instructional personnel in  
2857 the educational setting, and provide services in the educational  
2858 setting according to the following requirements:

2859 (a) The student's public instructional personnel and  
2860 principal consent to the time and place.

2861 (b) The private instructional personnel satisfy the  
2862 requirements of s. 1012.32 or s. 1012.321.

2863  
2864 For the purpose of implementing this subsection, a school  
2865 district may not impose any requirements beyond those  
2866 requirements specified in this subsection or charge any fees.

2867 Section 22. Paragraph (c) of subsection (5) and paragraph  
2868 (b) of subsection (6) of section 1008.25, Florida Statutes, are  
2869 amended to read:

2870 1008.25 Public school student progression; remedial  
2871 instruction; reporting requirements.—

2014850e2

2872 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

2873 (c) The parent of any student who exhibits a substantial  
2874 deficiency in reading, as described in paragraph (a), must be  
2875 notified in writing of the following:

2876 1. That his or her child has been identified as having a  
2877 substantial deficiency in reading.

2878 2. A description of the current services that are provided  
2879 to the child.

2880 3. A description of the proposed supplemental instructional  
2881 services and supports that will be provided to the child that  
2882 are designed to remediate the identified area of reading  
2883 deficiency.

2884 4. That if the child's reading deficiency is not remediated  
2885 by the end of grade 3, the child must be retained unless he or  
2886 she is exempt from mandatory retention for good cause.

2887 5. Strategies for parents to use in helping their child  
2888 succeed in reading proficiency.

2889 6. That the Florida Comprehensive Assessment Test (FCAT) is  
2890 not the sole determiner of promotion and that additional  
2891 evaluations, portfolio reviews, and assessments are available to  
2892 the child to assist parents and the school district in knowing  
2893 when a child is reading at or above grade level and ready for  
2894 grade promotion.

2895 7. The district's specific criteria and policies for a  
2896 portfolio as provided in subparagraph (6) (b) 4. and the evidence  
2897 required for a student to demonstrate mastery of Florida's  
2898 academic standards for English Language Arts. A parent of a  
2899 student in grade 3 who is identified anytime during the year as  
2900 being at risk of retention may request that the school

2014850e2

2901 immediately begin collecting evidence for a portfolio.

2902 ~~8.7.~~ The district's specific criteria and policies for  
2903 midyear promotion. Midyear promotion means promotion of a  
2904 retained student at any time during the year of retention once  
2905 the student has demonstrated ability to read at grade level.

2906 (6) ELIMINATION OF SOCIAL PROMOTION.—

2907 (b) The district school board may only exempt students from  
2908 mandatory retention, as provided in paragraph (5) (b), for good  
2909 cause. A student who is promoted to grade 4 with a good cause  
2910 exemption shall be provided intensive reading instruction and  
2911 intervention that include specialized diagnostic information and  
2912 specific reading strategies to meet the needs of each student so  
2913 promoted. The school district shall assist schools and teachers  
2914 with the implementation of reading strategies for students  
2915 promoted with a good cause exemption which research has shown to  
2916 be successful in improving reading among students that have  
2917 reading difficulties. Good cause exemptions are ~~shall be~~ limited  
2918 to the following:

2919 1. Limited English proficient students who have had less  
2920 than 2 years of instruction in an English for Speakers of Other  
2921 Languages program.

2922 2. Students with disabilities whose individual education  
2923 plan indicates that participation in the statewide assessment  
2924 program is not appropriate, consistent with the requirements of  
2925 State Board of Education rule.

2926 3. Students who demonstrate an acceptable level of  
2927 performance on an alternative standardized reading or English  
2928 Language Arts assessment approved by the State Board of  
2929 Education.

2014850e2

2930 4. A student who demonstrates through a student portfolio  
2931 that he or she is performing at least at Level 2 on FCAT Reading  
2932 or the common core English Language Arts assessment, as  
2933 applicable under s. 1008.22.

2934 5. Students with disabilities who participate in FCAT  
2935 Reading or the common core English Language Arts assessment, as  
2936 applicable under s. 1008.22, and who have an individual  
2937 education plan or a Section 504 plan that reflects that the  
2938 student has received intensive remediation in reading and  
2939 English Language Arts for more than 2 years but still  
2940 demonstrates a deficiency and was previously retained in  
2941 kindergarten, grade 1, grade 2, or grade 3.

2942 6. Students who have received intensive reading  
2943 intervention for 2 or more years but still demonstrate a  
2944 deficiency in reading and who were previously retained in  
2945 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
2946 years. A student may not be retained more than once in grade 3.

2947 ~~7.6.~~ Students who have received intensive remediation in  
2948 reading and English Language Arts, as applicable under s.  
2949 1008.22, for 2 or more years but still demonstrate a deficiency  
2950 and who were previously retained in kindergarten, grade 1, grade  
2951 2, or grade 3 for a total of 2 years. Intensive instruction for  
2952 students so promoted must include an altered instructional day  
2953 that includes specialized diagnostic information and specific  
2954 reading strategies for each student. The district school board  
2955 shall assist schools and teachers to implement reading  
2956 strategies that research has shown to be successful in improving  
2957 reading among low-performing readers.

2958 Section 23. The Florida Prepaid College Board shall conduct

2014850e2

2959 a study and submit a report to the President of the Senate and  
2960 the Speaker of the House of Representatives by December 31,  
2961 2014, which includes, but is not limited to, a description of  
2962 the following:

2963 (1) The terms and conditions under which payments may be  
2964 withdrawn from the Florida Prepaid College Trust Fund for the  
2965 payment of program fees in excess of, or in lieu of, tuition for  
2966 a student with a disability, up to the limits of an advanced  
2967 payment contract;

2968 (2) A policy for accelerated disbursement of funds for  
2969 payment of other qualified higher education expenses; and

2970 (3) Instances where a student with a disability can use an  
2971 advanced payment contract when auditing a class or receiving a  
2972 tuition waiver.

2973 Section 24. Effective July 1, 2015, paragraph (c) of  
2974 subsection (1) of section 120.81, Florida Statutes, is amended  
2975 to read:

2976 120.81 Exceptions and special requirements; general areas.—

2977 (1) EDUCATIONAL UNITS.—

2978 (c) Notwithstanding s. 120.52(16), any tests, test scoring  
2979 criteria, or testing procedures relating to student assessment  
2980 which are developed or administered by the Department of  
2981 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.  
2982 1008.22, or s. 1008.25, or any other statewide educational tests  
2983 required by law, are not rules.

2984 Section 25. Effective July 1, 2015, subsection (2) of  
2985 section 409.1451, Florida Statutes, is amended to read:

2986 409.1451 The Road-to-Independence Program.—

2987 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

2014850e2

2988 (a) A young adult is eligible for services and support  
2989 under this subsection if he or she:

2990 1. Was living in licensed care on his or her 18th birthday  
2991 or is currently living in licensed care; or was at least 16  
2992 years of age and was adopted from foster care or placed with a  
2993 court-approved dependency guardian after spending at least 6  
2994 months in licensed care within the 12 months immediately  
2995 preceding such placement or adoption;

2996 2. Spent at least 6 months in licensed care before reaching  
2997 his or her 18th birthday;

2998 3. Earned a standard high school diploma or its equivalent  
2999 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.  
3000 1003.435, ~~or s. 1003.438~~;

3001 4. Has been admitted for enrollment as a full-time student  
3002 or its equivalent in an eligible postsecondary educational  
3003 institution as provided in s. 1009.533. For purposes of this  
3004 section, the term "full-time" means 9 credit hours or the  
3005 vocational school equivalent. A student may enroll part-time if  
3006 he or she has a recognized disability or is faced with another  
3007 challenge or circumstance that would prevent full-time  
3008 attendance. A student needing to enroll part-time for any reason  
3009 other than having a recognized disability must get approval from  
3010 his or her academic advisor;

3011 5. Has reached 18 years of age but is not yet 23 years of  
3012 age;

3013 6. Has applied, with assistance from the young adult's  
3014 caregiver and the community-based lead agency, for any other  
3015 grants and scholarships for which he or she may qualify;

3016 7. Submitted a Free Application for Federal Student Aid



2014850e2

3017 which is complete and error free; and

3018 8. Signed an agreement to allow the department and the  
3019 community-based care lead agency access to school records.

3020 Section 26. Effective July 1, 2015, subsection (4) of  
3021 section 1007.263, Florida Statutes, is amended to read:

3022 1007.263 Florida College System institutions; admissions of  
3023 students.—Each Florida College System institution board of  
3024 trustees is authorized to adopt rules governing admissions of  
3025 students subject to this section and rules of the State Board of  
3026 Education. These rules shall include the following:

3027 (4) A student who has been awarded ~~a special diploma as~~  
3028 ~~defined in s. 1003.438~~ or a certificate of completion as defined  
3029 in s. 1003.428(7)(b) is eligible to enroll in certificate career  
3030 education programs.

3031  
3032 Each board of trustees shall establish policies that notify  
3033 students about developmental education options for improving  
3034 their communication or computation skills that are essential to  
3035 performing college-level work, including tutoring, extended time  
3036 in gateway courses, free online courses, adult basic education,  
3037 adult secondary education, or private provider instruction.

3038 Section 27. The amendments made by this act to ss. 1003.438  
3039 and 409.1451, Florida Statutes, do not apply to a student with  
3040 disabilities, as defined in s. 1003.438, Florida Statutes, who  
3041 is eligible for and currently participating in the Road to  
3042 Independence Program, as of the effective date of this act. Such  
3043 student shall continue to participate in the program as long as  
3044 he or she meets the eligibility criteria in effect as of the  
3045 effective date of this act.

2014850e2

3046           Section 28. The amendment made by this act to s. 1003.438,  
3047 Florida Statutes, does not apply to a student with disabilities,  
3048 as defined in s. 1003.438, Florida Statutes, whose individual  
3049 education plan, as of the effective date of this act, contains a  
3050 statement of intent to receive a special diploma. Such student  
3051 shall be awarded a special diploma in a form prescribed by the  
3052 Commissioner of Education if the student meets the requirements  
3053 specified in s. 1003.438, Florida Statutes, and in effect as of  
3054 the effective date of this act. Any such student who meets all  
3055 special requirements of the district school board in effect as  
3056 of the effective date of this act, but who is unable to meet the  
3057 appropriate special state minimum requirements in effect as of  
3058 the effective date of this act, shall be awarded a special  
3059 certificate of completion in a form prescribed by the  
3060 Commissioner of Education.

3061           Section 29. Section 985.622, Florida Statutes, is amended  
3062 to read:

3063           985.622 Multiagency plan for career and professional  
3064 education (CAPE) ~~vocational education~~.-

3065           (1) The Department of Juvenile Justice and the Department  
3066 of Education shall, in consultation with the statewide Workforce  
3067 Development Youth Council, school districts, providers, and  
3068 others, jointly develop a multiagency plan for career and  
3069 professional education (CAPE) ~~vocational education~~ that  
3070 establishes the curriculum, goals, and outcome measures for CAPE  
3071 ~~vocational~~ programs in juvenile justice education programs  
3072 ~~commitment facilities~~. The plan must be reviewed annually,  
3073 revised as appropriate, and include:

3074           (a) Provisions for maximizing appropriate state and federal

2014850e2

3075 funding sources, including funds under the Workforce Investment  
3076 Act and the Perkins Act.~~†~~

3077 (b) Provisions for eliminating barriers to increasing  
3078 occupation-specific job training and high school equivalency  
3079 examination preparation opportunities.

3080 (c)~~(b)~~ The responsibilities of both departments and all  
3081 other appropriate entities.~~†~~ and

3082 (d)~~(e)~~ A detailed implementation schedule.

3083 (2) The plan must define CAPE ~~vocational~~ programming that  
3084 is appropriate based upon:

3085 (a) The age and assessed educational abilities and goals of  
3086 the student youth to be served; and

3087 (b) The typical length of stay and custody characteristics  
3088 at the juvenile justice education ~~commitment~~ program to which  
3089 each student youth is assigned.

3090 (3) The plan must include a definition of CAPE ~~vocational~~  
3091 programming that includes the following classifications of  
3092 juvenile justice education programs ~~commitment facilities~~ that  
3093 will offer CAPE ~~vocational~~ programming by one of the following  
3094 types:

3095 (a) Type 1 A.—Programs that teach personal accountability  
3096 skills and behaviors that are appropriate for students youth in  
3097 all age groups and ability levels and that lead to work habits  
3098 that help maintain employment and living standards.

3099 (b) Type 2 B.—Programs that include Type 1 A program  
3100 content and an orientation to the broad scope of career choices,  
3101 based upon personal abilities, aptitudes, and interests.  
3102 Exploring and gaining knowledge of occupation options and the  
3103 level of effort required to achieve them are essential

2014850e2

3104 prerequisites to skill training.

3105 (c) Type 3 ~~C~~.—Programs that include Type 1 ~~A~~ program  
3106 content and the ~~vocational~~ competencies or the prerequisites  
3107 needed for entry into a specific occupation.

3108 (4) The plan must also address strategies to facilitate  
3109 involvement of business and industry in the design, delivery,  
3110 and evaluation of CAPE ~~vocational~~ programming in juvenile  
3111 justice education ~~commitment facilities and conditional release~~  
3112 programs, including apprenticeship and work experience programs,  
3113 mentoring and job shadowing, and other strategies that lead to  
3114 postrelease employment. Incentives for business involvement,  
3115 such as tax breaks, bonding, and liability limits should be  
3116 investigated, implemented where appropriate, or recommended to  
3117 the Legislature for consideration.

3118 (5) The plan must also evaluate the effect of students'  
3119 mobility between juvenile justice education programs and school  
3120 districts on the students' educational outcomes and whether the  
3121 continuity of the students' education can be better addressed  
3122 through virtual education.

3123 (6)~~(5)~~ The Department of Juvenile Justice and the  
3124 Department of Education shall each align its respective agency  
3125 policies, practices, technical manuals, contracts, quality-  
3126 assurance standards, performance-based-budgeting measures, and  
3127 outcome measures with the plan in juvenile justice education  
3128 programs ~~commitment facilities~~ by July 31, 2015 ~~2001~~. Each  
3129 agency shall provide a report on the implementation of this  
3130 section to the Governor, the President of the Senate, and the  
3131 Speaker of the House of Representatives by August 31, 2015 ~~2001~~.

3132 (7)~~(6)~~ All provider contracts executed by the Department of

2014850e2

3133 Juvenile Justice or the school districts after January 1, 2015  
3134 ~~2002~~, must be aligned with the plan.

3135 ~~(8)~~(7) The planning and execution of quality assurance  
3136 reviews conducted by the Department of Education or the  
3137 Department of Juvenile Justice after August 1, 2015 ~~2002~~, must  
3138 be aligned with the plan.

3139 ~~(9)~~(8) Outcome measures reported by the Department of  
3140 Juvenile Justice and the Department of Education for students  
3141 ~~youth~~ released on or after January 1, 2016 ~~2002~~, should include  
3142 outcome measures that conform to the plan.

3143 Section 30. Section 1001.31, Florida Statutes, is amended  
3144 to read:

3145 1001.31 Scope of district system.—A district school system  
3146 shall include all public schools, classes, and courses of  
3147 instruction and all services and activities directly related to  
3148 education in that district which are under the direction of the  
3149 district school officials. A district school system may also  
3150 include alternative site schools for disruptive or violent  
3151 students ~~youth~~. Such schools for disruptive or violent students  
3152 ~~youth~~ may be funded by each district or provided through  
3153 cooperative programs administered by a consortium of school  
3154 districts, private providers, state and local law enforcement  
3155 agencies, and the Department of Juvenile Justice. Pursuant to  
3156 cooperative agreement, a district school system shall provide  
3157 instructional personnel at juvenile justice facilities ~~of 50 or~~  
3158 ~~more beds or slots~~ with access to the district school system  
3159 database for the purpose of accessing student academic,  
3160 immunization, and registration records for students assigned to  
3161 the programs. Such access shall be in the same manner as

2014850e2

3162 provided to other schools in the district.

3163 Section 31. Section 1003.51, Florida Statutes, is amended  
3164 to read:

3165 1003.51 Other public educational services.—

3166 (1) The general control of other public educational  
3167 services shall be vested in the State Board of Education except  
3168 as provided in this section ~~herein~~. The State Board of Education  
3169 shall, at the request of the Department of Children and Families  
3170 ~~Family Services~~ and the Department of Juvenile Justice, advise  
3171 as to standards and requirements relating to education to be met  
3172 in all state schools or institutions under their control which  
3173 provide educational programs. The Department of Education shall  
3174 provide supervisory services for the educational programs of all  
3175 such schools or institutions. The direct control of any of these  
3176 services provided as part of the district program of education  
3177 shall rest with the district school board. These services shall  
3178 be supported out of state, district, federal, or other ~~lawful~~  
3179 funds, depending on the requirements of the services being  
3180 supported.

3181 (2) The State Board of Education shall adopt rules ~~and~~  
3182 ~~maintain an administrative rule~~ articulating expectations for  
3183 effective education programs for students ~~youth~~ in Department of  
3184 Juvenile Justice programs, including, but not limited to,  
3185 education programs in juvenile justice prevention, day  
3186 treatment, residential, ~~commitment~~ and detention programs  
3187 ~~facilities~~. The rule shall establish ~~articulate~~ policies and  
3188 standards for education programs for students ~~youth~~ in  
3189 Department of Juvenile Justice programs and shall include the  
3190 following:

2014850e2

3191 (a) The interagency collaborative process needed to ensure  
3192 effective programs with measurable results.

3193 (b) The responsibilities of the Department of Education,  
3194 the Department of Juvenile Justice, Workforce Florida, Inc.,  
3195 district school boards, and providers of education services to  
3196 students ~~youth~~ in Department of Juvenile Justice programs.

3197 (c) Academic expectations.

3198 (d) Career expectations.

3199 (e) Education transition planning and services.

3200 (f) ~~(d)~~ Service delivery options available to district  
3201 school boards, including direct service and contracting.

3202 (g) ~~(e)~~ Assessment procedures, which:

3203 1. For prevention, day treatment, and residential programs,  
3204 include appropriate academic and career assessments administered  
3205 at program entry and exit that are selected by the Department of  
3206 Education in partnership with representatives from the  
3207 Department of Juvenile Justice, district school boards, and  
3208 education providers. Assessments must be completed within the  
3209 first 10 school days after a student's entry into the program.

3210 2. Provide for determination of the areas of academic need  
3211 and strategies for appropriate intervention and instruction for  
3212 each student in a detention facility within 5 school days after  
3213 the student's entry into the program and administer a research-  
3214 based assessment that will assist the student in determining his  
3215 or her educational and career options and goals within 22 school  
3216 days after the student's entry into the program ~~Require district~~  
3217 ~~school boards to be responsible for ensuring the completion of~~  
3218 ~~the assessment process.~~

3219 ~~3. Require assessments for students in detention who will~~

2014850e2

3220 ~~move on to commitment facilities, to be designed to create the~~  
3221 ~~foundation for developing the student's education program in the~~  
3222 ~~assigned commitment facility.~~

3223 ~~4. Require assessments of students sent directly to~~  
3224 ~~commitment facilities to be completed within the first 10 school~~  
3225 ~~days of the student's commitment.~~

3226  
3227 The results of these assessments, together with a portfolio  
3228 depicting the student's academic and career accomplishments,  
3229 shall be included in the discharge packet ~~package~~ assembled for  
3230 each student ~~youth~~.

3231 ~~(h)~~ ~~(f)~~ Recommended instructional programs, including, but  
3232 not limited to:

3233 1. Secondary education.

3234 2. High school equivalency examination preparation.

3235 3. Postsecondary education.

3236 4. Career and professional education (CAPE). ~~career~~  
3237 ~~training and~~

3238 5. Job preparation.

3239 6. Virtual education that:

3240 a. Provides competency-based instruction that addresses the  
3241 unique academic needs of the student through delivery by an  
3242 entity accredited by AdvanceED or the Southern Association of  
3243 Colleges and Schools.

3244 b. Confers certifications and diplomas.

3245 c. Issues credit that articulates with and transcripts that  
3246 are recognized by secondary schools.

3247 d. Allows the student to continue to access and progress  
3248 through the program once the student leaves the juvenile justice



2014850e2

3249 system.

3250 (i)~~(g)~~ Funding requirements, which shall include the  
3251 requirement that at least 90 percent of the FEFP funds generated  
3252 by students in Department of Juvenile Justice programs or in an  
3253 education program for juveniles under s. 985.19 be spent on  
3254 instructional costs for those students. One hundred percent of  
3255 the formula-based categorical funds generated by students in  
3256 Department of Juvenile Justice programs must be spent on  
3257 appropriate categoricals such as instructional materials and  
3258 public school technology for those students.

3259 (j)~~(h)~~ Qualifications of instructional staff, procedures  
3260 for the selection of instructional staff, and procedures for to  
3261 ensure consistent instruction and qualified staff year round.  
3262 Qualifications shall include those for instructors of CAPE  
3263 courses, standardized across the state, and shall be based on  
3264 state certification, local school district approval, and  
3265 industry-recognized certifications as identified on the Industry  
3266 Certification Funding List. Procedures for the use of  
3267 noncertified instructional personnel who possess expert  
3268 knowledge or experience in their fields of instruction shall be  
3269 established.

3270 (k)~~(i)~~ Transition services, including the roles and  
3271 responsibilities of appropriate personnel in the juvenile  
3272 justice education program, the school district where the student  
3273 will reenter districts, provider organizations, and the  
3274 Department of Juvenile Justice.

3275 (l)~~(j)~~ Procedures and timeframe for transfer of education  
3276 records when a student youth enters and leaves a Department of  
3277 Juvenile Justice education program facility.

2014850e2

3278        (m)~~(k)~~ The requirement that each district school board  
3279 maintain an academic transcript for each student enrolled in a  
3280 juvenile justice education program facility that delineates each  
3281 course completed by the student as provided by the State Course  
3282 Code Directory.

3283        (n)~~(l)~~ The requirement that each district school board make  
3284 available and transmit a copy of a student's transcript in the  
3285 discharge packet when the student exits a juvenile justice  
3286 education program facility.

3287        (o)~~(m)~~ Contract requirements.

3288        (p)~~(n)~~ Performance expectations for providers and district  
3289 school boards, including student performance measures by type of  
3290 program, education program performance ratings, school  
3291 improvement, and corrective action plans for low-performing  
3292 programs ~~the provision of a progress monitoring plan as required~~  
3293 ~~in s. 1008.25.~~

3294        (q)~~(o)~~ The role and responsibility of the district school  
3295 board in securing workforce development funds.

3296        (r)~~(p)~~ A series of graduated sanctions for district school  
3297 boards whose educational programs in Department of Juvenile  
3298 Justice programs facilities are considered to be unsatisfactory  
3299 and for instances in which district school boards fail to meet  
3300 standards prescribed by law, rule, or State Board of Education  
3301 policy. These sanctions shall include the option of requiring a  
3302 district school board to contract with a provider or another  
3303 district school board if the educational program at the  
3304 Department of Juvenile Justice program is performing below  
3305 minimum standards facility has failed a quality assurance review  
3306 and, after 6 months, is still performing below minimum

2014850e2

3307 standards.

3308 (s) Curriculum, guidance counseling, transition, and  
3309 education services expectations, including curriculum  
3310 flexibility for detention centers operated by the Department of  
3311 Juvenile Justice.

3312 (t)~~(q)~~ Other aspects of program operations.

3313 (3) The Department of Education in partnership with the  
3314 Department of Juvenile Justice, the district school boards, and  
3315 providers shall:

3316 (a) Develop and implement requirements for contracts and  
3317 cooperative agreements regarding ~~Maintain model contracts for~~  
3318 the delivery of appropriate education services to students youth  
3319 in Department of Juvenile Justice education programs ~~to be used~~  
3320 ~~for the development of future contracts.~~ The minimum contract  
3321 requirements shall include, but are not limited to, payment  
3322 structure and amounts; access to district services; contract  
3323 management provisions; data reporting requirements, including  
3324 reporting of full-time equivalent student membership;  
3325 administration of federal programs such as Title I, exceptional  
3326 student education, and the Carl D. Perkins Career and Technical  
3327 Education Act of 2006; and ~~model contracts shall reflect the~~  
3328 policy and standards included in subsection (2). ~~The Department~~  
3329 ~~of Education shall ensure that appropriate district school board~~  
3330 ~~personnel are trained and held accountable for the management~~  
3331 ~~and monitoring of contracts for education programs for youth in~~  
3332 ~~juvenile justice residential and nonresidential facilities.~~

3333 (b) Develop and implement ~~Maintain model~~ procedures for  
3334 transitioning students youth into and out of Department of  
3335 Juvenile Justice education programs. These procedures shall

2014850e2

3336 reflect the policy and standards adopted pursuant to subsection  
3337 (2).

3338 (c) Maintain standardized required content of education  
3339 records to be included as part of a student's youth's commitment  
3340 record and procedures for securing the student's records. The  
3341 education records ~~These requirements shall reflect the policy~~  
3342 ~~and standards adopted pursuant to subsection (2) and shall~~  
3343 include, but not be limited to, the following:

3344 1. A copy of the student's individual educational plan.

3345 2. A copy of the student's individualized progress  
3346 monitoring plan.

3347 3. A copy of the student's individualized transition plan.

3348 ~~4.2.~~ Data on student performance on assessments taken  
3349 according to s. 1008.22.

3350 ~~5.3.~~ A copy of the student's permanent cumulative record.

3351 ~~6.4.~~ A copy of the student's academic transcript.

3352 ~~7.5.~~ A portfolio reflecting the student's youth's academic  
3353 accomplishments and industry certification earned, when age  
3354 appropriate, while in the Department of Juvenile Justice  
3355 program.

3356 (d) Establish ~~Maintain model procedures for securing the~~  
3357 ~~education record and~~ the roles and responsibilities of the  
3358 juvenile probation officer and others involved in the withdrawal  
3359 of the student from school and assignment to a juvenile justice  
3360 education program ~~commitment or detention facility. District~~  
3361 ~~school boards shall respond to requests for student education~~  
3362 ~~records received from another district school board or a~~  
3363 ~~juvenile justice facility within 5 working days after receiving~~  
3364 ~~the request.~~

2014850e2

3365 (4) ~~Each~~ The Department of Education shall ensure that  
3366 district school board shall: ~~boards~~

3367 (a) Notify students in juvenile justice education programs  
3368 ~~residential or nonresidential facilities~~ who attain the age of  
3369 16 years of the ~~provisions of~~ law regarding compulsory school  
3370 attendance and make available the option of enrolling in an  
3371 education ~~a~~ program to attain a Florida high school diploma by  
3372 taking the high school equivalency examination before ~~General~~  
3373 ~~Educational Development test prior to~~ release from the program  
3374 facility. The Department of Education shall assist juvenile  
3375 justice education programs with becoming high school equivalency  
3376 examination centers ~~District school boards or Florida College~~  
3377 ~~System institutions, or both, shall waive GED testing fees for~~  
3378 ~~youth in Department of Juvenile Justice residential programs and~~  
3379 ~~shall, upon request, designate schools operating for the purpose~~  
3380 ~~of providing educational services to youth in Department of~~  
3381 ~~Juvenile Justice programs as GED testing centers, subject to GED~~  
3382 ~~testing center requirements. The administrative fees for the~~  
3383 ~~General Educational Development test required by the Department~~  
3384 ~~of Education are the responsibility of district school boards~~  
3385 ~~and may be required of providers by contractual agreement.~~

3386 (b) Respond to requests for student education records  
3387 received from another district school board or a juvenile  
3388 justice education program within 5 working days after receiving  
3389 the request.

3390 (c) Provide access to courses offered pursuant to ss.  
3391 1002.37, 1002.45, and 1003.498. School districts and providers  
3392 may enter into cooperative agreements for the provision of  
3393 curriculum associated with courses offered pursuant to s.

2014850e2

3394 1003.498 to enable providers to offer such courses.

3395 (d) Complete the assessment process required by subsection  
3396 (2).

3397 (e) Monitor compliance with contracts for education  
3398 programs for students in juvenile justice prevention, day  
3399 treatment, residential, and detention programs.

3400 (5) The Department of Education shall establish and  
3401 operate, either directly or indirectly through a contract, a  
3402 mechanism to provide accountability measures that annually  
3403 assesses and evaluates all juvenile justice education programs  
3404 using student performance data and program performance ratings  
3405 by type of program ~~quality assurance reviews of all juvenile~~  
3406 ~~justice education programs~~ and shall provide technical  
3407 assistance and related research to district school boards and  
3408 juvenile justice education providers ~~on how to establish,~~  
3409 ~~develop, and operate educational programs that exceed the~~  
3410 ~~minimum quality assurance standards.~~ The Department of  
3411 Education, with input from the Department of Juvenile Justice,  
3412 school districts, and education providers shall develop annual  
3413 recommendations for system and school improvement.

3414 Section 32. Section 1003.52, Florida Statutes, is amended  
3415 to read:

3416 1003.52 Educational services in Department of Juvenile  
3417 Justice programs.—

3418 (1) ~~The Legislature finds that education is the single most~~  
3419 ~~important factor in the rehabilitation of adjudicated delinquent~~  
3420 ~~youth in the custody of Department of Juvenile Justice programs.~~  
3421 ~~It is the goal of the Legislature that youth in the juvenile~~  
3422 ~~justice system continue to be allowed the opportunity to obtain~~

2014850e2

3423 ~~a high quality education.~~ The Department of Education shall  
3424 serve as the lead agency for juvenile justice education  
3425 programs, curriculum, support services, and resources. To this  
3426 end, the Department of Education and the Department of Juvenile  
3427 Justice shall each designate a Coordinator for Juvenile Justice  
3428 Education Programs to serve as the point of contact for  
3429 resolving issues not addressed by district school boards and to  
3430 provide each department's participation in the following  
3431 activities:

3432 (a) Training, collaborating, and coordinating with ~~the~~  
3433 ~~Department of Juvenile Justice,~~ district school boards, regional  
3434 workforce boards, and local youth councils, educational contract  
3435 providers, and juvenile justice providers, whether state  
3436 operated or contracted.

3437 (b) Collecting information on the academic, career and  
3438 professional education (CAPE), and transition performance of  
3439 students in juvenile justice programs and reporting on the  
3440 results.

3441 (c) Developing academic and CAPE ~~career~~ protocols that  
3442 provide guidance to district school boards and juvenile justice  
3443 education providers in all aspects of education programming,  
3444 including records transfer and transition.

3445 (d) Implementing a joint accountability, program  
3446 performance, and program improvement process ~~Prescribing the~~  
3447 ~~roles of program personnel and interdepartmental district school~~  
3448 ~~board or provider collaboration strategies.~~

3449  
3450 Annually, a cooperative agreement and plan for juvenile justice  
3451 education service enhancement shall be developed between the

2014850e2

3452 Department of Juvenile Justice and the Department of Education  
3453 and submitted to the Secretary of Juvenile Justice and the  
3454 Commissioner of Education by June 30. The plan shall include, at  
3455 a minimum, each agency's role regarding educational program  
3456 accountability, technical assistance, training, and coordination  
3457 of services.

3458 (2) Students participating in Department of Juvenile  
3459 Justice education programs pursuant to chapter 985 which are  
3460 sponsored by a community-based agency or are operated or  
3461 contracted for by the Department of Juvenile Justice shall  
3462 receive education ~~educational~~ programs according to rules of the  
3463 State Board of Education. These students shall be eligible for  
3464 services afforded to students enrolled in programs pursuant to  
3465 s. 1003.53 and all corresponding State Board of Education rules.

3466 (3) The district school board of the county in which the  
3467 juvenile justice education prevention, day treatment,  
3468 residential, or detention program ~~residential or nonresidential~~  
3469 ~~care facility or juvenile assessment facility~~ is located shall  
3470 provide or contract for appropriate educational assessments and  
3471 an appropriate program of instruction and special education  
3472 services.

3473 (a) The district school board shall make provisions for  
3474 each student to participate in basic, CAPE ~~career~~ education, and  
3475 exceptional student programs as appropriate. Students served in  
3476 Department of Juvenile Justice education programs shall have  
3477 access to the appropriate courses and instruction to prepare  
3478 them for the high school equivalency examination ~~GED test~~.  
3479 Students participating in high school equivalency examination  
3480 ~~GED~~ preparation programs shall be funded at the basic program



2014850e2

3481 cost factor for Department of Juvenile Justice programs in the  
3482 Florida Education Finance Program. Each program shall be  
3483 conducted according to applicable law providing for the  
3484 operation of public schools and rules of the State Board of  
3485 Education. School districts shall provide the high school  
3486 equivalency examination ~~GED~~ exit option for all juvenile justice  
3487 education programs.

3488 (b) ~~By October 1, 2004,~~ The Department of Education, with  
3489 the assistance of the school districts and juvenile justice  
3490 education providers, shall select a common student assessment  
3491 instrument and protocol for measuring student learning gains and  
3492 student progression while a student is in a juvenile justice  
3493 education program. The Department of Education and the  
3494 Department of Juvenile Justice shall jointly review the  
3495 effectiveness of this assessment and implement changes as  
3496 necessary ~~The assessment instrument and protocol must be~~  
3497 ~~implemented in all juvenile justice education programs in this~~  
3498 ~~state by January 1, 2005.~~

3499 (4) Educational services shall be provided at times of the  
3500 day most appropriate for the juvenile justice program. School  
3501 programming in juvenile justice detention, prevention, day  
3502 treatment, and residential ~~commitment, and rehabilitation~~  
3503 programs shall be made available by the local school district  
3504 during the juvenile justice school year, as provided ~~defined~~ in  
3505 s. 1003.01(11). In addition, students in juvenile justice  
3506 education programs shall have access to courses offered pursuant  
3507 to ss. 1002.37, 1002.45, and 1003.498 ~~Florida Virtual School~~  
3508 ~~courses~~. The Department of Education and the school districts  
3509 shall adopt policies necessary to provide ~~ensure~~ such access.

2014850e2

3510 (5) The educational program shall provide instruction based  
3511 on each student's individualized transition plan, assessed  
3512 educational needs, and the education programs available in the  
3513 school district in which the student will return. Depending on  
3514 the student's needs, educational programming may consist of  
3515 remedial courses, ~~consist of appropriate basic~~ academic courses  
3516 required for grade advancement, CAPE courses, high school  
3517 equivalency examination preparation ~~career~~, or exceptional  
3518 student education curricula and related services which support  
3519 the ~~transition treatment~~ goals and reentry and which may lead to  
3520 completion of the requirements for receipt of a high school  
3521 diploma or its equivalent. Prevention and day treatment juvenile  
3522 justice education programs, at a minimum, shall provide career  
3523 readiness and exploration opportunities as well as truancy and  
3524 dropout prevention intervention services. Residential juvenile  
3525 justice education programs with a contracted minimum length of  
3526 stay of 9 months shall provide CAPE courses that lead to  
3527 preapprentice certifications and industry certifications.  
3528 Programs with contracted lengths of stay of less than 9 months  
3529 may provide career education courses that lead to preapprentice  
3530 certifications and CAPE industry certifications. If the duration  
3531 of a program is less than 40 days, the educational component may  
3532 be limited to tutorial remediation activities, ~~and~~ career  
3533 employability skills instruction, education counseling, and  
3534 transition services that prepare students for a return to  
3535 school, the community, and their home settings based on the  
3536 students' needs.

3537 (6) Participation in the program by students of compulsory  
3538 school-attendance age as provided for in s. 1003.21 shall be

2014850e2

3539 mandatory. All students of noncompulsory school-attendance age  
3540 who have not received a high school diploma or its equivalent  
3541 shall participate in the educational program, unless the student  
3542 files a formal declaration of his or her intent to terminate  
3543 school enrollment as described in s. 1003.21 and is afforded the  
3544 opportunity to take the general educational development test and  
3545 attain a Florida high school diploma before ~~prior to~~ release  
3546 from a juvenile justice education program facility. A student  
3547 ~~youth~~ who has received a high school diploma or its equivalent  
3548 and is not employed shall participate in workforce development  
3549 or other CAPE ~~career or technical~~ education or Florida College  
3550 System institution or university courses while in the program,  
3551 subject to available funding.

3552 (7) An individualized ~~A~~ progress monitoring plan shall be  
3553 developed for all students not classified as exceptional  
3554 education students upon entry in a juvenile justice education  
3555 program and upon reentry in the school district ~~who score below~~  
3556 ~~the level specified in district school board policy in reading,~~  
3557 ~~writing, and mathematics or below the level specified by the~~  
3558 ~~Commissioner of Education on statewide assessments as required~~  
3559 ~~by s. 1008.25~~. These plans shall address academic, literacy, and  
3560 career and technical ~~life~~ skills and shall include provisions  
3561 for intensive remedial instruction in the areas of weakness.

3562 (8) Each district school board shall maintain an academic  
3563 record for each student enrolled in a juvenile justice education  
3564 program facility as prescribed by s. 1003.51. Such record shall  
3565 delineate each course completed by the student according to  
3566 procedures in the State Course Code Directory. The district  
3567 school board shall include a copy of a student's academic record

2014850e2

3568 in the discharge packet when the student exits the program  
3569 facility.

3570 (9) ~~Each The Department of Education shall ensure that all~~  
3571 district school board shall ~~boards~~ make provisions for high  
3572 school level students ~~youth~~ to earn credits toward high school  
3573 graduation while in residential and nonresidential juvenile  
3574 justice education programs ~~facilities~~. Provisions must be made  
3575 for the transfer of credits and partial credits earned.

3576 (10) School districts and juvenile justice education  
3577 providers shall develop individualized transition plans during  
3578 the course of a student's stay in a juvenile justice education  
3579 program to coordinate academic, career and technical, and  
3580 secondary and postsecondary services that assist the student in  
3581 successful community reintegration upon release. Development of  
3582 the transition plan shall be a collaboration of the personnel in  
3583 the juvenile justice education program, reentry personnel,  
3584 personnel from the school district where the student will  
3585 return, the student, the student's family, and Department of  
3586 Juvenile Justice personnel for committed students.

3587 (a) Transition planning must begin upon a student's  
3588 placement in the program. The transition plan must include, at a  
3589 minimum:

3590 1. Services and interventions that address the student's  
3591 assessed educational needs and postrelease education plans.

3592 2. Services to be provided during the program stay and  
3593 services to be implemented upon release, including, but not  
3594 limited to, continuing education in secondary school, CAPE  
3595 programs, postsecondary education, or employment, based on the  
3596 student's needs.

2014850e2

3597 3. Specific monitoring responsibilities to determine  
3598 whether the individualized transition plan is being implemented  
3599 and the student is provided access to support services that will  
3600 sustain the student's success by individuals who are responsible  
3601 for the reintegration and coordination of these activities.

3602 (b) For the purpose of transition planning and reentry  
3603 services, representatives from the school district and the one  
3604 stop center where the student will return shall participate as  
3605 members of the local Department of Juvenile Justice reentry  
3606 teams. The school district, upon return of a student from a  
3607 juvenile justice education program, must consider the individual  
3608 needs and circumstances of the student and the transition plan  
3609 recommendations when reenrolling a student in a public school. A  
3610 local school district may not maintain a standardized policy for  
3611 all students returning from a juvenile justice program but place  
3612 students based on their needs and their performance in the  
3613 juvenile justice education program, including any virtual  
3614 education options.

3615 (c) The Department of Education and the Department of  
3616 Juvenile Justice shall provide oversight and guidance to school  
3617 districts, education providers, and reentry personnel on how to  
3618 implement effective educational transition planning and  
3619 services.

3620 (11)~~(10)~~ The district school board shall recruit and train  
3621 teachers who are interested, qualified, or experienced in  
3622 educating students in juvenile justice programs. Students in  
3623 juvenile justice programs shall be provided a wide range of  
3624 education educational programs and opportunities including  
3625 textbooks, technology, instructional support, and ~~other~~

2014850e2

3626 resources commensurate with resources provided available to  
3627 students in public schools, including textbooks and access to  
3628 technology. If the district school board operates a juvenile  
3629 justice education program at a juvenile justice facility, the  
3630 district school board, in consultation with the director of the  
3631 juvenile justice facility, shall select the instructional  
3632 personnel assigned to that program. The Secretary of Juvenile  
3633 Justice or the director of a juvenile justice program may  
3634 request that the performance of a teacher assigned by the  
3635 district to a juvenile justice education program be reviewed by  
3636 the district and that the teacher be reassigned based upon an  
3637 evaluation conducted pursuant to s. 1012.34 or for inappropriate  
3638 behavior ~~Teachers assigned to educational programs in juvenile~~  
3639 ~~justice settings in which the district school board operates the~~  
3640 ~~educational program shall be selected by the district school~~  
3641 ~~board in consultation with the director of the juvenile justice~~  
3642 ~~facility. Educational programs in Juvenile justice education~~  
3643 ~~programs facilities~~ shall have access to the substitute teacher  
3644 pool used ~~utilized~~ by the district school board.

3645 (12) ~~(11)~~ District school boards may contract with a private  
3646 provider for the provision of education ~~educational~~ programs to  
3647 students ~~youths~~ placed with the Department of Juvenile Justice  
3648 and shall generate local, state, and federal funding, including  
3649 funding through the Florida Education Finance Program for such  
3650 students. The district school board's planning and budgeting  
3651 process shall include the needs of Department of Juvenile  
3652 Justice education programs in the district school board's plan  
3653 for expenditures for state categorical and federal funds.

3654 (13) ~~(12)~~ (a) Funding for eligible students enrolled in

2014850e2

3655 juvenile justice education programs shall be provided through  
3656 the Florida Education Finance Program as provided in s. 1011.62  
3657 and the General Appropriations Act. Funding shall include, at a  
3658 minimum:

3659 1. Weighted program funding or the basic amount for current  
3660 operation multiplied by the district cost differential as  
3661 provided in s. 1011.62(2) ~~s. 1011.62(1)(s) and (2)~~;

3662 2. The supplemental allocation for juvenile justice  
3663 education as provided in s. 1011.62(10);

3664 3. A proportionate share of the district's exceptional  
3665 student education guaranteed allocation, the supplemental  
3666 academic instruction allocation, and the instructional materials  
3667 allocation;

3668 4. An amount equivalent to the proportionate share of the  
3669 state average potential discretionary local effort for  
3670 operations, which shall be determined as follows:

3671 a. If the district levies the maximum discretionary local  
3672 effort and the district's discretionary local effort per FTE is  
3673 less than the state average potential discretionary local effort  
3674 per FTE, the proportionate share shall include both the  
3675 discretionary local effort and the compression supplement per  
3676 FTE. If the district's discretionary local effort per FTE is  
3677 greater than the state average per FTE, the proportionate share  
3678 shall be equal to the state average; or

3679 b. If the district does not levy the maximum discretionary  
3680 local effort and the district's actual discretionary local  
3681 effort per FTE is less than the state average potential  
3682 discretionary local effort per FTE, the proportionate share  
3683 shall be equal to the district's actual discretionary local

2014850e2

3684 effort per FTE. If the district's actual discretionary local  
3685 effort per FTE is greater than the state average per FTE, the  
3686 proportionate share shall be equal to the state average  
3687 potential local effort per FTE; and

3688 5. A proportionate share of the district's proration to  
3689 funds available, if necessary.

3690 (b) Juvenile justice education ~~educational~~ programs to  
3691 receive the appropriate FEFP funding for Department of Juvenile  
3692 Justice education programs shall include those operated through  
3693 a contract with the Department of Juvenile Justice ~~and which are~~  
3694 ~~under purview of the Department of Juvenile Justice quality~~  
3695 ~~assurance standards for education.~~

3696 (c) Consistent with the rules of the State Board of  
3697 Education, district school boards shall ~~are required to~~ request  
3698 an alternative FTE survey for Department of Juvenile Justice  
3699 education programs experiencing fluctuations in student  
3700 enrollment.

3701 (d) FTE count periods shall be prescribed in rules of the  
3702 State Board of Education and shall be the same for programs of  
3703 the Department of Juvenile Justice as for other public school  
3704 programs. The summer school period for students in Department of  
3705 Juvenile Justice education programs shall begin on the day  
3706 immediately following the end of the regular school year and end  
3707 on the day immediately preceding the subsequent regular school  
3708 year. Students shall be funded for no more than 25 hours per  
3709 week of direct instruction.

3710 (e) Each juvenile justice education program must receive  
3711 all federal funds for which the program is eligible.

3712 (14) ~~(13)~~ Each district school board shall negotiate a



2014850e2

3713 cooperative agreement with the Department of Juvenile Justice on  
3714 the delivery of educational services to students ~~youths~~ under  
3715 the jurisdiction of the Department of Juvenile Justice. Such  
3716 agreement must include, but is not limited to:

3717 (a) Roles and responsibilities of each agency, including  
3718 the roles and responsibilities of contract providers.

3719 (b) Administrative issues including procedures for sharing  
3720 information.

3721 (c) Allocation of resources including maximization of  
3722 local, state, and federal funding.

3723 (d) Procedures for educational evaluation for educational  
3724 exceptionalities and special needs.

3725 (e) Curriculum and delivery of instruction.

3726 (f) Classroom management procedures and attendance  
3727 policies.

3728 (g) Procedures for provision of qualified instructional  
3729 personnel, whether supplied by the district school board or  
3730 provided under contract by the provider, and for performance of  
3731 duties while in a juvenile justice setting.

3732 (h) Provisions for improving skills in teaching and working  
3733 with students referred to juvenile justice education programs  
3734 ~~delinquents~~.

3735 (i) Transition plans for students moving into and out of  
3736 juvenile justice education programs ~~facilities~~.

3737 (j) Procedures and timelines for the timely documentation  
3738 of credits earned and transfer of student records.

3739 (k) Methods and procedures for dispute resolution.

3740 (l) Provisions for ensuring the safety of education  
3741 personnel and support for the agreed-upon education program.

2014850e2

3742 (m) Strategies for correcting any deficiencies found  
3743 through the accountability and evaluation system and student  
3744 performance measures ~~quality assurance process.~~

3745 ~~(15)-(14)~~ Nothing in this section or in a cooperative  
3746 agreement requires ~~shall be construed to require~~ the district  
3747 school board to provide more services than can be supported by  
3748 the funds generated by students in the juvenile justice  
3749 programs.

3750 ~~(16)-(15)-(a)~~ The Department of Education, in consultation  
3751 with the Department of Juvenile Justice, district school boards,  
3752 and providers, shall adopt rules establishing: ~~establish~~

3753 (a) Objective and measurable student performance measures  
3754 to evaluate a student's educational progress while participating  
3755 in a prevention, day treatment, or residential program. The  
3756 student performance measures must be based on appropriate  
3757 outcomes for all students in juvenile justice education  
3758 programs, taking into consideration the student's length of stay  
3759 in the program. Performance measures shall include outcomes that  
3760 relate to student achievement of career education goals,  
3761 acquisition of employability skills, receipt of a high school  
3762 diploma or its equivalent, grade advancement, and the number of  
3763 CAPE industry certifications earned.

3764 (b) A performance rating system to be used by the  
3765 Department of Education to evaluate quality assurance standards  
3766 ~~for~~ the delivery of educational services within each of the  
3767 juvenile justice programs. The performance rating shall be  
3768 primarily based on data regarding student performance as  
3769 described in paragraph (a) ~~component of residential and~~  
3770 ~~nonresidential juvenile justice facilities.~~

2014850e2

3771 (c) The timeframes, procedures, and resources to be used to  
3772 improve a low-rated educational program or to terminate or  
3773 reassign the program ~~These standards shall rate the district~~  
3774 ~~school board's performance both as a provider and contractor.~~  
3775 ~~The quality assurance rating for the educational component shall~~  
3776 ~~be disaggregated from the overall quality assurance score and~~  
3777 ~~reported separately.~~

3778 (d) ~~(b)~~ The Department of Education, in partnership with the  
3779 Department of Juvenile Justice, shall develop a comprehensive  
3780 accountability and program improvement ~~quality assurance review~~  
3781 process. The accountability and program improvement process  
3782 shall be based on student performance measures by type of  
3783 program and shall rate education program performance. The  
3784 accountability system shall identify and recognize high-  
3785 performing education programs. The Department of Education, in  
3786 partnership with the Department of Juvenile Justice, shall  
3787 identify low-performing programs. Low-performing education  
3788 programs shall receive an onsite program evaluation from the  
3789 Department of Juvenile Justice. School improvement, technical  
3790 assistance, or the reassignment of the program shall be based,  
3791 in part, on the results of the program evaluation. Through a  
3792 corrective action process, low-performing programs must  
3793 demonstrate improvement or reassign the program ~~and schedule for~~  
3794 ~~the evaluation of the educational component in juvenile justice~~  
3795 ~~programs. The Department of Juvenile Justice quality assurance~~  
3796 ~~site visit and the education quality assurance site visit shall~~  
3797 ~~be conducted during the same visit.~~

3798 ~~(c) The Department of Education, in consultation with~~  
3799 ~~district school boards and providers, shall establish minimum~~

2014850e2

3800 ~~thresholds for the standards and key indicators for educational~~  
3801 ~~programs in juvenile justice facilities. If a district school~~  
3802 ~~board fails to meet the established minimum standards, it will~~  
3803 ~~be given 6 months to achieve compliance with the standards. If~~  
3804 ~~after 6 months, the district school board's performance is still~~  
3805 ~~below minimum standards, the Department of Education shall~~  
3806 ~~exercise sanctions as prescribed by rules adopted by the State~~  
3807 ~~Board of Education. If a provider, under contract with the~~  
3808 ~~district school board, fails to meet minimum standards, such~~  
3809 ~~failure shall cause the district school board to cancel the~~  
3810 ~~provider's contract unless the provider achieves compliance~~  
3811 ~~within 6 months or unless there are documented extenuating~~  
3812 ~~circumstances.~~

3813 ~~(d) The requirements in paragraphs (a), (b), and (c) shall~~  
3814 ~~be implemented to the extent that funds are available.~~

3815 (17) The department, in collaboration with the Department  
3816 of Juvenile Justice, shall collect data and report on  
3817 commitment, day treatment, prevention, and detention programs.  
3818 The report shall be submitted to the President of the Senate,  
3819 the Speaker of the House of Representatives, and the Governor by  
3820 February 1 of each year. The report must include, at a minimum:

3821 (a) The number and percentage of students who:

3822 1. Return to an alternative school, middle school, or high  
3823 school upon release and the attendance rate of such students  
3824 before and after participation in juvenile justice education  
3825 programs.

3826 2. Receive a standard high school diploma or a high school  
3827 equivalency diploma.

3828 3. Receive industry certification.

2014850e2

- 3829       4. Enroll in a postsecondary educational institution.
- 3830       5. Complete a juvenile justice education program without
- 3831 reoffending.
- 3832       6. Reoffend within 1 year after completion of a day
- 3833 treatment or residential commitment program.
- 3834       7. Remain employed 1 year after completion of a day
- 3835 treatment or residential commitment program.
- 3836       8. Demonstrate learning gains pursuant to paragraph (3) (b).
- 3837       (b) The following cost data for each juvenile justice
- 3838 education program:
- 3839       1. The amount of funding provided by district school boards
- 3840 to juvenile justice programs and the amount retained for
- 3841 administration, including documenting the purposes of such
- 3842 expenses.
- 3843       2. The status of the development of cooperative agreements.
- 3844       3. Recommendations for system improvement.
- 3845       4. Information on the identification of, and services
- 3846 provided to, exceptional students, to determine whether these
- 3847 students are properly reported for funding and are appropriately
- 3848 served.
- 3849       (18)~~(16)~~ The district school board shall not be charged any
- 3850 rent, maintenance, utilities, or overhead on such facilities.
- 3851 Maintenance, repairs, and remodeling of existing facilities
- 3852 shall be provided by the Department of Juvenile Justice.
- 3853       (19)~~(17)~~ When additional facilities are required, the
- 3854 district school board and the Department of Juvenile Justice
- 3855 shall agree on the appropriate site based on the instructional
- 3856 needs of the students. When the most appropriate site for
- 3857 instruction is on district school board property, a special

2014850e2

3858 capital outlay request shall be made by the commissioner in  
3859 accordance with s. 1013.60. When the most appropriate site is on  
3860 state property, state capital outlay funds shall be requested by  
3861 the Department of Juvenile Justice provided by s. 216.043 and  
3862 shall be submitted as specified by s. 216.023. Any instructional  
3863 facility to be built on state property shall have educational  
3864 specifications jointly developed by the district school board  
3865 and the Department of Juvenile Justice and approved by the  
3866 Department of Education. The size of space and occupant design  
3867 capacity criteria as provided by State Board of Education rules  
3868 shall be used for remodeling or new construction whether  
3869 facilities are provided on state property or district school  
3870 board property.

3871 (20)~~(18)~~ The parent of an exceptional student shall have  
3872 the due process rights provided for in this chapter.

3873 ~~(19) The Department of Education and the Department of~~  
3874 ~~Juvenile Justice, after consultation with and assistance from~~  
3875 ~~local providers and district school boards, shall report~~  
3876 ~~annually to the Legislature by February 1 on the progress toward~~  
3877 ~~developing effective educational programs for juvenile~~  
3878 ~~delinquents, including the amount of funding provided by~~  
3879 ~~district school boards to juvenile justice programs, the amount~~  
3880 ~~retained for administration including documenting the purposes~~  
3881 ~~for such expenses, the status of the development of cooperative~~  
3882 ~~agreements, the results of the quality assurance reviews~~  
3883 ~~including recommendations for system improvement, and~~  
3884 ~~information on the identification of, and services provided to,~~  
3885 ~~exceptional students in juvenile justice commitment facilities~~  
3886 ~~to determine whether these students are properly reported for~~

2014850e2

3887 ~~funding and are appropriately served.~~

3888 ~~(21)-(20)~~ The education ~~educational~~ programs at the ~~Arthur~~  
3889 ~~Dezier School for Boys in Jackson County~~ and the Florida School  
3890 for Boys in Okeechobee shall be operated by the Department of  
3891 Education, either directly or through grants or contractual  
3892 agreements with other public or duly accredited education  
3893 agencies approved by the Department of Education.

3894 ~~(22)-(21)~~ The State Board of Education shall ~~may~~ adopt ~~any~~  
3895 rules necessary to implement ~~the provisions of~~ this section,  
3896 ~~including uniform curriculum, funding, and second chance~~  
3897 ~~schools~~. Such rules must require the minimum amount of paperwork  
3898 and reporting.

3899 ~~(23)-(22)~~ The Department of Juvenile Justice and the  
3900 Department of Education, in consultation with Workforce Florida,  
3901 Inc., the statewide Workforce Development Youth Council,  
3902 district school boards, Florida College System institutions,  
3903 providers, and others, shall jointly develop a multiagency plan  
3904 for CAPE ~~career education~~ which describes the funding,  
3905 curriculum, transfer of credits, goals, and outcome measures for  
3906 career education programming in juvenile commitment facilities,  
3907 pursuant to s. 985.622. The plan must be reviewed annually.

3908 Section 33. Subsection (4) of section 1003.4282, Florida  
3909 Statutes, is amended, and present subsection (10) of section  
3910 1003.4282, Florida Statutes, is renumbered as subsection (11),  
3911 and a new subsection (10) is added to that section, to read:

3912 1003.4282 Requirements for a standard high school diploma.—

3913 (4) ONLINE COURSE REQUIREMENT. ~~Excluding a driver education~~  
3914 ~~course~~, At least one course within the 24 credits required under  
3915 this section must be completed through online learning. A school

2014850e2

3916 district may not require a student to take the online course  
3917 outside the school day or in addition to a student's courses for  
3918 a given semester. An online course taken in grade 6, grade 7, or  
3919 grade 8 fulfills this requirement. This requirement is met  
3920 through an online course offered by the Florida Virtual School,  
3921 a virtual education provider approved by the State Board of  
3922 Education, a high school, or an online dual enrollment course. A  
3923 student who is enrolled in a full-time or part-time virtual  
3924 instruction program under s. 1002.45 meets this requirement.  
3925 This requirement does not apply to a student who has an  
3926 individual education plan under s. 1003.57 which indicates that  
3927 an online course would be inappropriate or to an out-of-state  
3928 transfer student who is enrolled in a Florida high school and  
3929 has 1 academic year or less remaining in high school.

3930 (10) STUDENTS WITH DISABILITIES.—Beginning with students  
3931 entering grade 9 in the 2014-2015 school year, this subsection  
3932 applies to a student with a disability.

3933 (a) A parent of the student with a disability shall, in  
3934 collaboration with the individual education plan (IEP) team  
3935 during the transition planning process pursuant to s. 1003.5716,  
3936 declare an intent for the student to graduate from high school  
3937 with either a standard high school diploma or a certificate of  
3938 completion. A student with a disability who does not satisfy the  
3939 standard high school diploma requirements pursuant to this  
3940 section shall be awarded a certificate of completion.

3941 (b) The following options, in addition to the other options  
3942 specified in this section, may be used to satisfy the standard  
3943 high school diploma requirements, as specified in the student's  
3944 individual education plan:



2014850e2

3945 1. For a student with a disability for whom the IEP team  
3946 has determined that the Florida Alternate Assessment is the most  
3947 appropriate measure of the student's skills:

3948 a. A combination of course substitutions, assessments,  
3949 industry certifications, other acceleration options, or  
3950 occupational completion points appropriate to the student's  
3951 unique skills and abilities that meet the criteria established  
3952 by State Board of Education rule.

3953 b. A portfolio of quantifiable evidence that documents a  
3954 student's mastery of academic standards through rigorous metrics  
3955 established by State Board of Education rule. A portfolio may  
3956 include, but is not limited to, documentation of work  
3957 experience, internships, community service, and postsecondary  
3958 credit.

3959 2. For a student with a disability for whom the IEP team  
3960 has determined that mastery of academic and employment  
3961 competencies is the most appropriate way for a student to  
3962 demonstrate his or her skills:

3963 a. Documented completion of the minimum high school  
3964 graduation requirements, including the number of course credits  
3965 prescribed by rules of the State Board of Education.

3966 b. Documented achievement of all annual goals and short-  
3967 term objectives for academic and employment competencies,  
3968 industry certifications, and occupational completion points  
3969 specified in the student's transition plan. The documentation  
3970 must be verified by the IEP team.

3971 c. Documented successful employment for the number of hours  
3972 per week specified in the student's transition plan, for the  
3973 equivalent of 1 semester, and payment of a minimum wage in

2014850e2

3974 compliance with the requirements of the federal Fair Labor  
3975 Standards Act.

3976 d. Documented mastery of the academic and employment  
3977 competencies, industry certifications, and occupational  
3978 completion points specified in the student's transition plan.  
3979 The documentation must be verified by the IEP team, the  
3980 employer, and the teacher. The transition plan must be developed  
3981 and signed by the student, parent, teacher, and employer before  
3982 placement in employment and must identify the following:

3983 (I) The expected academic and employment competencies,  
3984 industry certifications, and occupational completion points;

3985 (II) The criteria for determining and certifying mastery of  
3986 the competencies;

3987 (III) The work schedule and the minimum number of hours to  
3988 be worked per week; and

3989 (IV) A description of the supervision to be provided by the  
3990 school district.

3991 3. Any change to the high school graduation option  
3992 specified in the student's IEP must be approved by the parent  
3993 and is subject to verification for appropriateness by an  
3994 independent reviewer selected by the parent as provided in s.  
3995 1003.572.

3996 (c) A student with a disability who meets the standard high  
3997 school diploma requirements in this section may defer the  
3998 receipt of a standard high school diploma if the student:

3999 1. Has an individual education plan that prescribes special  
4000 education, transition planning, transition services, or related  
4001 services through age 21; and

4002 2. Is enrolled in accelerated college credit instruction

2014850e2

4003 pursuant to s. 1007.27, industry certification courses that lead  
4004 to college credit, a collegiate high school program, courses  
4005 necessary to satisfy the Scholar designation requirements, or a  
4006 structured work-study, internship, or preapprenticeship program.

4007 (d) A student with a disability who receives a certificate  
4008 of completion and has an individual education plan that  
4009 prescribes special education, transition planning, transition  
4010 services, or related services through 21 years of age may  
4011 continue to receive the specified instruction and services.

4012 (e) Any waiver of the statewide, standardized assessment  
4013 requirements by the individual education plan team, pursuant to  
4014 s. 1008.22(3)(c), must be approved by the parent and is subject  
4015 to verification for appropriateness by an independent reviewer  
4016 selected by the parent as provided for in s. 1003.572.

4017  
4018 The State Board of Education shall adopt rules under ss.  
4019 120.536(1) and 120.54 to implement this paragraph, including  
4020 rules that establish the minimum requirements for students  
4021 described in this paragraph to earn a standard high school  
4022 diploma. The State Board of Education shall adopt emergency  
4023 rules pursuant to ss. 120.536(1) and 120.54.

4024 Section 34. If this act and CS/HB 7031, 2014 Regular  
4025 Session, or similar legislation, are adopted in the same  
4026 legislative session or an extension thereof and become law, and  
4027 the respective provisions of such acts amending s. 1003.4282(4),  
4028 Florida Statutes, differ, it is the intent of the Legislature  
4029 that the amendments made by this act to s. 1003.4282(4), Florida  
4030 Statutes, shall control over the language of CS/HB 7031, or  
4031 similar legislation, regardless of the order in which they are

2014850e2

4032 enacted.

4033 Section 35. Section 1003.4995, Florida Statutes, is created  
4034 to read:

4035 1003.4995 Fine arts report.—The Commissioner of Education  
4036 shall prepare an annual report that includes a description,  
4037 based on annual reporting by schools, of student access to and  
4038 participation in fine arts courses, which are visual arts,  
4039 music, dance, and theatre courses; the number and certification  
4040 status of educators providing instruction in the courses;  
4041 educational facilities designed and classroom space equipped for  
4042 fine arts instruction; and the manner in which schools are  
4043 providing the core curricular content for fine arts established  
4044 in the Next Generation Sunshine State Standards. The report  
4045 shall be posted on the Department of Education's website and  
4046 updated annually.

4047 Section 36. The Florida Agricultural and Mechanical  
4048 University Crestview Education Center is renamed as the "Senator  
4049 Durell Peaden, Jr., FAMU Educational Center."

4050 Section 37. Except as otherwise expressly provided in this  
4051 act, this act shall take effect upon becoming a law.