

FOR CONSIDERATION By the Committee on Education Pre-K - 12

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1 A bill to be entitled
2 An act relating to education; amending s. 1001.7065,
3 F.S.; requiring a state research university to enter
4 into and maintain a formal agreement with a specified
5 organization to offer college-sponsored merit
6 scholarship awards as a condition of designation as a
7 preeminent state research university; specifying that
8 continuation of a state research university's
9 institute for online learning is contingent on the
10 university entering into and maintaining such an
11 agreement; amending s. 1011.62, F.S.; authorizing a
12 low-performing elementary school to administer the
13 required additional hours of instruction in a summer
14 program; requiring a school to continue to provide the
15 additional instruction to certain students in the
16 subsequent year that the school is no longer
17 classified as one of the 300 lowest-performing
18 elementary schools; revising the types and amounts of
19 bonuses that a teacher may receive in any given school
20 year; deleting obsolete language; requiring the Board
21 of Governors and the State Board of Education to base
22 state performance funds for the State University
23 System and the Florida College System, respectively,
24 on specified metrics adopted by each board; specifying
25 allocation of the funds; requiring the Chancellor of
26 the State University System and the Commissioner of
27 Education to withhold disbursement of certain funds;
28 requiring the boards to submit reports by a specified
29 time to the Governor and the Legislature; requiring

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30 the boards to adopt rules; providing an effective
31 date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Subsections (3) and (4) of section 1001.7065,
36 Florida Statutes, are amended to read:

37 1001.7065 Preeminent state research universities program.—

38 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The
39 Board of Governors shall designate each state research
40 university that meets at least 11 of the 12 academic and
41 research excellence standards identified in subsection (2) and
42 that enters into and maintains a formal agreement with the
43 National Merit Scholarship Corporation to offer college-
44 sponsored merit scholarship awards a preeminent state research
45 university.

46 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
47 ONLINE LEARNING.—A state research university that, as of July 1,
48 2013, met ~~meets~~ all 12 of the academic and research excellence
49 standards identified in subsection (2), as verified by the Board
50 of Governors, shall establish an institute for online learning.
51 Continuation of the institute for online learning is contingent
52 upon a state research university entering into and maintaining a
53 formal agreement with the National Merit Scholarship Corporation
54 to offer college-sponsored merit scholarship awards. The
55 institute shall establish a robust offering of high-quality,
56 fully online baccalaureate degree programs at an affordable cost
57 in accordance with this subsection.

58 (a) By August 1, 2013, the Board of Governors shall convene

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59 an advisory board to support the development of high-quality,
60 fully online baccalaureate degree programs at the university.

61 (b) The advisory board shall:

62 1. Offer expert advice, as requested by the university, in
63 the development and implementation of a business plan to expand
64 the offering of high-quality, fully online baccalaureate degree
65 programs.

66 2. Advise the Board of Governors on the release of funding
67 to the university upon approval by the Board of Governors of the
68 plan developed by the university.

69 3. Monitor, evaluate, and report on the implementation of
70 the plan to the Board of Governors, the Governor, the President
71 of the Senate, and the Speaker of the House of Representatives.

72 (c) The advisory board shall be composed of the following
73 five members:

74 1. The chair of the Board of Governors or the chair's
75 permanent designee.

76 2. A member with expertise in online learning, appointed by
77 the Board of Governors.

78 3. A member with expertise in global marketing, appointed
79 by the Governor.

80 4. A member with expertise in cloud virtualization,
81 appointed by the President of the Senate.

82 5. A member with expertise in disruptive innovation,
83 appointed by the Speaker of the House of Representatives.

84 (d) The president of the university shall be consulted on
85 the advisory board member appointments.

86 (e) A majority of the advisory board shall constitute a
87 quorum, elect the chair, and appoint an executive director.

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88 (f) By September 1, 2013, the university shall submit to
89 the advisory board a comprehensive plan to expand high-quality,
90 fully online baccalaureate degree program offerings. The plan
91 shall include:

92 1. Existing on-campus general education courses and
93 baccalaureate degree programs that will be offered online.

94 2. New courses that will be developed and offered online.

95 3. Support services that will be offered to students
96 enrolled in online baccalaureate degree programs.

97 4. A tuition and fee structure that meets the requirements
98 in paragraph (k) for online courses, baccalaureate degree
99 programs, and student support services.

100 5. A timeline for offering, marketing, and enrolling
101 students in the online baccalaureate degree programs.

102 6. A budget for developing and marketing the online
103 baccalaureate degree programs.

104 7. Detailed strategies for ensuring the success of students
105 and the sustainability of the online baccalaureate degree
106 programs.

107
108 Upon recommendation of the plan by the advisory board and
109 approval by the Board of Governors, the Board of Governors shall
110 award the university \$10 million in nonrecurring funds and \$5
111 million in recurring funds for fiscal year 2013-2014 and \$5
112 million annually thereafter, subject to appropriation in the
113 General Appropriations Act.

114 (g) Beginning in January 2014, the university shall offer
115 high-quality, fully online baccalaureate degree programs that:

116 1. Accept full-time, first-time-in-college students.

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117 2. Have the same rigorous admissions criteria as equivalent
118 on-campus degree programs.

119 3. Offer curriculum of equivalent rigor to on-campus degree
120 programs.

121 4. Offer rolling enrollment or multiple opportunities for
122 enrollment throughout the year.

123 5. Do not require any on-campus courses. However, for
124 courses or programs that require clinical training or
125 laboratories that cannot be delivered online, the university
126 shall offer convenient locational options to the student, which
127 may include, but are not limited to, the option to complete such
128 requirements at a summer-in-residence on the university campus.
129 The university may provide a network of sites at convenient
130 locations and contract with commercial testing centers or
131 identify other secure testing services for the purpose of
132 proctoring assessments or testing.

133 6. Apply the university's existing policy for accepting
134 credits for both freshman applicants and transfer applicants.

135 (h) The university may offer a fully online Master's in
136 Business Administration degree program and other master's degree
137 programs.

138 (i) The university may develop and offer degree programs
139 and courses that are competency based as appropriate for the
140 quality and success of the program.

141 (j) The university shall periodically expand its offering
142 of online baccalaureate degree programs to meet student and
143 market demands.

144 (k) The university shall establish a tuition structure for
145 its online institute in accordance with this paragraph,

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146 notwithstanding any other provision of law.

147 1. For students classified as residents for tuition
148 purposes, tuition for an online baccalaureate degree program
149 shall be set at no more than 75 percent of the tuition rate as
150 specified in the General Appropriations Act pursuant to s.
151 1009.24(4) and 75 percent of the tuition differential pursuant
152 to s. 1009.24(16). No distance learning fee, fee for campus
153 facilities, or fee for on-campus services may be assessed,
154 except that online students shall pay the university's
155 technology fee, financial aid fee, and Capital Improvement Trust
156 Fund fee. The revenues generated from the Capital Improvement
157 Trust Fund fee shall be dedicated to the university's institute
158 for online learning.

159 2. For students classified as nonresidents for tuition
160 purposes, tuition may be set at market rates in accordance with
161 the business plan.

162 3. Tuition for an online degree program shall include all
163 costs associated with instruction, materials, and enrollment,
164 excluding costs associated with the provision of textbooks
165 pursuant to s. 1004.085 and physical laboratory supplies.

166 4. Subject to the limitations in subparagraph 1., tuition
167 may be differentiated by degree program as appropriate to the
168 instructional and other costs of the program in accordance with
169 the business plan. Pricing must incorporate innovative
170 approaches that incentivize persistence and completion,
171 including, but not limited to, a fee for assessment, a bundled
172 or all-inclusive rate, and sliding scale features.

173 5. The university must accept advance payment contracts and
174 student financial aid.

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175 6. Fifty percent of the net revenues generated from the
176 online institute of the university shall be used to enhance and
177 enrich the online institute offerings, and 50 percent of the net
178 revenues generated from the online institute shall be used to
179 enhance and enrich the university's campus state-of-the-art
180 research programs and facilities.

181 7. The institute may charge additional local user fees
182 pursuant to s. 1009.24(14) upon the approval of the Board of
183 Governors.

184 8. The institute shall submit a proposal to the president
185 of the university authorizing additional user fees for the
186 provision of voluntary student participation in activities and
187 additional student services.

188 Section 2. Paragraphs (f) and (o) of subsection (1) and
189 paragraph (a) of subsection (9) of section 1011.62, Florida
190 Statutes, are amended to read:

191 1011.62 Funds for operation of schools.—If the annual
192 allocation from the Florida Education Finance Program to each
193 district for operation of schools is not determined in the
194 annual appropriations act or the substantive bill implementing
195 the annual appropriations act, it shall be determined as
196 follows:

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

201 (f) *Supplemental academic instruction; categorical fund.*—

202 1. There is created a categorical fund to provide
203 supplemental academic instruction to students in kindergarten

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204 through grade 12. This paragraph may be cited as the
205 "Supplemental Academic Instruction Categorical Fund."

206 2. Categorical funds for supplemental academic instruction
207 shall be allocated annually to each school district in the
208 amount provided in the General Appropriations Act. These funds
209 shall be in addition to the funds appropriated on the basis of
210 FTE student membership in the Florida Education Finance Program
211 and shall be included in the total potential funds of each
212 district. These funds shall be used to provide supplemental
213 academic instruction to students enrolled in the K-12 program.
214 For the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 fiscal
215 years ~~year~~, each school district that has one or more of the 300
216 lowest-performing elementary schools based on the state reading
217 assessment shall use these funds, together with the funds
218 provided in the district's research-based reading instruction
219 allocation and other available funds, to provide an additional
220 hour of instruction beyond the normal school day for each day of
221 the entire school year, or provide the equivalent hours of
222 instruction in a summer program, for intensive reading
223 instruction for the students in each of these schools. In the
224 subsequent year, if a participating school is no longer
225 classified as one of the 300 lowest-performing elementary
226 schools, the school must continue to provide the additional hour
227 of instruction to all students who have Level 1 or Level 2
228 reading assessment scores. This additional hour of instruction
229 must be provided by teachers or reading specialists who are
230 effective in teaching reading or by a K-5 mentoring reading
231 program that is supervised by a teacher who is effective at
232 teaching reading. Students enrolled in these schools who have

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233 level 5 assessment scores may participate in the additional hour
234 of instruction on an optional basis. Exceptional student
235 education centers shall not be included in the 300 schools.
236 After this requirement has been met, supplemental instruction
237 strategies may include, but are not limited to: modified
238 curriculum, reading instruction, after-school instruction,
239 tutoring, mentoring, class size reduction, extended school year,
240 intensive skills development in summer school, and other methods
241 for improving student achievement. Supplemental instruction may
242 be provided to a student in any manner and at any time during or
243 beyond the regular 180-day term identified by the school as
244 being the most effective and efficient way to best help that
245 student progress from grade to grade and to graduate.

246 3. Effective with the 1999-2000 fiscal year, funding on the
247 basis of FTE membership beyond the 180-day regular term shall be
248 provided in the FEFP only for students enrolled in juvenile
249 justice education programs or in education programs for
250 juveniles placed in secure facilities or programs under s.
251 985.19. Funding for instruction beyond the regular 180-day
252 school year for all other K-12 students shall be provided
253 through the supplemental academic instruction categorical fund
254 and other state, federal, and local fund sources with ample
255 flexibility for schools to provide supplemental instruction to
256 assist students in progressing from grade to grade and
257 graduating.

258 4. The Florida State University School, as a lab school, is
259 authorized to expend from its FEFP or Lottery Enhancement Trust
260 Fund allocation the cost to the student of remediation in
261 reading, writing, or mathematics for any graduate who requires

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262 remediation at a postsecondary educational institution.

263 5. Beginning in the 1999-2000 school year, dropout
264 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
265 (b), and (c), and 1003.54 shall be included in group 1 programs
266 under subparagraph (d)3.

267 (o) *Calculation of additional full-time equivalent*
268 *membership based on successful completion of a career-themed*
269 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
270 *courses with embedded CAPE industry certifications or CAPE*
271 *Digital Tool certificates, and issuance of industry*
272 *certification identified on the CAPE Industry Certification*
273 *Funding List pursuant to rules adopted by the State Board of*
274 *Education or CAPE Digital Tool certificates pursuant to s.*
275 *1003.4203.—*

276 1.a. A value of 0.025 full-time equivalent student
277 membership shall be calculated for CAPE Digital Tool
278 certificates earned by students in elementary and middle school
279 grades.

280 b. A value of 0.1 or 0.2 full-time equivalent student
281 membership shall be calculated for each student who completes a
282 course as defined in s. 1003.493(1)(b) or courses with embedded
283 CAPE industry certifications and who is issued an industry
284 certification identified annually on the CAPE Industry
285 Certification Funding List approved under rules adopted by the
286 State Board of Education. A value of 0.2 full-time equivalent
287 membership shall be calculated for each student who is issued a
288 CAPE industry certification that has a statewide articulation
289 agreement for college credit approved by the State Board of
290 Education. For CAPE industry certifications that do not

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291 articulate for college credit, the Department of Education shall
292 assign a full-time equivalent value of 0.1 for each
293 certification. Middle grades students who earn additional FTE
294 membership for a CAPE Digital Tool certificate pursuant to sub-
295 subparagraph a. may not use the previously funded examination to
296 satisfy the requirements for earning an industry certification
297 under this sub-subparagraph. Additional FTE membership for an
298 elementary or middle grades student shall not exceed 0.1 for
299 certificates or certifications earned within the same fiscal
300 year. The State Board of Education shall include the assigned
301 values on the CAPE Industry Certification Funding List under
302 rules adopted by the state board. Such value shall be added to
303 the total full-time equivalent student membership for grades 6
304 through 12 in the subsequent year for courses that were not
305 provided through dual enrollment. CAPE industry certifications
306 earned through dual enrollment must be reported and funded
307 pursuant to s. 1011.80.

308 c. A value of 0.3 full-time equivalent student membership
309 shall be calculated for student completion of the courses and
310 the embedded certifications identified on the CAPE Industry
311 Certification Funding List and approved by the commissioner
312 pursuant to ss. 1003.4203(5) (a) and 1008.44.

313 d. A value of 0.5 full-time equivalent student membership
314 shall be calculated for CAPE Acceleration Industry
315 Certifications that articulate for 15 to 29 college credit
316 hours, and 1.0 full-time equivalent student membership shall be
317 calculated for CAPE Acceleration Industry Certifications that
318 articulate for 30 or more college credit hours pursuant to CAPE
319 Acceleration Industry Certifications approved by the

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320 commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

321 2. Each district must allocate at least 80 percent of the
322 funds provided for CAPE industry certification, in accordance
323 with this paragraph, to the program that generated the funds.
324 This allocation may not be used to supplant funds provided for
325 basic operation of the program.

326 3. For CAPE industry certifications earned in the 2013-2014
327 school year and in subsequent years, the school district shall
328 distribute to each classroom teacher who provided direct
329 instruction toward the attainment of a CAPE industry
330 certification that qualified for additional full-time equivalent
331 membership under subparagraph 1.:

332 a. A bonus in the amount of \$25 for each student taught by
333 a teacher who provided instruction in a course that led to the
334 attainment of a CAPE industry certification on the CAPE Industry
335 Certification Funding List with a weight of 0.1.

336 b. A bonus in the amount of \$50 for each student taught by
337 a teacher who provided instruction in a course that led to the
338 attainment of a CAPE industry certification on the CAPE Industry
339 Certification Funding List with a weight of 0.2, ~~0.3, 0.5,~~ and
340 ~~1.0~~.

341 c. A bonus in the amount of \$75 for each student taught by
342 a teacher who provided instruction in a course that led to the
343 attainment of a CAPE industry certification on the CAPE Industry
344 Certification Funding List with a weight of 0.3.

345 d. A bonus in the amount of \$100 for each student taught by
346 a teacher who provided instruction in a course that led to the
347 attainment of a CAPE industry certification on the CAPE Industry
348 Certification Funding List with a weight of 0.5 or 1.0.

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350 Bonuses awarded pursuant to this paragraph shall be provided to
351 teachers who are employed by the district in the year in which
352 the additional FTE membership calculation is included in the
353 calculation. Bonuses shall be calculated based upon the
354 associated weight of a CAPE industry certification on the CAPE
355 Industry Certification Funding List for the year in which the
356 certification is earned by the student. Any bonus awarded to a
357 teacher under sub-subparagraph 3.a. or sub-subparagraph 3.b.
358 ~~this paragraph~~ may not exceed \$2,000 in any given school year,
359 and a bonus awarded to a teacher under sub-subparagraph 3.c. or
360 sub-subparagraph 3.d. may not exceed \$4,000 in a given school
361 year. The maximum bonus that may be awarded to a teacher under
362 this paragraph is \$4,000. This bonus ~~and~~ is in addition to any
363 regular wage or other bonus the teacher received or is scheduled
364 to receive.

365 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

366 (a) The research-based reading instruction allocation is
367 created to provide comprehensive reading instruction to students
368 in kindergarten through grade 12. For the 2014-2015, 2015-2016,
369 2016-2017, and 2017-2018 fiscal years ~~year~~, in each school
370 district that has one or more of the 300 lowest-performing
371 elementary schools based on the state reading assessment,
372 priority shall be given to providing an additional hour per day
373 of intensive reading instruction beyond the normal school day
374 for each day of the entire school year, or provide the
375 equivalent hours of instruction in a summer program, for the
376 students in each school. In the subsequent year, if a
377 participating school is no longer classified as one of the 300

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378 lowest-performing elementary schools, the school must continue
379 to provide the additional hour of instruction to all students
380 who have Level 1 or Level 2 reading assessment scores. Students
381 enrolled in these schools who have level 5 assessment scores may
382 participate in the additional hour of instruction on an optional
383 basis. Exceptional student education centers shall not be
384 included in the 300 schools. The intensive reading instruction
385 delivered in this additional hour and for other students shall
386 include: research-based reading instruction that has been proven
387 to accelerate progress of students exhibiting a reading
388 deficiency; differentiated instruction based on student
389 assessment data to meet students' specific reading needs;
390 explicit and systematic reading development in phonemic
391 awareness, phonics, fluency, vocabulary, and comprehension, with
392 more extensive opportunities for guided practice, error
393 correction, and feedback; and the integration of social studies,
394 science, and mathematics-text reading, text discussion, and
395 writing in response to reading. ~~For the 2012-2013 and 2013-2014~~
396 ~~fiscal years, a school district may not hire more reading~~
397 ~~coaches than were hired during the 2011-2012 fiscal year unless~~
398 ~~all students in kindergarten through grade 5 who demonstrate a~~
399 ~~reading deficiency, as determined by district and state~~
400 ~~assessments, including students scoring Level 1 or Level 2 on~~
401 ~~the statewide, standardized reading assessment or, upon~~
402 ~~implementation, the English Language Arts assessment, are~~
403 ~~provided an additional hour per day of intensive reading~~
404 ~~instruction beyond the normal school day for each day of the~~
405 ~~entire school year.~~

406 Section 3. (1) State performance funds for the State

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407 University System shall be based on indicators of institutional
408 attainment of performance metrics adopted by the Board of
409 Governors. The performance-based funding metrics include, but
410 are not limited to, metrics that measure graduation and
411 retention rates; degree production; affordability;
412 postgraduation employment, salaries, or further education;
413 student loan default rates; access; and any other metrics
414 approved by the board.

415 (2) The Board of Governors shall evaluate the institutions'
416 performance on the metrics based on benchmarks adopted by the
417 board which measure the achievement of institutional excellence
418 or improvement. Each fiscal year, the amount of funds available
419 for allocation to the institutions based upon the performance
420 funding model consists of new funding, plus an amount of funds
421 to be redistributed from the base funding for the State
422 University System, as determined in the General Appropriations
423 Act. Base funding shall be restored for all institutions
424 eligible for new funding under the performance funding model.
425 Any institution that fails to meet the board's minimum
426 performance funding threshold will have a portion of its base
427 funding withheld and must submit an improvement plan to the
428 board that specifies the activities and strategies for improving
429 the institution's performance.

430 (3) The Board of Governors must review the improvement
431 plan, and if it approves the plan, monitor the institution's
432 progress on implementing the activities and strategies.

433 (4) The Chancellor of the State University System shall
434 withhold disbursement of the base funds until such time as the
435 monitoring report for the institution is approved by the Board

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436 of Governors. Any institution that fails to make satisfactory
437 progress will not have its full base funding restored. If all
438 funds are not restored, any remaining funds shall be
439 redistributed in accordance with the board's performance funding
440 model.

441 (5) By October 1 of each year, the Board of Governors shall
442 submit to the Governor, the President of the Senate, and the
443 Speaker of the House of Representatives a report on the previous
444 year's performance funding allocation which reflects the
445 rankings and award distributions.

446 (6) The Board of Governors shall adopt a regulation to
447 implement this section.

448 Section 4. (1) State performance funds for the Florida
449 College System shall be based on indicators of institutional
450 attainment of performance metrics adopted by the State Board of
451 Education. The performance-based funding metrics include, but
452 are not limited to, metrics that measure retention; program
453 completion and graduation rates; student loan default rates; job
454 placement; post-graduation employment, salaries, or further
455 education; and any other metrics approved by the board.

456 (2) The State Board of Education shall evaluate the
457 institutions' performance on the metrics based on benchmarks
458 adopted by the board which measure the achievement of
459 institutional excellence or improvement. Each fiscal year, the
460 amount of funds available for allocation to the institutions
461 based upon the performance funding model consists of new funding
462 plus an amount of funds to be redistributed from the base
463 funding for the Florida College System Program Fund, as
464 determined in the General Appropriations Act. Funding shall be

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465 restored for all institutions eligible for new funding under the
466 performance funding model. Any institution that fails to meet
467 the board's minimum performance funding threshold will have a
468 portion of its base funding withheld and must submit an
469 improvement plan to the board that specifies the activities and
470 strategies for improving the institution's performance.

471 (3) The State Board of Education must review the
472 improvement plan, and if it approves the plan, monitor the
473 institution's progress on implementing the specified activities
474 and strategies.

475 (4) The Commissioner of Education shall withhold
476 disbursement of the base funds until such time as the monitoring
477 report for the institution is approved by the State Board of
478 Education. Any institution that fails to make satisfactory
479 progress will not have its full base funding restored. If all
480 funds are not restored, any remaining funds shall be
481 redistributed in accordance with the board's performance funding
482 model.

483 (5) By October 1 of each year, the State Board of Education
484 shall submit to the Governor, the President of the Senate, and
485 the Speaker of the House of Representatives a report on the
486 previous year's performance funding allocation which reflects
487 the rankings and award distributions.

488 (6) The State Board of Education shall adopt rules to
489 implement this section.

490 Section 5. This act shall take effect July 1, 2015.