

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 1166

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Education); and Senator Gaetz

SUBJECT: Education

DATE: February 29, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Fav/CS</b>
2.	<u>Sikes</u>	<u>Kynoch</u>	<u>AP</u>	<b>Fav/CS</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1166 updates and establishes numerous K-12 and postsecondary education statutes relating to education funding and policy issues, the Adults with Disabilities Workforce Education Pilot Program, and the Distinguished Florida College System Program, and the Florida National Merit Scholar Program. Specifically, the bill:

- Authorizes and codifies changes to the Florida Education Finance Program (FEFP) funding formula;
- Requires school districts to provide information regarding the average amount of funding expended per student, per school, in the school financial report and student handbook;
- Updates statutes that provides an overview of public and private educational options;
- Creates mechanisms for a parent to request transfer of his or her child to a different teacher
- Expands the scope of school district and charter school controlled open enrollment provisions to open public schools to any student in the state, subject to capacity, class size maximums, and other specified conditions;
- Revises student eligibility requirements for interscholastic and intrascholastic extracurricular activities, to allow immediate participation in specified conditions, and provide for increased penalties;
- Authorizes private schools to join athletic organizations on a full-time or per sport basis, and authorizes public schools to apply for consideration to join another athletic organization subject to approval by the Florida High School Athletic Association;

- Modifies charter school requirements related to the application process, sponsor oversight, reading requirements, student eligibility, reading proficiency, administrative operations, and professional development;
- Revises school improvement rating labels to be consistent with current law, and deletes superfluous provisions pertaining to existing FTE funding mechanisms for the Florida Virtual School;
- Deletes from law the end-of-course funding adjustment scheduled to begin in the 2016-2017 school year;
- Modifies traditional public school, double-session school, experimental calendar school, and emergency condition provisions relating to minimum school term and associated funding requirements;
- Expands the credit acceleration program to add Advanced Placement (AP) and College Level Examination Program (CLEP) examinations as an option to authorizes home education students to use the program;
- Requires the Department of Education to incorporate two hours of youth suicide awareness and prevention training for all K-12 instructional personnel to receive as part of their continuing education or inservice training;
- Makes the Adults with Disabilities Workforce Education Pilot Program, established in s. 1004.935, F.S., a permanent program by removing its pilot status and sunset date;
- Establishes the Distinguished Florida College System Program to recognize Florida's highest-performing colleges; and
- Renames the Florida National Merit Scholar Incentive program the Benacquisto Scholarship Program. Requires all eligible state universities, and encourages all eligible Florida public or independent postsecondary educational institutions, to become college sponsors of the National Merit Scholarship Program.

The Senate General Appropriations Bill, SB 2500, appropriates \$12,208,418 in the FEFP for the federally connected student supplement. The other changes to the FEFP have no impact on state funds. However, individual school districts may experience an increase or decrease in their Exceptional Student Education Guaranteed Allocation based on the results of the October full-time equivalent (FTE) student survey. School districts may also experience an increase or decrease in FEFP funding based on shifts in student enrollment.

SB 2500 also appropriates \$2 million for the Distinguished Florida College System Program.

The bill provides an effective date of July 1, 2016.

## **II. Present Situation:**

### **Florida Education Finance Program**

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts.<sup>1</sup> The FEFP is comprised of multiple categorical funds

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<sup>1</sup> Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

and factors which, when multiplied by the full-time equivalent (FTE) students, generates the annual operational allocation for each school district.

### ***Exceptional Student Education Guaranteed Allocation***

In order to provide exceptional education and related services, an Exceptional Student Education (ESE) Guaranteed Allocation was established by the Legislature to provide funding through the FEFP in addition to the basic program funding.<sup>2</sup> This allocation is a lump sum that is derived from the number of FTE students and the cost factors associated with the matrix of services (matrix) to document the services that each student with an exceptionality will receive.<sup>3</sup>

The Florida Department of Education (DOE) developed the Matrix of Services Handbook to provide districts, schools and teachers with information about the matrix required for selected students with exceptionalities.<sup>4</sup> The matrix is designed with five levels in each of the following five domain areas:<sup>5</sup>

- **Curriculum and Learning Environment:** This domain addresses services provided to the student in the areas of curriculum, instructional strategies and learning environment.
- **Social or Emotional Behavior:** This domain includes services provided to meet identified social and emotional needs of students with exceptionalities, such as positive behavioral supports, behavioral interventions, social skills development, socialization and counseling as a related service.
- **Independent Functioning:** This domain includes services that are necessary for the independent functioning of students with exceptionalities, such as instruction in organizational strategies, assistance for activities of daily living and self-care, physical therapy, occupational therapy, orientation and mobility training and supervision of students to ensure physical safety
- **Health Care:** This domain addresses services provided to students with exceptionalities who have health care needs. Included in this domain are services related to monitoring and assessment of health conditions, provision of related health care services and interagency collaboration.
- **Communication:** This domain includes services provided to support the communication needs of students with exceptionalities. Services included in this domain are personal assistance, instructional interventions, speech or language therapy and the use of alternative and augmentative communication systems.

A student is evaluated within each of these five domains to determine the appropriate level of service the student requires. Level 1 represents the lowest level of service and Level 5 represents the highest level of service.<sup>6</sup> The frequency and intensity of the service and the qualifications of

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<sup>2</sup> Florida Department of Education, *Matrix of Services Handbook* available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>

<sup>3</sup> Section 1011.62 (1)(e)1.a., F.S.

<sup>4</sup> Florida Department of Education, *Matrix of Services Handbook* available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>

<sup>5</sup>*Id.*

<sup>6</sup> *Id.*

personnel required to provide the service are critical factors that impact the determination of the appropriate level of service for the student.<sup>7</sup>

The ESE Guaranteed Allocation was established in 2000 in conjunction with the elimination of the mandatory requirement for the determination of a matrix of services for Levels 1 through 3 ESE students. ESE services for students whose level of service is Levels 1 through 3 are funded through the ESE Guaranteed Allocation.<sup>8</sup> These students generate FTE funding using the appropriate basic program cost factor for their grade level.<sup>9</sup> The ESE Guaranteed Allocation provides for the additional services needed for these exceptional students.<sup>10</sup> For the 2015-2016 fiscal year, the average ESE Guaranteed Allocation funding per FTE is \$2,007.<sup>11</sup> Students whose level of service is Level 4 or 5 do not receive funds from the ESE Guaranteed Allocation, but instead generate weighted funding using a higher program cost factor which provides for both their education program and their exceptional services.<sup>12</sup>

For the 2015-2016 fiscal year, \$959,182,058 was appropriated within the FEFP for the ESE Guaranteed Allocation.<sup>13</sup> The allocation for each district is calculated once based on projected ESE and total FTE enrollment and is not recalculated during the school year.<sup>14</sup> Since the allocation is not recalculated, a school district that overestimates its ESE FTE keeps the additional funds. A school district that underestimates their ESE FTE does not receive additional funds to support its ESE student population.

### ***Federally Connected Student Supplement***

The federally connected student supplement was established in the 2015-2016 Implementing Bill, ch. 2015-222, L.O.F., to provide funding to school districts to support the education of students connected with federally-owned military installations, National Aeronautics and Space Administration (NASA) property, and Indian lands. To be eligible for this supplement, the district must also be eligible for federal impact aid funds, pursuant to Title VIII of the Elementary and Secondary Education Act of 1965.

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<sup>7</sup> *Id.*

<sup>8</sup> Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

<sup>9</sup> The basic program cost factors are as follows:

- For grades K-3, the cost factor is 1.115
- For grades 4-8, the cost factor is 1.000
- For grades 9-12, the cost factor is 1.005

<sup>10</sup> Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

<sup>11</sup> Florida Legislature, Conference Report on SB 2500-A, *Public School Funding: The Florida Education Finance Program (FEFP)* available at [http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP\\_Conference\\_Report.pdf](http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP_Conference_Report.pdf)

<sup>12</sup> The 2015-2016 Level 4 cost factor is 3.613 and the Level 5 cost factor is 5.258.

<sup>13</sup> Florida Legislature, Conference Report on SB 2500-A, *Public School Funding: The Florida Education Finance Program (FEFP)* available at [http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP\\_Conference\\_Report.pdf](http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP_Conference_Report.pdf)

<sup>14</sup> Section 1011.62 (1)(e)2, F.S.

The supplement is based on two components: a student allocation and an exempt-property allocation. The student allocation is based on the number of students in the district reported for federal impact aid, including students with disabilities, who

- Reside with a parent who is on active duty in the uniformed services or is an accredited foreign government official and military officer;
- Reside on eligible federally-owned Indian lands; or
- Reside with a civilian parent who lives or works on eligible federal property connected with a military installation or NASA. The number of these students shall be multiplied by a factor of 0.5.

The exempt-property allocation is based on the district's real property value of exempt federal property of federal impact aid lands reserved as military installations, NASA properties, or federally-owned Indian lands, multiplied by the millage authorized and levied under s. 1011.71 (2), F.S. The student allocation and the exempt-property allocation are added together for each eligible district to produce the federally connected student supplement.

The federal impact aid funding for Florida school districts has decreased by 50 percent from \$13.9 million in the 1993-1994 fiscal year to \$6.9 million in the 2013-2014 fiscal year. Currently, 14 school districts in Florida qualify for federal impact aid. These districts received \$12,404,401 through the federally connected student supplement as appropriated in the 2015-2016 General Appropriations Act (GAA).

#### ***Career and Professional Education (CAPE) Dual Enrollment Industry Certification Funding***

Performance funding for a CAPE industry certification earned through dual enrollment is provided to the Florida College System institution or district career center providing the instruction only if the industry certification is eligible for funding on the Postsecondary Industry Certification Funding List approved by the State Board of Education.<sup>15</sup>

#### ***CAPE Bonus Funding***

Bonus funding is authorized for school districts and for teachers if a student earns a CAPE industry certification.<sup>16</sup> Depending on the certification earned, a school district receives bonus funding of 0.1, 0.2, 0.3, 0.5, or 1.0 FTE. Teacher bonus funding is awarded for CAPE industry certifications as follows:

- A bonus in the amount of \$25 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.<sup>17</sup>
- A bonus in the amount of \$50 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2, 0.3, 0.5, and 1.0.<sup>18</sup>

<sup>15</sup> s. 1011.80, F.S.

<sup>16</sup> Sections 1011.62 (1)(o), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

- CAPE industry certification bonuses may not exceed \$2,000 to a teacher in any given school year.<sup>19</sup>

### **Powers and Duties of a District School Board**

District school boards have various powers as a constitutional entity and as specified in general law.<sup>20</sup> However, general law does not specifically provide district school board members with the authority to visit schools and observe the management and instruction in order to give suggestions for improvement and advise citizens with the view of promotion interest in education and improving the school.

### **Educational Transparency**

Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed about ways that the parents can help their child to succeed in school.<sup>21</sup>

For purposes of the ESE Guaranteed Allocation, district school boards must provide parents, at the initial individual education plan (IEP) team meeting, the amount of state appropriations that the school district receives for each of the five ESE support levels for a full-time student.<sup>22</sup>

### **Public School Educational Choice Options**

Parents of public school students may seek school choice options such as controlled open enrollment, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, Advanced International Certificate of Education, credit by examination or demonstration of competency, the School for Deaf and the Blind, the Florida Virtual School, and the public school options for the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.<sup>23</sup>

### **Notification and Ability to Change Teachers**

Each district school board must adopt and implement a plan to assist teachers who teach out-of-field and prioritize professional development activities for such teachers.<sup>24</sup> If a teacher is assigned a class that is outside the field in which the teacher is certified or has demonstrated sufficient subject matter expertise, parents of all students in that class must be notified, in writing, of such assignment.<sup>25</sup>

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<sup>19</sup> *Id.*

<sup>20</sup> Art. IX., s. 4, Fla. Const.; ss. 1002.41, 1002.42, 1002.43, F.S.

<sup>21</sup> Section 1002.20, F.S.

<sup>22</sup> Section 1003.57(1)(j), F.S.

<sup>23</sup> Section 1002.20(6), F.S.

<sup>24</sup> Section 1012.42(1), F.S. The district school board must require the teacher to participate in a certification or staff development program that is designed to provide the teacher with the necessary competencies to perform assigned duties. *Id.*

<sup>25</sup> Section 1012.42(2), F.S.

Public school students may not be taught by a classroom teacher who received a performance evaluation rating of “needs improvement” or “unsatisfactory” if the student was taught by a classroom teacher that received a performance rating of “needs improvement” or “unsatisfactory” in the previous school year.<sup>26</sup>

### **Controlled Open Enrollment**

Controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents’ indicated preferential school choice as a significant factor.<sup>27</sup> School districts have the option to offer controlled open enrollment within the public schools in addition to existing choice programs such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.<sup>28</sup> The district school board must adopt by rule and post on the district website a controlled open enrollment plan.<sup>29</sup> The controlled open enrollment plan must:<sup>30</sup>

- Adhere to federal desegregation requirements;
- Require an application process to participate in the controlled open enrollment program that allows parents to declare school preferences and includes placements of siblings within the same school;
- Use a lottery procedure to determine student assignment and establish an appeal process for hardship cases;
- Afford students in multiple session schools preferred access;
- Maintain socioeconomic, demographic, and racial balance; and
- Address the availability of transportation.

District school boards must annually report the number of students attending the various types of public schools of choice in the district.<sup>31</sup>

### **Florida High School Athletics**

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization of athletics in Florida public schools in grades 6 through 12.<sup>32</sup> The FHSAA is not a state agency, but is assigned quasi-governmental functions.<sup>33</sup>

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<sup>26</sup> Section 1012.2315(6), F.S. For elementary school students, this probation applies to any subject, while the prohibition for middle school and high school students is limited to teachers who receive the performance evaluations in the same subject area. *Id.* A parent may provide written consent to exempt extracurricular courses from this prohibition. *Id.*

<sup>27</sup> Section 1002.31, F.S.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Section 1002.31(3), F.S.

<sup>31</sup> Section 1002.31(4), F.S.

<sup>32</sup> Section 1006.20, F.S.

<sup>33</sup> *Id.*

### *Student Eligibility*

To be eligible for participation in interscholastic<sup>34</sup> extracurricular activities,<sup>35</sup> a student must meet certain academic and conduct requirements.<sup>36</sup> Each student must meet the other requirements for participation established by the district school board.<sup>37</sup> The FHSAA is required to adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools.<sup>38</sup>

The FHSAA bylaws governing residence allow students to be eligible to participate in high school athletic competitions in the schools in which he or she:<sup>39</sup>

- First enrolls each school year; or
- Makes himself or herself a candidate for an athletic team by engaging in practice before enrolling.<sup>40</sup>

The FHSAA bylaws governing student transfers:<sup>41</sup>

- Allow a student to be eligible in the school to which the student transferred during the school year if the transfer was made by a deadline established by the FHSAA, which may not be prior to the date authorized for the beginning of practice for the sport.<sup>42</sup>
- Require transfers to be allowed pursuant to the district school board policies in the case of transfer to a public school, or pursuant to the private school policies in the case of transfer to a private school. The student shall remain eligible in that school so long as he or she is enrolled in that school.<sup>43</sup>
- Allow a student who transfers from a home education program, charter school, or from the Florida Virtual School full-time program to a public school before or during the first grading period of the school year to be academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student had a successful evaluation from the previous year.<sup>44</sup>
- Provide that requirements governing eligibility and transfer between member schools be applied similarly to public school students and private school students.<sup>45</sup>

The FHSAA, in cooperation with each district school board, facilitates a program for middle or high school students who attend a private school to be eligible to participate in an interscholastic or intrascholastic sport at a public high school, for which the student is zoned, if the private

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<sup>34</sup> The FHSAA defines an “interscholastic contest” as any competition between organized teams or individuals of different schools in a sport recognized or sanctioned by the FHSAA, and is subject to all regulations pertaining to such contests. Bylaw 8.1.1, FHSAA.

<sup>35</sup> “Extracurricular” means any school-authorized or education-related activity occurring during or outside the regular instructional school day. Section 1006.15(2), F.S.

<sup>36</sup> Section 1006.15(3)(a), F.S.

<sup>37</sup> Section 1006.15(4), F.S.

<sup>38</sup> Section 1006.20(2)(a), F.S.

<sup>39</sup> Section 1006.20(2)(a), F.S.

<sup>40</sup> Section 1002.20(17), F.S.

<sup>41</sup> Section 1006.20(2), F.S.

<sup>42</sup> Section 1006.20(2)(a), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> Section 1006.15(3)(c)6.- (d)6 and (f), F.S.

<sup>45</sup> Section 1006.20(2), F.S.



school is not a member of the FHSAA and does not offer an interscholastic or intrascholastic athletic program.<sup>46</sup>

### ***Membership in the FHSAA***

Any high school in the state, including charter schools, virtual schools, and home education cooperatives,<sup>47</sup> may become a member of the FHSAA and participate in FHSAA activities.<sup>48</sup> A private school that wishes to engage in high school athletic competition with a public high school may become a member of the FHSAA.<sup>49</sup> Membership in the FHSAA is not mandatory for any school.<sup>50</sup>

The FHSAA may not deny or discourage interscholastic competition between its member schools and non-FHSAA member Florida schools, including members of another athletic governing organization.<sup>51</sup> The FHSAA is prohibited from taking retributory or discriminatory actions against member schools who participate in interscholastic competition with non-FHSAA member schools.<sup>52</sup> The bylaws of the FHSAA are the rules by which high school athletic programs in its member schools, and the students who participate in them are governed, unless otherwise specified in statute.<sup>53</sup> The FHSAA member schools may only engage in interscholastic contests with schools which are members of the FHSAA or with non-member schools that meet specific requirements designated in the FHSAA bylaws.<sup>54</sup>

### ***Recruitment of Student Athletes***

Florida law requires the FHSAA to adopt bylaws prohibiting the recruitment of student athletes.<sup>55</sup> Currently, the bylaws prohibit member schools from recruiting student athletes for athletic purposes.<sup>56</sup> “Athletic recruiting” is defined by the FHSAA as any effort by a school employee, athletic department staff member or representative of a school’s athletic interests to pressure, urge, or entice a student to attend that school for the purpose of participating in interscholastic athletics.<sup>57</sup> The FHSAA sets forth specific behaviors that constitute recruiting, as well as identifying persons who are considered to represent a school’s athletic interests.<sup>58</sup>

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<sup>46</sup> Section 1006.15(8), F.S.

<sup>47</sup> A home education cooperative is defined by the FHSAA as a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. Bylaw 3.2.2.4, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at [http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516\\_handbook\\_bylaws.pdf](http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf).

<sup>48</sup> Section 1006.20, F.S.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at (1)

<sup>53</sup> *Id.*

<sup>54</sup> Bylaw 8.3, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at [http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516\\_handbook\\_bylaws.pdf](http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf).

<sup>55</sup> Section 1006.20(2)(b), F.S.

<sup>56</sup> The FHSAA defines recruiting as the use of undue influence or special inducement by anyone associated with the school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics. Bylaw 6.3, FHSAA.

<sup>57</sup> Policy 36.2.1, FHSAA. *Administrative Policies of the Florida High School Athletic Association, Inc.* (2015-16), available at [http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516\\_handbook\\_policies.pdf](http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_policies.pdf).

<sup>58</sup> Policy 36, FHSAA.

If it is determined that a school has recruited a student in violation of FHSAA bylaws, the FHSAA may require the school to participate in a higher classification for the sport in which the recruited student competes for a minimum of one classification cycle.<sup>59</sup>

In addition to any other appropriate fine and sanction imposed on the school, its coaches, or adult representatives, the following penalties may be imposed against a school for recruiting violations:<sup>60</sup>

- Public reprimand;
- Financial penalty of a minimum of \$2,500;
- Probation for one or more years;
- Prohibition against participating in certain interscholastic competitions;
- Prohibition against participating in any interscholastic competition for one or more years in the sport(s) in which the violation(s) occurred;
- Restricted membership for one or more years during which time some or all of the school's membership privileges may be restricted or denied; and
- Expulsion from membership in the FHSAA for one or more years.

The FHSAA must adopt bylaws that establish sanctions for coaches who have committed major violations of the FHSAA's bylaws and policies.<sup>61</sup> The bylaws prescribe penalties and an appeals process for athletic recruiting violations.<sup>62</sup>

The FHSAA must adopt bylaws for the process and standards for FHSAA student eligibility determinations.<sup>63</sup> The bylaws must provide that student ineligibility must be established by clear and convincing evidence.<sup>64</sup>

### **Charter Schools**

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.<sup>65</sup> Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.<sup>66</sup> One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational

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<sup>59</sup> Section 1006.20(2)(b), F.S.

<sup>60</sup> Policy 36.5, FHSAA; Bylaw 10.1.2, FHSAA.

<sup>61</sup> Section 1006.20(2)(f), F.S. Major violations include, but are not limited to: knowingly allowing an ineligible student to participate in a contest representing a member school in an interscholastic contest; or committing a violation of the FHSAA's recruiting or sportsmanship policies.

<sup>62</sup> *Id.*

<sup>63</sup> Section 1006(2)(g), F.S.

<sup>64</sup> Section 1006.20(2)(g), F.S. Bylaw 4.6.2.3, FHSAA. The FHSAA defines clear and convincing evidence as the evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue. Bylaw 1.4.33, FHSAA.

<sup>65</sup> Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

<sup>66</sup> Section 1002.33(2)(b)3, and (16), F.S.

opportunities within the state’s public school system.”<sup>67</sup> The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”<sup>68</sup>

### ***Application Process***

The law establishes an application process for establishing a new charter school.<sup>69</sup> An applicant must submit a charter school application to the sponsor.<sup>70</sup> The sponsor must review and approve or deny the application.<sup>71</sup> The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument.<sup>72</sup> The standard application is designed to enable the sponsor to evaluate the applicant’s educational plan, organizational plan, financial viability, and business plan.<sup>73</sup>

In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application by May 1 with an application fee of \$500.<sup>74</sup> Otherwise, a sponsor is prohibited from charging an applicant any fee for the processing or consideration of an application.<sup>75</sup>

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school.<sup>76</sup> The standard application requires the applicant to:<sup>77</sup>

- List each proposed member of the charter school’s governing board and his or her background and qualifications.
- Indicate to what extent the governing board will contract with a management company, summarize the company’s history operating charter schools, and list other charter schools managed by the company along with student achievement and financial performance data of such schools.

A charter schools may become a virtual charter school by amending its charter, or submitting a new application.

### ***Sponsor Oversight***

Florida law tasks sponsors (typically school boards) with authorizing new charter schools and providing continuing oversight of each charter school in the school district.<sup>78</sup> The law establishes several processes designed to enable the sponsor to perform these roles, including:

- Authority to review and approve or deny charter school applications.<sup>79</sup>

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<sup>67</sup> Section 1002.33(2)(a)1, F.S.

<sup>68</sup> Section 1002.33(6)(h), F.S.

<sup>69</sup> Section 1002.33(6)(a), F.S.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> Section 1002.33(6)(b), F.S. The deadline for applications is August 1, although sponsors may receive applications later if it so chooses. *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> Section 1002.33(6)(a), (7), (8), (9), F.S.

<sup>77</sup> *Id.*

<sup>78</sup> Section 1002.33(6), F.S.

<sup>79</sup> Section 1002.33(6), F.S.

- Authority to enforce the terms and conditions of the charter agreement.<sup>80</sup>
- Annual reporting of student achievement and financial information, such as a monthly financial statement, by each charter school to the sponsor.<sup>81</sup>
- Sponsor monitoring of annual financial audits<sup>82</sup> and monthly financial statements submitted by charter schools in the school district.<sup>83</sup>
- Interventions for remedying unsatisfactory academic performance and financial instability.<sup>84</sup>
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.<sup>85</sup>

The sponsor is required to terminate a charter if the charter schools earns two consecutive grades of “F” unless:

- The school was established to turn around the performance of district public school.
- The charter school serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of “F” in the year before the charter school opened, and the charter school earns at least a grade of “D” in its third year of operation.
- The State Board of Education (SBE) grants the charter school a 1-year, one-time waiver of termination, if the charter school that has been in operation for less than 5 years demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools.

### ***Reading***

One of the guiding principles of charter schools is to provide parents with sufficient information on whether their child is reading at grade level.<sup>86</sup> Additionally, one of the purposes charter schools must fulfill is to increase opportunities for all students, with special emphasis on reading.<sup>87</sup>

A charter school application must describe the reading curriculum and differentiated strategies used for students reading at grade level or higher, and a separate curriculum for students who are reading below grade level.<sup>88</sup> A sponsor must deny an application that does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.<sup>89</sup>

The charter agreement must ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are

<sup>80</sup> Section 1002.33(6)(h) and (7), F.S.

<sup>81</sup> Section 1002.33(9)(k), F.S.

<sup>82</sup> Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.

<sup>83</sup> Section 1002.33(9)(g), F.S.

<sup>84</sup> Section 1002.33(9)(n), F.S.

<sup>85</sup> Section 1002.33(8), F.S.

<sup>86</sup> Section 1002.33(2)(a)3., F.S.

<sup>87</sup> Section 1002.33(2)(b)2., F.S.

<sup>88</sup> Section 1002.33(6)(a)4., F.S.

<sup>89</sup> *Id.*

reading below grade level.<sup>90</sup> The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards.<sup>91</sup>

Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the FEFP.<sup>92</sup> Current law specifically includes transportation and the Florida digital classroom allocation as examples of these categorical program funds.<sup>93</sup>

### ***Student Eligibility***

A charter school must be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located.<sup>94</sup> The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.<sup>95</sup> In such case, all applicants shall have an equal chance of being admitted through a random selection process.<sup>96</sup>

A charter school may give enrollment preference to populations of students who:<sup>97</sup>

- Are siblings of a student enrolled in the charter school.
- Are the children of a:
  - Member of the governing board of the charter school.
  - Employee of the charter school.
  - Employee of the business partner of a charter school-in-the-workplace or a resident of the municipality in which such charter school is located.
  - Resident of a municipality that operates a charter school-in-a-municipality.
- Have successfully completed a voluntary prekindergarten education program provided by the charter school or the charter school's governing board in the previous year.
- Are the children of an active member of any branch of the United States Armed Forces.

### ***Administrative Operations***

The application process specifies that the charter school must be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and sponsor.<sup>98</sup>

Upon approval of a charter application, the initial startup commences with the beginning of the district's public school calendar, unless waived by the sponsor for good cause.<sup>99</sup>

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<sup>90</sup> Section 1002.33(7)(a)2.a., F.S.

<sup>91</sup> *Id.*

<sup>92</sup> Section 1002.33(17)(b), F.S.

<sup>93</sup> *Id.*

<sup>94</sup> Section 1002.33(10)(a), F.S.

<sup>95</sup> Section 1002.33(10)(b), F.S.

<sup>96</sup> *Id.* A charter school may also limit the enrollment process only to target specified populations. Section 1002.33(10)(e), F.S.

<sup>97</sup> Section 1002.33(10)(d), F.S.

<sup>98</sup> Section 1002.33(6)(b), F.S.

<sup>99</sup> Section 1002.33(6)(b)5., F.S.

Certain information, such as contact information for the governing board's representative, must be posted on the charter schools website, if the school maintains a website.<sup>100</sup>

A charter school governing board is required to hold at least two public meetings per year in the district where the charter school is located.<sup>101</sup> The appointed representative and charter school principal or director, or designee, must be physically present at each meeting.<sup>102</sup>

Current law contains provisions for a sponsor to non-renew or terminate a charter.<sup>103</sup> These provisions include procedures for the dissolution and reversion of public funds.<sup>104</sup> However, these provisions do not specifically address the applicability of these procedures if a charter school voluntarily closes.

### ***Professional Development***

Each school district must, and a state supported public school or private school may, develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law.<sup>105</sup> The program must be based on classroom application of the Florida Educator Accomplished Practices and instruction performance, and for public schools must be aligned with the district's evaluation system approved under s. 1012.34, F.S.

### ***Virtual Instruction Providers***

A virtual instruction program is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>106</sup> The FLVS, school district FLVS franchises, and Florida College System institutions are approved providers.<sup>107</sup> The DOE may approve other virtual instruction providers, if certain criteria are met.<sup>108</sup>

Virtual instruction providers must align curriculum and course content to Florida's standards, offer instruction designed for the student to gain proficiency, provide each student with all necessary instructional materials, not require tuition or other registration fees, and provide certain students with all equipment necessary to participate in the virtual instruction program.<sup>109</sup> Each contract with an approved provider must contain, at a minimum, a detailed curriculum plan, methods for determining each student has met state graduation requirements, methods for resolving conflicts, contract termination provisions, and responsibility for existing debts.<sup>110</sup> Each

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<sup>100</sup> Section 1002.33(7)(d), F.S.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Section 1002.33(8), F.S.

<sup>104</sup> Sections 1002.33(8)(e)-(g) and (9)(o), F.S.

<sup>105</sup> Section 1012.56(8)(b)1., F.S.

<sup>106</sup> Section 1002.45(1)(a)2., F.S.

<sup>107</sup> Section 1002.45(1)(a), F.S.

<sup>108</sup> Section 1002.45(2), F.S.

<sup>109</sup> Section 1002.45(3), F.S.

<sup>110</sup> *Id.*

approved provider must participate in the statewide assessment program and receive a school grade or school improvement rating, as applicable.<sup>111</sup>

A DOE-approved virtual instruction provider's contract must be terminated if the provider earns a school grade of "D" or "F" or a school improvement rating of "Declining" in any two years of a consecutive four year period.<sup>112</sup> In such cases, the provider must be removed from the approved provider list for at least one year. The provider may be placed back on the list after DOE determines that the provider meets the eligibility requirements and has corrected the academic performance deficiencies.<sup>113</sup>

### ***Florida Virtual School Funding***

FLVS funding is generally based on students who successfully complete six full-credit courses that count to the minimum number of credits required for high school graduation.<sup>114</sup> A student who completes fewer than six full-credit courses is a fraction of a FTE.<sup>115</sup> Half-credit course completions are included in determining full-time equivalent (FTE) students for students in grades 9-12.<sup>116</sup>

### **End Of Course Funding Adjustments**

The definition of a FTE student, in part, means students in grades K-12 in a full-time virtual instruction program, virtual charter school, or a part-time virtual instruction program, a FLVS FTE student, or for courses requiring passage of an end-of-course (EOC) assessment.<sup>117</sup>

For these students, and beginning the 2016-2017 year, the reported full-time equivalent students and associated funding of students enrolled in coursed requiring passage of an EOC assessment to earn a standard high school diploma must be adjusted if the student does not pass the EOC assessment.<sup>118</sup> However, no adjustment may be made for a student who enrolled in a segmented remedial course delivered online.<sup>119</sup>

### **Minimum Term Funding**

Minimum school term requirements and associated funding for a FTE generally focus on the student receiving 900 instructional hours (e.g., for grades 4-12).<sup>120</sup> Typically, students who receive less than 900 instructional hours are funded proportional share of hours of instruction.<sup>121</sup>

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<sup>111</sup> Section 1002.45(8)(a), F.S.

<sup>112</sup> Section 1002.45(8)(d), F.S. The school improvement rating system is based on the following ratings: Commendable (meaning a significant percentage of students attending the school are making learning gains); Maintaining (meaning a sufficient percentage of the students attending the school are making learning gains); and Unsatisfactory (meaning an insufficient percentage of students attending the school are making learning gains). Section 1008.341(a), F.S.

<sup>113</sup> *Id.*

<sup>114</sup> Section 1002.37(3)(a), F.S.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> Sections 1011.61(1)(c)1.b.(III), (IV), (V), and (VI) and 1002.37(3)(a)3., F.S.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> Section 1011.1(1), F.S.

<sup>121</sup> E-mail, Department of Education, January 23, 2016.

However, exceptions exist to allow double-session schools, schools operating on an experimental calendar, and schools under emergency situations to operate for more than 810 but less than 900 hours, yet receive full 1.0 FTE, rather than proportional, funding.

### ***Traditional Public Schools***

Each school district is required to annually operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis as specified in SBE rules.<sup>122</sup> The SBE has provided that the hourly equivalent to the 180-day school year is determined as prescribed below:<sup>123</sup>

- Grades 4 through 12: Not less than 900 net instructional hours.
- Kindergarten through grade 3 or in an authorized prekindergarten exceptional program: Not less than 720 net instructional hours.

For FEFP purposes, a FTE in each district program is defined in terms of full-time students and part time students, as follows:<sup>124</sup>

- A full-time student is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school comprising no less than the hourly equivalent prescribed by the SBE.<sup>125</sup>
- A part-time student is a student on the active membership roll of a school program or combination of school program who is less than a full time student. Part time students are funded based on their proportional share of hours of instruction.<sup>126</sup>

### ***Double-Session Schools***

Double-session schools are not defined in statute or rule.<sup>127</sup> Schools operating on a double-session calendar must operate for a term of 180 actual teaching days, or the hourly equivalent as prescribed below:<sup>128</sup>

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students in double-sessions schools that meet the hourly equivalent are considered full-time students<sup>129</sup> Thus, a student in grade 9 at a double-session school who is provided 810 instructional hours generates 1.0 FTE (810/810=1.0).<sup>130</sup>

<sup>122</sup> Section 1011.60(2), F.S.

<sup>123</sup> Rule 6A-1.045111(1), F.A.C.

<sup>124</sup> Section 1011.61(1), F.S.

<sup>125</sup> See the previous paragraph. Exceptions exist for double-session schools or a school utilizing an experimental calendar approved by the DOE (discussed further herein) and for students who moved with their parents for the purpose of engaging in the farm labor or fish industries. *Id.*

<sup>126</sup> E-mail, Department of Education, January 23, 2016.

<sup>127</sup> Differing interpretations of “double-session schools” may exist. *Compare*, a DOE statement that in Florida, double-session schools have historically existed in instances where districts held two sessions per day at one school location due to school construction delay or storm damage. *Id.*; *But see*, Statutory maximum class size implementation options direct district school boards to consider operating more than one session of school during the day in order to meet constitutional class size requirements. Section 1003.03(3)(i), F.S.

<sup>128</sup> Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C. The DOE is not required to approve double-session schools. Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

<sup>129</sup> Section 1011.61(1)(a)2., F.S.

<sup>130</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).



There are currently 13 double-session schools operating in Florida in the 2015-2016 fiscal year.<sup>131</sup> Several charter schools are operating with double-session or multiple sessions for which 810 instructional hours are provided.<sup>132</sup>

### ***Schools Operating on an Experimental Calendar***

Schools utilizing an experimental calendar that is approved by the DOE must operate for a term of 180 actual teaching days or the hourly equivalent as prescribed below:<sup>133</sup>

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students at a school utilizing an experimental school calendar approved by the DOE are considered full-time students if the instruction meets the minimum term requirements.<sup>134</sup> Thus, a student in grade 9 at such a school who is provided 810 instructional hours generates 1.0 FTE ( $810/810=1.0$ ).<sup>135</sup>

Additionally, the DOE is required to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day.<sup>136</sup>

### ***Emergency Conditions***

Upon written application, the SBE is authorized to alter the 180 day minimum term requirement during a national, state, or local emergency if the SBE determines that is not feasible to make up lost days or hours.<sup>137</sup>

At the discretion of the Commissioner, and if the SBE determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, the apportionment may be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.<sup>138</sup>

The DOE is required to determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which have been approved by the DOE to operate for less than the minimum school day.<sup>139</sup>

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<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C.

<sup>134</sup> Section 1011.61(1)(a)2., F.S.

<sup>135</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

<sup>136</sup> Section 1011.61(1), F.S. (Flush left provisions)

<sup>137</sup> Section 1011.60(2), F.S. The SBE is authorized to prescribe procedures for altering this requirement. *Id.*

<sup>138</sup> Section 1011.60(2), F.S. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency. *Id.*

<sup>139</sup> Section 1011.61(1), F.S. (Flush left provisions)

### **Credit Acceleration Program**

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.<sup>140</sup>

### **Youth Suicide Awareness and Prevention**

In 2013, there were a total of 2,928 deaths by suicide in Florida according to the Centers for Disease Control and Prevention.<sup>141</sup> In 2013, suicide was the third leading cause of death for young Floridians between the ages of 15 and 24.<sup>142</sup>

### ***Professional Development Act***

The School Community Professional Development Act directs the Department of Education, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations in the state to work collaboratively to establish a coordinated system of professional development.<sup>143</sup>

Each school district is required to develop a professional development system which must include inservice activities for instructional personnel focused on:<sup>144</sup>

- Analysis of student achievement data;
- Ongoing formal and informal assessments of student achievement;
- Identification and use of enhanced and differentiated instructional strategies that identify rigor, relevance, and reading in the content areas;
- Enhancement of subject content expertise;
- Integrated use of classroom technology that enhances teaching and learning; and
- Classroom management, parent involvement, and school safety.

### ***Required Inservice Training***

District school boards renew state-issued professional certificates for individuals who hold a state-issued professional certificate and are employed by the district.<sup>145</sup> All professional certificates, except a nonrenewable professional certificate, are renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of renewal requirements.<sup>146</sup>

<sup>140</sup> Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

<sup>141</sup> Florida Department of Children and Families, *About Suicide*, <http://www.myflfamilies.com/service-programs/mental-health/suicide-prevention/about-suicide> last visited January 15, 2016).

<sup>142</sup> Florida Department of Children and Families, *About Suicide*, <http://www.myflfamilies.com/service-programs/mental-health/suicide-prevention/teens-young-adults> last visited January 15, 2016).

<sup>143</sup> Section 1012.98, F.S.

<sup>144</sup> Section 1012.98(4)(b)3., F.S.

<sup>145</sup> Section 1012.585(1), F.S.

<sup>146</sup> Section 1012.585(2) and (3), F.S.

For the renewal of a professional certificate, an applicant must earn a minimum of six college credits or 120 inservice points or a combination thereof.<sup>147</sup> For each area of specialization on the certificate, the applicant must earn at least three of the required credit hours or equivalent inservice points in the specialization area.<sup>148</sup> Inservice in the following areas may be applied toward any specialization area:<sup>149</sup>

- Education in “clinical education” training,<sup>150</sup>
- Training in the area of scientifically researched, knowledge-based reading literacy and computational skills acquisition;
- Exceptional student education;
- Normal child development;
- Disorders of development;
- Training in the area of drug abuse;
- Training in the areas of child abuse and neglect;
- Strategies in teaching students having limited proficiency in English;
- Strategies in dropout prevention; or
- Training in priority areas identified in the Florida’s K-20 education system goals and performance standards or in the school improvement and education accountability system.<sup>151</sup>

Additionally, inservice points may be earned by:<sup>152</sup>

- Attending approved summer institutes;
- Participation in professional growth components approved by the State Board of Education and the district’s approved master plan for inservice educational training;
- Serving as a trainer in an approved teacher training activity; or
- Serving on an instructional materials committee, state board, or commission that deals with educational issues, or an advisory council.

### ***Statewide Office of Suicide Prevention***

The Statewide Office of Suicide Prevention is housed within the Department of Children and Families.<sup>153</sup> The office is required to:<sup>154</sup>

- Develop a network of community-based programs to improve suicide prevention initiatives;
- Prepare and implement the statewide plan with the advice of the Suicide Prevention Coordinating Council;
- Increase public awareness concerning topics relating to suicide prevention; and
- Coordinate education and training curricula in suicide prevention efforts for law enforcement personnel, first responders to emergency calls, health care providers, school employees, and other person who may have contact with persons at risk of suicide.

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<sup>147</sup> Section 1012.585(3)(a), F.S.

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> Section 1004.04(5), F.S.

<sup>151</sup> *Id.*

<sup>152</sup> Section 1012.585(3)(a), F.S.

<sup>153</sup> Ch. 2011-51, L.O.F.; Section 14.2019, F.S.

<sup>154</sup> Section 14.2019, F.S.

The Statewide Office for Suicide Prevention is required to operate within available resources but is allowed to seek and accept grants or funds from federal, state, or local sources to support the operation and defray the authorized expenses of the office and the Suicide Prevention Coordinating Council.<sup>155</sup>

### **Adults with Disabilities Workforce Education Pilot Program**

The Adults with Disabilities Workforce Education Pilot Program was created in 2012 to operate for two years in Hardee, DeSoto, Manatee, and Sarasota Counties and provide the option of receiving a scholarship for instruction at private schools for up to 30 students who meet the following requirements:<sup>156</sup>

- Have a disability;<sup>157</sup>
- Are 22 years of age;
- Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1003.428 or s. 1003.4282, F.S.;
- Do not have a standard high school diploma or a special high school diploma; and
- Receive supported employment services.<sup>158</sup>

In 2014, the Legislature extended the program for an additional two years through June 30, 2016.

### **Florida National Merit Scholar Incentive Program**

The Florida National Merit Scholar Incentive Program rewards any Florida high school graduate who receives recognition as a National Merit Scholar or National Achievement Scholar and who initially enrolls in the 2014-2015 academic year, or later, in a baccalaureate degree program at an eligible Florida public or independent postsecondary educational institution.<sup>159</sup> The Department of Education administers the program, which contains student eligibility requirements.<sup>160</sup>

## **III. Effect of Proposed Changes:**

This bill updates and establishes numerous K-12 and postsecondary education statutes.

### **Exceptional Student Education Guaranteed Allocation**

The bill authorizes the Florida Department of Education (DOE) to recalculate the Exceptional Student Education (ESE) Guaranteed Allocation for each school district. The ESE Guaranteed Allocation will be calculated initially in the General Appropriations Act (GAA), and recalculated

<sup>155</sup> *Id.*

<sup>156</sup> Chapter 2012-134, Laws of Fla., s. 12, codified in s. 1004.935, F.S.

<sup>157</sup> A student with a disability includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

<sup>158</sup> Supported employment services means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

<sup>159</sup> Section 1009.893, F.S.

<sup>160</sup> *Id.*

based on each school district's actual ESE and total full-time equivalent (FTE) enrollment as determined by the October FTE survey. This recalculation will ensure school districts receive their appropriate share of the ESE Guaranteed Allocation based on actual enrollment rather than projected enrollment.

### **Federally Connected Student Supplement**

The bill codifies the federally connected student supplement categorical within the Florida Education Finance Program (FEFP). The school districts which receive federal impact aid under Title VIII of the Elementary and Secondary Education Act of 1965, will continue to be eligible for additional FEFP funding under this categorical.

### **Career and Professional Education (CAPE) Dual Enrollment Industry Certification Funding**

The bill authorizes performance funding for a CAPE industry certification earned through a dual enrollment course, which is not a fundable certification on the Postsecondary Industry Certification Funding List or is earned as a result of an agreement with a nonpublic postsecondary institution, to be funded in the same manner as a non-dual enrollment course industry certification. The school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

### **CAPE Teacher Bonus Funding**

The bill establishes two new tiers of bonuses available to CAPE industry certification teachers under s. 1011.62 (1)(o), F.S. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3 will earn a \$75 bonus, which is \$25 more than currently authorized. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0 will earn a \$100 bonus, which is \$50 more than currently authorized. The bill also eliminates the \$2,000 maximum annual bonus for teachers providing instruction in courses leading to these CAPE industry certifications.

### **Powers and Duties of a District School Board**

The bill provides district school boards with the authority to visit schools, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school.

### **Educational Transparency**

The bill requires school districts to notify parents of the average amount of money expended per student per school, to be in the school financial report and the student handbook or similar publication.

The bill updates statutes that provide an overview of public and private educational options. The bill also revises applicable terminology by using the term “educational choice” instead of “school choice,” to identify that the available choices stem beyond a specific school.

### **Notification and Ability to Change Teachers**

The bill creates two new mechanisms for a parent to request transfer of his or her child to a different teacher:

- Each district school board must establish a transfer process for a parent to request his or her child to be transferred to another classroom teacher. The transfer process must be published in the student handbook or similar publication. A school must grant or deny the transfer within two weeks after receiving a request for such transfer. If a request is denied, the school must notify the parent of the denial and provide reasons for the denial. The provision does not give parents the right to choose a specific classroom teacher.
- Each school district must report the out-of-field teacher on the district’s website within 30 days prior to the beginning of each semester. A parent with a child assigned to an out-of-field teacher may request a transfer to an in-field classroom teacher within the school and grade. The district must grant the request within a reasonable period of time, not to exceed 2 weeks, if an in-field teacher is available and the transfer would not violate class size requirements. If a request is denied, the school must notify the parent of the denial and provide reasons for the denial. The provision does not give parents the right to choose a specific classroom teacher.

### **Controlled Open Enrollment**

The bill expands the scope of a school district’s and charter school’s controlled open enrollment options by, beginning by the 2017-2018 school year:

- Allowing a parent from any district in the state, whose child is not subject to a current expulsion order or suspension order, to enroll and transport the child to any public school in the state, including charter schools, that has not reached capacity, subject to maximum class size limits;
- Requiring the receiving school district or charter school to accept the student and report the student for funding;
- Allowing a student who transfers to remain at the school chosen by the parent until the student completes the highest grade level at the school; and
- Permitting a school district or charter school to provide transportation for students participating in a controlled open enrollment program.
- Providing preferential treatment to:
  - Dependent children of active duty military personnel whose move resulted from military orders;
  - Children who have been relocated due to a foster care placement in a different school zone;
  - Children who move due to a court ordered change in custody, or the serious illness or death of a custodial parent; or
  - Students residing in the school district.
- Prohibiting students that reside in the district from being displaced by students residing outside of the district.

The bill provides that school district and charter school capacity determinations must be current and must be included on their respective websites. In determining the capacity of each school, the district school board shall incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35. Charter school governing boards determine capacity based upon their charter contract.

The bill requires charter schools to provide preferential treatment to specific enrollment limitations existing in law, if the special purposes are identified in the charter agreement. Each charter school must annually post on its website the application process required to participate in controlled open enrollment.

The bill elevates the transparency of the district school board controlled open enrollment plans by requiring the district to adopt by rule and post on its website the process required to participate in controlled open enrollment. Additionally, the bill requires that the school district controlled open enrollment process must maintain existing academic eligibility criteria for public school choice programs; identify schools that have not reached capacity; and ensure that the district school board adopts a policy to provide preferential treatment to specified students.

## **Florida High School Athletics**

### ***Student Eligibility***

The bill revises student eligibility requirements by:

- Prohibiting a school district from delaying eligibility or otherwise preventing a student participating in controlled open enrollment or a school choice program from being immediately eligible to participate in interscholastic and intrascholastic extracurricular activities;
- Defining “eligible to participate” to include, but not be limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests, and does not require a student to be placed on any specific team for interscholastic or intrascholastic extracurricular activities; and
- Allowing a student who transfers during the school year to join an existing team if the activity roster has not reached maximum size and if the coach determines the student has the required skill and ability to participate.
- Providing that once a student has participated in a sport, the student may not participate in that same sport in another school during that school year, unless the reason for moving the subsequent school was on the grounds of being a:
  - Dependent child of active duty military personnel whose move resulted from military orders;
  - Child who has been relocated due to a foster care placement in a different school zone;
  - Child whose move due to a court ordered change in custody, or the serious illness or death of a custodial parent; or
  - As otherwise authorized for good cause in district or charter school policy.

Additionally, the bill increases student eligibility options by:

- Prohibiting the Florida High School Athletic Association (FHSAA) and school district from declaring a transfer student ineligible due to the student's inopportunity to comply with qualifying requirements;
- Enabling a private school student the option to participate at the public school zoned for the physical address, regardless of whether or not the school offers an interscholastic or intrascholastic athletic program; and
- Changing level of proof in an eligibility determination from "clear and convincing evidence" to "a preponderance of evidence."<sup>161</sup>

### ***Membership in the FHSAA***

The bill requires the FHSAA to allow a private school to join the FHSAA on a full-time or a per sport basis. This offers a private school the option of joining other athletic associations by individual sport while maintaining membership in FHSAA for other sports. In addition, the bill prohibits the FHSAA from discouraging private schools from simultaneously maintaining membership in another athletic association.

The bill authorizes the FHSAA to allow a public school to apply for consideration to join another athletic association.

### ***Recruitment of Student Athletes***

The bill establishes escalating penalties for the recruitment of student athletes. Specifically, the bill enhances current recruitment penalties found in the FHSAA bylaws by adding stringent penalties for the recruitment of a student athlete by a school district employee or contractor. The bill requires the following penalties:

- First offense is a \$5,000 forfeiture of pay.
- Second offense includes suspension without pay for 12 months from coaching, directing, or advertising an extracurricular activity and a \$5,000 forfeiture of pay.
- Third offense includes:
  - \$5,000 forfeiture of pay for the employee or contractor who committed the violation; and
  - For an individual who holds an educator certificate:
    - The FHSAA will refer the violation for review to determine if probable cause exists;
    - The Commissioner of Education will file a formal complaint against the individual if there is a finding of probable cause; and
    - If the complaint is upheld, the individual's educator certificate will be revoked by the Education Practices Commission for 3 years, in addition to FHSAA penalties. The Department of Education will also revoke any adjunct teaching certificates issued under s. 1012.57, F.S. and all permissions under s. 1012.39, F.S. and 1012.43, F.S. The educator will be ineligible for such certificates or permissions for a period of time equal to the period of revocation of his or her state-issued certificate.

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<sup>161</sup> Preponderance of evidence is defined to mean the evidence which is at the greater weight or more convincing than the evidence which is offered in opposition to it. Black, Henry Campbell. A Dictionary of Law: Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern ... New York, NY: Lawbook Exchange, 1991.



The bill also specifies that, in instances in which a student is recruited by an adult who is not a school district employee or contractor, a school will forfeit every competition in which the recruited student participates.

### **Charter Schools**

The bill modifies charter school requirements related to the application processes, sponsor oversight, reading requirements, student eligibility, administrative operations, and professional development.

#### ***Application Process***

The bill requires the charter school application to disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by the applicant, each governing board member, and each proposed education services provider that has closed and reasons for closure; and the academic and financial history of such charter schools. The sponsor must consider this information in deciding whether to approve or deny the application; thus increasing the transparency of such information.

Except as provided for a draft application, a sponsor may not charge an applicant any fee for the processing or consideration of an application; thus clarifying fees a sponsor may or may not charge.

#### ***Sponsor Oversight***

The bill provides that, upon approval of the charter contract, the charter school must begin to provide the required monthly statements to the sponsor. The sponsor is required to review each statement for deteriorating financial conditions or financial emergencies. In effect, the information may assist districts monitoring of financially struggling charter schools, even ones that have not yet started operating, to quickly identify decrease potential losses of public funds.

A charter school's charter is automatically terminated if the school earns two consecutive grades of "F" after all school grades are final.<sup>162</sup> The sponsor is required to notify in writing the charter school's governing board, the charter school principal, and the department when the charter is automatically terminated. The sponsor's letter of termination is a final order subject to appeal pursuant to s. 120.68, F.S.<sup>163</sup> In effect, school districts will be required to immediately close "FF" charter schools, bypassing the possibility for the charter school to remain open throughout the duration of the traditional charter contract termination process.

Charter schools will continue to be governed by existing dissolution procedures and prohibitions on expenditures when the charter is automatically terminated pursuant to this provision.

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<sup>162</sup> The bill retains the current exceptions in s. 1002.33, F.S.

<sup>163</sup> Section 120.68, F.S., specifies the provisions in the Administrative Procedures Act for appellate review of final agency action.

***Reading***

The bill revises the application and charter requirements to require the reading curriculum to be evidence-based and include explicit, systematic, and multisensory reading instruction strategies. The sponsor is prohibited from requiring the charter school to implement the school district's reading plan. In effect, the reading curriculum shifts from a scientifically-based approach to an evidence-based approach, with specified strategies.

A charter school must notify the parent of a student who exhibits a substantial deficiency in reading, as determined by the charter school, of the deficiency, the intensive interventions and supports used, and the student's grade progression in accordance with existing law. Thus, parents should be more informed and more involved regarding their children's reading proficiency.

The research-based reading allocation is added to the list of categorical program funds specified in law as examples of categorical program funds that school districts must proportionately share with eligible charter schools. In effect, the bill clarifies that school districts must proportionally share the research-based reading allocation with eligible charter schools.

***Student Eligibility***

Charter schools may not base admission or dismissal on a student's academic performance. In effect, the provision explicitly prohibits a charter school from considering academic performance when determining student enrollment.

Enrollment preferences for charter schools are expanded to include students who attended or are assigned to certain failing schools. In effect, charter schools may give enrollment preferences to students that qualify for the Opportunity Scholarship Program.

***Administrative Operations***

The charter school governing board may voluntarily close and terminate the charter. The decision must be made at a public meeting, with written notification provided to parents and the sponsor both before and after the meeting, and to the DOE after the meeting. If the board decides to close, the post-meeting notice must identify the reasons for closure, and must contain agreement from the governing board to follow existing procedures for dissolution and reversion of public funds. In effect, a charter school that voluntarily closes must provide advance notice to the public, the reasons for closure, and is subject to the same accountability provisions for closure as if the school had been terminated by the sponsor.

***Professional Development***

The bill specifically adds charter schools to those schools authorized to develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence. The respective programs must be aligned with the applicable district or school's evaluation system established under s. 1012.34, F.S.

### **Virtual Instruction Providers**

The bill renames the school improvement rating “declining” to “unsatisfactory” to conform to current school improvement rating terminology of commendable, maintaining, and unsatisfactory.

### **Florida Virtual School Funding (FLVS)**

The bill deletes superfluous language pertaining to existing FTE funding mechanisms for FLVS, however, leaves in place the calculation of a FTE student as prescribed in s. 1011.61(1)(c)1.b.(V), F.S., and s. 1011.64(4), F.S.

### **End of Course Funding Adjustment**

The bill deletes the provisions pertaining to the end-of-course adjustment scheduled to begin in the 2016-2017 school year.

### **Minimum Term School Funding**

The bill modifies traditional public school, double-session school, experimental calendar school, and emergency condition provisions relating to minimum school term and associated funding requirements.

#### ***Traditional public schools***

The bill clarifies that a “part time student,” generates FTE proportional to the amount of instructional hours provided by the school divided by the minimum term requirements. In effect, a student who attends a school that operates for less than the minimum term will continue to generate proportionally fewer FTE,<sup>164</sup> and the school will continue to receive proportionally less funding.

#### ***Double-Session Schools***

The bill eliminates the ability for a student at a double-session school to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

In effect, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.<sup>165</sup> Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ( $810/900=0.9$ ),<sup>166</sup> and the school would receive proportionally less funding.

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<sup>164</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

<sup>165</sup> *Id.*

<sup>166</sup> *Id.*

### ***Schools Operating On An Experimental Calendar***

The bill eliminates the ability for a student at a school utilizing an experimental school calendar to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

Statutory language requiring the DOE to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day is deleted.<sup>167</sup>

In effect, a student who attends a school operating on an experimental calendar that operates for less than the minimum term will generate proportionally fewer FTE.<sup>168</sup> Thus, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.<sup>169</sup> Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ( $810/900=0.9$ ),<sup>170</sup> and the school would receive proportionally less funding.

Statutory language requiring the DOE to approve experimental school calendars is deleted. In effect, the bill treats schools operating on an experimental calendar in the same manner as double-session schools are currently treated (i.e., no DOE approval is required).

### ***Emergency Conditions***

The bill clarifies schools approved by the DOE to operate for less than the minimum school day means the minimum term as provided in s. 1011.60, F.S.<sup>171</sup>

### **Credit Acceleration Program**

The bill add Advanced Placement (AP) and College Level Examination Program (CLEP) examinations as an option, and authorized home education students to utilize the program.

### **Youth Suicide Awareness and Prevention**

The bill requires the DOE to incorporate two hours of youth suicide awareness and prevention training for all K-12 instructional personnel to receive as part of their continuing education or inservice training.

Specifically, the bill:

- Requires the DOE, in consultation with the Statewide Office of Suicide Prevention and suicide experts, to develop a list of approved training materials;

<sup>167</sup> Section 1011.61(1), F.S. (Flush left provisions)

<sup>168</sup> Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> Section 1011.61(1), F.S. (Flush left provisions) This section identifies minimum requirements of the FEFP. *Id.*

- Requires the training to be included in existing continuing education requirements and not add to the total hours currently required by the department;
- Authorizes the State Board of Education to adopt implementation rules; and
- Specifies that the training program does not create any new duty of care or basis of liability.

The bill reduces the costs incurred by school districts to implement the training by:

- Including materials on youth suicide awareness and prevention, that are currently used by school districts, on the DOE approved training materials list; and
- Allowing instructional personnel to complete a training program through the self-review of approved training materials.

The bill authorizes the State Board of Education to adopt rules to implement the training requirements.

### **Adults with Disabilities Workforce Education Pilot Program**

The bill removes the pilot status and sunset provision for the Adults with Disabilities Workforce Education Pilot Program, thereby making the program permanent and no longer subject to expiration.

### **Distinguished Florida College System Program**

The bill establishes the Distinguished Florida College System Program to recognize Florida's highest-performing colleges. A Florida college earns the designation as a distinguished college by the State Board of Education by meeting at least five of the seven excellence standards. The excellence standards established for the program are as follows:

- A 150 percent-of-normal-time completion rate<sup>172</sup> of 50 percent or higher;
- A 150 percent-of-normal-time completion rate for Pell Grant recipients of 40 percent or higher;
- A retention rate of 70 percent or higher;
- A continuing education, or transfer, rate of 72 percent or higher for students graduating with an associate of arts degree;
- A licensure passage rate on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) of 90 percent or higher for first-time exam takers;
- A job placement or continuing education rate of 88 percent or higher for workforce programs;
- A time-to-degree for students graduating with an associate of arts degree of 2.25 years or less for first-time-in-college students with accelerated college credits;

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<sup>172</sup> The National Center for Education Statistics, in the Integrated Postsecondary Education Data System (IPEDS) glossary (available at <http://nces.ed.gov/ipeds/glossary/?charindex=N>), defines normal time to completion as the amount of time necessary for a student to complete all requirements for a degree or certificate according to the institution's catalog. For example, an associate's degree in a standard term-based institution has a normal time of completion of 2 years (4 semesters). The 150 percent of normal time to completion for an associate's degree would be 3 years (6 semesters). The 150 percent normal time of completion rate reflects the percentage of full-time students who complete all requirements for a degree or certificate within 150 percent of the amount of time necessary for a student to complete a degree or certificate according to the institution's catalog.

A Florida College System institution designated as a distinguished college is eligible for funding as specified in the GAA.

**Florida National Merit Scholar Incentive Program.**

The bill renames the Florida National Merit Scholar Incentive program as the Benacquisto Scholarship Program.

The bill requires all eligible state universities, and encourages all eligible Florida public or independent postsecondary educational institutions, to become college sponsors of the National Merit Scholarship Program.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under CS/SB 1166, teachers providing instruction in courses leading to CAPE industry certifications may be eligible for additional bonus funds for each student attaining specific CAPE industry certifications. The bill also removes the \$2,000 annual limit for these CAPE teacher bonuses.

School district employees or contractors in violation of Florida High School Athletic Association recruiting bylaws will experience forfeiture of pay in the amount of \$5,000 for each offense; suspension without pay for 12 months for a second offense; and revocation of the individual's educator certificate for a third offense.

**C. Government Sector Impact:**

SB 2500, the Senate General Appropriations Bill, appropriates \$12,208,418 in the Florida Education Finance Program (FEFP) for the federally connected student supplement. The other changes to the FEFP have no impact on state funds. However, individual school districts may experience an increase or decrease in their Exceptional Student Education Guaranteed Allocation based on the results of the October full-time equivalent (FTE) student survey. School districts may also experience an increase or decrease in FEFP funding based on shifts in student enrollment.

SB 2500 also appropriates \$2 million for the Distinguished Florida College System Program.

The Education Practices Commission (EPC) may experience an increase in workload as a result of educator discipline cases associated with the recruiting penalties specified in the bill. Since the number of additional cases which may occur as a result of this bill is not known, the impact on the EPC is indeterminate.

School districts may incur costs for instructional personnel to attend the suicide awareness and prevention training required by the bill, as well as the costs for substitutes and trainers. However, because of the flexibility in how the training can be delivered and the requirement that the training not add to the total hours of inservice required by the Department of Education, these costs should be minimal and absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1002.20, 1002.31, 1002.33, 1002.37, 1002.45, 1003.4295, 1004.935, 1006.15, 1006.20, 1009.893, 1011.61, 1011.62, 1011.71, 1012.42, 1012.56, 1012.795, and 1012.796.

The bill creates the following section of the Florida Statutes: 1003.3101, 1011.67, and 1012.583.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations on February 25,, 2016:**

The committee substitute:

- Authorizes and codifies changes to the Florida Education Finance Program (FEFP) funding formula, including:
  - Codifying the federally connected student supplement,
  - Amending CAPE teacher bonus awards and removing the bonus limit,
  - Authorizes performance funding for a CAPE industry certification earned through a dual enrollment course, which is not a fundable certification on the Postsecondary Industry Certification Funding List or is earned as a result of an agreement with a nonpublic postsecondary institution.
- Makes the Adults with Disabilities Workforce Education Pilot Program, established in s. 1004.935, F.S., a permanent program by removing its pilot status and sunset date; and
- Establishes the Distinguished Florida College System Program to recognize Florida's highest-performing colleges.
- Adds to the powers of a district school board, the authority to visit schools, give suggestions for improvement, and advise citizens to promote interest in education.
- Requires school districts to provide information regarding the average amount of funding expended per student, per school, in the school financial report and student handbook;
- Updates statutes that provides an overview of public and private educational options;
- Creates mechanisms for a parent to request transfer of his or her child to a different teacher
- Expands the scope of school district and charter school controlled open enrollment provisions to open public schools to any student in the state, subject to capacity, class size maximums, and other specified conditions;
- Revises student eligibility requirements for interscholastic and intrascholastic extracurricular activities, to allow immediate participation in specified conditions, provide for increased penalties;
- Authorizes private schools to join athletic organizations on a full-time or per sport basis, and authorizes public schools to apply for consideration to join another athletic organization subject to approval by the Florida High School Athletic Association;
- Modifies charter school requirements related to the application process, sponsor oversight, reading requirements, student eligibility, reading proficiency, administrative operations, and professional development;
- Revises school improvement rating labels to be consistent with current law, and deletes superfluous provisions pertaining to existing full-time equivalent student funding mechanisms for the Florida Virtual School;
- Deletes from law the end-of-course funding adjustment scheduled to begin in the 2016-2017 school year;
- Modifies traditional public school, double-session school, experimental calendar school, and emergency condition provisions relating to minimum school term and associated funding requirements;
- Expands the credit acceleration program to add Advanced Placement (AP) and College Level Examination Program (CLEP) examinations as an option to authorizes home education students to use the program;



- Requires the Department of Education to incorporate two hours of youth suicide awareness and prevention training for all K-12 instructional personnel to receive as part of their continuing education or inservice training; and
- Renames the Florida National Merit Scholar Incentive program the Benacquisto Scholarship Program. Requires all eligible state universities, and encourages all eligible Florida public or independent postsecondary educational institutions, to become college sponsors of the National Merit Scholarship Program.

B. Amendments:

None.