



903014

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2017	.	
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The Committee on Rules (Flores) recommended the following:

Senate Amendment (with title amendment)

Between lines 157 and 158
insert:

Section 3. Paragraph (c) of subsection (2) of section 1002.20, Florida Statutes, is amended, present paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed



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12 of ways they can help their child to succeed in school. K-12
13 students and their parents are afforded numerous statutory
14 rights, including, but not limited to, the following:

15 (2) ATTENDANCE.—

16 (c) *Absence for religious purposes.*—A parent of a public
17 school student may request and be granted permission for absence
18 of the student from school for religious instruction or
19 religious holidays, in accordance with the provisions of s.
20 1003.21(2)(b)1. ~~s. 1003.21(2)(b).~~

21 (d) Absence for treatment of autism spectrum disorder.—A
22 parent of a public school student may request and be granted
23 permission for absence of the student from school for a
24 scheduled appointment to receive a therapy service or other
25 medical treatment provided by a licensed health care
26 practitioner for the treatment of autism spectrum disorder
27 pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

28 Section 4. Subsection (8) is added to section 1002.51,
29 Florida Statutes, to read:

30 1002.51 Definitions.—As used in this part, the term:

31 (8) "Public school prekindergarten provider" includes a
32 charter school that is eligible to deliver the school-year
33 prekindergarten program under s. 1002.63 or the summer
34 prekindergarten program under s. 1002.61.

35 Section 5. Paragraph (b) of subsection (2) of section
36 1003.21, Florida Statutes, is amended to read:

37 1003.21 School attendance.—

38 (2)

39 (b) Each district school board, in accordance with rules of
40 the State Board of Education, shall adopt policies authorizing a



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41 ~~policy that authorizes~~ a parent to request and be granted
42 permission for absence of a student from school for:

43 1. Religious instruction or religious holidays.

44 2. A scheduled appointment to receive a therapy service or
45 other medical treatment provided by a licensed health care
46 practitioner for the treatment of autism spectrum disorder,
47 including, but not limited to, applied behavioral analysis,
48 speech therapy, and occupational therapy.

49 Section 6. Subsection (4) of section 1003.24, Florida
50 Statutes, is amended to read:

51 1003.24 Parents responsible for attendance of children;
52 attendance policy.—Each parent of a child within the compulsory
53 attendance age is responsible for the child's school attendance
54 as required by law. The absence of a student from school is
55 prima facie evidence of a violation of this section; however,
56 criminal prosecution under this chapter may not be brought
57 against a parent until the provisions of s. 1003.26 have been
58 complied with. A parent of a student is not responsible for the
59 student's nonattendance at school under any of the following
60 conditions:

61 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—
62 Attendance was impracticable or inadvisable on account of
63 sickness or injury, as attested to by a written statement of a
64 licensed practicing physician, or a written statement of a
65 licensed health care practitioner for the treatment of autism
66 spectrum disorder, or was impracticable because of some other
67 stated insurmountable condition as defined by rules of the State
68 Board of Education. If a student is continually sick and
69 repeatedly absent from school, he or she must be under the



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70 supervision of a physician, or care of a licensed health care
71 practitioner for the treatment of autism spectrum disorder, in
72 order to receive an excuse from attendance. Such excuse provides
73 that a student's condition justifies absence for more than the
74 number of days permitted by the district school board.

75
76 Each district school board shall establish an attendance policy
77 that includes, but is not limited to, the required number of
78 days each school year that a student must be in attendance and
79 the number of absences and tardinesses after which a statement
80 explaining such absences and tardinesses must be on file at the
81 school. Each school in the district must determine if an absence
82 or tardiness is excused or unexcused according to criteria
83 established by the district school board.

84 Section 7. Subsection (6) is added to section 1003.455,
85 Florida Statutes, to read:

86 1003.455 Physical education; assessment.—

87 (6) In addition to the requirements in subsection (3), each
88 district school board shall provide at least 100 minutes of
89 supervised, safe, and unstructured free-play recess each week
90 for students in kindergarten through grade 5 so that there are
91 at least 20 consecutive minutes of free-play recess per day.

92 Section 8. Subsection (3) of section 1003.57, Florida
93 Statutes, is amended to read:

94 1003.57 Exceptional students instruction.—

95 (3) (a) For purposes of this subsection and subsection (4),
96 the term:

97 1. "Agency" means the Department of Children and Families
98 or its contracted lead agency, the Agency for Persons with



99 Disabilities, and the Agency for Health Care Administration.

100 2. "Exceptional student" means an exceptional student, as
101 defined in s. 1003.01, who has a disability.

102 3. "Receiving school district" means the district in which
103 a private residential care facility is located.

104 4. "Placement" means the funding or arrangement of funding
105 by an agency for all or a part of the cost for an exceptional
106 student to reside in a private residential care facility and the
107 placement crosses school district lines.

108 (b) Within 10 business days after an exceptional student is
109 placed in a private residential care facility by an agency, the
110 agency or private residential care facility licensed by the
111 agency, as appropriate, shall provide written notification of
112 the placement to the school district where the student is
113 currently counted for funding purposes under s. 1011.62 and the
114 receiving school district. The exceptional student shall be
115 enrolled in school and receive a free and appropriate public
116 education, special education, and related services while the
117 notice and procedures regarding payment are pending. This
118 paragraph applies when the placement is for the primary purpose
119 of addressing residential or other noneducational needs and the
120 placement crosses school district lines.

121 (c) Within 10 business days after receiving the
122 notification, the receiving school district must review the
123 student's individual educational plan (IEP) to determine if the
124 student's IEP can be implemented by the receiving school
125 district or by a provider or facility under contract with the
126 receiving school district. The receiving school district shall:

127 1. Provide educational instruction to the student;



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128 2. Contract with another provider or facility to provide
129 the educational instruction; or
130 3. Contract with the private residential care facility in
131 which the student resides to provide the educational
132 instruction; ~~or~~
133 4. ~~Decline to provide or contract for educational~~
134 ~~instruction.~~
135
136 ~~If the receiving school district declines to provide or contract~~
137 ~~for the educational instruction, the school district in which~~
138 ~~the legal residence of the student is located shall provide or~~
139 ~~contract for the educational instruction to the student. The~~
140 receiving school district providing ~~that provides~~ educational
141 instruction or contracting ~~contracts~~ to provide educational
142 instruction shall report the student for funding purposes
143 pursuant to s. 1011.62.
144 (d)1. The Department of Education, in consultation with the
145 agencies and school districts, shall develop procedures for
146 written notification to school districts regarding the placement
147 of an exceptional student in a residential care facility. The
148 procedures must:
149 a. Provide for written notification of a placement that
150 crosses school district lines; and
151 b. Identify the entity responsible for the notification for
152 each facility that is operated, licensed, or regulated by an
153 agency.
154 2. The State Board of Education shall adopt the procedures
155 by rule pursuant to ss. 120.536(1) and 120.54, and the agencies
156 shall implement the procedures.



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157
158 The requirements of paragraphs (c) and (d) do not apply to
159 written agreements among school districts which specify each
160 school district's responsibility for providing and paying for
161 educational services to an exceptional student in a residential
162 care facility. However, each agreement must require a school
163 district to review the student's IEP within 10 business days
164 after receiving the notification required under paragraph (b).

165 Section 9. Paragraphs (l) through (o) of subsection (1) of
166 section 1011.62, Florida Statutes, are amended to read:

167 1011.62 Funds for operation of schools.—If the annual
168 allocation from the Florida Education Finance Program to each
169 district for operation of schools is not determined in the
170 annual appropriations act or the substantive bill implementing
171 the annual appropriations act, it shall be determined as
172 follows:

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

177 (1) *Calculation of additional full-time equivalent*
178 *membership based on International Baccalaureate examination*
179 *scores of students.*—A value of 0.16 full-time equivalent student
180 membership shall be calculated for each student enrolled in an
181 International Baccalaureate course who receives a score of 4 or
182 higher on a subject examination. A value of 0.3 full-time
183 equivalent student membership shall be calculated for each
184 student who receives an International Baccalaureate diploma.
185 Such value shall be added to the total full-time equivalent



186 student membership in basic programs for grades 9 through 12 in
187 the subsequent fiscal year. Each school district shall allocate
188 80 percent of the funds received from International
189 Baccalaureate bonus FTE funding to the school program whose
190 students generate the funds and to school programs that prepare
191 prospective students to enroll in International Baccalaureate
192 courses. Funds shall be expended solely for the payment of
193 allowable costs associated with the International Baccalaureate
194 program. Allowable costs include International Baccalaureate
195 annual school fees; International Baccalaureate examination
196 fees; salary, benefits, and bonuses for teachers and program
197 coordinators for the International Baccalaureate program and
198 teachers and coordinators who prepare prospective students for
199 the International Baccalaureate program; supplemental books;
200 instructional supplies; instructional equipment or instructional
201 materials for International Baccalaureate courses; other
202 activities that identify prospective International Baccalaureate
203 students or prepare prospective students to enroll in
204 International Baccalaureate courses; and training or
205 professional development for International Baccalaureate
206 teachers. School districts shall allocate the remaining 20
207 percent of the funds received from International Baccalaureate
208 bonus FTE funding for programs that assist academically
209 disadvantaged students to prepare for more rigorous courses. The
210 school district shall distribute to each classroom teacher who
211 provided International Baccalaureate instruction:

212 1. A bonus in the amount of \$50 for each student taught by
213 the International Baccalaureate teacher in each International
214 Baccalaureate course who receives a score of 4 or higher on the



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215 International Baccalaureate examination.

216 2. An additional bonus of \$500 to each International
217 Baccalaureate teacher in a school designated with a grade of "D"
218 or "F" who has at least one student scoring 4 or higher on the
219 International Baccalaureate examination, regardless of the
220 number of classes taught or of the number of students scoring a
221 4 or higher on the International Baccalaureate examination.

222

223 Bonuses awarded to a teacher according to this paragraph shall
224 be provided ~~may not exceed \$2,000 in any given school year.~~

225 ~~However, the maximum bonus shall be \$3,000 if at least 50~~
226 ~~percent of the students enrolled in a teacher's course earn a~~
227 ~~score of 4 or higher on the examination in a school designated~~
228 ~~with a grade of "A," "B," or "C"; or if at least 25 percent of~~
229 the students enrolled in the ~~a~~ teacher's course earn a score of
230 4 or higher on the examination. ~~in a school designated with a~~
231 ~~grade of "D" or "F."~~ Bonuses awarded under this paragraph shall
232 be in addition to any regular wage or other bonus the teacher
233 received or is scheduled to receive. For such courses, the
234 teacher shall earn an additional bonus of \$50 for each student
235 who has a qualifying score ~~up to the maximum of \$3,000 in any~~
236 ~~given school year.~~

237 (m) *Calculation of additional full-time equivalent*
238 *membership based on Advanced International Certificate of*
239 *Education examination scores of students.*—A value of 0.16 full-
240 time equivalent student membership shall be calculated for each
241 student enrolled in a full-credit Advanced International
242 Certificate of Education course who receives a score of E or
243 higher on a subject examination. A value of 0.08 full-time



244 equivalent student membership shall be calculated for each
245 student enrolled in a half-credit Advanced International
246 Certificate of Education course who receives a score of E or
247 higher on a subject examination. A value of 0.3 full-time
248 equivalent student membership shall be calculated for each
249 student who receives an Advanced International Certificate of
250 Education diploma. Such value shall be added to the total full-
251 time equivalent student membership in basic programs for grades
252 9 through 12 in the subsequent fiscal year. Each school district
253 shall allocate at least 80 percent of the funds received from
254 the Advanced International Certificate of Education bonus FTE
255 funding, in accordance with this paragraph, to the school
256 program that generated the funds. The school district shall
257 distribute to each classroom teacher who provided Advanced
258 International Certificate of Education instruction:

259 1. A bonus in the amount of \$50 for each student taught by
260 the Advanced International Certificate of Education teacher in
261 each full-credit Advanced International Certificate of Education
262 course who receives a score of E or higher on the Advanced
263 International Certificate of Education examination. A bonus in
264 the amount of \$25 for each student taught by the Advanced
265 International Certificate of Education teacher in each half-
266 credit Advanced International Certificate of Education course
267 who receives a score of E or higher on the Advanced
268 International Certificate of Education examination.

269 2. An additional bonus of \$500 to each Advanced
270 International Certificate of Education teacher in a school
271 designated with a grade of "D" or "F" who has at least one
272 student scoring E or higher on the full-credit Advanced



273 International Certificate of Education examination, regardless
274 of the number of classes taught or of the number of students
275 scoring an E or higher on the full-credit Advanced International
276 Certificate of Education examination.

277 3. Additional bonuses of \$250 each to teachers of half-
278 credit Advanced International Certificate of Education classes
279 in a school designated with a grade of "D" or "F" which has at
280 least one student scoring an E or higher on the half-credit
281 Advanced International Certificate of Education examination in
282 that class. ~~The maximum additional bonus for a teacher awarded~~
283 ~~in accordance with this subparagraph shall not exceed \$500 in~~
284 ~~any given school year.~~ Teachers receiving an award under
285 subparagraph 2. are not eligible for a bonus under this
286 subparagraph.

287
288 Bonuses awarded to a teacher according to this paragraph shall
289 be provided if at least 25 percent of the students enrolled in
290 the teacher's course earn a score of E or higher on the
291 examination. Bonuses awarded under this paragraph are ~~not exceed~~
292 ~~\$2,000 in any given school year and shall be~~ in addition to any
293 regular wage or other bonus the teacher received or is scheduled
294 to receive.

295 (n) *Calculation of additional full-time equivalent*
296 *membership based on college board advanced placement scores of*
297 *students.*—A value of 0.16 full-time equivalent student
298 membership shall be calculated for each student in each advanced
299 placement course who receives a score of 3 or higher on the
300 College Board Advanced Placement Examination for the prior year
301 and added to the total full-time equivalent student membership



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302 in basic programs for grades 9 through 12 in the subsequent
303 fiscal year. Each district must allocate at least 80 percent of
304 the funds provided to the district for advanced placement
305 instruction, in accordance with this paragraph, to the high
306 school that generates the funds. The school district shall
307 distribute to each classroom teacher who provided advanced
308 placement instruction:

309 1. A bonus in the amount of \$50 for each student taught by
310 the Advanced Placement teacher in each advanced placement course
311 who receives a score of 3 or higher on the College Board
312 Advanced Placement Examination.

313 2. An additional bonus of \$500 to each Advanced Placement
314 teacher in a school designated with a grade of "D" or "F" who
315 has at least one student scoring 3 or higher on the College
316 Board Advanced Placement Examination, regardless of the number
317 of classes taught or of the number of students scoring a 3 or
318 higher on the College Board Advanced Placement Examination.

319
320 Bonuses awarded to a teacher according to this paragraph shall
321 be provided ~~not exceed \$2,000 in any given school year. However,~~
322 ~~the maximum bonus shall be \$3,000 if at least 50 percent of the~~
323 ~~students enrolled in a teacher's course earn a score of 3 or~~
324 ~~higher on the examination in a school with a grade of "A," "B,"~~
325 ~~or "C" or~~ if at least 25 percent of the students enrolled in the
326 a teacher's course earn a score of 3 or higher on the
327 examination. ~~in a school with a grade of "D" or "F."~~ Bonuses
328 awarded under this paragraph shall be in addition to any regular
329 wage or other bonus the teacher received or is scheduled to
330 receive. For such courses, the teacher shall earn an additional



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331 bonus of \$50 for each student who has a qualifying score ~~up to~~
332 ~~the maximum of \$3,000 in any given school year.~~

333 (o) *Calculation of additional full-time equivalent*
334 *membership based on successful completion of a career-themed*
335 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
336 *courses with embedded CAPE industry certifications or CAPE*
337 *Digital Tool certificates, and issuance of industry*
338 *certification identified on the CAPE Industry Certification*
339 *Funding List pursuant to rules adopted by the State Board of*
340 *Education or CAPE Digital Tool certificates pursuant to s.*
341 *1003.4203.-*

342 1.a. A value of 0.025 full-time equivalent student
343 membership shall be calculated for CAPE Digital Tool
344 certificates earned by students in elementary and middle school
345 grades.

346 b. A value of 0.1 or 0.2 full-time equivalent student
347 membership shall be calculated for each student who completes a
348 course as defined in s. 1003.493(1)(b) or courses with embedded
349 CAPE industry certifications and who is issued an industry
350 certification identified annually on the CAPE Industry
351 Certification Funding List approved under rules adopted by the
352 State Board of Education. A value of 0.2 full-time equivalent
353 membership shall be calculated for each student who is issued a
354 CAPE industry certification that has a statewide articulation
355 agreement for college credit approved by the State Board of
356 Education. For CAPE industry certifications that do not
357 articulate for college credit, the Department of Education shall
358 assign a full-time equivalent value of 0.1 for each
359 certification. Middle grades students who earn additional FTE



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360 membership for a CAPE Digital Tool certificate pursuant to sub-
361 subparagraph a. may not use the previously funded examination to
362 satisfy the requirements for earning an industry certification
363 under this sub-subparagraph. Additional FTE membership for an
364 elementary or middle grades student may not exceed 0.1 for
365 certificates or certifications earned within the same fiscal
366 year. The State Board of Education shall include the assigned
367 values on the CAPE Industry Certification Funding List under
368 rules adopted by the state board. Such value shall be added to
369 the total full-time equivalent student membership for grades 6
370 through 12 in the subsequent year. CAPE industry certifications
371 earned through dual enrollment must be reported and funded
372 pursuant to s. 1011.80. However, if a student earns a
373 certification through a dual enrollment course and the
374 certification is not a fundable certification on the
375 postsecondary certification funding list, or the dual enrollment
376 certification is earned as a result of an agreement between a
377 school district and a nonpublic postsecondary institution, the
378 bonus value shall be funded in the same manner as other nondual
379 enrollment course industry certifications. In such cases, the
380 school district may provide for an agreement between the high
381 school and the technical center, or the school district and the
382 postsecondary institution may enter into an agreement for
383 equitable distribution of the bonus funds.

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



389 d. A value of 0.5 full-time equivalent student membership
390 shall be calculated for CAPE Acceleration Industry
391 Certifications that articulate for 15 to 29 college credit
392 hours, and 1.0 full-time equivalent student membership shall be
393 calculated for CAPE Acceleration Industry Certifications that
394 articulate for 30 or more college credit hours pursuant to CAPE
395 Acceleration Industry Certifications approved by the
396 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

397 2. Each district must allocate at least 80 percent of the
398 funds provided for CAPE industry certification, in accordance
399 with this paragraph, to the program that generated the funds.
400 This allocation may not be used to supplant funds provided for
401 basic operation of the program.

402 3. For CAPE industry certifications earned in the 2013-2014
403 school year and in subsequent years, the school district shall
404 distribute to each classroom teacher who provided direct
405 instruction toward the attainment of a CAPE industry
406 certification that qualified for additional full-time equivalent
407 membership under subparagraph 1.:

408 a. A bonus of \$25 for each student taught by a teacher who
409 provided instruction in a course that led to the attainment of a
410 CAPE industry certification on the CAPE Industry Certification
411 Funding List with a weight of 0.1.

412 b. A bonus of \$50 for each student taught by a teacher who
413 provided instruction in a course that led to the attainment of a
414 CAPE industry certification on the CAPE Industry Certification
415 Funding List with a weight of 0.2.

416 c. A bonus of \$75 for each student taught by a teacher who
417 provided instruction in a course that led to the attainment of a



418 CAPE industry certification on the CAPE Industry Certification
419 Funding List with a weight of 0.3.

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

424
425 Bonuses awarded pursuant to this paragraph shall be provided to
426 teachers who are employed by the district in the year in which
427 the additional FTE membership calculation is included in the
428 calculation. Bonuses shall be calculated based upon the
429 associated weight of a CAPE industry certification on the CAPE
430 Industry Certification Funding List for the year in which the
431 certification is earned by the student. Any bonus awarded to a
432 teacher under this paragraph ~~may not exceed \$3,000 in any given~~
433 ~~school year and~~ is in addition to any regular wage or other
434 bonus the teacher received or is scheduled to receive.

435
436 ===== T I T L E A M E N D M E N T =====

437 And the title is amended as follows:

438 Delete line 16

439 and insert:

440 restrictions; amending s. 1002.20, F.S.; authorizing a
441 parent to request and be granted permission for a
442 student's absence from school for treatment of autism
443 spectrum disorder by a licensed health care
444 practitioner; amending s. 1002.51, F.S.; defining the
445 term "public school prekindergarten provider";
446 amending s. 1003.21, F.S.; requiring each district



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447 school board to adopt an attendance policy authorizing
448 a student's absence for treatment of autism spectrum
449 disorder; amending s. 1003.24, F.S.; revising an
450 exemption relating to parental responsibility for
451 nonattendance of a student to include treatment for
452 autism spectrum disorder; amending s. 1003.455, F.S.;
453 requiring each district school board to provide
454 students in certain grades with a minimum number of
455 minutes of free-play recess per week and with a
456 minimum number of consecutive minutes of free-play
457 recess per day; amending s. 1003.57, F.S.; prohibiting
458 certain school districts from declining to provide or
459 contract for certain students' educational
460 instruction; providing for funding of such students;
461 amending s. 1011.62, F.S.; deleting provisions
462 relating to caps imposed on the amounts of bonuses
463 awarded to teachers based on student performance on
464 certain course examinations or student completion of
465 certain courses; requiring that a specified amount of
466 funds generated by a certain bonus be allocated to the
467 school program that generated the funds; authorizing a
468 maximum bonus of \$3,000 for Advanced International
469 Certificate of Education teachers under certain
470 circumstances; authorizing additional bonuses, up to a
471 maximum of \$3,000, under certain circumstances;
472 amending s. 1003.4156, F.S.; revising