

1                   A bill to be entitled  
2           An act relating to personalized education; amending s.  
3           1002.385, F.S.; revising eligible expenditures for the  
4           Gardiner Scholarship Program; creating s. 1002.411,  
5           F.S.; establishing reading scholarship accounts for  
6           specified purposes; providing for eligibility for  
7           scholarships; providing for administration; providing  
8           duties of the Department of Education; providing  
9           school district obligations; specifying options for  
10          parents; providing that maximum funding shall be  
11          specified in the General Appropriations Act; providing  
12          for payment of funds; specifying that no state  
13          liability arises from the award or use of such an  
14          account; amending s. 1003.436, F.S.; authorizing a  
15          district school board participating in the Mastery-  
16          Based Education Pilot Program to award credit based on  
17          student mastery of certain content and skills;  
18          amending s. 1003.437, F.S.; authorizing a district  
19          school board participating in the Mastery-Based  
20          Education Pilot Program to use an alternative  
21          interpretation of letter grades for certain students;  
22          amending s. 1003.4996, F.S.; renaming the Competency-  
23          Based Education Pilot Program as the Mastery-Based  
24          Education Pilot Program; authorizing public school  
25          districts to submit applications for the program;

26 | authorizing participating school districts to amend  
 27 | their applications to include alternatives for the  
 28 | award credits and interpretation of letter grades;  
 29 | providing requirements for such alternatives; deleting  
 30 | a requirement that the State Board of Education adopt  
 31 | rules; amending s. 1007.23, F.S.; requiring the  
 32 | statewide articulation agreement to ensure fair and  
 33 | equitable access for students with mastery-based,  
 34 | nontraditional diplomas and transcripts; providing  
 35 | contingent appropriations; providing an effective  
 36 | date.

37 |

38 | Be It Enacted by the Legislature of the State of Florida:

39 |

40 | Section 1. Paragraphs (d) and (h) of subsection (5) of  
 41 | section 1002.385, Florida Statutes, are amended, and paragraph  
 42 | (p) is added to that subsection, to read:

43 | 1002.385 The Gardiner Scholarship.—

44 | (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must  
 45 | be used to meet the individual educational needs of an eligible  
 46 | student and may be spent for the following purposes:

47 | (d) ~~Enrollment in, or~~ Tuition or fees associated with  
 48 | full-time or part-time enrollment in, a home education program,  
 49 | an eligible private school, an eligible postsecondary  
 50 | educational institution or a program offered by the

51 postsecondary institution, a private tutoring program authorized  
52 under s. 1002.43, a virtual program offered by a department-  
53 approved private online provider that meets the provider  
54 qualifications specified in s. 1002.45(2)(a), the Florida  
55 Virtual School as a private paying student, or an approved  
56 online course offered pursuant to s. 1003.499 or s. 1004.0961.

57 (h) Tuition and fees for part-time tutoring services  
58 provided by a person who holds a valid Florida educator's  
59 certificate pursuant to s. 1012.56; a person who holds an  
60 adjunct teaching certificate pursuant to s. 1012.57; a person  
61 who has a bachelor's degree or a graduate degree in the subject  
62 area in which instruction is given; or a person who has  
63 demonstrated a mastery of subject area knowledge pursuant to s.  
64 1012.56(5). As used in this paragraph, the term "part-time  
65 tutoring services" does not qualify as regular school attendance  
66 as defined in s. 1003.01(13)(e).

67 (p) Tuition or fees associated with enrollment in a  
68 nationally or internationally recognized research-based training  
69 program for a child with a neurological disorder or brain  
70 damage.

71  
72 A provider of any services receiving payments pursuant to this  
73 subsection may not share, refund, or rebate any moneys from the  
74 Gardiner Scholarship with the parent or participating student in  
75 any manner. A parent, student, or provider of any services may

76 | not bill an insurance company, Medicaid, or any other agency for  
 77 | the same services that are paid for using Gardiner Scholarship  
 78 | funds.

79 | Section 2. Section 1002.411, Florida Statutes, is created  
 80 | to read:

81 | 1002.411 Reading scholarship accounts.—

82 | (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship  
 83 | accounts are established to provide educational options for  
 84 | students.

85 | (2) ELIGIBILITY.—Contingent upon available funds, and on a  
 86 | first-come, first-served basis, each student in grades 3 through  
 87 | 5 who is enrolled in a Florida public school is eligible for a  
 88 | reading scholarship account if the student scored below a Level  
 89 | 3 on the grade 3 or grade 4 statewide, standardized English  
 90 | Language Arts (ELA) assessment in the prior school year. An  
 91 | eligible student who is classified as an English Learner and is  
 92 | enrolled in a program or receiving services that are  
 93 | specifically designed to meet the instructional needs of English  
 94 | Learner students shall receive priority.

95 | (3) PARENT AND STUDENT RESPONSIBILITIES FOR  
 96 | PARTICIPATION.—

97 | (a) For an eligible student to receive a reading  
 98 | scholarship account, the student's parent must:

99 | 1. Submit an application to an eligible nonprofit  
 100 | scholarship-funding organization by the deadline established by

101 such organization; and

102 2. Submit eligible expenses to the eligible nonprofit  
103 scholarship-funding organization for reimbursement of qualifying  
104 expenditures, which may include:

105 a. Instructional materials.

106 b. Curriculum. As used in this sub-subparagraph, the term  
107 "curriculum" means a complete course of study for a particular  
108 content area or grade level, including any required supplemental  
109 materials and associated online instruction.

110 c. Tuition and fees for part-time tutoring services  
111 provided by a person who holds a valid Florida educator's  
112 certificate pursuant to s. 1012.56; a person who holds a  
113 baccalaureate or graduate degree in the subject area; a person  
114 who holds an adjunct teaching certificate pursuant to s.  
115 1012.57; or a person who has demonstrated a mastery of subject  
116 area knowledge pursuant to s. 1012.56(5).

117 d. Fees for summer education programs.

118 e. Fees for after-school education programs.

119

120 A provider of any services receiving payments pursuant to this  
121 subparagraph may not share any moneys from the reading  
122 scholarship with, or provide a refund or rebate of any moneys  
123 from such scholarship to, the parent or participating student in  
124 any manner. A parent, student, or provider of any services may  
125 not bill an insurance company, Medicaid, or any other agency for

126 the same services that are paid for using reading scholarship  
127 funds.

128 (b) The parent is responsible for the payment of all  
129 eligible expenses in excess of the amount in the account in  
130 accordance with the terms agreed to between the parent and any  
131 providers and may not receive any refund or rebate of any  
132 expenditures made in accordance with paragraph (a).

133 (4) ADMINISTRATION.—An eligible nonprofit scholarship-  
134 funding organization participating in the Florida Tax Credit  
135 Scholarship Program established by s. 1002.395 may establish  
136 reading scholarship accounts for eligible students in accordance  
137 with the requirements of eligible nonprofit scholarship-funding  
138 organizations under this chapter.

139 (5) DEPARTMENT OBLIGATIONS.—The department shall have the  
140 same duties imposed by this chapter upon the department  
141 regarding oversight of scholarship programs administered by an  
142 eligible nonprofit scholarship-funding organization.

143 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By  
144 September 30, the school district shall notify the parent of  
145 each student in grades 3 through 5 who scored below a level 3 on  
146 the statewide, standardized ELA assessment in the prior school  
147 year of the process to request and receive a reading  
148 scholarship, subject to available funds.

149 (7) ACCOUNT FUNDING AND PAYMENT.—

150 (a) For the 2018-2019 school year, the amount of the

151 scholarship shall be \$500 per eligible student. Thereafter, the  
152 maximum amount awarded an eligible student shall be provided in  
153 the General Appropriations Act.

154 (b) One hundred percent of the funds appropriated for the  
155 reading scholarship accounts shall be released to the department  
156 at the beginning of the first quarter of each fiscal year.

157 (c) Upon notification from the eligible nonprofit  
158 scholarship-funding organization that a student has been  
159 determined eligible for a reading scholarship, the department  
160 shall release the student's scholarship funds to such  
161 organization to be deposited into the student's account.

162 (d) Accrued interest in the student's account is in  
163 addition to, and not part of, the awarded funds. Account funds  
164 include both the awarded funds and accrued interest.

165 (e) The eligible nonprofit scholarship-funding  
166 organization may develop a system for payment of scholarship  
167 funds by funds transfer, including, but not limited to, debit  
168 cards, electronic payment cards, or any other means of payment  
169 that the department deems to be commercially viable or cost-  
170 effective. A student's scholarship award may not be reduced for  
171 debit card or electronic payment fees. Commodities or services  
172 related to the development of such a system shall be procured by  
173 competitive solicitation unless they are purchased from a state  
174 term contract pursuant to s. 287.056.

175 (f) Payment of the scholarship shall be made by the

176 eligible nonprofit scholarship-funding organization no less  
177 frequently than on a quarterly basis.

178 (g) In addition to funds appropriated for scholarships and  
179 subject to a separate, specific legislative appropriation, an  
180 organization may receive an amount equivalent to not more than 3  
181 percent of the amount of each scholarship from state funds for  
182 administrative expenses if the organization has operated as a  
183 nonprofit entity for at least the preceding 3 fiscal years and  
184 did not have any findings of material weakness or material  
185 noncompliance in its most recent audit under s. 1002.395. Such  
186 administrative expenses must be reasonable and necessary for the  
187 organization's management and distribution of scholarships under  
188 this section. Funds authorized under this paragraph may not be  
189 used for lobbying or political activity or expenses related to  
190 lobbying or political activity. An organization may not charge  
191 an application fee for a scholarship. Administrative expenses  
192 may not be deducted from funds appropriated for scholarships.

193 (h) Moneys received pursuant to this section do not  
194 constitute taxable income to the qualified student or his or her  
195 parent.

196 (i) A student's scholarship account must be closed and any  
197 remaining funds shall revert to the state after:

198 1. Denial or revocation of scholarship eligibility by the  
199 commissioner for fraud or abuse, including, but not limited to,  
200 the student or student's parent accepting any payment, refund,



201 or rebate, in any manner, from a provider of any services  
 202 received pursuant to subsection (3); or

203 2. Three consecutive fiscal years in which an account has  
 204 been inactive.

205 (8) LIABILITY.—No liability shall arise on the part of the  
 206 state based on the award or use of a reading scholarship  
 207 account.

208 Section 3. Paragraph (a) of subsection (1) of section  
 209 1003.436, Florida Statutes, is amended to read:

210 1003.436 Definition of "credit."—

211 (1) (a) For the purposes of requirements for high school  
 212 graduation, one full credit means a minimum of 135 hours of bona  
 213 fide instruction in a designated course of study that contains  
 214 student performance standards, except as otherwise provided  
 215 through the Credit Acceleration Program (CAP) under s.

216 1003.4295(3). One full credit means a minimum of 120 hours of  
 217 bona fide instruction in a designated course of study that  
 218 contains student performance standards for purposes of meeting  
 219 high school graduation requirements in a district school that  
 220 has been authorized to implement block scheduling by the  
 221 district school board. In lieu of the 135- and 120-hour  
 222 instruction requirements, district school boards participating  
 223 in the Mastery-Based Education Pilot Program under s. 1003.4996,  
 224 may determine and award credit based on a student's mastery of  
 225 the core content and skills, consistent with s. 1003.41, as

226 approved by the district school board. The State Board of  
 227 Education shall determine the number of postsecondary credit  
 228 hours earned through dual enrollment pursuant to s. 1007.271  
 229 that satisfy the requirements of a dual enrollment articulation  
 230 agreement according to s. 1007.271(21) and that equal one full  
 231 credit of the equivalent high school course identified pursuant  
 232 to s. 1007.271(9).

233 Section 4. Section 1003.437, Florida Statutes, is amended  
 234 to read:

235 1003.437 Middle and high school grading system.—

236 (1) The grading system and interpretation of letter grades  
 237 used to measure student success in grade 6 through grade 12  
 238 courses for students in public schools shall be as follows:

239 (a)~~(1)~~ Grade "A" equals 90 percent through 100 percent,  
 240 has a grade point average value of 4, and is defined as  
 241 "outstanding progress."

242 (b)~~(2)~~ Grade "B" equals 80 percent through 89 percent, has  
 243 a grade point average value of 3, and is defined as "above  
 244 average progress."

245 (c)~~(3)~~ Grade "C" equals 70 percent through 79 percent, has  
 246 a grade point average value of 2, and is defined as "average  
 247 progress."

248 (d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has  
 249 a grade point average value of 1, and is defined as "lowest  
 250 acceptable progress."

251        ~~(e)(5)~~ Grade "F" equals zero percent through 59 percent,  
252 has a grade point average value of zero, and is defined as  
253 "failure."

254        ~~(f)(6)~~ Grade "I" equals zero percent, has a grade point  
255 average value of zero, and is defined as "incomplete."

256        (2) District school boards participating in the Mastery-  
257 Based Education Pilot Program under s. 1003.4996 may use an  
258 alternative interpretation of letter grades to measure student  
259 success in grades 6 through 12.

260

261 For the purposes of class ranking, district school boards may  
262 exercise a weighted grading system pursuant to s. 1007.271.

263        Section 5. Section 1003.4996, Florida Statutes, is amended  
264 to read:

265        1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot  
266 Program. ~~Beginning with the 2016-2017 school year,~~ The Mastery-  
267 Based ~~Competency-Based~~ Education Pilot Program is created within  
268 the Department of Education to be administered for a period of 5  
269 years. The purpose of the pilot program is to provide an  
270 educational environment that allows students to advance to  
271 higher levels of learning upon the mastery of concepts and  
272 skills through statutory exemptions relating to student  
273 progression and the awarding of credits.

274        (1) PARTICIPATION.—The P.K. Yonge Developmental Research  
275 School and public school districts, including, but not limited

276 to, the Lake, Palm Beach, Pinellas, and Seminole County School  
277 Districts, may submit an application in a format prescribed by  
278 the department to participate in the pilot program.

279 (2) APPLICATION.—The application to participate in the  
280 pilot program must, at a minimum, include:

281 (a) The vision and timelines for the implementation of  
282 mastery-based ~~competency-based~~ education within the school  
283 district, including a list of the schools that will participate  
284 in the pilot program during the first school year and the list  
285 of schools that will be integrated into the program in  
286 subsequent school years.

287 (b) The annual goals and performance outcomes for  
288 participating schools, including, but not limited to:

- 289 1. Student performance as defined in s. 1008.34.
- 290 2. Promotion and retention rates.
- 291 3. Graduation rates.
- 292 4. Indicators of college and career readiness.

293 (c) A communication plan for parents and other  
294 stakeholders, including local businesses and community members.

295 (d) The scope of and timelines for professional  
296 development for school instructional and administrative  
297 personnel.

298 (e) A plan for student progression based on the mastery of  
299 content, including mechanisms that determine and ensure that a  
300 student has satisfied the requirements for grade-level promotion

301 and content mastery.

302 (f) A plan for using technology and digital and blended  
303 learning to enhance student achievement and facilitate the  
304 mastery-based ~~competency-based~~ education system.

305 (g) The proposed allocation of resources for the pilot  
306 program at the school and district levels.

307 (h) The recruitment and selection of participating  
308 schools.

309 (i) The rules to be waived for participating schools  
310 pursuant to subsection (3) to implement the pilot program.

311 (3) EXEMPTION FROM RULES.—In addition to the waivers  
312 authorized in s. 1001.10(3), the State Board of Education may  
313 authorize the commissioner to grant an additional waiver of  
314 rules relating to student progression and the awarding of  
315 credits.

316 (4) ALTERNATE CREDIT AND LETTER GRADE SYSTEMS.—

317 (a) Beginning with the 2018-2019 school year,  
318 participating school districts may amend their applications to  
319 include alternatives for awarding credit, as authorized under s.  
320 1003.436, and for the interpretation of middle and high school  
321 letter grades, as authorized under s. 1003.437.

322 1. Alternatives to awarding credit must include a  
323 verification of the student's mastery of the applicable course  
324 content using rigorous scoring rubrics to evaluate the student's  
325 work.

326        2. Alternatives to the interpretation of middle and high  
327 school letter grades may substitute the applicable language from  
328 the school district's rigorous scoring rubric.

329        (b) An application that is amended pursuant to this  
330 subsection must be approved by the district school board.

331        (5)-(4) STUDENT FUNDING.—Students enrolled in a  
332 participating school shall be reported for and generate funding  
333 pursuant to s. 1011.62.

334        (6)-(5) DEPARTMENT DUTIES.—The department shall:

335        (a) Compile the student and staff schedules of  
336 participating schools before and after implementation of the  
337 pilot program.

338        (b) Provide participating schools with access to  
339 statewide, standardized assessments required under s. 1008.22.

340        (c) Annually, by June 1, provide to the Governor, the  
341 President of the Senate, and the Speaker of the House of  
342 Representatives a report summarizing the activities and  
343 accomplishments of the pilot program and any recommendations for  
344 statutory revisions.

345        ~~(6) RULES. The State Board of Education shall adopt rules~~  
346 ~~to administer this section.~~

347        Section 6. Subsection (7) is added to section 1007.23,  
348 Florida Statutes, to read:

349        1007.23 Statewide articulation agreement.—

350        (7) The articulation agreement must ensure fair and

351 equitable access for high school graduates with mastery-based,  
352 nontraditional diplomas and transcripts.

353 Section 7. Contingent upon CS/HB 7055 or similar  
354 legislation in the 2018 Regular Session of the Legislature or an  
355 extension thereof failing to become law, for the 2018-2019  
356 fiscal year, the sum of \$9,700,000 in recurring funds from the  
357 General Revenue Fund shall be used to fund reading scholarship  
358 accounts pursuant to s. 1002.411, Florida Statutes, and \$300,000  
359 in recurring funds from the General Revenue Fund shall be  
360 provided as an administrative fee pursuant to s. 1002.411(7)(g),  
361 Florida Statutes.

362 Section 8. This act shall take effect July 1, 2018.