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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Brandes) recommended the following:

1 **Senate Amendment to Amendment (240726) (with title**
2 **amendment)**

3
4 Delete lines 609 - 756
5 and insert:

6 Section 12. Paragraph (d) of subsection (2), paragraphs (d)
7 and (h) of subsection (5), subsection (8), and paragraph (a) of
8 subsection (11) of section 1002.385, Florida Statutes, are
9 amended, and paragraph (p) is added to subsection (5) of that
10 section, to read:



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11 1002.385 The Gardiner Scholarship.—

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

13 (d) "Disability" means, for a 3- or 4-year-old child or for
14 a student in kindergarten to grade 12, autism spectrum disorder,
15 as defined in the Diagnostic and Statistical Manual of Mental
16 Disorders, Fifth Edition, published by the American Psychiatric
17 Association; cerebral palsy, as defined in s. 393.063(6); Down
18 syndrome, as defined in s. 393.063(15); an intellectual
19 disability, as defined in s. 393.063(24); Phelan-McDermid
20 syndrome, as defined in s. 393.063(28); Prader-Willi syndrome,
21 as defined in s. 393.063(29); spina bifida, as defined in s.
22 393.063(40); being a high-risk child, as defined in s.
23 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare
24 disease, a disorder that affects ~~diseases which affect~~ patient
25 populations of fewer than 200,000 individuals or fewer in the
26 United States, as defined by the Orphan Drug Act of 1983, Pub.
27 L. No. 97-414 ~~National Organization for Rare Disorders~~;
28 anaphylaxis; deaf; visually impaired; traumatic brain injured;
29 hospital or homebound; or identification as dual sensory
30 impaired, as defined by rules of the State Board of Education
31 and evidenced by reports from local school districts. The term
32 "hospital or homebound" includes a student who has a medically
33 diagnosed physical or psychiatric condition or illness, as
34 defined by the state board in rule, and who is confined to the
35 home or hospital for more than 6 months.

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

39 (d) ~~Enrollment in,~~ or Tuition or fees associated with full-



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40 time or part-time enrollment in~~7~~ a home education program, an
41 eligible private school, an eligible postsecondary educational
42 institution or a program offered by the postsecondary
43 institution, ~~a private tutoring program authorized under s.~~
44 ~~1002.437~~, a virtual program offered by a department-approved
45 private online provider that meets the provider qualifications
46 specified in s. 1002.45(2)(a), the Florida Virtual School as a
47 private paying student, or an approved online course offered
48 pursuant to s. 1003.499 or s. 1004.0961.

49 (h) Tuition and fees for part-time tutoring services
50 provided by a person who holds a valid Florida educator's
51 certificate pursuant to s. 1012.56; a person who holds an
52 adjunct teaching certificate pursuant to s. 1012.57; a person
53 who has a bachelor's degree or a graduate degree in the subject
54 area in which instruction is given; or a person who has
55 demonstrated a mastery of subject area knowledge pursuant to s.
56 1012.56(5). As used in this paragraph, the term "part-time
57 tutoring services" does not qualify as regular school attendance
58 as defined in s. 1003.01(13) ~~s. 1003.01(13)(e)~~.

59 (p) Tuition or fees associated with enrollment in a
60 nationally or internationally recognized research-based training
61 program for a child with a neurological disorder or brain
62 damage.

63
64 A provider of any services receiving payments pursuant to this
65 subsection may not share, refund, or rebate any moneys from the
66 Gardiner Scholarship with the parent or participating student in
67 any manner. A parent, student, or provider of any services may
68 not bill an insurance company, Medicaid, or any other agency for



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69 the same services that are paid for using Gardiner Scholarship
70 funds.

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

73 (a) Comply with all requirements for private schools
74 participating in state school choice scholarship programs
75 pursuant to s. 1002.421.

76 (b) Provide to the organization, upon request, all
77 documentation required for the student's participation,
78 including the private school's and student's fee schedules.

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

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

83 2. Annually administering or making provision for students
84 participating in the program in grades 3 through 10 to take one
85 of the nationally norm-referenced tests identified by the
86 Department of Education or the statewide assessments pursuant to
87 s. 1008.22. Students with disabilities for whom standardized
88 testing is not appropriate are exempt from this requirement. A
89 participating private school shall report a student's scores to
90 the parent.

91 3. Cooperating with the scholarship student whose parent
92 chooses to have the student participate in the statewide
93 assessments pursuant to s. 1008.22 or, if a private school
94 chooses to offer the statewide assessments, administering the
95 assessments at the school.

96 a. A participating private school may choose to offer and
97 administer the statewide assessments to all students who attend



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98 the private school in grades 3 through 10.

99 b. A participating private school shall submit a request in
100 writing to the Department of Education by March 1 of each year
101 in order to administer the statewide assessments in the
102 subsequent school year.

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

106 (e) Provide a report from an independent certified public
107 accountant who performs the agreed-upon procedures developed
108 under s. 1002.395(6)(o) if the private school receives more than
109 \$250,000 in funds from scholarships awarded under this chapter
110 ~~section~~ in a state fiscal year. A private school subject to this
111 paragraph must annually submit the report by September 15 to the
112 organization that awarded the majority of the school's
113 scholarship funds. The agreed-upon procedures must be conducted
114 in accordance with attestation standards established by the
115 American Institute of Certified Public Accountants.

116
117 If a private school fails or refuses ~~is unable~~ to meet the
118 requirements of this subsection or has consecutive years of
119 material exceptions listed in the report required under
120 paragraph (e), the commissioner may determine that the private
121 school is ineligible to participate in the program.

122 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
123 PARTICIPATION.—A parent who applies for program participation
124 under this section is exercising his or her parental option to
125 determine the appropriate placement or the services that best
126 meet the needs of his or her child. The scholarship award for a



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127 student is based on a matrix that assigns the student to support
128 Level III services. If a parent receives an IEP and a matrix of
129 services from the school district pursuant to subsection (7),
130 the amount of the payment shall be adjusted as needed, when the
131 school district completes the matrix.

132 (a) To satisfy or maintain program eligibility, including
133 eligibility to receive and spend program payments, the parent
134 must sign an agreement with the organization and annually submit
135 a notarized, sworn compliance statement to the organization to:

136 1. Affirm that the student is enrolled in a program that
137 meets regular school attendance requirements as provided in s.
138 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

139 2. Affirm that the program funds are used only for
140 authorized purposes serving the student's educational needs, as
141 described in subsection (5).

142 3. Affirm that the parent is responsible for the education
143 of his or her student by, as applicable:

144 a. Requiring the student to take an assessment in
145 accordance with paragraph (8)(c);

146 b. Providing an annual evaluation in accordance with s.
147 1002.41(1)(c); or

148 c. Requiring the child to take any preassessments and
149 postassessments selected by the provider if the child is 4 years
150 of age and is enrolled in a program provided by an eligible
151 Voluntary Prekindergarten Education Program provider. A student
152 with disabilities for whom a preassessment and postassessment is
153 not appropriate is exempt from this requirement. A participating
154 provider shall report a student's scores to the parent.

155 4. Affirm that the student remains in good standing with



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156 the provider or school if those options are selected by the
157 parent.

158
159 A parent who fails to comply with this subsection forfeits the
160 Gardiner Scholarship.

161 Section 13. Section 1002.411, Florida Statutes, is created
162 to read:

163 1002.411 Reading scholarship accounts.—

164 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
165 accounts are established to provide educational options for
166 students.

167 (2) ELIGIBILITY.—Contingent upon available funds, and on a
168 first-come, first-served basis, each student in grades 3 through
169 5 who is enrolled in a Florida public school is eligible for a
170 reading scholarship account if the student scored below a Level
171 3 on the grade 3 or grade 4 statewide, standardized English
172 Language Arts (ELA) assessment in the prior school year. An
173 eligible student who is classified as an English Learner and is
174 enrolled in a program or receiving services that are
175 specifically designed to meet the instructional needs of English
176 Learner students shall receive priority.

177 (3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

178 (a) For an eligible student to receive a reading
179 scholarship account, the student's parent must:

180 1. Submit an application to an eligible nonprofit
181 scholarship-funding organization by the deadline established by
182 such organization; and

183 2. Submit eligible expenses to the eligible nonprofit
184 scholarship-funding organization for reimbursement of qualifying



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185 expenditures, which may include:
186 a. Instructional materials.
187 b. Curriculum. As used in this sub-subparagraph, the term
188 "curriculum" means a complete course of study for a particular
189 content area or grade level, including any required supplemental
190 materials and associated online instruction.
191 c. Tuition and fees for part-time tutoring services
192 provided by a person who holds a valid Florida educator's
193 certificate pursuant to s. 1012.56; a person who holds a
194 baccalaureate or graduate degree in the subject area; a person
195 who holds an adjunct teaching certificate pursuant to s.
196 1012.57; or a person who has demonstrated a mastery of subject
197 area knowledge pursuant to s. 1012.56(5).
198 d. Fees for summer education programs.
199 e. Fees for after-school education programs.
200
201 A provider of any services receiving payments pursuant to this
202 subparagraph may not share any moneys from the reading
203 scholarship with, or provide a refund or rebate of any moneys
204 from such scholarship to, the parent or participating student in
205 any manner. A parent, student, or provider of any services may
206 not bill an insurance company, Medicaid, or any other agency for
207 the same services that are paid for using reading scholarship
208 funds.
209 (b) The parent is responsible for the payment of all
210 eligible expenses in excess of the amount in the account in
211 accordance with the terms agreed to between the parent and any
212 providers and may not receive any refund or rebate of any
213 expenditures made in accordance with paragraph (a).



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214 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
215 funding organization participating in the Florida Tax Credit
216 Scholarship Program established by s. 1002.395 may establish
217 reading scholarship accounts for eligible students in accordance
218 with the requirements of eligible nonprofit scholarship-funding
219 organizations under this chapter.

220 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
221 same duties imposed by this chapter upon the department
222 regarding oversight of scholarship programs administered by an
223 eligible nonprofit scholarship-funding organization.

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

230 (7) ACCOUNT FUNDING AND PAYMENT.—

231 (a) For the 2018-2019 school year, the amount of the
232 scholarship shall be \$500 per eligible student. Thereafter, the
233 maximum amount awarded an eligible student shall be provided in
234 the General Appropriations Act.

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

238 (c) Upon notification from the eligible nonprofit
239 scholarship-funding organization that a student has been
240 determined eligible for a reading scholarship, the department
241 shall release the student's scholarship funds to such
242 organization to be deposited into the student's account.



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

246 (e) The eligible nonprofit scholarship-funding organization
247 may develop a system for payment of scholarship funds by funds
248 transfer, including, but not limited to, debit cards, electronic
249 payment cards, or any other means of payment that the department
250 deems to be commercially viable or cost-effective. A student's
251 scholarship award may not be reduced for debit card or
252 electronic payment fees. Commodities or services related to the
253 development of such a system shall be procured by competitive
254 solicitation unless they are purchased from a state term
255 contract pursuant to s. 287.056.

256 (f) Payment of the scholarship shall be made by the
257 eligible nonprofit scholarship-funding organization no less
258 frequently than on a quarterly basis.

259 (g) In addition to funds appropriated for scholarships and
260 subject to a separate, specific legislative appropriation, an
261 organization may receive an amount equivalent to not more than 3
262 percent of the amount of each scholarship from state funds for
263 administrative expenses if the organization has operated as a
264 nonprofit entity for at least the preceding 3 fiscal years and
265 did not have any findings of material weakness or material
266 noncompliance in its most recent audit under s. 1002.395. Such
267 administrative expenses must be reasonable and necessary for the
268 organization's management and distribution of scholarships under
269 this section. Funds authorized under this paragraph may not be
270 used for lobbying or political activity or expenses related to
271 lobbying or political activity. An organization may not charge



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272 an application fee for a scholarship. Administrative expenses
273 may not be deducted from funds appropriated for scholarships.

274 (h) Moneys received pursuant to this section do not
275 constitute taxable income to the qualified student or his or her
276 parent.

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

279 1. Denial or revocation of scholarship eligibility by the
280 commissioner for fraud or abuse, including, but not limited to,
281 the student or student's parent accepting any payment, refund,
282 or rebate, in any manner, from a provider of any services
283 received pursuant to subsection (3); or

284 2. Three consecutive fiscal years in which an account has
285 been inactive.

286 (8) LIABILITY.—No liability shall arise on the part of the
287 state based on the award or use of a reading scholarship
288 account.

289 Section 14. Paragraph (a) of subsection (1) of section
290 1003.436, Florida Statutes, is amended to read:

291 1003.436 Definition of "credit."—

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

297 1003.4295(3). One full credit means a minimum of 120 hours of
298 bona fide instruction in a designated course of study that
299 contains student performance standards for purposes of meeting
300 high school graduation requirements in a district school that



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301 has been authorized to implement block scheduling by the
302 district school board. In lieu of the 135- and 120-hour
303 instruction requirements, district school boards participating
304 in the Mastery-Based Education Pilot Program under s. 1003.4996,
305 may determine and award credit based on a student's mastery of
306 the core content and skills, consistent with s. 1003.41, as
307 approved by the district school board. The State Board of
308 Education shall determine the number of postsecondary credit
309 hours earned through dual enrollment pursuant to s. 1007.271
310 that satisfy the requirements of a dual enrollment articulation
311 agreement according to s. 1007.271(21) and that equal one full
312 credit of the equivalent high school course identified pursuant
313 to s. 1007.271(9).

314 Section 15. Section 1003.437, Florida Statutes, is amended
315 to read:

316 1003.437 Middle and high school grading system.—

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

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

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

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

329 (d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has



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330 a grade point average value of 1, and is defined as "lowest
331 acceptable progress."

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

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

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

341
342 For the purposes of class ranking, district school boards may
343 exercise a weighted grading system pursuant to s. 1007.271.

344 Section 16. Section 1003.4996, Florida Statutes, is amended
345 to read:

346 1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot
347 Program. ~~Beginning with the 2016-2017 school year, The~~ Mastery-
348 Based ~~Competency-Based~~ Education Pilot Program is created within
349 the Department of Education to be administered for a period of 5
350 years. The purpose of the pilot program is to provide an
351 educational environment that allows students to advance to
352 higher levels of learning upon the mastery of concepts and
353 skills through statutory exemptions relating to student
354 progression and the awarding of credits.

355 (1) PARTICIPATION.—The P.K. Yonge Developmental Research
356 School and public school districts, including, but not limited
357 to, the Lake, Palm Beach, Pinellas, and Seminole County School
358 Districts, may submit an application in a format prescribed by



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359 the department to participate in the pilot program.

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

362 (a) The vision and timelines for the implementation of
363 mastery-based ~~competency-based~~ education within the school
364 district, including a list of the schools that will participate
365 in the pilot program during the first school year and the list
366 of schools that will be integrated into the program in
367 subsequent school years.

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

- 370 1. Student performance as defined in s. 1008.34.
371 2. Promotion and retention rates.
372 3. Graduation rates.
373 4. Indicators of college and career readiness.

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

376 (d) The scope of and timelines for professional development
377 for school instructional and administrative personnel.

378 (e) A plan for student progression based on the mastery of
379 content, including mechanisms that determine and ensure that a
380 student has satisfied the requirements for grade-level promotion
381 and content mastery.

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

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

387 (h) The recruitment and selection of participating schools.



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

390 (3) EXEMPTION FROM RULES.—In addition to the waivers
391 authorized in s. 1001.10(3), the State Board of Education may
392 authorize the commissioner to grant an additional waiver of
393 rules relating to student progression and the awarding of
394 credits.

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

396 (a) Beginning with the 2018-2019 school year, participating
397 school districts may amend their applications to include
398 alternatives for awarding credit, as authorized under s.
399 1003.436, and for the interpretation of middle and high school
400 letter grades, as authorized under s. 1003.437.

401 1. Alternatives to awarding credit must include a
402 verification of the student's mastery of the applicable course
403 content using rigorous scoring rubrics to evaluate the student's
404 work.

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

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

410 (5) ~~(4)~~ STUDENT FUNDING.—Students enrolled in a
411 participating school shall be reported for and generate funding
412 pursuant to s. 1011.62.

413 (6) ~~(5)~~ DEPARTMENT DUTIES.—The department shall:

414 (a) Compile the student and staff schedules of
415 participating schools before and after implementation of the
416 pilot program.



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

419 (c) Annually, by June 1, provide to the Governor, the
420 President of the Senate, and the Speaker of the House of
421 Representatives a report summarizing the activities and
422 accomplishments of the pilot program and any recommendations for
423 statutory revisions.

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

426 Section 17. Subsection (7) is added to section 1007.23,
427 Florida Statutes, to read:

428 1007.23 Statewide articulation agreement.—

429 (7) The articulation agreement must ensure fair and
430 equitable access for high school graduates with mastery-based,
431 nontraditional diplomas and transcripts.

432 Section 18. For the 2018-2019 fiscal year, the sum of \$9.7
433 million in recurring funds from the General Revenue Fund is
434 appropriated to the Department of Education to fund reading
435 scholarship accounts pursuant to s. 1002.411, Florida Statutes,
436 and \$300,000 in recurring funds from the General Revenue Fund
437 shall be provided as an administrative fee pursuant to s.
438 1002.411(7)(g), Florida Statutes.

439
440 ===== T I T L E A M E N D M E N T =====

441 And the title is amended as follows:

442 Delete lines 3387 - 3391

443 and insert:

444 eligible expenditures for the program; revising
445 requirements for private schools that participate in



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446 the program; specifying that the failure or refusal,
447 rather than the inability of, a private school to meet
448 certain requirements constitutes a basis for program
449 ineligibility; conforming cross-references; creating
450 s. 1002.411, F.S.; establishing reading scholarship
451 accounts for specified purposes; providing for
452 eligibility for scholarships; providing for
453 administration; providing duties of the Department of
454 Education; providing school district obligations;
455 specifying options for parents; providing that maximum
456 funding shall be specified in the General
457 Appropriations Act; providing for payment of funds;
458 specifying that no state liability arises from the
459 award or use of such an account; amending s. 1003.436,
460 F.S.; authorizing a district school board
461 participating in the Mastery-Based Education Pilot
462 Program to award credit based on student mastery of
463 certain content and skills; amending s. 1003.437,
464 F.S.; authorizing a district school board
465 participating in the Mastery-Based Education Pilot
466 Program to use an alternative interpretation of letter
467 grades for certain students; amending s. 1003.4996,
468 F.S.; renaming the Competency-Based Education Pilot
469 Program as the Mastery-Based Education Pilot Program;
470 authorizing public school districts to submit
471 applications for the program; authorizing
472 participating school districts to amend their
473 applications to include alternatives for the award
474 credits and interpretation of letter grades; providing



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475 requirements for such alternatives; deleting a
476 requirement that the State Board of Education adopt
477 rules; amending s. 1007.23, F.S.; requiring the
478 statewide articulation agreement to ensure fair and
479 equitable access for students with mastery-based,
480 nontraditional diplomas and transcripts; providing an
481 appropriation; amending