



501258

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Delete lines 609 - 756
and insert:

Section 12. Paragraph (d) of subsection (2), paragraphs (d), (h), (i), and (j) of subsection (5), subsection (8), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended, and paragraphs (p) and (q) are added to subsection (5) of that section, to read:



501258

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-



501258

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 a valid
52 professional standard teaching certificate issued by another
53 state; a person who holds an adjunct teaching certificate
54 pursuant to s. 1012.57; a person who has a bachelor's degree or
55 a graduate degree in the subject area in which instruction is
56 given; or a person who has demonstrated a mastery of subject
57 area knowledge pursuant to s. 1012.56(5). As used in this
58 paragraph, the term "part-time tutoring services" does not
59 qualify as regular school attendance as defined in s.
60 1003.01(13) ~~s. 1003.01(13)(e)~~.

- 61 (i) Fees for ~~specialized~~ summer education programs.
62 (j) Fees for ~~specialized~~ after-school education programs.
63 (p) Fees for art, music, or sports lessons.
64 (q) Tuition or fees associated with enrollment in a
65 nationally or internationally recognized research-based training
66 program for a child with a neurological disorder or brain
67 damage.
68



501258

69 A provider of any services receiving payments pursuant to this
70 subsection may not share, refund, or rebate any moneys from the
71 Gardiner Scholarship with the parent or participating student in
72 any manner. A parent, student, or provider of any services may
73 not bill an insurance company, Medicaid, or any other agency for
74 the same services that are paid for using Gardiner Scholarship
75 funds.

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

78 (a) Comply with all requirements for private schools
79 participating in state school choice scholarship programs
80 pursuant to s. 1002.421.

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

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

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

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

96 3. Cooperating with the scholarship student whose parent
97 chooses to have the student participate in the statewide



501258

98 assessments pursuant to s. 1008.22 or, if a private school
99 chooses to offer the statewide assessments, administering the
100 assessments at the school.

101 a. A participating private school may choose to offer and
102 administer the statewide assessments to all students who attend
103 the private school in grades 3 through 10.

104 b. A participating private school shall submit a request in
105 writing to the Department of Education by March 1 of each year
106 in order to administer the statewide assessments in the
107 subsequent school year.

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

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

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



501258

127 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
128 PARTICIPATION.—A parent who applies for program participation
129 under this section is exercising his or her parental option to
130 determine the appropriate placement or the services that best
131 meet the needs of his or her child. The scholarship award for a
132 student is based on a matrix that assigns the student to support
133 Level III services. If a parent receives an IEP and a matrix of
134 services from the school district pursuant to subsection (7),
135 the amount of the payment shall be adjusted as needed, when the
136 school district completes the matrix.

137 (a) To satisfy or maintain program eligibility, including
138 eligibility to receive and spend program payments, the parent
139 must sign an agreement with the organization and annually submit
140 a notarized, sworn compliance statement to the organization to:

141 1. Affirm that the student is enrolled in a program that
142 meets regular school attendance requirements as provided in s.
143 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)–(d)~~.

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

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

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

151 b. Providing an annual evaluation in accordance with s.
152 1002.41(1)(c); or

153 c. Requiring the child to take any preassessments and
154 postassessments selected by the provider if the child is 4 years
155 of age and is enrolled in a program provided by an eligible



501258

156 Voluntary Prekindergarten Education Program provider. A student
157 with disabilities for whom a preassessment and postassessment is
158 not appropriate is exempt from this requirement. A participating
159 provider shall report a student's scores to the parent.

160 4. Affirm that the student remains in good standing with
161 the provider or school if those options are selected by the
162 parent.

163

164 A parent who fails to comply with this subsection forfeits the
165 Gardiner Scholarship.

166 Section 13. Section 1002.411, Florida Statutes, is created
167 to read:

168 1002.411 Reading scholarship accounts.—

169 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
170 accounts are established to provide educational options for
171 students.

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

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

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



501258

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



501258

214 (b) The parent is responsible for the payment of all
215 eligible expenses in excess of the amount in the account in
216 accordance with the terms agreed to between the parent and any
217 providers and may not receive any refund or rebate of any
218 expenditures made in accordance with paragraph (a).

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

225 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
226 same duties imposed by this chapter upon the department
227 regarding oversight of scholarship programs administered by an
228 eligible nonprofit scholarship-funding organization.

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

235 (7) ACCOUNT FUNDING AND PAYMENT.—

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

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



501258

243 (c) Upon notification from the eligible nonprofit
244 scholarship-funding organization that a student has been
245 determined eligible for a reading scholarship, the department
246 shall release the student's scholarship funds to such
247 organization to be deposited into the student's account.

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

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

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

264 (g) In addition to funds appropriated for scholarships and
265 subject to a separate, specific legislative appropriation, an
266 organization may receive an amount equivalent to not more than 3
267 percent of the amount of each scholarship from state funds for
268 administrative expenses if the organization has operated as a
269 nonprofit entity for at least the preceding 3 fiscal years and
270 did not have any findings of material weakness or material
271 noncompliance in its most recent audit under s. 1002.395. Such



501258

272 administrative expenses must be reasonable and necessary for the
273 organization's management and distribution of scholarships under
274 this section. Funds authorized under this paragraph may not be
275 used for lobbying or political activity or expenses related to
276 lobbying or political activity. An organization may not charge
277 an application fee for a scholarship. Administrative expenses
278 may not be deducted from funds appropriated for scholarships.

279 (h) Moneys received pursuant to this section do not
280 constitute taxable income to the qualified student or his or her
281 parent.

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

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

289 2. Three consecutive fiscal years in which an account has
290 been inactive.

291 (8) LIABILITY.—No liability shall arise on the part of the
292 state based on the award or use of a reading scholarship
293 account.

294 Section 14. Paragraph (a) of subsection (1) of section
295 1003.436, Florida Statutes, is amended to read:

296 1003.436 Definition of "credit."—

297 (1) (a) For the purposes of requirements for high school
298 graduation, one full credit means a minimum of 135 hours of bona
299 fide instruction in a designated course of study that contains
300 student performance standards, except as otherwise provided



501258

301 through the Credit Acceleration Program (CAP) under s.
302 1003.4295(3). One full credit means a minimum of 120 hours of
303 bona fide instruction in a designated course of study that
304 contains student performance standards for purposes of meeting
305 high school graduation requirements in a district school that
306 has been authorized to implement block scheduling by the
307 district school board. In lieu of the 135- and 120-hour
308 instruction requirements, district school boards participating
309 in the Mastery-Based Education Pilot Program under s. 1003.4996,
310 may determine and award credit based on a student's mastery of
311 the core content and skills, consistent with s. 1003.41, as
312 approved by the district school board. The State Board of
313 Education shall determine the number of postsecondary credit
314 hours earned through dual enrollment pursuant to s. 1007.271
315 that satisfy the requirements of a dual enrollment articulation
316 agreement according to s. 1007.271(21) and that equal one full
317 credit of the equivalent high school course identified pursuant
318 to s. 1007.271(9).

319 Section 15. Section 1003.437, Florida Statutes, is amended
320 to read:

321 1003.437 Middle and high school grading system.—

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

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

328 (b)~~(2)~~ Grade "B" equals 80 percent through 89 percent, has
329 a grade point average value of 3, and is defined as "above



501258

330 average progress."

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

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

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

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

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

346

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

349 Section 16. Section 1003.4996, Florida Statutes, is amended
350 to read:

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



501258

359 progression and the awarding of credits.

360 (1) PARTICIPATION.—The P.K. Yonge Developmental Research
361 School and public school districts, including, but not limited
362 to, the Lake, Palm Beach, Pinellas, and Seminole County School
363 Districts, may submit an application in a format prescribed by
364 the department to participate in the pilot program.

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

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

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

- 375 1. Student performance as defined in s. 1008.34.
376 2. Promotion and retention rates.
377 3. Graduation rates.
378 4. Indicators of college and career readiness.

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

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

383 (e) A plan for student progression based on the mastery of
384 content, including mechanisms that determine and ensure that a
385 student has satisfied the requirements for grade-level promotion
386 and content mastery.

387 (f) A plan for using technology and digital and blended



501258

388 learning to enhance student achievement and facilitate the
389 mastery-based ~~competency-based~~ education system.

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

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

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

395 (3) EXEMPTION FROM RULES.—In addition to the waivers
396 authorized in s. 1001.10(3), the State Board of Education may
397 authorize the commissioner to grant an additional waiver of
398 rules relating to student progression and the awarding of
399 credits.

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

401 (a) Beginning with the 2018-2019 school year, participating
402 school districts may amend their applications to include
403 alternatives for awarding credit, as authorized under s.
404 1003.436, and for the interpretation of middle and high school
405 letter grades, as authorized under s. 1003.437.

406 1. Alternatives to awarding credit must include a
407 verification of the student's mastery of the applicable course
408 content using rigorous scoring rubrics to evaluate the student's
409 work.

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

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

415 (5)~~(4)~~ STUDENT FUNDING.—Students enrolled in a
416 participating school shall be reported for and generate funding



501258

417 pursuant to s. 1011.62.

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

419 (a) Compile the student and staff schedules of
420 participating schools before and after implementation of the
421 pilot program.

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

424 (c) Annually, by June 1, provide to the Governor, the
425 President of the Senate, and the Speaker of the House of
426 Representatives a report summarizing the activities and
427 accomplishments of the pilot program and any recommendations for
428 statutory revisions.

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

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

433 1007.23 Statewide articulation agreement.—

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

437 Section 18. For the 2018-2019 fiscal year, the sum of \$9.7
438 million in recurring funds from the General Revenue Fund is
439 appropriated to the Department of Education to fund reading
440 scholarship accounts pursuant to s. 1002.411, Florida Statutes,
441 and \$300,000 in recurring funds from the General Revenue Fund
442 shall be provided as an administrative fee pursuant to s.
443 1002.411(7)(g), Florida Statutes.

444
445 ===== T I T L E A M E N D M E N T =====



501258

446 And the title is amended as follows:
447 Delete lines 3387 - 3391
448 and insert:
449 eligible expenditures for the program; revising
450 requirements for private schools that participate in
451 the program; specifying that the failure or refusal,
452 rather than the inability of, a private school to meet
453 certain requirements constitutes a basis for program
454 ineligibility; conforming cross-references; creating
455 s. 1002.411, F.S.; establishing reading scholarship
456 accounts for specified purposes; providing for
457 eligibility for scholarships; providing for
458 administration; providing duties of the Department of
459 Education; providing school district obligations;
460 specifying options for parents; providing that maximum
461 funding shall be specified in the General
462 Appropriations Act; providing for payment of funds;
463 specifying that no state liability arises from the
464 award or use of such an account; amending s. 1003.436,
465 F.S.; authorizing a district school board
466 participating in the Mastery-Based Education Pilot
467 Program to award credit based on student mastery of
468 certain content and skills; amending s. 1003.437,
469 F.S.; authorizing a district school board
470 participating in the Mastery-Based Education Pilot
471 Program to use an alternative interpretation of letter
472 grades for certain students; amending s. 1003.4996,
473 F.S.; renaming the Competency-Based Education Pilot
474 Program as the Mastery-Based Education Pilot Program;



501258

475 authorizing public school districts to submit
476 applications for the program; authorizing
477 participating school districts to amend their
478 applications to include alternatives for the award
479 credits and interpretation of letter grades; providing
480 requirements for such alternatives; deleting a
481 requirement that the State Board of Education adopt
482 rules; amending s. 1007.23, F.S.; requiring the
483 statewide articulation agreement to ensure fair and
484 equitable access for students with mastery-based,
485 nontraditional diplomas and transcripts; providing an
486 appropriation; amending