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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 535 - 592

and insert:

Section 8. Paragraph (d) of subsection (2), paragraphs (d), (h), (i), (j), and (l) 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:

1002.385 The Gardiner Scholarship.—



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11 (2) DEFINITIONS.—As used in this section, the term:
12 (d) “Disability” means, for a 3- or 4-year-old child or for
13 a student in kindergarten to grade 12, autism spectrum disorder,
14 as defined in the Diagnostic and Statistical Manual of Mental
15 Disorders, Fifth Edition, published by the American Psychiatric
16 Association; cerebral palsy, as defined in s. 393.063(6); Down
17 syndrome, as defined in s. 393.063(15); an intellectual
18 disability, as defined in s. 393.063(24); Phelan-McDermid
19 syndrome, as defined in s. 393.063(28); Prader-Willi syndrome,
20 as defined in s. 393.063(29); spina bifida, as defined in s.
21 393.063(40); being a high-risk child, as defined in s.
22 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare
23 disease, a disorder that affects ~~diseases which affect~~ patient
24 populations of ~~fewer than~~ 200,000 individuals or fewer in the
25 United States, as defined by the Orphan Drug Act of 1983, Pub.
26 L. No. 97-414 ~~National Organization for Rare Disorders~~;
27 anaphylaxis; deaf; visually impaired; traumatic brain injured;
28 hospital or homebound; or identification as dual sensory
29 impaired, as defined by rules of the State Board of Education
30 and evidenced by reports from local school districts. The term
31 “hospital or homebound” includes a student who has a medically
32 diagnosed physical or psychiatric condition or illness, as
33 defined by the state board in rule, and who is confined to the
34 home or hospital for more than 6 months.
35 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
36 used to meet the individual educational needs of an eligible
37 student and may be spent for the following purposes:
38 (d) ~~Enrollment in, or~~ Tuition or fees associated with full-
39 time or part-time enrollment in, a home education program, an



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40 eligible private school, an eligible postsecondary educational
41 institution or a program offered by the postsecondary
42 ~~institution, a private tutoring program authorized under s.~~
43 ~~1002.43~~, a virtual program offered by a department-approved
44 private online provider that meets the provider qualifications
45 specified in s. 1002.45(2)(a), the Florida Virtual School as a
46 private paying student, or an approved online course offered
47 pursuant to s. 1003.499 or s. 1004.0961.

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

60 (i) Fees for ~~specialized~~ summer education programs.

61 (j) Fees for ~~specialized~~ after-school education programs.

62 (l) Fees for an annual evaluation of educational progress
63 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~
64 ~~1002.41(1)(e)~~, if this option is chosen for a home education
65 student.

66 (p) Fees for art, music, or sports lessons.

67 (q) Tuition or fees associated with enrollment in a
68 nationally or internationally recognized research-based training



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

81 (a) Comply with all requirements for private schools
82 participating in state school choice scholarship programs
83 pursuant to s. 1002.421.

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

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

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

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



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98 the parent.

99 3. Cooperating with the scholarship student whose parent
100 chooses to have the student participate in the statewide
101 assessments pursuant to s. 1008.22 or, if a private school
102 chooses to offer the statewide assessments, administering the
103 assessments at the school.

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

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

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

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

124

125 If a private school fails or refuses ~~is unable~~ to meet the
126 requirements of this subsection or has consecutive years of



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127 material exceptions listed in the report required under
128 paragraph (e), the commissioner may determine that the private
129 school is ineligible to participate in the program.

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

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

144 1. Affirm that the student is enrolled in a program that
145 meets regular school attendance requirements as provided in s.
146 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

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

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

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

154 b. Providing an annual evaluation in accordance with s.
155 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or



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156 c. Requiring the child to take any preassessments and
157 postassessments selected by the provider if the child is 4 years
158 of age and is enrolled in a program provided by an eligible
159 Voluntary Prekindergarten Education Program provider. A student
160 with disabilities for whom a preassessment and postassessment is
161 not appropriate is exempt from this requirement. A participating
162 provider shall report a student's scores to the parent.

163 4. Affirm that the student remains in good standing with
164 the provider or school if those options are selected by the
165 parent.

166
167 A parent who fails to comply with this subsection forfeits the
168 Gardiner Scholarship.

169 Section 9. Section 1002.411, Florida Statutes, is created
170 to read:

171 1002.411 Reading scholarship accounts.-

172 (1) READING SCHOLARSHIP ACCOUNTS.-Reading scholarship
173 accounts are established to provide educational options for
174 students.

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



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

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

188 1. Submit an application to an eligible nonprofit
189 scholarship-funding organization by the deadline established by
190 such organization; and

191 2. Submit eligible expenses to the eligible nonprofit
192 scholarship-funding organization for reimbursement of qualifying
193 expenditures, which may include:

194 a. Instructional materials.

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

199 c. Tuition and fees for part-time tutoring services
200 provided by a person who holds a valid Florida educator's
201 certificate pursuant to s. 1012.56; a person who holds a
202 baccalaureate or graduate degree in the subject area; a person
203 who holds an adjunct teaching certificate pursuant to s.
204 1012.57; or a person who has demonstrated a mastery of subject
205 area knowledge pursuant to s. 1012.56(5).

206 d. Fees for summer education programs.

207 e. Fees for after-school education programs.

208
209 A provider of any services receiving payments pursuant to this
210 subparagraph may not share any moneys from the reading
211 scholarship with, or provide a refund or rebate of any moneys
212 from such scholarship to, the parent or participating student in
213 any manner. A parent, student, or provider of any services may



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214 not bill an insurance company, Medicaid, or any other agency for
215 the same services that are paid for using reading scholarship
216 funds.

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

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

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

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

238 (7) ACCOUNT FUNDING AND PAYMENT.—

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



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

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

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

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

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

267 (g) In addition to funds appropriated for scholarships and
268 subject to a separate, specific legislative appropriation, an
269 organization may receive an amount equivalent to not more than 3
270 percent of the amount of each scholarship from state funds for
271 administrative expenses if the organization has operated as a



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272 nonprofit entity for at least the preceding 3 fiscal years and
273 did not have any findings of material weakness or material
274 noncompliance in its most recent audit under s. 1002.395. Such
275 administrative expenses must be reasonable and necessary for the
276 organization's management and distribution of scholarships under
277 this section. Funds authorized under this paragraph may not be
278 used for lobbying or political activity or expenses related to
279 lobbying or political activity. An organization may not charge
280 an application fee for a scholarship. Administrative expenses
281 may not be deducted from funds appropriated for scholarships.

282 (h) Moneys received pursuant to this section do not
283 constitute taxable income to the qualified student or his or her
284 parent.

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

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

292 2. Three consecutive fiscal years in which an account has
293 been inactive.

294 (8) LIABILITY.—No liability shall arise on the part of the
295 state based on the award or use of a reading scholarship
296 account.

297 Section 10. Paragraph (a) of subsection (1) of section
298 1003.436, Florida Statutes, is amended to read:

299 1003.436 Definition of "credit."—

300 (1) (a) For the purposes of requirements for high school



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

322 Section 11. Section 1003.437, Florida Statutes, is amended
323 to read:

324 1003.437 Middle and high school grading system.—

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

328 (a)~~(1)~~ Grade "A" equals 90 percent through 100 percent, has
329 a grade point average value of 4, and is defined as "outstanding



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330 progress."

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

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

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

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

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

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

349
350 For the purposes of class ranking, district school boards may
351 exercise a weighted grading system pursuant to s. 1007.271.

352 Section 12. Section 1003.4996, Florida Statutes, is amended
353 to read:

354 1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot
355 Program. ~~Beginning with the 2016-2017 school year,~~ The Mastery-
356 Based ~~Competency-Based~~ Education Pilot Program is created within
357 the Department of Education to be administered for a period of 5
358 years. The purpose of the pilot program is to provide an



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359 educational environment that allows students to advance to
360 higher levels of learning upon the mastery of concepts and
361 skills through statutory exemptions relating to student
362 progression and the awarding of credits.

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

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

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

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

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

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

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

386 (e) A plan for student progression based on the mastery of
387 content, including mechanisms that determine and ensure that a



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388 student has satisfied the requirements for grade-level promotion
389 and content mastery.

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

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

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

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

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

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

404 (a) Beginning with the 2018-2019 school year, participating
405 school districts may amend their applications to include
406 alternatives for awarding credit, as authorized under s.
407 1003.436, and for the interpretation of middle and high school
408 letter grades, as authorized under s. 1003.437.

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

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

416 (b) An application that is amended pursuant to this



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417 subsection must be approved by the district school board.

418 (5)(4) STUDENT FUNDING.—Students enrolled in a
419 participating school shall be reported for and generate funding
420 pursuant to s. 1011.62.

421 (6)(5) DEPARTMENT DUTIES.—The department shall:

422 (a) Compile the student and staff schedules of
423 participating schools before and after implementation of the
424 pilot program.

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

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

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

434 Section 13. Subsection (7) is added to section 1007.23,
435 Florida Statutes, to read:

436 1007.23 Statewide articulation agreement.—

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

440 Section 14. For the 2018-2019 fiscal year, the sum of \$9.7
441 million in recurring funds from the General Revenue Fund is
442 appropriated to the Department of Education to fund reading
443 scholarship accounts pursuant to s. 1002.411, Florida Statutes,
444 and \$300,000 in recurring funds from the General Revenue Fund
445 shall be provided as an administrative fee pursuant to s.



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446 1002.411(7)(g), Florida Statutes.

447

448 ===== T I T L E A M E N D M E N T =====

449 And the title is amended as follows:

450 Delete line 51

451 and insert:

452 F.S.; revising the meaning of a rare disease within
453 the definition of the term "disability" for purposes
454 of the Gardiner Scholarship Program; revising eligible
455 expenditures for the program; revising requirements
456 for private schools that participate in the program;
457 specifying that the failure or refusal, rather than
458 the inability of, a private school to meet certain
459 requirements constitutes a basis for program
460 ineligibility; conforming cross-references; creating
461 s. 1002.411, F.S.; establishing reading scholarship
462 accounts for specified purposes; providing for
463 eligibility for scholarships; providing for
464 administration; providing duties of the Department of
465 Education; providing school district obligations;
466 specifying options for parents; providing that maximum
467 funding shall be specified in the General
468 Appropriations Act; providing for payment of funds;
469 specifying that no state liability arises from the
470 award or use of such an account; amending s. 1003.436,
471 F.S.; authorizing a district school board
472 participating in the Mastery-Based Education Pilot
473 Program to award credit based on student mastery of
474 certain content and skills; amending s. 1003.437,



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475 F.S.; authorizing a district school board
476 participating in the Mastery-Based Education Pilot
477 Program to use an alternative interpretation of letter
478 grades for certain students; amending s. 1003.4996,
479 F.S.; renaming the Competency-Based Education Pilot
480 Program as the Mastery-Based Education Pilot Program;
481 authorizing public school districts to submit
482 applications for the program; authorizing
483 participating school districts to amend their
484 applications to include alternatives for the award
485 credits and interpretation of letter grades; providing
486 requirements for such alternatives; deleting a
487 requirement that the State Board of Education adopt
488 rules; amending s. 1007.23, F.S.; requiring the
489 statewide articulation agreement to ensure fair and
490 equitable access for students with mastery-based,
491 nontraditional diplomas and transcripts; providing an