

By the Committees on Appropriations; and Education; and Senator Baxley

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1 A bill to be entitled
2 An act relating to K-12 education; amending s.
3 1002.385, F.S.; revising the meaning of a rare disease
4 within the definition of the term "disability" for
5 purposes of the Gardiner Scholarship Program; revising
6 eligible expenditures for the program; revising
7 requirements for private schools that participate in
8 the program; specifying that the failure or refusal,
9 rather than the inability of, a private school to meet
10 certain requirements constitutes a basis for program
11 ineligibility; conforming cross-references; amending
12 s. 1002.41, F.S.; specifying that a home education
13 program is not a school district program and is
14 registered with the district school superintendent
15 only for the purpose of complying with the state's
16 attendance requirements; revising the content
17 requirements of a notice of enrollment of a student in
18 a home education program; requiring the district
19 school superintendent to immediately register a home
20 education program upon receipt of the notice;
21 prohibiting a school district from requiring
22 additional information or verification of a home
23 education student except in specified circumstances;
24 authorizing a school district to provide home
25 education program students with access to certain
26 courses and programs offered by the school district;
27 requiring reporting and funding through the Florida
28 Education Finance Program; requiring home education
29 program students be provided access to certain

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30 certifications and assessments offered by the school
31 district; prohibiting a school district from taking
32 certain actions against a home education program
33 student's parent unless such action is necessary for a
34 school district program; creating s. 1002.411, F.S.;
35 establishing reading scholarship accounts for
36 specified purposes; providing for eligibility for
37 scholarships; providing for administration; providing
38 duties of the Department of Education; providing
39 school district obligations; specifying options for
40 parents; providing that maximum funding shall be
41 specified in the General Appropriations Act; providing
42 for payment of funds; specifying that no state
43 liability arises from the award or use of such an
44 account; amending s. 1003.21, F.S.; prohibiting a
45 district school superintendent from requiring certain
46 evidence relating to a child's age from children
47 enrolled in specified schools and programs; amending
48 s. 1003.26, F.S.; revising reporting requirements for
49 specified issues relating to compulsory school
50 attendance; amending s. 1003.27, F.S.; requiring a
51 school and school district to comply with specified
52 provisions before instituting criminal prosecution
53 against certain parents relating to compulsory school
54 attendance; amending s. 1003.436, F.S.; authorizing a
55 district school board participating in the Mastery-
56 Based Education Pilot Program to award credit based on
57 student mastery of certain content and skills;
58 amending s. 1003.437, F.S.; authorizing a district

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59 school board participating in the Mastery-Based
60 Education Pilot Program to use an alternative
61 interpretation of letter grades for certain students;
62 amending s. 1003.4996, F.S.; renaming the Competency-
63 Based Education Pilot Program as the Mastery-Based
64 Education Pilot Program; authorizing public school
65 districts to submit applications for the program;
66 authorizing participating school districts to amend
67 their applications to include alternatives for the
68 award credits and interpretation of letter grades;
69 providing requirements for such alternatives; deleting
70 a requirement that the State Board of Education adopt
71 rules; amending s. 1006.15, F.S.; revising the
72 standards required for a home education student to
73 participate in extracurricular activities; amending s.
74 1007.23, F.S.; requiring the statewide articulation
75 agreement to ensure fair and equitable access for
76 students with mastery-based, nontraditional diplomas
77 and transcripts; amending s. 1007.271, F.S.;

78 prohibiting the dual enrollment articulation agreement
79 from including course enrollment limitations for
80 certain students; prohibiting dual enrollment course
81 and program limitations for home education students
82 from exceeding limitations for other students;
83 providing an exemption from the grade point average
84 requirement for initial enrollment in a dual
85 enrollment program for certain home education
86 students; amending s. 1007.35, F.S.; updating
87 terminology; requiring the Department of Education to

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88 provide certain teacher and student ACT and PreACT
89 information for the evaluation of certain services and
90 activities; providing an appropriation; providing an
91 effective date.

92
93 Be It Enacted by the Legislature of the State of Florida:

94
95 Section 1. Paragraph (d) of subsection (2), paragraphs (d),
96 (h), (i), (j), and (l) of subsection (5), subsection (8), and
97 paragraph (a) of subsection (11) of section 1002.385, Florida
98 Statutes, are amended, and paragraphs (p) and (q) are added to
99 subsection (5) of that section, to read:

100 1002.385 The Gardiner Scholarship.—

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

102 (d) "Disability" means, for a 3- or 4-year-old child or for
103 a student in kindergarten to grade 12, autism spectrum disorder,
104 as defined in the Diagnostic and Statistical Manual of Mental
105 Disorders, Fifth Edition, published by the American Psychiatric
106 Association; cerebral palsy, as defined in s. 393.063(6); Down
107 syndrome, as defined in s. 393.063(15); an intellectual
108 disability, as defined in s. 393.063(24); Phelan-McDermid
109 syndrome, as defined in s. 393.063(28); Prader-Willi syndrome,
110 as defined in s. 393.063(29); spina bifida, as defined in s.
111 393.063(40); being a high-risk child, as defined in s.
112 393.063(23) (a); muscular dystrophy; Williams syndrome; a rare
113 disease, a disorder that affects ~~diseases which affect~~ patient
114 populations of ~~fewer than~~ 200,000 individuals or fewer in the
115 United States, as defined by the Orphan Drug Act of 1983, Pub.
116 L. No. 97-414 ~~National Organization for Rare Disorders;~~

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117 anaphylaxis; deaf; visually impaired; traumatic brain injured;
118 hospital or homebound; or identification as dual sensory
119 impaired, as defined by rules of the State Board of Education
120 and evidenced by reports from local school districts. The term
121 "hospital or homebound" includes a student who has a medically
122 diagnosed physical or psychiatric condition or illness, as
123 defined by the state board in rule, and who is confined to the
124 home or hospital for more than 6 months.

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

128 (d) ~~Enrollment in, or~~ Tuition or fees associated with full-
129 time or part-time enrollment in, a home education program, an
130 eligible private school, an eligible postsecondary educational
131 institution or a program offered by the postsecondary
132 ~~institution, a private tutoring program authorized under s.~~
133 ~~1002.43,~~ a virtual program offered by a department-approved
134 private online provider that meets the provider qualifications
135 specified in s. 1002.45(2)(a), the Florida Virtual School as a
136 private paying student, or an approved online course offered
137 pursuant to s. 1003.499 or s. 1004.0961.

138 (h) Tuition and fees for part-time tutoring services
139 provided by a person who holds a valid Florida educator's
140 certificate pursuant to s. 1012.56; a person who holds a valid
141 professional standard teaching certificate issued by another
142 state; a person who holds an adjunct teaching certificate
143 pursuant to s. 1012.57; a person who has a bachelor's degree or
144 a graduate degree in the subject area in which instruction is
145 given; or a person who has demonstrated a mastery of subject

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146 area knowledge pursuant to s. 1012.56(5). As used in this
147 paragraph, the term "part-time tutoring services" does not
148 qualify as regular school attendance as defined in s.
149 1003.01(13) ~~s. 1003.01(13)(e)~~.

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

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

152 (l) Fees for an annual evaluation of educational progress
153 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~
154 ~~1002.41(1)(e)~~, if this option is chosen for a home education
155 student.

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

157 (q) Tuition or fees associated with enrollment in a
158 nationally or internationally recognized research-based training
159 program for a child with a neurological disorder or brain
160 damage.

161
162 A provider of any services receiving payments pursuant to this
163 subsection may not share, refund, or rebate any moneys from the
164 Gardiner Scholarship with the parent or participating student in
165 any manner. A parent, student, or provider of any services may
166 not bill an insurance company, Medicaid, or any other agency for
167 the same services that are paid for using Gardiner Scholarship
168 funds.

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

171 (a) Comply with all requirements for private schools
172 participating in state school choice scholarship programs
173 pursuant to s. 1002.421.

174 (b) Provide to the organization, upon request, all

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175 documentation required for the student's participation,
176 including the private school's and student's fee schedules.

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

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

181 2. Annually administering or making provision for students
182 participating in the program in grades 3 through 10 to take one
183 of the nationally norm-referenced tests identified by the
184 Department of Education or the statewide assessments pursuant to
185 s. 1008.22. Students with disabilities for whom standardized
186 testing is not appropriate are exempt from this requirement. A
187 participating private school shall report a student's scores to
188 the parent.

189 3. Cooperating with the scholarship student whose parent
190 chooses to have the student participate in the statewide
191 assessments pursuant to s. 1008.22 or, if a private school
192 chooses to offer the statewide assessments, administering the
193 assessments at the school.

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

197 b. A participating private school shall submit a request in
198 writing to the Department of Education by March 1 of each year
199 in order to administer the statewide assessments in the
200 subsequent school year.

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

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204 (e) Provide a report from an independent certified public
205 accountant who performs the agreed-upon procedures developed
206 under s. 1002.395(6)(o) if the private school receives more than
207 \$250,000 in funds from scholarships awarded under this chapter
208 ~~section~~ in a state fiscal year. A private school subject to this
209 paragraph must annually submit the report by September 15 to the
210 organization that awarded the majority of the school's
211 scholarship funds. The agreed-upon procedures must be conducted
212 in accordance with attestation standards established by the
213 American Institute of Certified Public Accountants.

214
215 If a private school fails or refuses ~~is unable~~ to meet the
216 requirements of this subsection or has consecutive years of
217 material exceptions listed in the report required under
218 paragraph (e), the commissioner may determine that the private
219 school is ineligible to participate in the program.

220 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
221 PARTICIPATION.—A parent who applies for program participation
222 under this section is exercising his or her parental option to
223 determine the appropriate placement or the services that best
224 meet the needs of his or her child. The scholarship award for a
225 student is based on a matrix that assigns the student to support
226 Level III services. If a parent receives an IEP and a matrix of
227 services from the school district pursuant to subsection (7),
228 the amount of the payment shall be adjusted as needed, when the
229 school district completes the matrix.

230 (a) To satisfy or maintain program eligibility, including
231 eligibility to receive and spend program payments, the parent
232 must sign an agreement with the organization and annually submit

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233 a notarized, sworn compliance statement to the organization to:

234 1. Affirm that the student is enrolled in a program that
235 meets regular school attendance requirements as provided in s.
236 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

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

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

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

244 b. Providing an annual evaluation in accordance with s.
245 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or

246 c. Requiring the child to take any preassessments and
247 postassessments selected by the provider if the child is 4 years
248 of age and is enrolled in a program provided by an eligible
249 Voluntary Prekindergarten Education Program provider. A student
250 with disabilities for whom a preassessment and postassessment is
251 not appropriate is exempt from this requirement. A participating
252 provider shall report a student's scores to the parent.

253 4. Affirm that the student remains in good standing with
254 the provider or school if those options are selected by the
255 parent.

256
257 A parent who fails to comply with this subsection forfeits the
258 Gardiner Scholarship.

259 Section 2. Subsections (1) and (2) of section 1002.41,
260 Florida Statutes, are amended, and subsections (11), (12), and
261 (13) are added to that section, to read:

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262 1002.41 Home education programs.—

263 (1) As used in this section, the term A "home education
264 program" has the same meaning as is defined in s. 1002.01. A
265 home education program is not a school district program and is
266 registered with the district school superintendent only for the
267 purpose of complying with the state's attendance requirements
268 under s. 1003.21(1). The parent is not required to hold a valid
269 regular Florida teaching certificate.

270 (a) The parent, as defined in s. 1000.21, who establishes
271 and maintains a home education program shall notify the district
272 school superintendent of the county in which the parent resides
273 of her or his intent to establish and maintain a home education
274 program. The notice must ~~shall~~ be in writing, signed by the
275 parent, and ~~shall~~ include the full legal names, addresses, and
276 birthdates of all children who shall be enrolled as students in
277 the home education program. The notice must ~~shall~~ be filed in
278 the district school superintendent's office within 30 days of
279 the establishment of the home education program.

280 (b) The district school superintendent shall accept the
281 notice and immediately register the home education program upon
282 receipt of the notice. The district may not require any
283 additional information or verification from the parent unless
284 the student chooses to participate in a school district program
285 or service. The district school superintendent may not assign a
286 grade level to the home education student or include a social
287 security number or any other personal information of the student
288 in any school district or state database unless the student
289 chooses to participate in a school district program or service;
290 and

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291 (c) The parent shall file a written notice of termination
292 upon completion of the home education program ~~with shall be~~
293 ~~filed in~~ the district school superintendent, along with the
294 annual evaluation required in paragraph (f), within
295 ~~superintendent's office within~~ 30 days of ~~after~~ said
296 termination.

297 (d) ~~(b)~~ The parent shall maintain a portfolio of records and
298 materials. The portfolio must ~~shall~~ consist of the following:

299 1. A log of educational activities that is made
300 contemporaneously with the instruction and that designates by
301 title any reading materials used.

302 2. Samples of any writings, worksheets, workbooks, or
303 creative materials used or developed by the student.

304 (e) The parent shall determine the content of the
305 portfolio, preserve it ~~shall be preserved by the parent~~ for 2
306 years, and make it ~~shall be made~~ available for inspection, if
307 requested, by the district school superintendent, or the
308 district school superintendent's agent, upon 15 days' written
309 notice. Nothing in this section shall require the district
310 school superintendent to inspect the portfolio.

311 (f) ~~(e)~~ The parent shall provide for an annual educational
312 evaluation in which is documented the student's demonstration of
313 educational progress at a level commensurate with her or his
314 ability. The parent shall select the method of evaluation and
315 shall file a copy of the evaluation annually with the district
316 school superintendent's office in the county in which the
317 student resides. The annual educational evaluation shall consist
318 of one of the following:

319 1. A teacher selected by the parent shall evaluate the

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320 student's educational progress upon review of the portfolio and
321 discussion with the student. Such teacher shall hold a valid
322 regular Florida certificate to teach academic subjects at the
323 elementary or secondary level;

324 2. The student shall take any nationally normed student
325 achievement test administered by a certified teacher;

326 3. The student shall take a state student assessment test
327 used by the school district and administered by a certified
328 teacher, at a location and under testing conditions approved by
329 the school district;

330 4. The student shall be evaluated by an individual holding
331 a valid, active license pursuant to the provisions of s.
332 490.003(7) or (8); or

333 5. The student shall be evaluated with any other valid
334 measurement tool as mutually agreed upon by the district school
335 superintendent of the district in which the student resides and
336 the student's parent.

337 (2) The district school superintendent shall ~~review and~~
338 accept the results of the annual educational evaluation of the
339 student in a home education program. If the student does not
340 demonstrate educational progress at a level commensurate with
341 her or his ability, the district school superintendent shall
342 notify the parent, in writing, that such progress has not been
343 achieved. The parent shall have 1 year from the date of receipt
344 of the written notification to provide remedial instruction to
345 the student. At the end of the 1-year probationary period, the
346 student shall be reevaluated as specified in paragraph (1) (f)
347 ~~(1) (e)~~. Continuation in a home education program shall be
348 contingent upon the student demonstrating educational progress

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349 commensurate with her or his ability at the end of the
350 probationary period.

351 (11) A school district may provide access to career and
352 technical courses and programs for a home education program
353 student who enrolls in a public school solely for the career and
354 technical courses or programs. The school district that provides
355 the career and technical courses and programs shall report each
356 student as a full-time equivalent student in the class and in a
357 manner prescribed by the department, and funding shall be
358 provided through the Florida Education Finance Program pursuant
359 to s. 1011.62.

360 (12) Industry certifications, national assessments, and
361 statewide, standardized assessments offered by the school
362 district shall be available to home education program students.
363 Each school district shall notify home education program
364 students of the available certifications and assessments; the
365 date, time, and locations for the administration of each
366 certification and assessment; and the deadline for notifying the
367 school district of the student's intent to participate and the
368 student's preferred location.

369 (13) A school district may not further regulate, exercise
370 control over, or require documentation from parents of home
371 education program students beyond the requirements of this
372 section unless the regulation, control, or documentation is
373 necessary for participation in a school district program.

374 Section 3. Section 1002.411, Florida Statutes, is created
375 to read:

376 1002.411 Reading scholarship accounts.—

377 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship

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378 accounts are established to provide educational options for
379 students.

380 (2) ELIGIBILITY.—Contingent upon available funds, and on a
381 first-come, first-served basis, each student in grades 3 through
382 5 who is enrolled in a Florida public school is eligible for a
383 reading scholarship account if the student scored below a Level
384 3 on the grade 3 or grade 4 statewide, standardized English
385 Language Arts (ELA) assessment in the prior school year. An
386 eligible student who is classified as an English Learner and is
387 enrolled in a program or receiving services that are
388 specifically designed to meet the instructional needs of English
389 Learner students shall receive priority.

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

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

393 1. Submit an application to an eligible nonprofit
394 scholarship-funding organization by the deadline established by
395 such organization; and

396 2. Submit eligible expenses to the eligible nonprofit
397 scholarship-funding organization for reimbursement of qualifying
398 expenditures, which may include:

399 a. Instructional materials.

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

404 c. Tuition and fees for part-time tutoring services
405 provided by a person who holds a valid Florida educator's
406 certificate pursuant to s. 1012.56; a person who holds a

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407 baccalaureate or graduate degree in the subject area; a person
408 who holds an adjunct teaching certificate pursuant to s.
409 1012.57; or a person who has demonstrated a mastery of subject
410 area knowledge pursuant to s. 1012.56(5).

411 d. Fees for summer education programs.

412 e. Fees for after-school education programs.

413
414 A provider of any services receiving payments pursuant to this
415 subparagraph may not share any moneys from the reading
416 scholarship with, or provide a refund or rebate of any moneys
417 from such scholarship to, the parent or participating student in
418 any manner. A parent, student, or provider of any services may
419 not bill an insurance company, Medicaid, or any other agency for
420 the same services that are paid for using reading scholarship
421 funds.

422 (b) The parent is responsible for the payment of all
423 eligible expenses in excess of the amount in the account in
424 accordance with the terms agreed to between the parent and any
425 providers and may not receive any refund or rebate of any
426 expenditures made in accordance with paragraph (a).

427 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
428 funding organization participating in the Florida Tax Credit
429 Scholarship Program established by s. 1002.395 may establish
430 reading scholarship accounts for eligible students in accordance
431 with the requirements of eligible nonprofit scholarship-funding
432 organizations under this chapter.

433 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
434 same duties imposed by this chapter upon the department
435 regarding oversight of scholarship programs administered by an

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436 eligible nonprofit scholarship-funding organization.

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

443 (7) ACCOUNT FUNDING AND PAYMENT.—

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

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

451 (c) Upon notification from the eligible nonprofit
452 scholarship-funding organization that a student has been
453 determined eligible for a reading scholarship, the department
454 shall release the student's scholarship funds to such
455 organization to be deposited into the student's account.

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

459 (e) The eligible nonprofit scholarship-funding organization
460 may develop a system for payment of scholarship funds by funds
461 transfer, including, but not limited to, debit cards, electronic
462 payment cards, or any other means of payment that the department
463 deems to be commercially viable or cost-effective. A student's
464 scholarship award may not be reduced for debit card or

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465 electronic payment fees. Commodities or services related to the
466 development of such a system shall be procured by competitive
467 solicitation unless they are purchased from a state term
468 contract pursuant to s. 287.056.

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

472 (g) In addition to funds appropriated for scholarships and
473 subject to a separate, specific legislative appropriation, an
474 organization may receive an amount equivalent to not more than 3
475 percent of the amount of each scholarship from state funds for
476 administrative expenses if the organization has operated as a
477 nonprofit entity for at least the preceding 3 fiscal years and
478 did not have any findings of material weakness or material
479 noncompliance in its most recent audit under s. 1002.395. Such
480 administrative expenses must be reasonable and necessary for the
481 organization's management and distribution of scholarships under
482 this section. Funds authorized under this paragraph may not be
483 used for lobbying or political activity or expenses related to
484 lobbying or political activity. An organization may not charge
485 an application fee for a scholarship. Administrative expenses
486 may not be deducted from funds appropriated for scholarships.

487 (h) Moneys received pursuant to this section do not
488 constitute taxable income to the qualified student or his or her
489 parent.

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

492 1. Denial or revocation of scholarship eligibility by the
493 commissioner for fraud or abuse, including, but not limited to,

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494 the student or student's parent accepting any payment, refund,
495 or rebate, in any manner, from a provider of any services
496 received pursuant to subsection (3); or

497 2. Three consecutive fiscal years in which an account has
498 been inactive.

499 (8) LIABILITY.—No liability shall arise on the part of the
500 state based on the award or use of a reading scholarship
501 account.

502 Section 4. Subsection (4) of section 1003.21, Florida
503 Statutes, is amended to read:

504 1003.21 School attendance.—

505 (4) Before admitting a child to kindergarten, the principal
506 shall require evidence that the child has attained the age at
507 which he or she should be admitted in accordance with the
508 provisions of subparagraph (1)(a)2. The district school
509 superintendent may require evidence of the age of any child who
510 is being enrolled in public school who the district school
511 superintendent ~~whom he or she~~ believes to be within the limits
512 of compulsory attendance as provided for by law; however, the
513 district school superintendent may not require evidence from any
514 child who meets regular attendance requirements by attending a
515 school or program listed in s. 1003.01(13)(b)-(e). If the first
516 prescribed evidence is not available, the next evidence
517 obtainable in the order set forth below shall be accepted:

518 (a) A duly attested transcript of the child's birth record
519 filed according to law with a public officer charged with the
520 duty of recording births;

521 (b) A duly attested transcript of a certificate of baptism
522 showing the date of birth and place of baptism of the child,

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523 accompanied by an affidavit sworn to by the parent;

524 (c) An insurance policy on the child's life that has been
525 in force for at least 2 years;

526 (d) A bona fide contemporary religious record of the
527 child's birth accompanied by an affidavit sworn to by the
528 parent;

529 (e) A passport or certificate of arrival in the United
530 States showing the age of the child;

531 (f) A transcript of record of age shown in the child's
532 school record of at least 4 years prior to application, stating
533 date of birth; or

534 (g) If none of these evidences can be produced, an
535 affidavit of age sworn to by the parent, accompanied by a
536 certificate of age signed by a public health officer or by a
537 public school physician, or, if these are not available in the
538 county, by a licensed practicing physician designated by the
539 district school board, which states that the health officer or
540 physician has examined the child and believes that the age as
541 stated in the affidavit is substantially correct. Children and
542 youths who are experiencing homelessness and children who are
543 known to the department, as defined in s. 39.0016, shall be
544 given temporary exemption from this section for 30 school days.

545 Section 5. Paragraph (f) of subsection (1) and paragraph
546 (a) of subsection (2) of section 1003.26, Florida Statutes, are
547 amended to read:

548 1003.26 Enforcement of school attendance.—The Legislature
549 finds that poor academic performance is associated with
550 nonattendance and that school districts must take an active role
551 in promoting and enforcing attendance as a means of improving

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552 student performance. It is the policy of the state that each
553 district school superintendent be responsible for enforcing
554 school attendance of all students subject to the compulsory
555 school age in the school district and supporting enforcement of
556 school attendance by local law enforcement agencies. The
557 responsibility includes recommending policies and procedures to
558 the district school board that require public schools to respond
559 in a timely manner to every unexcused absence, and every absence
560 for which the reason is unknown, of students enrolled in the
561 schools. District school board policies shall require the parent
562 of a student to justify each absence of the student, and that
563 justification will be evaluated based on adopted district school
564 board policies that define excused and unexcused absences. The
565 policies must provide that public schools track excused and
566 unexcused absences and contact the home in the case of an
567 unexcused absence from school, or an absence from school for
568 which the reason is unknown, to prevent the development of
569 patterns of nonattendance. The Legislature finds that early
570 intervention in school attendance is the most effective way of
571 producing good attendance habits that will lead to improved
572 student learning and achievement. Each public school shall
573 implement the following steps to promote and enforce regular
574 school attendance:

575 (1) CONTACT, REFER, AND ENFORCE.—

576 (f)1. If the parent of a child who has been identified as
577 exhibiting a pattern of nonattendance enrolls the child in a
578 home education program pursuant to chapter 1002, the district
579 school superintendent shall provide the parent a copy of s.
580 1002.41 and the accountability requirements of this paragraph.

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581 The district school superintendent shall also refer the parent
582 to a home education review committee composed of the district
583 contact for home education programs and at least two home
584 educators selected by the parent from a district list of all
585 home educators who have conducted a home education program for
586 at least 3 years and who have indicated a willingness to serve
587 on the committee. The home education review committee shall
588 review the portfolio of the student, as defined by s. 1002.41,
589 every 30 days during the district's regular school terms until
590 the committee is satisfied that the home education program is in
591 compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first
592 portfolio review must occur within the first 30 calendar days of
593 the establishment of the program. The provisions of subparagraph
594 2. do not apply once the committee determines the home education
595 program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

596 2. If the parent fails to provide a portfolio to the
597 committee, the committee shall notify the district school
598 superintendent. The district school superintendent shall then
599 terminate the home education program and require the parent to
600 enroll the child in an attendance option that meets the
601 definition of "regular school attendance" under s.
602 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
603 termination of a home education program pursuant to this
604 subparagraph, the parent shall not be eligible to reenroll the
605 child in a home education program for 180 calendar days. Failure
606 of a parent to enroll the child in an attendance option as
607 required by this subparagraph after termination of the home
608 education program pursuant to this subparagraph shall constitute
609 noncompliance with the compulsory attendance requirements of s.

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610 1003.21 and may result in criminal prosecution under s.
611 1003.27(2). Nothing contained herein shall restrict the ability
612 of the district school superintendent, or the ability of his or
613 her designee, to review the portfolio pursuant to s.
614 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

615 (2) GIVE WRITTEN NOTICE.—

616 (a) Under the direction of the district school
617 superintendent, a designated school representative shall give
618 written notice that requires enrollment or attendance within 3
619 days after the date of notice, in person or by return-receipt
620 mail, to the parent when no valid reason is found for a
621 student's nonenrollment in school. If the notice and requirement
622 are ignored, the designated school representative shall report
623 the case to the district school superintendent, who and may
624 refer the case to the child study team in paragraph (1)(b) at
625 the school the student would be assigned according to district
626 school board attendance area policies or to the case staffing
627 committee, established pursuant to s. 984.12. The child study
628 team shall diligently facilitate intervention services and shall
629 report the case back to the district school superintendent only
630 when all reasonable efforts to resolve the nonenrollment
631 behavior are exhausted. If the parent still refuses to cooperate
632 or enroll the child in school, the district school
633 superintendent shall take such steps as are necessary to bring
634 criminal prosecution against the parent.

635 Section 6. Subsection (2) of section 1003.27, Florida
636 Statutes, is amended to read:

637 1003.27 Court procedure and penalties.—The court procedure
638 and penalties for the enforcement of the provisions of this

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639 part, relating to compulsory school attendance, shall be as
640 follows:

641 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

642 (a) In each case of nonenrollment or of nonattendance upon
643 the part of a student who is required to attend some school,
644 when no valid reason for such nonenrollment or nonattendance is
645 found, the district school superintendent shall institute a
646 criminal prosecution against the student's parent. However,
647 criminal prosecution may not be instituted against the student's
648 parent until the school and school district have complied with
649 s. 1003.26.

650 (b) Each public school principal or the principal's
651 designee shall notify the district school board of each minor
652 student under its jurisdiction who accumulates 15 unexcused
653 absences in a period of 90 calendar days. ~~Each designee of the~~
654 ~~governing body of each private school, and each parent whose~~
655 ~~child is enrolled in a home education program, may provide the~~
656 ~~Department of Highway Safety and Motor Vehicles with the legal~~
657 ~~name, sex, date of birth, and social security number of each~~
658 ~~minor student under his or her jurisdiction who fails to satisfy~~
659 ~~relevant attendance requirements and who fails to otherwise~~
660 ~~satisfy the requirements of s. 322.091.~~ The district school
661 superintendent must provide the Department of Highway Safety and
662 Motor Vehicles the legal name, sex, date of birth, and social
663 security number of each minor student who has been reported
664 under this paragraph and who fails to otherwise satisfy the
665 requirements of s. 322.091. The Department of Highway Safety and
666 Motor Vehicles may not issue a driver license or learner's
667 driver license to, and shall suspend any previously issued

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668 driver license or learner's driver license of, any such minor
669 student, pursuant to the provisions of s. 322.091.

670 (c) Each designee of the governing body of each private
671 school and each parent whose child is enrolled in a home
672 education program may provide the Department of Highway Safety
673 and Motor Vehicles with the legal name, sex, date of birth, and
674 social security number of each minor student under his or her
675 jurisdiction who fails to satisfy relevant attendance
676 requirements and who fails to otherwise satisfy the requirements
677 of s. 322.091. The Department of Highway Safety and Motor
678 Vehicles may not issue a driver license or learner's driver
679 license to, and shall suspend any previously issued driver
680 license or learner's driver license of, any such minor student,
681 pursuant to s. 322.091.

682 Section 7. Paragraph (a) of subsection (1) of section
683 1003.436, Florida Statutes, is amended to read:

684 1003.436 Definition of "credit."—

685 (1) (a) For the purposes of requirements for high school
686 graduation, one full credit means a minimum of 135 hours of bona
687 fide instruction in a designated course of study that contains
688 student performance standards, except as otherwise provided
689 through the Credit Acceleration Program (CAP) under s.
690 1003.4295(3). One full credit means a minimum of 120 hours of
691 bona fide instruction in a designated course of study that
692 contains student performance standards for purposes of meeting
693 high school graduation requirements in a district school that
694 has been authorized to implement block scheduling by the
695 district school board. In lieu of the 135- and 120-hour
696 instruction requirements, district school boards participating

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697 in the Mastery-Based Education Pilot Program under s. 1003.4996,
698 may determine and award credit based on a student's mastery of
699 the core content and skills, consistent with s. 1003.41, as
700 approved by the district school board. The State Board of
701 Education shall determine the number of postsecondary credit
702 hours earned through dual enrollment pursuant to s. 1007.271
703 that satisfy the requirements of a dual enrollment articulation
704 agreement according to s. 1007.271(21) and that equal one full
705 credit of the equivalent high school course identified pursuant
706 to s. 1007.271(9).

707 Section 8. Section 1003.437, Florida Statutes, is amended
708 to read:

709 1003.437 Middle and high school grading system.—

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

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

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

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

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

725 (e)~~(5)~~ Grade "F" equals zero percent through 59 percent,

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726 has a grade point average value of zero, and is defined as
727 "failure."

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

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

734
735 For the purposes of class ranking, district school boards may
736 exercise a weighted grading system pursuant to s. 1007.271.

737 Section 9. Section 1003.4996, Florida Statutes, is amended
738 to read:

739 1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot
740 Program. ~~Beginning with the 2016-2017 school year,~~ The Mastery-
741 Based ~~Competency-Based~~ Education Pilot Program is created within
742 the Department of Education to be administered for a period of 5
743 years. The purpose of the pilot program is to provide an
744 educational environment that allows students to advance to
745 higher levels of learning upon the mastery of concepts and
746 skills through statutory exemptions relating to student
747 progression and the awarding of credits.

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

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

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755 (a) The vision and timelines for the implementation of
756 mastery-based ~~competency-based~~ education within the school
757 district, including a list of the schools that will participate
758 in the pilot program during the first school year and the list
759 of schools that will be integrated into the program in
760 subsequent school years.

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

- 763 1. Student performance as defined in s. 1008.34.
- 764 2. Promotion and retention rates.
- 765 3. Graduation rates.
- 766 4. Indicators of college and career readiness.

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

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

771 (e) A plan for student progression based on the mastery of
772 content, including mechanisms that determine and ensure that a
773 student has satisfied the requirements for grade-level promotion
774 and content mastery.

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

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

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

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

783 (3) EXEMPTION FROM RULES.—In addition to the waivers

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784 authorized in s. 1001.10(3), the State Board of Education may
785 authorize the commissioner to grant an additional waiver of
786 rules relating to student progression and the awarding of
787 credits.

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

789 (a) Beginning with the 2018-2019 school year, participating
790 school districts may amend their applications to include
791 alternatives for awarding credit, as authorized under s.
792 1003.436, and for the interpretation of middle and high school
793 letter grades, as authorized under s. 1003.437.

794 1. Alternatives to awarding credit must include a
795 verification of the student's mastery of the applicable course
796 content using rigorous scoring rubrics to evaluate the student's
797 work.

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

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

803 (5)-(4) STUDENT FUNDING.—Students enrolled in a
804 participating school shall be reported for and generate funding
805 pursuant to s. 1011.62.

806 (6)-(5) DEPARTMENT DUTIES.—The department shall:

807 (a) Compile the student and staff schedules of
808 participating schools before and after implementation of the
809 pilot program.

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

812 (c) Annually, by June 1, provide to the Governor, the

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813 President of the Senate, and the Speaker of the House of
814 Representatives a report summarizing the activities and
815 accomplishments of the pilot program and any recommendations for
816 statutory revisions.

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

819 Section 10. Paragraph (c) of subsection (3) of section
820 1006.15, Florida Statutes, is amended to read:

821 1006.15 Student standards for participation in
822 interscholastic and intrascholastic extracurricular student
823 activities; regulation.—

824 (3)

825 (c) An individual home education student is eligible to
826 participate at the public school to which the student would be
827 assigned according to district school board attendance area
828 policies or which the student could choose to attend pursuant to
829 s. 1002.31, or may develop an agreement to participate at a
830 private school, in the interscholastic extracurricular
831 activities of that school, provided the following conditions are
832 met:

833 1. The home education student must meet the requirements of
834 the home education program pursuant to s. 1002.41.

835 2. During the period of participation at a school, the home
836 education student must demonstrate educational progress as
837 required in paragraph (b) in all subjects taken in the home
838 education program by a method of evaluation agreed upon by the
839 parent and the school principal which may include: review of the
840 student's work by a certified teacher chosen by the parent;
841 grades earned through correspondence; grades earned in courses

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842 taken at a Florida College System institution, university, or
843 trade school; standardized test scores above the 35th
844 percentile; or any other method designated in s. 1002.41.

845 3. The home education student must meet the same residency
846 requirements as other students in the school at which he or she
847 participates.

848 4. The home education student must meet the same standards
849 of acceptance, behavior, and performance as required of other
850 students in extracurricular activities.

851 5. The student must register with the school his or her
852 intent to participate in interscholastic extracurricular
853 activities as a representative of the school before
854 participation ~~the beginning date of the season for the activity~~
855 ~~in which he or she wishes to participate~~. A home education
856 student must be able to participate in curricular activities if
857 that is a requirement for an extracurricular activity.

858 6. A student who transfers from a home education program to
859 a public school before or during the first grading period of the
860 school year is academically eligible to participate in
861 interscholastic extracurricular activities during the first
862 grading period provided the student has a successful evaluation
863 from the previous school year, pursuant to subparagraph 2.

864 7. Any public school or private school student who has been
865 unable to maintain academic eligibility for participation in
866 interscholastic extracurricular activities is ineligible to
867 participate in such activities as a home education student until
868 the student has successfully completed one grading period in
869 home education pursuant to subparagraph 2. to become eligible to
870 participate as a home education student.

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871 Section 11. Subsection (7) is added to section 1007.23,
872 Florida Statutes, to read:

873 1007.23 Statewide articulation agreement.—

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

877 Section 12. Subsection (3) and paragraph (b) of subsection
878 (13) of section 1007.271, Florida Statutes, are amended to read:

879 1007.271 Dual enrollment programs.—

880 (3) Student eligibility requirements for initial enrollment
881 in college credit dual enrollment courses must include a 3.0
882 unweighted high school grade point average and the minimum score
883 on a common placement test adopted by the State Board of
884 Education which indicates that the student is ready for college-
885 level coursework. Student eligibility requirements for continued
886 enrollment in college credit dual enrollment courses must
887 include the maintenance of a 3.0 unweighted high school grade
888 point average and the minimum postsecondary grade point average
889 established by the postsecondary institution. Regardless of
890 meeting student eligibility requirements for continued
891 enrollment, a student may lose the opportunity to participate in
892 a dual enrollment course if the student is disruptive to the
893 learning process such that the progress of other students or the
894 efficient administration of the course is hindered. Student
895 eligibility requirements for initial and continued enrollment in
896 career certificate dual enrollment courses must include a 2.0
897 unweighted high school grade point average. Exceptions to the
898 required grade point averages may be granted on an individual
899 student basis if the educational entities agree and the terms of

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900 the agreement are contained within the dual enrollment
901 articulation agreement established pursuant to subsection (21).
902 Florida College System institution boards of trustees may
903 establish additional initial student eligibility requirements,
904 which shall be included in the dual enrollment articulation
905 agreement, to ensure student readiness for postsecondary
906 instruction. Additional requirements included in the agreement
907 may not arbitrarily prohibit students who have demonstrated the
908 ability to master advanced courses from participating in dual
909 enrollment courses or limit the number of dual enrollment
910 courses in which a student may enroll based solely upon
911 enrollment by the student at an independent postsecondary
912 institution.

913 (13)

914 (b) Each postsecondary institution eligible to participate
915 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
916 enter into a home education articulation agreement with each
917 home education student seeking enrollment in a dual enrollment
918 course and the student's parent. By August 1 of each year, the
919 eligible postsecondary institution shall complete and submit the
920 home education articulation agreement to the Department of
921 Education. The home education articulation agreement must
922 include, at a minimum:

923 1. A delineation of courses and programs available to
924 dually enrolled home education students. Courses and programs
925 may be added, revised, or deleted at any time by the
926 postsecondary institution. Any course or program limitations may
927 not exceed the limitations for other dually enrolled students.

928 2. The initial and continued eligibility requirements for

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929 home education student participation, not to exceed those
930 required of other dually enrolled students. A high school grade
931 point average may not be required for home education students
932 who meet the minimum score on a common placement test adopted by
933 the State Board of Education which indicates that the student is
934 ready for college-level coursework; however, home education
935 student eligibility requirements for continued enrollment in
936 dual enrollment courses must include the maintenance of the
937 minimum postsecondary grade point average established by the
938 postsecondary institution.

939 3. The student's responsibilities for providing his or her
940 own instructional materials and transportation.

941 4. A copy of the statement on transfer guarantees developed
942 by the Department of Education under subsection (15).

943 Section 13. Subsection (5), paragraph (j) of subsection
944 (6), and subsection (8) of section 1007.35, Florida Statutes,
945 are amended to read:

946 1007.35 Florida Partnership for Minority and
947 Underrepresented Student Achievement.—

948 (5) Each public high school, including, but not limited to,
949 schools and alternative sites and centers of the Department of
950 Juvenile Justice, shall provide for the administration of the
951 Preliminary SAT/National Merit Scholarship Qualifying Test
952 (PSAT/NMSQT), or the PreACT ~~preliminary ACT~~ to all enrolled 10th
953 grade students. However, a written notice shall be provided to
954 each parent which must include the opportunity to exempt his or
955 her child from taking the PSAT/NMSQT or the PreACT ~~preliminary~~
956 ~~ACT~~.

957 (a) Test results will provide each high school with a

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958 database of student assessment data which certified school
959 counselors will use to identify students who are prepared or who
960 need additional work to be prepared to enroll and be successful
961 in AP courses or other advanced high school courses.

962 (b) Funding for the PSAT/NMSQT or the PreACT ~~preliminary~~
963 ~~ACT~~ for all 10th grade students shall be contingent upon annual
964 funding in the General Appropriations Act.

965 (c) Public school districts must choose either the
966 PSAT/NMSQT or the PreACT ~~preliminary~~ ~~ACT~~ for districtwide
967 administration.

968 (6) The partnership shall:

969 (j) Provide information to students, parents, teachers,
970 counselors, administrators, districts, Florida College System
971 institutions, and state universities regarding PSAT/NMSQT or the
972 PreACT ~~preliminary~~ ~~ACT~~ administration, including, but not
973 limited to:

974 1. Test administration dates and times.

975 2. That participation in the PSAT/NMSQT or the PreACT
976 ~~preliminary~~ ~~ACT~~ is open to all 10th grade students.

977 3. The value of such tests in providing diagnostic feedback
978 on student skills.

979 4. The value of student scores in predicting the
980 probability of success on AP or other advanced course
981 examinations.

982 (8) (a) By September 30 of each year, the partnership shall
983 submit to the department a report that contains an evaluation of
984 the effectiveness of the delivered services and activities.
985 Activities and services must be evaluated on their effectiveness
986 at raising student achievement and increasing the number of AP

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987 or other advanced course examinations in low-performing middle
988 and high schools. Other indicators that must be addressed in the
989 evaluation report include the number of middle and high school
990 teachers trained; the effectiveness of the training; measures of
991 postsecondary readiness of the students affected by the program;
992 levels of participation in 10th grade PSAT/NMSQT or the PreACT
993 ~~preliminary ACT~~ testing; and measures of student, parent, and
994 teacher awareness of and satisfaction with the services of the
995 partnership.

996 (b) The department shall contribute to the evaluation
997 process by providing access, consistent with s. 119.071(5)(a),
998 to student and teacher information necessary to match against
999 databases containing teacher professional development data and
1000 databases containing assessment data for the PSAT/NMSQT, SAT,
1001 ACT, PreACT, AP, and other appropriate measures. The department
1002 shall also provide student-level data on student progress from
1003 middle school through high school and into college and the
1004 workforce, if available, in order to support longitudinal
1005 studies. The partnership shall analyze and report student
1006 performance data in a manner that protects the rights of
1007 students and parents as required in 20 U.S.C. s. 1232g and s.
1008 1002.22.

1009 Section 14. For the 2018-2019 fiscal year, the sum of \$9.7
1010 million in recurring funds from the General Revenue Fund is
1011 appropriated to the Department of Education to fund reading
1012 scholarship accounts pursuant to s. 1002.411, Florida Statutes,
1013 and \$300,000 in recurring funds from the General Revenue Fund
1014 shall be provided as an administrative fee pursuant to s.
1015 1002.411(7)(g), Florida Statutes.

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Section 15. This act shall take effect July 1, 2018.