

1 A bill to be entitled
2 An act relating to dyslexia; creating s. 1001.2151,
3 F.S.; providing legislative intent; requiring public
4 schools to screen all students in kindergarten through
5 grade 3 for dyslexia within a certain timeframe;
6 requiring public school students with a substantial
7 deficiency in reading to be placed in an intensive
8 remedial intervention program; requiring parental
9 notification of dyslexia diagnoses and bi-weekly
10 progress reports; providing for subsequent diagnostic
11 assessment; requiring that intensive remedial
12 intervention meet certain requirements; requiring
13 remedial intervention to continue until the student
14 can perform at a certain level; requiring public
15 schools to have at least one person on staff trained
16 in the instruction of students with dyslexia;
17 requiring the State Board of Education to adopt rules;
18 amending s. 1003.01, F.S.; defining the terms
19 "dyscalculia," "dysgraphia," and "dyslexia"; creating
20 the Dyslexia Task Force within the Department of
21 Education; specifying the purpose and membership of
22 the task force; requiring the task force to be
23 appointed and to hold its first meeting within a
24 certain timeframe; providing that task force members
25 serve without compensation, but may receive

26 reimbursement for certain expenses; amending ss.
 27 11.45, 39.0016, 414.1251, 1002.01, 1002.20, 1002.3105,
 28 1002.33, 1002.385, 1002.42, 1002.43, 1003.03, 1003.21,
 29 1003.26, 1003.4282, 1003.52, 1003.575, 1006.07,
 30 1008.24, and 1012.2315, F.S.; conforming cross-
 31 references; providing an effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Section 1001.2151, Florida Statutes, is created
 36 to read:

37 1001.2151 LITERACY-BASED PROMOTION.—It is the intent of
 38 the Legislature to ensure that each student's progression in
 39 kindergarten through grade 3 is determined in part upon the
 40 student's proficiency in reading. Local school board policies
 41 shall facilitate this proficiency, and each student and the
 42 student's parent or legal guardian shall be informed of the
 43 student's academic progress.

44 (1) Within the first 30 days of the school year, each
 45 public school shall screen each student in kindergarten through
 46 grade 3 for dyslexia using a dyslexia diagnostic assessment
 47 screeener.

48 (2) Each public school student in kindergarten through
 49 grade 3 who exhibits a substantial deficiency in reading at any
 50 time, as demonstrated through his or her performance on a

51 dyslexia diagnostic assessment screener approved and developed
52 by the State Board of Education, must be placed in an intensive
53 remedial intervention program.

54 (3) The parent of any student in kindergarten through
55 grade 3 who exhibits dyslexia shall be immediately notified by
56 the student's school of the student's deficiency pursuant to s.
57 1008.25(5) and the parent shall be provided a progress report
58 issued at 2 week intervals while the child continues to exhibit
59 dyslexia. The parent shall also be notified in writing by the
60 school of the process to request a special education evaluation.

61 (4) The dyslexia diagnostic assessment screener may be
62 repeated at midyear and at the end of the school year to
63 determine student progression in reading. If it is determined
64 that the student continues to exhibit a reading deficiency, he
65 or she must be provided with continued intensive remedial
66 intervention by the school district until the deficiency is
67 remedied. Every public school must provide intensive
68 interventions for every student in kindergarten through grade 3
69 identified with a deficiency in reading or with dyslexia to
70 ameliorate the student's specific deficiency.

71 (5) The intensive remedial intervention program must
72 include effective instructional strategies and appropriate
73 teaching methodologies to assist the student in becoming a
74 successful reader able to read at or above grade level and ready
75 for promotion to the next grade. The intensive remedial

76 | intervention program must be continued until the student can
 77 | maintain grade level performance in decoding, encoding, reading
 78 | fluency, and reading comprehension without continued supportive
 79 | intervention and services.

80 | (6) Every public school is required to have employed on
 81 | staff at least one person trained in the instruction of students
 82 | with dyslexia.

83 | (7) The State Board of Education shall adopt rules that
 84 | require students to be evaluated for phonological awareness to
 85 | determine whether the student has a specific learning
 86 | disability.

87 | Section 2. Section 1003.01, Florida Statutes, is amended
 88 | to read:

89 | 1003.01 Definitions.—As used in this chapter, the term:

90 | (6)~~(1)~~ "District school board" means the members who are
 91 | elected by the voters of a school district created and existing
 92 | pursuant to s. 4, Art. IX of the State Constitution to operate
 93 | and control public K-12 education within the school district.

94 | (18)~~(2)~~ "School" means an organization of students for
 95 | instructional purposes on an elementary, middle or junior high
 96 | school, secondary or high school, or other public school level
 97 | authorized under rules of the State Board of Education.

98 | (8) "Dyscalculia" means a specific learning disability
 99 | that is:

100 | (a) Neurological in origin;

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101 (b) Characterized by difficulties with learning and
102 comprehending arithmetic, understanding numbers, performing
103 mathematical calculations, and learning mathematics; and

104 (c) Often unexpected in relation to other cognitive
105 abilities and the provision of effective classroom instruction.

106 (9) "Dysgraphia" means a specific learning disability that
107 is:

108 (a) Neurological in origin;

109 (b) Characterized by difficulties with accurate writing
110 abilities, spelling, handwriting, and putting thoughts on paper;
111 and

112 (c) Often unexpected in relation to other cognitive
113 abilities and the provision of effective classroom instruction.

114 (10) "Dyslexia" means a specific learning disability that
115 is:

116 (a) Neurological in origin;

117 (b) Characterized by difficulties with accurate and fluent
118 word recognition, spelling, and decoding which typically result
119 from a deficit in the phonological component of language; and

120 (c) Often unexpected in relation to other cognitive
121 abilities and the provision of effective classroom instruction.

122 Secondary consequences may include problems in reading
123 comprehension and reduced reading experience that can impede
124 growth of vocabulary and background knowledge.

125 (11)-(3)-(a) "Exceptional student" means any student who has

126 | been determined eligible for a special program in accordance
127 | with rules of the State Board of Education. The term includes
128 | students who are gifted and students with disabilities who have
129 | an intellectual disability; autism spectrum disorder; a speech
130 | impairment; a language impairment; an orthopedic impairment; any
131 | ~~an~~ other health impairment; traumatic brain injury; a visual
132 | impairment; an emotional or behavioral disability; or a specific
133 | learning disability, including, but not limited to, dyslexia,
134 | dyscalculia, or developmental aphasia; students who are deaf or
135 | hard of hearing or dual sensory impaired; students who are
136 | hospitalized or homebound; children with developmental delays
137 | ages birth through 5 years, or children, ages birth through 2
138 | years, with established conditions that are identified in State
139 | Board of Education rules pursuant to s. 1003.21(1)(e).

140 | (b) "Special education services" means specially designed
141 | instruction and such related services as are necessary for an
142 | exceptional student to benefit from education. Such services may
143 | include: transportation; diagnostic and evaluation services;
144 | social services; physical and occupational therapy; speech and
145 | language pathology services; job placement; orientation and
146 | mobility training; braillists, typists, and readers for the
147 | blind; interpreters and auditory amplification; services
148 | provided by a certified listening and spoken language
149 | specialist; rehabilitation counseling; transition services;
150 | mental health services; guidance and career counseling;

151 specified materials, assistive technology devices, and other
152 specialized equipment; and other such services as approved by
153 rules of the state board.

154 (2)~~(4)~~ "Career education" means education that provides
155 instruction for the following purposes:

156 (a) At the elementary, middle, and high school levels,
157 exploratory courses designed to give students initial exposure
158 to a broad range of occupations to assist them in preparing
159 their academic and occupational plans, and practical arts
160 courses that provide generic skills that may apply to many
161 occupations but are not designed to prepare students for entry
162 into a specific occupation. Career education provided before
163 high school completion must be designed to strengthen both
164 occupational awareness and academic skills integrated throughout
165 all academic instruction.

166 (b) At the secondary school level, job-preparatory
167 instruction in the competencies that prepare students for
168 effective entry into an occupation, including diversified
169 cooperative education, work experience, and job-entry programs
170 that coordinate directed study and on-the-job training.

171 (c) At the postsecondary education level, courses of study
172 that provide competencies needed for entry into specific
173 occupations or for advancement within an occupation.

174 (19)~~(5)~~(a) "Suspension," also referred to as out-of-school
175 suspension, means the temporary removal of a student from all

176 classes of instruction on public school grounds and all other
177 school-sponsored activities, except as authorized by the
178 principal or the principal's designee, for a period not to
179 exceed 10 school days and remanding of the student to the
180 custody of the student's parent with specific homework
181 assignments for the student to complete.

182 (b) "In-school suspension" means the temporary removal of
183 a student from the student's regular school program and
184 placement in an alternative program, such as that provided in s.
185 1003.53, under the supervision of district school board
186 personnel, for a period not to exceed 10 school days.

187 (12)~~(6)~~ "Expulsion" means the removal of the right and
188 obligation of a student to attend a public school under
189 conditions set by the district school board, and for a period of
190 time not to exceed the remainder of the term or school year and
191 1 additional year of attendance. Expulsions may be imposed with
192 or without continuing educational services and shall be reported
193 accordingly.

194 (5)~~(7)~~ "Corporal punishment" means the moderate use of
195 physical force or physical contact by a teacher or principal as
196 may be necessary to maintain discipline or to enforce school
197 rule. However, the term "corporal punishment" does not include
198 the use of such reasonable force by a teacher or principal as
199 may be necessary for self-protection or to protect other
200 students from disruptive students.

201 (14)~~(8)~~ "Habitual truant" means a student who has 15
202 unexcused absences within 90 calendar days with or without the
203 knowledge or consent of the student's parent, is subject to
204 compulsory school attendance under s. 1003.21(1) and (2)(a), and
205 is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting
206 the criteria for any other exemption specified by law or rules
207 of the State Board of Education. Such a student must have been
208 the subject of the activities specified in ss. 1003.26 and
209 1003.27(3), without resultant successful remediation of the
210 truancy problem before being dealt with as a child in need of
211 services according to the provisions of chapter 984.

212 (7)~~(9)~~ "Dropout" means a student who meets any one or more
213 of the following criteria:

214 (a) The student has voluntarily removed himself or herself
215 from the school system before graduation for reasons that
216 include, but are not limited to, marriage, or the student has
217 withdrawn from school because he or she has failed the statewide
218 student assessment test and thereby does not receive any of the
219 certificates of completion;

220 (b) The student has not met the relevant attendance
221 requirements of the school district pursuant to State Board of
222 Education rules, or the student was expected to attend a school
223 but did not enter as expected for unknown reasons, or the
224 student's whereabouts are unknown;

225 (c) The student has withdrawn from school, but has not

226 transferred to another public or private school or enrolled in
 227 any career, adult, home education, or alternative educational
 228 program;

229 (d) The student has withdrawn from school due to hardship,
 230 unless such withdrawal has been granted under the provisions of
 231 s. 322.091, court action, expulsion, medical reasons, or
 232 pregnancy; or

233 (e) The student is not eligible to attend school because
 234 of reaching the maximum age for an exceptional student program
 235 in accordance with the district's policy.

236
 237 The State Board of Education may adopt rules to implement the
 238 provisions of this subsection.

239 (1)~~(10)~~ "Alternative measures for students with special
 240 needs" or "special programs" means measures designed to meet the
 241 special needs of a student that cannot be met by regular school
 242 curricula.

243 (15)~~(11)~~(a) "Juvenile justice education programs or
 244 schools" means programs or schools operating for the purpose of
 245 providing educational services to youth in Department of
 246 Juvenile Justice programs, for a school year comprised of 250
 247 days of instruction distributed over 12 months. At the request
 248 of the provider, a district school board may decrease the
 249 minimum number of days of instruction by up to 10 days for
 250 teacher planning for residential programs and up to 20 days for

251 teacher planning for nonresidential programs, subject to the
252 approval of the Department of Juvenile Justice and the
253 Department of Education.

254 (b) "Juvenile justice provider" means the Department of
255 Juvenile Justice, the sheriff, or a private, public, or other
256 governmental organization under contract with the Department of
257 Juvenile Justice or the sheriff that provides treatment, care
258 and custody, or educational programs for youth in juvenile
259 justice intervention, detention, or commitment programs.

260 (3)~~(12)~~ "Children and youths who are experiencing
261 homelessness," for programs authorized under subtitle B,
262 Education for Homeless Children and Youths, of Title VII of the
263 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
264 seq., means children and youths who lack a fixed, regular, and
265 adequate nighttime residence, and includes:

266 (a) Children and youths who are sharing the housing of
267 other persons due to loss of housing, economic hardship, or a
268 similar reason; are living in motels, hotels, travel trailer
269 parks, or camping grounds due to the lack of alternative
270 adequate accommodations; are living in emergency or transitional
271 shelters; are abandoned in hospitals; or are awaiting foster
272 care placement.

273 (b) Children and youths who have a primary nighttime
274 residence that is a public or private place not designed for or
275 ordinarily used as a regular sleeping accommodation for human

276 beings.

277 (c) Children and youths who are living in cars, parks,
278 public spaces, abandoned buildings, bus or train stations, or
279 similar settings.

280 (d) Migratory children who are living in circumstances
281 described in paragraphs (a)-(c).

282 (17)~~(13)~~ "Regular school attendance" means the actual
283 attendance of a student during the school day as defined by law
284 and rules of the State Board of Education. Regular attendance
285 within the intent of s. 1003.21 may be achieved by attendance
286 in:

287 (a) A public school supported by public funds;

288 (b) A parochial, religious, or denominational school;

289 (c) A private school supported in whole or in part by
290 tuition charges or by endowments or gifts;

291 (d) A home education program that meets the requirements
292 of chapter 1002; or

293 (e) A private tutoring program that meets the requirements
294 of chapter 1002.

295 (4)~~(14)~~ "Core-curricula courses" means:

296 (a) Courses in language arts/reading, mathematics, social
297 studies, and science in prekindergarten through grade 3,
298 excluding extracurricular courses pursuant to subsection (13)
299 ~~subsection (15)~~;

300 (b) Courses in grades 4 through 8 in subjects that are

301 measured by state assessment at any grade level and courses
 302 required for middle school promotion, excluding extracurricular
 303 courses pursuant to subsection (13) ~~subsection (15)~~;

304 (c) Courses in grades 9 through 12 in subjects that are
 305 measured by state assessment at any grade level and courses that
 306 are specifically identified by name in statute as required for
 307 high school graduation and that are not measured by state
 308 assessment, excluding extracurricular courses pursuant to
 309 subsection (13) ~~subsection (15)~~;

310 (d) Exceptional student education courses; and

311 (e) English for Speakers of Other Languages courses.

312

313 The term is limited in meaning and used for the sole purpose of
 314 designating classes that are subject to the maximum class size
 315 requirements established in s. 1, Art. IX of the State
 316 Constitution. This term does not include courses offered under
 317 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
 318 1003.499.

319 ~~(13)(15)~~ "Extracurricular courses" means all courses that
 320 are not defined as "core-curricula courses," which may include,
 321 but are not limited to, physical education, fine arts,
 322 performing fine arts, career education, and courses that may
 323 result in college credit. The term is limited in meaning and
 324 used for the sole purpose of designating classes that are not
 325 subject to the maximum class size requirements established in s.

326 1, Art. IX of the State Constitution.

327 (16) "Physical education" means the development or
328 maintenance of skills related to strength, agility, flexibility,
329 movement, and stamina, including dance; the development of
330 knowledge and skills regarding teamwork and fair play; the
331 development of knowledge and skills regarding nutrition and
332 physical fitness as part of a healthy lifestyle; and the
333 development of positive attitudes regarding sound nutrition and
334 physical activity as a component of personal well-being.

335 Section 3. The Dyslexia Task Force, a task force as
336 defined in s. 20.03, Florida Statutes, is established within the
337 Department of Education.

338 (1) The task force shall develop a dyslexia handbook that
339 must include, but is not limited to, the following:

340 (a) Recommendations on how to identify dyslexia,
341 dysgraphia, and dyscalculia;

342 (b) Recommendations for appropriate goal writing for
343 individual education plans (IEPs) for students with dyslexia,
344 dysgraphia, or dyscalculia;

345 (c) Recommendations for interventions for dyslexia,
346 dysgraphia, and dyscalculia;

347 (d) Recommendations for provision of assistive technology
348 guidelines; and

349 (e) Recommendations for the creation of a parent handbook
350 regarding dyslexia, dysgraphia, and dyscalculia.

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351 (2) The task force shall recommend amendments to uniform
352 IEP documents to require a drop down menu under specific
353 learning disabilities that allows child study teams to check all
354 learning disabilities that are exhibited by the student,
355 including dyslexia, dysgraphia, and dyscalculia.

356 (3) The task force shall consist of the following five
357 members appointed by the Commissioner of Education:

358 (a) A member of an organization focused on dyslexia.

359 (b) A member of an organization focused on dysgraphia.

360 (c) A member of an organization focused on dyscalculia.

361 (d) A public school teacher.

362 (e) A public school principal.

363 (4) Within 90 days after the effective date of this act, a
364 majority of the members of the task force must be appointed and
365 the task force shall hold its first meeting. The task force
366 shall elect one of its members to serve as chair. Members of the
367 task force shall serve for the duration of the existence of the
368 task force. Any vacancy that occurs shall be filled in the same
369 manner as the original appointment. Task force members shall
370 serve without compensation, but are entitled to reimbursement
371 for per diem and travel expenses as provided in s. 112.061,
372 Florida Statutes.

373 Section 4. Paragraph (k) of subsection (2) of section
374 11.45, Florida Statutes, is amended to read:

375 11.45 Definitions; duties; authorities; reports; rules.—

376 (2) DUTIES.—The Auditor General shall:
 377 (k) Contact each district school board, as defined in s.
 378 1003.01 ~~s. 1003.01(1)~~, with the findings and recommendations
 379 contained within the Auditor General's previous operational
 380 audit report. The district school board shall provide the
 381 Auditor General with evidence of the initiation of corrective
 382 action within 45 days after the date it is requested by the
 383 Auditor General and evidence of completion of corrective action
 384 within 180 days after the date it is requested by the Auditor
 385 General. If the district school board fails to comply with the
 386 Auditor General's request or is unable to take corrective action
 387 within the required timeframe, the Auditor General shall notify
 388 the Legislative Auditing Committee.

389
 390 The Auditor General shall perform his or her duties
 391 independently but under the general policies established by the
 392 Legislative Auditing Committee. This subsection does not limit
 393 the Auditor General's discretionary authority to conduct other
 394 audits or engagements of governmental entities as authorized in
 395 subsection (3).

396 Section 5. Paragraph (b) of subsection (3) of section
 397 39.0016, Florida Statutes, is amended to read:

398 39.0016 Education of abused, neglected, and abandoned
 399 children; agency agreements; children having or suspected of
 400 having a disability.—

401 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

402 (b)1. Each district school superintendent or dependency
403 court must appoint a surrogate parent for a child known to the
404 department who has or is suspected of having a disability, as
405 defined in s. 1003.01(11)(a) ~~s. 1003.01(3)~~, when:

406 a. After reasonable efforts, no parent can be located; or

407 b. A court of competent jurisdiction over a child under
408 this chapter has determined that no person has the authority
409 under the Individuals with Disabilities Education Act, including
410 the parent or parents subject to the dependency action, or that
411 no person has the authority, willingness, or ability to serve as
412 the educational decisionmaker for the child without judicial
413 action.

414 2. A surrogate parent appointed by the district school
415 superintendent or the court must be at least 18 years old and
416 have no personal or professional interest that conflicts with
417 the interests of the student to be represented. Neither the
418 district school superintendent nor the court may appoint an
419 employee of the Department of Education, the local school
420 district, a community-based care provider, the Department of
421 Children and Families, or any other public or private agency
422 involved in the education or care of the child as appointment of
423 those persons is prohibited by federal law. This prohibition
424 includes group home staff and therapeutic foster parents.
425 However, a person who acts in a parental role to a child, such

426 as a foster parent or relative caregiver, is not prohibited from
427 serving as a surrogate parent if he or she is employed by such
428 agency, willing to serve, and knowledgeable about the child and
429 the exceptional student education process. The surrogate parent
430 may be a court-appointed guardian ad litem or a relative or
431 nonrelative adult who is involved in the child's life regardless
432 of whether that person has physical custody of the child. Each
433 person appointed as a surrogate parent must have the knowledge
434 and skills acquired by successfully completing training using
435 materials developed and approved by the Department of Education
436 to ensure adequate representation of the child.

437 3. If a guardian ad litem has been appointed for a child,
438 the district school superintendent must first consider the
439 child's guardian ad litem when appointing a surrogate parent.
440 The district school superintendent must accept the appointment
441 of the court if he or she has not previously appointed a
442 surrogate parent. Similarly, the court must accept a surrogate
443 parent duly appointed by a district school superintendent.

444 4. A surrogate parent appointed by the district school
445 superintendent or the court must be accepted by any subsequent
446 school or school district without regard to where the child is
447 receiving residential care so that a single surrogate parent can
448 follow the education of the child during his or her entire time
449 in state custody. Nothing in this paragraph or in rule shall
450 limit or prohibit the continuance of a surrogate parent

451 appointment when the responsibility for the student's
452 educational placement moves among and between public and private
453 agencies.

454 5. For a child known to the department, the responsibility
455 to appoint a surrogate parent resides with both the district
456 school superintendent and the court with jurisdiction over the
457 child. If the court elects to appoint a surrogate parent, notice
458 shall be provided as soon as practicable to the child's school.
459 At any time the court determines that it is in the best
460 interests of a child to remove a surrogate parent, the court may
461 appoint a new surrogate parent for educational decisionmaking
462 purposes for that child.

463 6. The surrogate parent shall continue in the appointed
464 role until one of the following occurs:

465 a. The child is determined to no longer be eligible or in
466 need of special programs, except when termination of special
467 programs is being contested.

468 b. The child achieves permanency through adoption or legal
469 guardianship and is no longer in the custody of the department.

470 c. The parent who was previously unknown becomes known,
471 whose whereabouts were unknown is located, or who was
472 unavailable is determined by the court to be available.

473 d. The appointed surrogate no longer wishes to represent
474 the child or is unable to represent the child.

475 e. The superintendent of the school district in which the

476 child is attending school, the Department of Education contract
477 designee, or the court that appointed the surrogate determines
478 that the appointed surrogate parent no longer adequately
479 represents the child.

480 f. The child moves to a geographic location that is not
481 reasonably accessible to the appointed surrogate.

482 7. The appointment and termination of appointment of a
483 surrogate under this paragraph shall be entered as an order of
484 the court with a copy of the order provided to the child's
485 school as soon as practicable.

486 8. The person appointed as a surrogate parent under this
487 paragraph must:

488 a. Be acquainted with the child and become knowledgeable
489 about his or her disability and educational needs.

490 b. Represent the child in all matters relating to
491 identification, evaluation, and educational placement and the
492 provision of a free and appropriate education to the child.

493 c. Represent the interests and safeguard the rights of the
494 child in educational decisions that affect the child.

495 9. The responsibilities of the person appointed as a
496 surrogate parent shall not extend to the care, maintenance,
497 custody, residential placement, or any other area not
498 specifically related to the education of the child, unless the
499 same person is appointed by the court for such other purposes.

500 10. A person appointed as a surrogate parent shall enjoy

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501 all of the procedural safeguards afforded a parent with respect
502 to the identification, evaluation, and educational placement of
503 a student with a disability or a student who is suspected of
504 having a disability.

505 11. A person appointed as a surrogate parent shall not be
506 held liable for actions taken in good faith on behalf of the
507 student in protecting the special education rights of the child.

508 Section 6. Subsection (1) of section 414.1251, Florida
509 Statutes, is amended to read:

510 414.1251 Learnfare program.—

511 (1) The department shall reduce the temporary cash
512 assistance for a participant's eligible dependent child or for
513 an eligible teenage participant who has not been exempted from
514 education participation requirements, if the eligible dependent
515 child or eligible teenage participant has been identified either
516 as a habitual truant, pursuant to s. 1003.01 ~~s. 1003.01(8)~~, or
517 as a dropout, pursuant to s. 1003.01 ~~s. 1003.01(9)~~. For a
518 student who has been identified as a habitual truant, the
519 temporary cash assistance must be reinstated after a subsequent
520 grading period in which the child's attendance has substantially
521 improved. For a student who has been identified as a dropout,
522 the temporary cash assistance must be reinstated after the
523 student enrolls in a public school, receives a high school
524 diploma or its equivalency, enrolls in preparation for the high
525 school equivalency examination, or enrolls in other educational

526 activities approved by the district school board. Good cause
 527 exemptions from the rule of unexcused absences include the
 528 following:

529 (a) The student is expelled from school and alternative
 530 schooling is not available.

531 (b) No licensed day care is available for a child of teen
 532 parents subject to Learnfare.

533 (c) Prohibitive transportation problems exist (e.g., to
 534 and from day care).

535

536 Within 10 days after sanction notification, the participant
 537 parent of a dependent child or the teenage participant may file
 538 an internal fair hearings process review procedure appeal, and
 539 no sanction shall be imposed until the appeal is resolved.

540 Section 7. Section 1002.01, Florida Statutes, is amended
 541 to read:

542 1002.01 Definitions.—

543 (1) A "home education program" means the sequentially
 544 progressive instruction of a student directed by his or her
 545 parent in order to satisfy the attendance requirements of ss.
 546 1002.41, 1003.01(17) ~~1003.01(13)~~, and 1003.21(1).

547 (2) A "private school" is a nonpublic school defined as an
 548 individual, association, copartnership, or corporation, or
 549 department, division, or section of such organizations, that
 550 designates itself as an educational center that includes

551 kindergarten or a higher grade or as an elementary, secondary,
552 business, technical, or trade school below college level or any
553 organization that provides instructional services that meet the
554 intent of s. 1003.01(17) ~~s. 1003.01(13)~~ or that gives
555 preemployment or supplementary training in technology or in
556 fields of trade or industry or that offers academic, literary,
557 or career training below college level, or any combination of
558 the above, including an institution that performs the functions
559 of the above schools through correspondence or extension, except
560 those licensed under the provisions of chapter 1005. A private
561 school may be a parochial, religious, denominational, for-
562 profit, or nonprofit school. This definition does not include
563 home education programs conducted in accordance with s. 1002.41.

564 Section 8. Paragraph (b) of subsection (2) of section
565 1002.20, Florida Statutes, is amended to read:

566 1002.20 K-12 student and parent rights.—Parents of public
567 school students must receive accurate and timely information
568 regarding their child's academic progress and must be informed
569 of ways they can help their child to succeed in school. K-12
570 students and their parents are afforded numerous statutory
571 rights including, but not limited to, the following:

572 (2) ATTENDANCE.—

573 (b) *Regular school attendance.*—Parents of students who
574 have attained the age of 6 years by February 1 of any school
575 year but who have not attained the age of 16 years must comply

576 with the compulsory school attendance laws. Parents have the
 577 option to comply with the school attendance laws by attendance
 578 of the student in a public school; a parochial, religious, or
 579 denominational school; a private school; a home education
 580 program; or a private tutoring program, in accordance with the
 581 provisions of s. 1003.01(17) ~~s. 1003.01(13)~~.

582 Section 9. Paragraph (d) of subsection (3) of section
 583 1002.3105, Florida Statutes, is amended to read:

584 1002.3105 Academically Challenging Curriculum to Enhance
 585 Learning (ACCEL) options.—

586 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
 587 student eligibility requirements, principals and school
 588 districts must consider, at a minimum:

589 (d) Recommendations from one or more of the student's
 590 teachers in core-curricula courses as defined in s. 1003.01 ~~s.~~
 591 ~~1003.01(14)(a)–(e)~~.

592 Section 10. Paragraph (a) of subsection (20) of section
 593 1002.33, Florida Statutes, is amended to read:

594 1002.33 Charter schools.—

595 (20) SERVICES.—

596 (a)1. A sponsor shall provide certain administrative and
 597 educational services to charter schools. These services shall
 598 include contract management services; full-time equivalent and
 599 data reporting services; exceptional student education
 600 administration services; services related to eligibility and

601 reporting duties required to ensure that school lunch services
602 under the National School Lunch Program, consistent with the
603 needs of the charter school, are provided by the school district
604 at the request of the charter school, that any funds due to the
605 charter school under the National School Lunch Program be paid
606 to the charter school as soon as the charter school begins
607 serving food under the National School Lunch Program, and that
608 the charter school is paid at the same time and in the same
609 manner under the National School Lunch Program as other public
610 schools serviced by the sponsor or the school district; test
611 administration services, including payment of the costs of
612 state-required or district-required student assessments;
613 processing of teacher certificate data services; and information
614 services, including equal access to student information systems
615 that are used by public schools in the district in which the
616 charter school is located. Student performance data for each
617 student in a charter school, including, but not limited to, FCAT
618 scores, standardized test scores, previous public school student
619 report cards, and student performance measures, shall be
620 provided by the sponsor to a charter school in the same manner
621 provided to other public schools in the district.

622 2. A sponsor may withhold an administrative fee for the
623 provision of such services which shall be a percentage of the
624 available funds defined in paragraph (17) (b) calculated based on
625 weighted full-time equivalent students. If the charter school

626 serves 75 percent or more exceptional education students as
 627 defined in s. 1003.01 ~~s. 1003.01(3)~~, the percentage shall be
 628 calculated based on unweighted full-time equivalent students.
 629 The administrative fee shall be calculated as follows:

630 a. Up to 5 percent for:

631 (I) Enrollment of up to and including 250 students in a
 632 charter school as defined in this section.

633 (II) Enrollment of up to and including 500 students within
 634 a charter school system which meets all of the following:

635 (A) Includes conversion charter schools and nonconversion
 636 charter schools.

637 (B) Has all of its schools located in the same county.

638 (C) Has a total enrollment exceeding the total enrollment
 639 of at least one school district in the state.

640 (D) Has the same governing board for all of its schools.

641 (E) Does not contract with a for-profit service provider
 642 for management of school operations.

643 (III) Enrollment of up to and including 250 students in a
 644 virtual charter school.

645 b. Up to 2 percent for enrollment of up to and including
 646 250 students in a high-performing charter school as defined in
 647 s. 1002.331.

648 3. A sponsor may not charge charter schools any additional
 649 fees or surcharges for administrative and educational services
 650 in addition to the maximum percentage of administrative fees

651 withheld pursuant to this paragraph.

652 4. A sponsor shall provide to the department by September
 653 15 of each year the total amount of funding withheld from
 654 charter schools pursuant to this subsection for the prior fiscal
 655 year. The department must include the information in the report
 656 required under sub-sub-subparagraph (5) (b) 1.k. (III).

657 Section 11. Paragraph (h) of subsection (5) and paragraph
 658 (a) of subsection (11) of section 1002.385, Florida Statutes,
 659 are amended to read:

660 1002.385 The Gardiner Scholarship.—

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

664 (h) Tuition and fees for part-time tutoring services
 665 provided by a person who holds a valid Florida educator's
 666 certificate pursuant to s. 1012.56; a person who holds an
 667 adjunct teaching certificate pursuant to s. 1012.57; a person
 668 who has a bachelor's degree or a graduate degree in the subject
 669 area in which instruction is given; or a person who has
 670 demonstrated a mastery of subject area knowledge pursuant to s.
 671 1012.56(5). As used in this paragraph, the term "part-time
 672 tutoring services" does not qualify as regular school attendance
 673 as defined in s. 1003.01 ~~s. 1003.01(13)(e)~~.

674
 675 A provider of any services receiving payments pursuant to this

676 subsection may not share, refund, or rebate any moneys from the
677 Gardiner Scholarship with the parent or participating student in
678 any manner. A parent, student, or provider of any services may
679 not bill an insurance company, Medicaid, or any other agency for
680 the same services that are paid for using Gardiner Scholarship
681 funds.

682 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
683 PARTICIPATION.—A parent who applies for program participation
684 under this section is exercising his or her parental option to
685 determine the appropriate placement or the services that best
686 meet the needs of his or her child. The scholarship award for a
687 student is based on a matrix that assigns the student to support
688 Level III services. If a parent receives an IEP and a matrix of
689 services from the school district pursuant to subsection (7),
690 the amount of the payment shall be adjusted as needed, when the
691 school district completes the matrix.

692 (a) To satisfy or maintain program eligibility, including
693 eligibility to receive and spend program payments, the parent
694 must sign an agreement with the organization and annually submit
695 a notarized, sworn compliance statement to the organization to:

696 1. Affirm that the student is enrolled in a program that
697 meets regular school attendance requirements as provided in s.
698 1003.01(17)(b)-(d) ~~s. 1003.01(13)(b)-(d)~~.

699 2. Affirm that the program funds are used only for
700 authorized purposes serving the student's educational needs, as

701 described in subsection (5).

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

704 a. Requiring the student to take an assessment in
705 accordance with paragraph (8)(b);

706 b. Providing an annual evaluation in accordance with s.
707 1002.41(1)(f); or

708 c. Requiring the child to take any preassessments and
709 postassessments selected by the provider if the child is 4 years
710 of age and is enrolled in a program provided by an eligible
711 Voluntary Prekindergarten Education Program provider. A student
712 with disabilities for whom a preassessment and postassessment is
713 not appropriate is exempt from this requirement. A participating
714 provider shall report a student's scores to the parent.

715 4. Affirm that the student remains in good standing with
716 the provider or school if those options are selected by the
717 parent.

718

719 A parent who fails to comply with this subsection forfeits the
720 Gardiner Scholarship.

721 Section 12. Subsection (7) of section 1002.42, Florida
722 Statutes, is amended to read:

723 1002.42 Private schools.—

724 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
725 private, parochial, religious, or denominational school

726 satisfies the attendance requirements of ss. 1003.01(17) ~~ss.~~
 727 ~~1003.01(13)~~ and 1003.21(1).

728 Section 13. Subsection (1) of section 1002.43, Florida
 729 Statutes, is amended to read:

730 1002.43 Private tutoring programs.—

731 (1) Regular school attendance as defined in s. 1003.01 ~~s.~~
 732 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring
 733 program if the person tutoring the student meets the following
 734 requirements:

735 (a) Holds a valid Florida certificate to teach the
 736 subjects or grades in which instruction is given.

737 (b) Keeps all records and makes all reports required by
 738 the state and district school board and makes regular reports on
 739 the attendance of students in accordance with the provisions of
 740 s. 1003.23(2).

741 (c) Requires students to be in actual attendance for the
 742 minimum length of time prescribed by s. 1011.60(2).

743 Section 14. Subsection (6) of section 1003.03, Florida
 744 Statutes, is amended to read:

745 1003.03 Maximum class size.—

746 (6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(4)
 747 ~~s. 1003.01(14)~~, the Department of Education shall identify from
 748 the Course Code Directory the core-curricula courses for the
 749 purpose of satisfying the maximum class size requirement in this
 750 section. The department may adopt rules to implement this

751 subsection, if necessary.

752 Section 15. Subsection (4) of section 1003.21, Florida
753 Statutes, is amended to read:

754 1003.21 School attendance.—

755 (4) Before admitting a child to kindergarten, the
756 principal shall require evidence that the child has attained the
757 age at which he or she should be admitted in accordance with the
758 provisions of subparagraph (1)(a)2. The district school
759 superintendent may require evidence of the age of any child who
760 is being enrolled in public school and who the district school
761 superintendent believes to be within the limits of compulsory
762 attendance as provided for by law; however, the district school
763 superintendent may not require evidence from any child who meets
764 regular attendance requirements by attending a school or program
765 listed in s. 1003.01(17)(b)-(e) ~~s. 1003.01(13)(b)-(e)~~. If the
766 first prescribed evidence is not available, the next evidence
767 obtainable in the order set forth below shall be accepted:

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

771 (b) A duly attested transcript of a certificate of baptism
772 showing the date of birth and place of baptism of the child,
773 accompanied by an affidavit sworn to by the parent;

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

776 (d) A bona fide contemporary religious record of the
 777 child's birth accompanied by an affidavit sworn to by the
 778 parent;

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

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

784 (g) If none of these evidences can be produced, an
 785 affidavit of age sworn to by the parent, accompanied by a
 786 certificate of age signed by a public health officer or by a
 787 public school physician, or, if these are not available in the
 788 county, by a licensed practicing physician designated by the
 789 district school board, which states that the health officer or
 790 physician has examined the child and believes that the age as
 791 stated in the affidavit is substantially correct. Children and
 792 youths who are experiencing homelessness and children who are
 793 known to the department, as defined in s. 39.0016, shall be
 794 given temporary exemption from this section for 30 school days.

795 Section 16. Paragraph (f) of subsection (1) of section
 796 1003.26, Florida Statutes, is amended to read:

797 1003.26 Enforcement of school attendance.—The Legislature
 798 finds that poor academic performance is associated with
 799 nonattendance and that school districts must take an active role
 800 in promoting and enforcing attendance as a means of improving

801 student performance. It is the policy of the state that each
802 district school superintendent be responsible for enforcing
803 school attendance of all students subject to the compulsory
804 school age in the school district and supporting enforcement of
805 school attendance by local law enforcement agencies. The
806 responsibility includes recommending policies and procedures to
807 the district school board that require public schools to respond
808 in a timely manner to every unexcused absence, and every absence
809 for which the reason is unknown, of students enrolled in the
810 schools. District school board policies shall require the parent
811 of a student to justify each absence of the student, and that
812 justification will be evaluated based on adopted district school
813 board policies that define excused and unexcused absences. The
814 policies must provide that public schools track excused and
815 unexcused absences and contact the home in the case of an
816 unexcused absence from school, or an absence from school for
817 which the reason is unknown, to prevent the development of
818 patterns of nonattendance. The Legislature finds that early
819 intervention in school attendance is the most effective way of
820 producing good attendance habits that will lead to improved
821 student learning and achievement. Each public school shall
822 implement the following steps to promote and enforce regular
823 school attendance:

824 (1) CONTACT, REFER, AND ENFORCE.—

825 (f)1. If the parent of a child who has been identified as

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826 exhibiting a pattern of nonattendance enrolls the child in a
827 home education program pursuant to chapter 1002, the district
828 school superintendent shall provide the parent a copy of s.
829 1002.41 and the accountability requirements of this paragraph.
830 The district school superintendent shall also refer the parent
831 to a home education review committee composed of the district
832 contact for home education programs and at least two home
833 educators selected by the parent from a district list of all
834 home educators who have conducted a home education program for
835 at least 3 years and who have indicated a willingness to serve
836 on the committee. The home education review committee shall
837 review the portfolio of the student, as defined by s. 1002.41,
838 every 30 days during the district's regular school terms until
839 the committee is satisfied that the home education program is in
840 compliance with s. 1002.41(1)(d). The first portfolio review
841 must occur within the first 30 calendar days of the
842 establishment of the program. The provisions of subparagraph 2.
843 do not apply once the committee determines the home education
844 program is in compliance with s. 1002.41(1)(d).

845 2. If the parent fails to provide a portfolio to the
846 committee, the committee shall notify the district school
847 superintendent. The district school superintendent shall then
848 terminate the home education program and require the parent to
849 enroll the child in an attendance option that meets the
850 definition of "regular school attendance" under s.

851 1003.01(17)(a), (b), (c), or (e) ~~s. 1003.01(13)(a), (b), (c), or~~
852 ~~(e)~~, within 3 days. Upon termination of a home education program
853 pursuant to this subparagraph, the parent shall not be eligible
854 to reenroll the child in a home education program for 180
855 calendar days. Failure of a parent to enroll the child in an
856 attendance option as required by this subparagraph after
857 termination of the home education program pursuant to this
858 subparagraph shall constitute noncompliance with the compulsory
859 attendance requirements of s. 1003.21 and may result in criminal
860 prosecution under s. 1003.27(2). Nothing contained herein shall
861 restrict the ability of the district school superintendent, or
862 the ability of his or her designee, to review the portfolio
863 pursuant to s. 1002.41(1)(e).

864 Section 17. Paragraph (b) of subsection (1) of section
865 1003.4282, Florida Statutes, is amended to read:

866 1003.4282 Requirements for a standard high school
867 diploma.—

868 (1) TWENTY-FOUR CREDITS REQUIRED.—

869 (b) The required credits may be earned through equivalent,
870 applied, or integrated courses or career education courses as
871 defined in s. 1003.01 ~~s. 1003.01(4)~~, including work-related
872 internships approved by the State Board of Education and
873 identified in the course code directory. However, any must-pass
874 assessment requirements must be met. An equivalent course is one
875 or more courses identified by content-area experts as being a

876 | match to the core curricular content of another course, based
 877 | upon review of the Next Generation Sunshine State Standards for
 878 | that subject. An applied course aligns with Next Generation
 879 | Sunshine State Standards and includes real-world applications of
 880 | a career and technical education standard used in business or
 881 | industry. An integrated course includes content from several
 882 | courses within a content area or across content areas.

883 | Section 18. Subsection (4) of section 1003.52, Florida
 884 | Statutes, is amended to read:

885 | 1003.52 Educational services in Department of Juvenile
 886 | Justice programs.—

887 | (4) Educational services shall be provided at times of the
 888 | day most appropriate for the juvenile justice program. School
 889 | programming in juvenile justice detention, prevention, day
 890 | treatment, and residential programs shall be made available by
 891 | the local school district during the juvenile justice school
 892 | year, as provided in s. 1003.01(15) ~~s. 1003.01(11)~~. In addition,
 893 | students in juvenile justice education programs shall have
 894 | access to courses offered pursuant to ss. 1002.37, 1002.45, and
 895 | 1003.498. The Department of Education and the school districts
 896 | shall adopt policies necessary to provide such access.

897 | Section 19. Section 1003.575, Florida Statutes, is amended
 898 | to read:

899 | 1003.575 Assistive technology devices; findings;
 900 | interagency agreements.—Accessibility, utilization, and

901 coordination of appropriate assistive technology devices and
902 services are essential as a young person with disabilities moves
903 from early intervention to preschool, from preschool to school,
904 from one school to another, from school to employment or
905 independent living, and from school to home and community. If an
906 individual education plan team makes a recommendation in
907 accordance with State Board of Education rule for a student with
908 a disability, as defined in s. 1003.01(11) ~~s. 1003.01(3)~~, to
909 receive an assistive technology assessment, that assessment must
910 be completed within 60 school days after the team's
911 recommendation. To ensure that an assistive technology device
912 issued to a young person as part of his or her individualized
913 family support plan, individual support plan, individualized
914 plan for employment, or individual education plan remains with
915 the individual through such transitions, the following agencies
916 shall enter into interagency agreements, as appropriate, to
917 ensure the transaction of assistive technology devices:

918 (1) The Early Steps Program in the Division of Children's
919 Medical Services of the Department of Health.

920 (2) The Division of Blind Services, the Bureau of
921 Exceptional Education and Student Services, the Office of
922 Independent Education and Parental Choice, and the Division of
923 Vocational Rehabilitation of the Department of Education.

924 (3) The Voluntary Prekindergarten Education Program
925 administered by the Department of Education and the Office of

926 Early Learning.

927

928 Interagency agreements entered into pursuant to this section
929 shall provide a framework for ensuring that young persons with
930 disabilities and their families, educators, and employers are
931 informed about the utilization and coordination of assistive
932 technology devices and services that may assist in meeting
933 transition needs, and shall establish a mechanism by which a
934 young person or his or her parent may request that an assistive
935 technology device remain with the young person as he or she
936 moves through the continuum from home to school to postschool.

937 Section 20. Paragraph (d) of subsection (2) of section
938 1006.07, Florida Statutes, is amended to read:

939 1006.07 District school board duties relating to student
940 discipline and school safety.—The district school board shall
941 provide for the proper accounting for all students, for the
942 attendance and control of students at school, and for proper
943 attention to health, safety, and other matters relating to the
944 welfare of students, including:

945 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
946 conduct for elementary schools and a code of student conduct for
947 middle and high schools and distribute the appropriate code to
948 all teachers, school personnel, students, and parents, at the
949 beginning of every school year. Each code shall be organized and
950 written in language that is understandable to students and

951 parents and shall be discussed at the beginning of every school
952 year in student classes, school advisory council meetings, and
953 parent and teacher association or organization meetings. Each
954 code shall be based on the rules governing student conduct and
955 discipline adopted by the district school board and shall be
956 made available in the student handbook or similar publication.
957 Each code shall include, but is not limited to:

958 (d)1. An explanation of the responsibilities of each
959 student with regard to appropriate dress, respect for self and
960 others, and the role that appropriate dress and respect for self
961 and others has on an orderly learning environment. Each district
962 school board shall adopt a dress code policy that prohibits a
963 student, while on the grounds of a public school during the
964 regular school day, from wearing clothing that exposes underwear
965 or body parts in an indecent or vulgar manner or that disrupts
966 the orderly learning environment.

967 2. Any student who violates the dress policy described in
968 subparagraph 1. is subject to the following disciplinary
969 actions:

970 a. For a first offense, a student shall be given a verbal
971 warning and the school principal shall call the student's parent
972 or guardian.

973 b. For a second offense, the student is ineligible to
974 participate in any extracurricular activity for a period of time
975 not to exceed 5 days and the school principal shall meet with

976 | the student's parent or guardian.

977 | c. For a third or subsequent offense, a student shall
 978 | receive an in-school suspension pursuant to s. 1003.01 ~~s.~~
 979 | ~~1003.01(5)~~ for a period not to exceed 3 days, the student is
 980 | ineligible to participate in any extracurricular activity for a
 981 | period not to exceed 30 days, and the school principal shall
 982 | call the student's parent or guardian and send the parent or
 983 | guardian a written letter regarding the student's in-school
 984 | suspension and ineligibility to participate in extracurricular
 985 | activities.

986 | Section 21. Subsection (5) of section 1008.24, Florida
 987 | Statutes, is amended to read:

988 | 1008.24 Test administration and security; public records
 989 | exemption.—

990 | (5) Exceptional students with disabilities, as defined in
 991 | s. 1003.01 ~~s. 1003.01(3)~~, shall have access to testing sites.
 992 | The Department of Education and each school district shall adopt
 993 | policies that are necessary to ensure such access.

994 | Section 22. Paragraph (c) of subsection (6) of section
 995 | 1012.2315, Florida Statutes, is amended to read:

996 | 1012.2315 Assignment of teachers.—

997 | (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
 998 | EVALUATIONS.—

999 | (c) For a student enrolling in an extracurricular course
 1000 | as defined in s. 1003.01 ~~s. 1003.01(15)~~, a parent may choose to

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1001 have the student taught by a teacher who received a performance
1002 evaluation of "needs improvement" or "unsatisfactory" in the
1003 preceding school year if the student and the student's parent
1004 receive an explanation of the impact of teacher effectiveness on
1005 student learning and the principal receives written consent from
1006 the parent.

1007 Section 23. This act shall take effect July 1, 2020.