

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 biweekly
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 with
16 specified certification in reading instruction for
17 students with dyslexia; requiring the State Board of
18 Education to adopt rules; amending s. 1003.01, F.S.;
19 defining the terms "disability," "dyscalculia,"
20 "dysgraphia," and "dyslexia"; making technical
21 changes; establishing the Dyslexia Task Force within
22 the Department of Education; specifying the purpose
23 and duties of the task force; requiring the task force
24 members to be appointed by the Commissioner of
25 Education; requiring the task force to consist of nine

26 members having certain backgrounds; requiring the task
 27 force to hold its first meeting within a certain
 28 timeframe; providing that task force members serve
 29 without compensation, but may receive reimbursement
 30 for certain expenses; providing a directive to the
 31 Division of Law Revision; amending s. 1003.26, F.S.;
 32 removing a requirement for district school
 33 superintendents to refer parents to a home education
 34 review committee; removing a penalty for parents
 35 failing to provide a portfolio to such committee;
 36 amending ss. 11.45, 39.0016, 414.1251, 1001.11,
 37 1002.01, 1002.20, 1002.3105, 1002.33, 1002.385,
 38 1002.42, 1002.43, 1003.03, 1003.21, 1003.4282,
 39 1003.52, 1003.575, 1006.07, 1008.24, and 1012.2315,
 40 F.S.; conforming cross-references; providing an
 41 effective date.

42
 43 Be It Enacted by the Legislature of the State of Florida:

44
 45 Section 1. Section 1001.2151, Florida Statutes, is created
 46 to read:

47 1001.2151 LITERACY-BASED PROMOTION.—It is the intent of
 48 the Legislature to ensure that each student's progression in
 49 kindergarten through grade 3 is determined in part upon the
 50 student's proficiency in reading. Local school board policies

51 shall facilitate this proficiency, and each student and the
52 student's parent or legal guardian shall be informed of the
53 student's academic progress.

54 (1) Within the first 30 days of the school year, each
55 public school shall screen each student in kindergarten through
56 grade 3 for dyslexia using a dyslexia diagnostic assessment
57 screeener.

58 (2) Each public school student in kindergarten through
59 grade 3 who exhibits a substantial deficiency in reading at any
60 time, as demonstrated through his or her performance on a
61 dyslexia diagnostic assessment screener approved and developed
62 by the State Board of Education, must be placed in an intensive
63 remedial intervention program.

64 (3) The parent of any student in kindergarten through
65 grade 3 who exhibits dyslexia shall be immediately notified by
66 the student's school of the student's deficiency pursuant to s.
67 1008.25(5) and the parent shall be provided a progress report
68 issued at 2-week intervals while the student continues to
69 exhibit dyslexia. The parent shall also be notified in writing
70 by the school of the process to request a special education
71 evaluation.

72 (4) The dyslexia diagnostic assessment screener may be
73 repeated at midyear and at the end of the school year to
74 determine student progression in reading. If it is determined
75 that the student continues to exhibit a reading deficiency, he

76 | or she must be provided with continued intensive remedial
77 | intervention by the school district until the deficiency is
78 | remedied. Every public school must provide intensive remedial
79 | interventions for every student in kindergarten through grade 3
80 | identified with a deficiency in reading or with dyslexia to
81 | ameliorate the student's specific deficiency.

82 | (5) The intensive remedial intervention program must
83 | include evidence-based interventions specifically designed for
84 | dyslexia utilizing a structured literacy, speech to print, or
85 | structured word inquiry approach to assist the student in
86 | becoming a successful reader able to read at or above grade
87 | level and ready for promotion to the next grade. The intensive
88 | remedial intervention program must be continued until the
89 | student can maintain grade level performance in decoding,
90 | encoding, reading fluency, and reading comprehension without
91 | continued supportive intervention and services.

92 | (6) Every public school must employ one or more full-time
93 | personnel certified through a nationally recognized organization
94 | specializing in reading instruction for students with dyslexia
95 | to provide structured literacy, speech to print, or structured
96 | word inquiry intervention.

97 | (7) The State Board of Education shall adopt rules that
98 | require students to be evaluated for phonological awareness to
99 | determine whether a student has a specific learning disability.

100 | Section 2. Section 1003.01, Florida Statutes, is amended

101 to read:

102 1003.01 Definitions.—As used in this chapter, the term:

103 (1)~~(10)~~ "Alternative measures for students with special
104 needs" or "special programs" means measures designed to meet the
105 special needs of a student that cannot be met by regular school
106 curricula.

107 (2)~~(4)~~ "Career education" means education that provides
108 instruction for the following purposes:

109 (a) At the elementary, middle, and high school levels,
110 exploratory courses designed to give students initial exposure
111 to a broad range of occupations to assist them in preparing
112 their academic and occupational plans, and practical arts
113 courses that provide generic skills that may apply to many
114 occupations but are not designed to prepare students for entry
115 into a specific occupation. Career education provided before
116 high school completion must be designed to strengthen both
117 occupational awareness and academic skills integrated throughout
118 all academic instruction.

119 (b) At the secondary school level, job-preparatory
120 instruction in the competencies that prepare students for
121 effective entry into an occupation, including diversified
122 cooperative education, work experience, and job-entry programs
123 that coordinate directed study and on-the-job training.

124 (c) At the postsecondary education level, courses of study
125 that provide competencies needed for entry into specific

126 occupations or for advancement within an occupation.

127 (3)~~(12)~~ "Children and youths who are experiencing
 128 homelessness," for programs authorized under subtitle B,
 129 Education for Homeless Children and Youths, of Title VII of the
 130 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
 131 seq., means children and youths who lack a fixed, regular, and
 132 adequate nighttime residence, and includes:

133 (a) Children and youths who are sharing the housing of
 134 other persons due to loss of housing, economic hardship, or a
 135 similar reason; are living in motels, hotels, travel trailer
 136 parks, or camping grounds due to the lack of alternative
 137 adequate accommodations; are living in emergency or transitional
 138 shelters; are abandoned in hospitals; or are awaiting foster
 139 care placement.

140 (b) Children and youths who have a primary nighttime
 141 residence that is a public or private place not designed for or
 142 ordinarily used as a regular sleeping accommodation for human
 143 beings.

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

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

149 (4)~~(14)~~ "Core-curricula courses" means:

150 (a) Courses in language arts/reading, mathematics, social

151 studies, and science in prekindergarten through grade 3,
 152 excluding extracurricular courses pursuant to subsection (14)
 153 ~~subsection (15)~~;

154 (b) Courses in grades 4 through 8 in subjects that are
 155 measured by state assessment at any grade level and courses
 156 required for middle school promotion, excluding extracurricular
 157 courses pursuant to subsection (14) ~~subsection (15)~~;

158 (c) Courses in grades 9 through 12 in subjects that are
 159 measured by state assessment at any grade level and courses that
 160 are specifically identified by name in statute as required for
 161 high school graduation and that are not measured by state
 162 assessment, excluding extracurricular courses pursuant to
 163 subsection (14) ~~subsection (15)~~;

164 (d) Exceptional student education courses; and

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

166

167 The term is limited in meaning and used for the sole purpose of
 168 designating classes that are subject to the maximum class size
 169 requirements established in s. 1, Art. IX of the State
 170 Constitution. This term does not include courses offered under
 171 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
 172 1003.499.

173 ~~(5)(7)~~ "Corporal punishment" means the moderate use of
 174 physical force or physical contact by a teacher or principal as
 175 may be necessary to maintain discipline or to enforce school

176 rule. However, the term "corporal punishment" does not include
177 the use of such reasonable force by a teacher or principal as
178 may be necessary for self-protection or to protect other
179 students from disruptive students.

180 (6) "Disability" means an intellectual disability; autism
181 spectrum disorder; a speech impairment; a language impairment;
182 an orthopedic impairment; any other health impairment; traumatic
183 brain injury; a visual impairment; an emotional or behavioral
184 disability; or a specific learning disability, including, but
185 not limited to, dyslexia, dyscalculia, or developmental aphasia;
186 students who are deaf or hard of hearing or dual sensory
187 impaired; students who are hospitalized or homebound; children
188 with developmental delays ages birth through 5 years, or
189 children, ages birth through 2 years, with established
190 conditions that are identified in State Board of Education rules
191 pursuant to s. 1003.21(1)(e).

192 (7)-(1) "District school board" means the members who are
193 elected by the voters of a school district created and existing
194 pursuant to s. 4, Art. IX of the State Constitution to operate
195 and control public K-12 education within the school district.

196 (8)-(9) "Dropout" means a student who meets any one or more
197 of the following criteria:

198 (a) The student has voluntarily removed himself or herself
199 from the school system before graduation for reasons that
200 include, but are not limited to, marriage, or the student has

201 | withdrawn from school because he or she has failed the statewide
 202 | student assessment test and thereby does not receive any of the
 203 | certificates of completion;

204 | (b) The student has not met the relevant attendance
 205 | requirements of the school district pursuant to State Board of
 206 | Education rules, or the student was expected to attend a school
 207 | but did not enter as expected for unknown reasons, or the
 208 | student's whereabouts are unknown;

209 | (c) The student has withdrawn from school, but has not
 210 | transferred to another public or private school or enrolled in
 211 | any career, adult, home education, or alternative educational
 212 | program;

213 | (d) The student has withdrawn from school due to hardship,
 214 | unless such withdrawal has been granted under the provisions of
 215 | s. 322.091, court action, expulsion, medical reasons, or
 216 | pregnancy; or

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

220 |
 221 | The State Board of Education may adopt rules to implement the
 222 | provisions of this subsection.

223 | (9) "Dyscalculia" means a specific learning disability
 224 | that is:

225 | (a) Neurological in origin;

226 (b) Characterized by difficulties with learning and
 227 comprehending arithmetic, understanding numbers, performing
 228 mathematical calculations, and learning mathematics; and

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

231 (10) "Dysgraphia" means a specific learning disability
 232 that is:

233 (a) Neurological in origin;

234 (b) Characterized by difficulties with accurate writing
 235 abilities, spelling, handwriting, and putting thoughts on paper;
 236 and

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

239 (11) "Dyslexia" means a specific learning disability that
 240 is:

241 (a) Neurological in origin;

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

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

247 Secondary consequences may include problems in reading
 248 comprehension and reduced reading experience that can impede
 249 growth of vocabulary and background knowledge.

250 (12) (a) ~~(3)~~ (a) "Exceptional student" means any student who

251 has been determined eligible for a special program in accordance
252 with rules of the State Board of Education. The term includes
253 students who are gifted and students with disabilities ~~who have~~
254 ~~an intellectual disability; autism spectrum disorder; a speech~~
255 ~~impairment; a language impairment; an orthopedic impairment; an~~
256 ~~other health impairment; traumatic brain injury; a visual~~
257 ~~impairment; an emotional or behavioral disability; or a specific~~
258 ~~learning disability, including, but not limited to, dyslexia,~~
259 ~~dyscalculia, or developmental aphasia; students who are deaf or~~
260 ~~hard of hearing or dual sensory impaired; students who are~~
261 ~~hospitalized or homebound; children with developmental delays~~
262 ~~ages birth through 5 years, or children, ages birth through 2~~
263 ~~years, with established conditions that are identified in State~~
264 ~~Board of Education rules pursuant to s. 1003.21(1)(c).~~

265 (b) "Special education services" means specially designed
266 instruction and such related services as are necessary for an
267 exceptional student to benefit from education. Such services may
268 include: transportation; diagnostic and evaluation services;
269 social services; physical and occupational therapy; speech and
270 language pathology services; job placement; orientation and
271 mobility training; braillists, typists, and readers for the
272 blind; interpreters and auditory amplification; services
273 provided by a certified listening and spoken language
274 specialist; rehabilitation counseling; transition services;
275 mental health services; guidance and career counseling;

276 specified materials, assistive technology devices, and other
277 specialized equipment; and other such services as approved by
278 rules of the state board.

279 (13)~~(6)~~ "Expulsion" means the removal of the right and
280 obligation of a student to attend a public school under
281 conditions set by the district school board, and for a period of
282 time not to exceed the remainder of the term or school year and
283 1 additional year of attendance. Expulsions may be imposed with
284 or without continuing educational services and shall be reported
285 accordingly.

286 (14)~~(15)~~ "Extracurricular courses" means all courses that
287 are not defined as "core-curricula courses," which may include,
288 but are not limited to, physical education, fine arts,
289 performing fine arts, career education, and courses that may
290 result in college credit. The term is limited in meaning and
291 used for the sole purpose of designating classes that are not
292 subject to the maximum class size requirements established in s.
293 1, Art. IX of the State Constitution.

294 (15)~~(8)~~ "Habitual truant" means a student who has 15
295 unexcused absences within 90 calendar days with or without the
296 knowledge or consent of the student's parent, is subject to
297 compulsory school attendance under s. 1003.21(1) and (2)(a), and
298 is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting
299 the criteria for any other exemption specified by law or rules
300 of the State Board of Education. Such a student must have been

301 the subject of the activities specified in ss. 1003.26 and
302 1003.27(3), without resultant successful remediation of the
303 truancy problem before being dealt with as a child in need of
304 services according to the provisions of chapter 984.

305 (16) (a)~~(11) (a)~~ "Juvenile justice education programs or
306 schools" means programs or schools operating for the purpose of
307 providing educational services to youth in Department of
308 Juvenile Justice programs, for a school year comprised of 250
309 days of instruction distributed over 12 months. At the request
310 of the provider, a district school board may decrease the
311 minimum number of days of instruction by up to 10 days for
312 teacher planning for residential programs and up to 20 days for
313 teacher planning for nonresidential programs, subject to the
314 approval of the Department of Juvenile Justice and the
315 Department of Education.

316 (b) "Juvenile justice provider" means the Department of
317 Juvenile Justice, the sheriff, or a private, public, or other
318 governmental organization under contract with the Department of
319 Juvenile Justice or the sheriff that provides treatment, care
320 and custody, or educational programs for youth in juvenile
321 justice intervention, detention, or commitment programs.

322 (17)~~(16)~~ "Physical education" means the development or
323 maintenance of skills related to strength, agility, flexibility,
324 movement, and stamina, including dance; the development of
325 knowledge and skills regarding teamwork and fair play; the

326 development of knowledge and skills regarding nutrition and
327 physical fitness as part of a healthy lifestyle; and the
328 development of positive attitudes regarding sound nutrition and
329 physical activity as a component of personal well-being.

330 (18)~~(13)~~ "Regular school attendance" means the actual
331 attendance of a student during the school day as defined by law
332 and rules of the State Board of Education. Regular attendance
333 within the intent of s. 1003.21 may be achieved by attendance
334 in:

- 335 (a) A public school supported by public funds;
336 (b) A parochial, religious, or denominational school;
337 (c) A private school supported in whole or in part by
338 tuition charges or by endowments or gifts;
339 (d) A home education program that meets the requirements
340 of chapter 1002; or
341 (e) A private tutoring program that meets the requirements
342 of chapter 1002.

343 (19)~~(2)~~ "School" means an organization of students for
344 instructional purposes on an elementary, middle or junior high
345 school, secondary or high school, or other public school level
346 authorized under rules of the State Board of Education.

347 (20) ~~(a)~~~~(5)~~~~(a)~~ "Suspension," also referred to as out-of-
348 school suspension, means the temporary removal of a student from
349 all classes of instruction on public school grounds and all
350 other school-sponsored activities, except as authorized by the

351 principal or the principal's designee, for a period not to
352 exceed 10 school days and remanding of the student to the
353 custody of the student's parent with specific homework
354 assignments for the student to complete.

355 (b) "In-school suspension" means the temporary removal of
356 a student from the student's regular school program and
357 placement in an alternative program, such as that provided in s.
358 1003.53, under the supervision of district school board
359 personnel, for a period not to exceed 10 school days.

360 Section 3. The Dyslexia Task Force, a task force as
361 defined in s. 20.03(8), Florida Statutes, is established within
362 the Department of Education.

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

365 (a) Recommendations on how to identify dyslexia,
366 dysgraphia, and dyscalculia;

367 (b) Recommendations for appropriate goal writing for
368 individual education plans (IEPs) for students with dyslexia,
369 dysgraphia, or dyscalculia;

370 (c) Recommendations for interventions for dyslexia,
371 dysgraphia, and dyscalculia;

372 (d) Recommendations for provision of assistive technology
373 guidelines; and

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

376 (2) The task force shall recommend amendments to uniform
377 digital IEP documents to require a drop-down menu under specific
378 learning disabilities which allows child study teams to check
379 all learning disabilities that are exhibited by the student,
380 including dyslexia, dysgraphia, and dyscalculia.

381 (3) The task force shall consist of the following nine
382 members appointed by the Commissioner of Education:

383 (a) Three members of organizations or nonprofits focused
384 on dyslexia and other specific learning disabilities.

385 (b) A faculty member or researcher from a university with
386 a program or department devoted to dyslexia and reading
387 disorders.

388 (c) A neuropsychologist or clinical psychologist who
389 specializes in dyslexia evaluation and identification.

390 (d) A speech language pathologist with expertise in
391 dyslexia, phonological deficits, and language disorders.

392 (e) A parent of a child with dyslexia.

393 (f) A public school teacher.

394 (g) A public school principal.

395 (4) Within 90 days after the effective date of this act, a
396 majority of the members of the task force must be appointed and
397 the task force shall hold its first meeting. The task force
398 shall elect one of its members to serve as chair. Members of the
399 task force shall serve for the duration of the existence of the
400 task force. Any vacancy that occurs shall be filled in the same

401 manner as the original appointment. Task force members shall
402 serve without compensation, but are entitled to reimbursement
403 for per diem and travel expenses as provided in s. 112.061,
404 Florida Statutes.

405 Section 4. The Division of Law Revision is directed to
406 replace the phrase "the effective date of this act" wherever it
407 occurs in this act with the date the act becomes a law.

408 Section 5. Paragraph (f) of subsection (1) of section
409 1003.26, Florida Statutes, is amended to read:

410 1003.26 Enforcement of school attendance.—The Legislature
411 finds that poor academic performance is associated with
412 nonattendance and that school districts must take an active role
413 in promoting and enforcing attendance as a means of improving
414 student performance. It is the policy of the state that each
415 district school superintendent be responsible for enforcing
416 school attendance of all students subject to the compulsory
417 school age in the school district and supporting enforcement of
418 school attendance by local law enforcement agencies. The
419 responsibility includes recommending policies and procedures to
420 the district school board that require public schools to respond
421 in a timely manner to every unexcused absence, and every absence
422 for which the reason is unknown, of students enrolled in the
423 schools. District school board policies shall require the parent
424 of a student to justify each absence of the student, and that
425 justification will be evaluated based on adopted district school

426 board policies that define excused and unexcused absences. The
427 policies must provide that public schools track excused and
428 unexcused absences and contact the home in the case of an
429 unexcused absence from school, or an absence from school for
430 which the reason is unknown, to prevent the development of
431 patterns of nonattendance. The Legislature finds that early
432 intervention in school attendance is the most effective way of
433 producing good attendance habits that will lead to improved
434 student learning and achievement. Each public school shall
435 implement the following steps to promote and enforce regular
436 school attendance:

437 (1) CONTACT, REFER, AND ENFORCE.—

438 (f) ~~1-~~ If the parent of a child who has been identified as
439 exhibiting a pattern of nonattendance enrolls the child in a
440 home education program pursuant to chapter 1002, the district
441 school superintendent shall provide the parent a copy of s.
442 1002.41 and the accountability requirements of this paragraph.
443 ~~The district school superintendent shall also refer the parent~~
444 ~~to a home education review committee composed of the district~~
445 ~~contact for home education programs and at least two home~~
446 ~~educators selected by the parent from a district list of all~~
447 ~~home educators who have conducted a home education program for~~
448 ~~at least 3 years and who have indicated a willingness to serve~~
449 ~~on the committee. The home education review committee shall~~
450 ~~review the portfolio of the student, as defined by s. 1002.41,~~

451 ~~every 30 days during the district's regular school terms until~~
452 ~~the committee is satisfied that the home education program is in~~
453 ~~compliance with s. 1002.41(1)(d). The first portfolio review~~
454 ~~must occur within the first 30 calendar days of the~~
455 ~~establishment of the program. The provisions of subparagraph 2.~~
456 ~~do not apply once the committee determines the home education~~
457 ~~program is in compliance with s. 1002.41(1)(d).~~

458 ~~2. If the parent fails to provide a portfolio to the~~
459 ~~committee, the committee shall notify the district school~~
460 ~~superintendent. The district school superintendent shall then~~
461 ~~terminate the home education program and require the parent to~~
462 ~~enroll the child in an attendance option that meets the~~
463 ~~definition of "regular school attendance" under s.~~
464 ~~1003.01(13)(a), (b), (c), or (e), within 3 days. Upon~~
465 ~~termination of a home education program pursuant to this~~
466 ~~subparagraph, the parent shall not be eligible to reenroll the~~
467 ~~child in a home education program for 180 calendar days. Failure~~
468 ~~of a parent to enroll the child in an attendance option as~~
469 ~~required by this subparagraph after termination of the home~~
470 ~~education program pursuant to this subparagraph shall constitute~~
471 ~~noncompliance with the compulsory attendance requirements of s.~~
472 ~~1003.21 and may result in criminal prosecution under s.~~
473 ~~1003.27(2). Nothing contained herein shall restrict the ability~~
474 ~~of the district school superintendent, or the ability of his or~~
475 ~~her designee, to review the portfolio pursuant to s.~~

476 ~~1002.41(1)(e).~~

477 Section 6. Paragraph (k) of subsection (2) of section
 478 11.45, Florida Statutes, is amended to read:

479 11.45 Definitions; duties; authorities; reports; rules.—

480 (2) DUTIES.—The Auditor General shall:

481 (k) Contact each district school board, as defined in s.
 482 1003.01 ~~s. 1003.01(1)~~, with the findings and recommendations
 483 contained within the Auditor General's previous operational
 484 audit report. The district school board shall provide the
 485 Auditor General with evidence of the initiation of corrective
 486 action within 45 days after the date it is requested by the
 487 Auditor General and evidence of completion of corrective action
 488 within 180 days after the date it is requested by the Auditor
 489 General. If the district school board fails to comply with the
 490 Auditor General's request or is unable to take corrective action
 491 within the required timeframe, the Auditor General shall notify
 492 the Legislative Auditing Committee.

493
 494 The Auditor General shall perform his or her duties
 495 independently but under the general policies established by the
 496 Legislative Auditing Committee. This subsection does not limit
 497 the Auditor General's discretionary authority to conduct other
 498 audits or engagements of governmental entities as authorized in
 499 subsection (3).

500 Section 7. Paragraph (b) of subsection (3) of section

501 39.0016, Florida Statutes, is amended to read:

502 39.0016 Education of abused, neglected, and abandoned
 503 children; agency agreements; children having or suspected of
 504 having a disability.—

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

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

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

511 b. A court of competent jurisdiction over a child under
 512 this chapter has determined that no person has the authority
 513 under the Individuals with Disabilities Education Act, including
 514 the parent or parents subject to the dependency action, or that
 515 no person has the authority, willingness, or ability to serve as
 516 the educational decisionmaker for the child without judicial
 517 action.

518 2. A surrogate parent appointed by the district school
 519 superintendent or the court must be at least 18 years old and
 520 have no personal or professional interest that conflicts with
 521 the interests of the student to be represented. Neither the
 522 district school superintendent nor the court may appoint an
 523 employee of the Department of Education, the local school
 524 district, a community-based care provider, the Department of
 525 Children and Families, or any other public or private agency

526 involved in the education or care of the child as appointment of
527 those persons is prohibited by federal law. This prohibition
528 includes group home staff and therapeutic foster parents.
529 However, a person who acts in a parental role to a child, such
530 as a foster parent or relative caregiver, is not prohibited from
531 serving as a surrogate parent if he or she is employed by such
532 agency, willing to serve, and knowledgeable about the child and
533 the exceptional student education process. The surrogate parent
534 may be a court-appointed guardian ad litem or a relative or
535 nonrelative adult who is involved in the child's life regardless
536 of whether that person has physical custody of the child. Each
537 person appointed as a surrogate parent must have the knowledge
538 and skills acquired by successfully completing training using
539 materials developed and approved by the Department of Education
540 to ensure adequate representation of the child.

541 3. If a guardian ad litem has been appointed for a child,
542 the district school superintendent must first consider the
543 child's guardian ad litem when appointing a surrogate parent.
544 The district school superintendent must accept the appointment
545 of the court if he or she has not previously appointed a
546 surrogate parent. Similarly, the court must accept a surrogate
547 parent duly appointed by a district school superintendent.

548 4. A surrogate parent appointed by the district school
549 superintendent or the court must be accepted by any subsequent
550 school or school district without regard to where the child is

551 receiving residential care so that a single surrogate parent can
552 follow the education of the child during his or her entire time
553 in state custody. Nothing in this paragraph or in rule shall
554 limit or prohibit the continuance of a surrogate parent
555 appointment when the responsibility for the student's
556 educational placement moves among and between public and private
557 agencies.

558 5. For a child known to the department, the responsibility
559 to appoint a surrogate parent resides with both the district
560 school superintendent and the court with jurisdiction over the
561 child. If the court elects to appoint a surrogate parent, notice
562 shall be provided as soon as practicable to the child's school.
563 At any time the court determines that it is in the best
564 interests of a child to remove a surrogate parent, the court may
565 appoint a new surrogate parent for educational decisionmaking
566 purposes for that child.

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

569 a. The child is determined to no longer be eligible or in
570 need of special programs, except when termination of special
571 programs is being contested.

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

574 c. The parent who was previously unknown becomes known,
575 whose whereabouts were unknown is located, or who was

576 unavailable is determined by the court to be available.

577 d. The appointed surrogate no longer wishes to represent
578 the child or is unable to represent the child.

579 e. The superintendent of the school district in which the
580 child is attending school, the Department of Education contract
581 designee, or the court that appointed the surrogate determines
582 that the appointed surrogate parent no longer adequately
583 represents the child.

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

586 7. The appointment and termination of appointment of a
587 surrogate under this paragraph shall be entered as an order of
588 the court with a copy of the order provided to the child's
589 school as soon as practicable.

590 8. The person appointed as a surrogate parent under this
591 paragraph must:

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

594 b. Represent the child in all matters relating to
595 identification, evaluation, and educational placement and the
596 provision of a free and appropriate education to the child.

597 c. Represent the interests and safeguard the rights of the
598 child in educational decisions that affect the child.

599 9. The responsibilities of the person appointed as a
600 surrogate parent shall not extend to the care, maintenance,

601 custody, residential placement, or any other area not
602 specifically related to the education of the child, unless the
603 same person is appointed by the court for such other purposes.

604 10. A person appointed as a surrogate parent shall enjoy
605 all of the procedural safeguards afforded a parent with respect
606 to the identification, evaluation, and educational placement of
607 a student with a disability or a student who is suspected of
608 having a disability.

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

612 Section 8. Subsection (1) of section 414.1251, Florida
613 Statutes, is amended to read:

614 414.1251 Learnfare program.—

615 (1) The department shall reduce the temporary cash
616 assistance for a participant's eligible dependent child or for
617 an eligible teenage participant who has not been exempted from
618 education participation requirements, if the eligible dependent
619 child or eligible teenage participant has been identified either
620 as a habitual truant, pursuant to s. 1003.01 ~~s. 1003.01(8)~~, or
621 as a dropout, pursuant to s. 1003.01 ~~s. 1003.01(9)~~. For a
622 student who has been identified as a habitual truant, the
623 temporary cash assistance must be reinstated after a subsequent
624 grading period in which the child's attendance has substantially
625 improved. For a student who has been identified as a dropout,

626 the temporary cash assistance must be reinstated after the
627 student enrolls in a public school, receives a high school
628 diploma or its equivalency, enrolls in preparation for the high
629 school equivalency examination, or enrolls in other educational
630 activities approved by the district school board. Good cause
631 exemptions from the rule of unexcused absences include the
632 following:

633 (a) The student is expelled from school and alternative
634 schooling is not available.

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

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

639

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

644 Section 9. Subsection (7) of section 1001.11, Florida
645 Statutes, is amended to read:

646 1001.11 Commissioner of Education; other duties.—

647 (7) The commissioner shall make prominently available on
648 the department's website the following: links to the Internet-
649 based clearinghouse for professional development regarding
650 physical education; the school wellness and physical education

651 policies and other resources required under s. 1003.453; and
652 other Internet sites that provide professional development for
653 elementary teachers of physical education as defined in s.
654 1003.01 ~~s. 1003.01(16)~~. These links must provide elementary
655 teachers with information concerning current physical education
656 and nutrition philosophy and best practices that result in
657 student participation in physical activities that promote
658 lifelong physical and mental well-being.

659 Section 10. Section 1002.01, Florida Statutes, is amended
660 to read:

661 1002.01 Definitions.—

662 (1) A "home education program" means the sequentially
663 progressive instruction of a student directed by his or her
664 parent in order to satisfy the attendance requirements of ss.
665 1002.41, ~~1003.01(13)~~, and 1003.21(1).

666 (2) A "private school" is a nonpublic school defined as an
667 individual, association, copartnership, or corporation, or
668 department, division, or section of such organizations, that
669 designates itself as an educational center that includes
670 kindergarten or a higher grade or as an elementary, secondary,
671 business, technical, or trade school below college level or any
672 organization that provides instructional services that meet the
673 intent of s. 1003.01(18) ~~s. 1003.01(13)~~ or that gives
674 preemployment or supplementary training in technology or in
675 fields of trade or industry or that offers academic, literary,

676 or career training below college level, or any combination of
677 the above, including an institution that performs the functions
678 of the above schools through correspondence or extension, except
679 those licensed under the provisions of chapter 1005. A private
680 school may be a parochial, religious, denominational, for-
681 profit, or nonprofit school. This definition does not include
682 home education programs conducted in accordance with s. 1002.41.

683 Section 11. Paragraph (b) of subsection (2) of section
684 1002.20, Florida Statutes, is amended to read:

685 1002.20 K-12 student and parent rights.—Parents of public
686 school students must receive accurate and timely information
687 regarding their child's academic progress and must be informed
688 of ways they can help their child to succeed in school. K-12
689 students and their parents are afforded numerous statutory
690 rights including, but not limited to, the following:

691 (2) ATTENDANCE.—

692 (b) *Regular school attendance.*—Parents of students who
693 have attained the age of 6 years by February 1 of any school
694 year but who have not attained the age of 16 years must comply
695 with the compulsory school attendance laws. Parents have the
696 option to comply with the school attendance laws by attendance
697 of the student in a public school; a parochial, religious, or
698 denominational school; a private school; a home education
699 program; or a private tutoring program, in accordance with the
700 provisions of s. 1003.01(18) ~~s. 1003.01(13)~~.

701 Section 12. Paragraph (d) of subsection (3) of section
 702 1002.3105, Florida Statutes, is amended to read:

703 1002.3105 Academically Challenging Curriculum to Enhance
 704 Learning (ACCEL) options.—

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

708 (d) Recommendations from one or more of the student's
 709 teachers in core-curricula courses as defined in s. 1003.01 ~~s.~~
 710 ~~1003.01(14)(a)–(e)~~.

711 Section 13. Paragraph (a) of subsection (20) of section
 712 1002.33, Florida Statutes, is amended to read:

713 1002.33 Charter schools.—

714 (20) SERVICES.—

715 (a)1. A sponsor shall provide certain administrative and
 716 educational services to charter schools. These services shall
 717 include contract management services; full-time equivalent and
 718 data reporting services; exceptional student education
 719 administration services; services related to eligibility and
 720 reporting duties required to ensure that school lunch services
 721 under the National School Lunch Program, consistent with the
 722 needs of the charter school, are provided by the school district
 723 at the request of the charter school, that any funds due to the
 724 charter school under the National School Lunch Program be paid
 725 to the charter school as soon as the charter school begins

726 | serving food under the National School Lunch Program, and that
727 | the charter school is paid at the same time and in the same
728 | manner under the National School Lunch Program as other public
729 | schools serviced by the sponsor or the school district; test
730 | administration services, including payment of the costs of
731 | state-required or district-required student assessments;
732 | processing of teacher certificate data services; and information
733 | services, including equal access to student information systems
734 | that are used by public schools in the district in which the
735 | charter school is located. Student performance data for each
736 | student in a charter school, including, but not limited to, FCAT
737 | scores, standardized test scores, previous public school student
738 | report cards, and student performance measures, shall be
739 | provided by the sponsor to a charter school in the same manner
740 | provided to other public schools in the district.

741 | 2. A sponsor may withhold an administrative fee for the
742 | provision of such services which shall be a percentage of the
743 | available funds defined in paragraph (17)(b) calculated based on
744 | weighted full-time equivalent students. If the charter school
745 | serves 75 percent or more exceptional ~~education~~ students as
746 | defined in s. 1003.01 ~~s. 1003.01(3)~~, the percentage shall be
747 | calculated based on unweighted full-time equivalent students.
748 | The administrative fee shall be calculated as follows:

749 | a. Up to 5 percent for:

750 | (I) Enrollment of up to and including 250 students in a

751 charter school as defined in this section.

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

754 (A) Includes conversion charter schools and nonconversion
755 charter schools.

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

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

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

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

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

764 b. Up to 2 percent for enrollment of up to and including
765 250 students in a high-performing charter school as defined in
766 s. 1002.331.

767 3. A sponsor may not charge charter schools any additional
768 fees or surcharges for administrative and educational services
769 in addition to the maximum percentage of administrative fees
770 withheld pursuant to this paragraph.

771 4. A sponsor shall provide to the department by September
772 15 of each year the total amount of funding withheld from
773 charter schools pursuant to this subsection for the prior fiscal
774 year. The department must include the information in the report
775 required under sub-sub-subparagraph (5) (b) 1.k. (III).

776 Section 14. Paragraph (h) of subsection (5) and paragraph
777 (a) of subsection (11) of section 1002.385, Florida Statutes,
778 are amended to read:

779 1002.385 The Gardiner Scholarship.—

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

783 (h) Tuition and fees for part-time tutoring services
784 provided by a person who holds a valid Florida educator's
785 certificate pursuant to s. 1012.56; a person who holds an
786 adjunct teaching certificate pursuant to s. 1012.57; a person
787 who has a bachelor's degree or a graduate degree in the subject
788 area in which instruction is given; or a person who has
789 demonstrated a mastery of subject area knowledge pursuant to s.
790 1012.56(5). As used in this paragraph, the term "part-time
791 tutoring services" does not qualify as regular school attendance
792 as defined in s. 1003.01 ~~s. 1003.01(13)(e)~~.

793

794 A provider of any services receiving payments pursuant to this
795 subsection may not share, refund, or rebate any moneys from the
796 Gardiner Scholarship with the parent or participating student in
797 any manner. A parent, student, or provider of any services may
798 not bill an insurance company, Medicaid, or any other agency for
799 the same services that are paid for using Gardiner Scholarship
800 funds.

801 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 802 PARTICIPATION.—A parent who applies for program participation
 803 under this section is exercising his or her parental option to
 804 determine the appropriate placement or the services that best
 805 meet the needs of his or her child. The scholarship award for a
 806 student is based on a matrix that assigns the student to support
 807 Level III services. If a parent receives an IEP and a matrix of
 808 services from the school district pursuant to subsection (7),
 809 the amount of the payment shall be adjusted as needed, when the
 810 school district completes the matrix.

811 (a) To satisfy or maintain program eligibility, including
 812 eligibility to receive and spend program payments, the parent
 813 must sign an agreement with the organization and annually submit
 814 a notarized, sworn compliance statement to the organization to:

815 1. Affirm that the student is enrolled in a program that
 816 meets regular school attendance requirements as provided in s.
 817 1003.01(18)(b)-(d) ~~s. 1003.01(13)(b)-(d)~~.

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

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

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

825 b. Providing an annual evaluation in accordance with s.

826 | 1002.41(1)(f); or

827 | c. Requiring the child to take any preassessments and
 828 | postassessments selected by the provider if the child is 4 years
 829 | of age and is enrolled in a program provided by an eligible
 830 | Voluntary Prekindergarten Education Program provider. A student
 831 | with disabilities for whom a preassessment and postassessment is
 832 | not appropriate is exempt from this requirement. A participating
 833 | provider shall report a student's scores to the parent.

834 | 4. Affirm that the student remains in good standing with
 835 | the provider or school if those options are selected by the
 836 | parent.

837 |

838 | A parent who fails to comply with this subsection forfeits the
 839 | Gardiner Scholarship.

840 | Section 15. Subsection (7) of section 1002.42, Florida
 841 | Statutes, is amended to read:

842 | 1002.42 Private schools.—

843 | (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
 844 | private, parochial, religious, or denominational school
 845 | satisfies the attendance requirements of ss. 1003.01(18) ~~ss.~~
 846 | ~~1003.01(13)~~ and 1003.21(1).

847 | Section 16. Subsection (1) of section 1002.43, Florida
 848 | Statutes, is amended to read:

849 | 1002.43 Private tutoring programs.—

850 | (1) Regular school attendance as defined in s. 1003.01 ~~s.~~

851 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring
 852 program if the person tutoring the student meets the following
 853 requirements:

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

856 (b) Keeps all records and makes all reports required by
 857 the state and district school board and makes regular reports on
 858 the attendance of students in accordance with the provisions of
 859 s. 1003.23(2).

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

862 Section 17. Subsection (6) of section 1003.03, Florida
 863 Statutes, is amended to read:

864 1003.03 Maximum class size.—

865 (6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(4)
 866 ~~s. 1003.01(14)~~, the Department of Education shall identify from
 867 the Course Code Directory the core-curricula courses for the
 868 purpose of satisfying the maximum class size requirement in this
 869 section. The department may adopt rules to implement this
 870 subsection, if necessary.

871 Section 18. Subsection (4) of section 1003.21, Florida
 872 Statutes, is amended to read:

873 1003.21 School attendance.—

874 (4) Before admitting a child to kindergarten, the
 875 principal shall require evidence that the child has attained the

876 age at which he or she should be admitted in accordance with the
 877 provisions of subparagraph (1)(a)2. The district school
 878 superintendent may require evidence of the age of any child who
 879 is being enrolled in public school and who the district school
 880 superintendent believes to be within the limits of compulsory
 881 attendance as provided for by law; however, the district school
 882 superintendent may not require evidence from any child who meets
 883 regular attendance requirements by attending a school or program
 884 listed in s. 1003.01(18)(b)-(e) ~~s. 1003.01(13)(b)-(e)~~. If the
 885 first prescribed evidence is not available, the next evidence
 886 obtainable in the order set forth below shall be accepted:

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

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

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

895 (d) A bona fide contemporary religious record of the
 896 child's birth accompanied by an affidavit sworn to by the
 897 parent;

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

900 (f) A transcript of record of age shown in the child's

901 school record of at least 4 years prior to application, stating
 902 date of birth; or

903 (g) If none of these evidences can be produced, an
 904 affidavit of age sworn to by the parent, accompanied by a
 905 certificate of age signed by a public health officer or by a
 906 public school physician, or, if these are not available in the
 907 county, by a licensed practicing physician designated by the
 908 district school board, which states that the health officer or
 909 physician has examined the child and believes that the age as
 910 stated in the affidavit is substantially correct. Children and
 911 youths who are experiencing homelessness and children who are
 912 known to the department, as defined in s. 39.0016, shall be
 913 given temporary exemption from this section for 30 school days.

914 Section 19. Paragraph (b) of subsection (1) of section
 915 1003.4282, Florida Statutes, is amended to read:

916 1003.4282 Requirements for a standard high school
 917 diploma.—

918 (1) TWENTY-FOUR CREDITS REQUIRED.—

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

926 match to the core curricular content of another course, based
927 upon review of the Next Generation Sunshine State Standards for
928 that subject. An applied course aligns with Next Generation
929 Sunshine State Standards and includes real-world applications of
930 a career and technical education standard used in business or
931 industry. An integrated course includes content from several
932 courses within a content area or across content areas.

933 Section 20. Subsection (4) of section 1003.52, Florida
934 Statutes, is amended to read:

935 1003.52 Educational services in Department of Juvenile
936 Justice programs.—

937 (4) Educational services shall be provided at times of the
938 day most appropriate for the juvenile justice program. School
939 programming in juvenile justice detention, prevention, day
940 treatment, and residential programs shall be made available by
941 the local school district during the juvenile justice school
942 year, as provided in s. 1003.01(16) ~~s. 1003.01(11)~~. In addition,
943 students in juvenile justice education programs shall have
944 access to courses offered pursuant to ss. 1002.37, 1002.45, and
945 1003.498. The Department of Education and the school districts
946 shall adopt policies necessary to provide such access.

947 Section 21. Section 1003.575, Florida Statutes, is amended
948 to read:

949 1003.575 Assistive technology devices; findings;
950 interagency agreements.—Accessibility, utilization, and

951 coordination of appropriate assistive technology devices and
952 services are essential as a young person with disabilities moves
953 from early intervention to preschool, from preschool to school,
954 from one school to another, from school to employment or
955 independent living, and from school to home and community. If an
956 individual education plan team makes a recommendation in
957 accordance with State Board of Education rule for a student with
958 a disability, as defined in s. 1003.01 ~~s. 1003.01(3)~~, to receive
959 an assistive technology assessment, that assessment must be
960 completed within 60 school days after the team's recommendation.
961 To ensure that an assistive technology device issued to a young
962 person as part of his or her individualized family support plan,
963 individual support plan, individualized plan for employment, or
964 individual education plan remains with the individual through
965 such transitions, the following agencies shall enter into
966 interagency agreements, as appropriate, to ensure the
967 transaction of assistive technology devices:

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

970 (2) The Division of Blind Services, the Bureau of
971 Exceptional Education and Student Services, the Office of
972 Independent Education and Parental Choice, and the Division of
973 Vocational Rehabilitation of the Department of Education.

974 (3) The Voluntary Prekindergarten Education Program
975 administered by the Department of Education and the Office of

976 Early Learning.

977

978 Interagency agreements entered into pursuant to this section
979 shall provide a framework for ensuring that young persons with
980 disabilities and their families, educators, and employers are
981 informed about the utilization and coordination of assistive
982 technology devices and services that may assist in meeting
983 transition needs, and shall establish a mechanism by which a
984 young person or his or her parent may request that an assistive
985 technology device remain with the young person as he or she
986 moves through the continuum from home to school to postschool.

987 Section 22. Paragraph (d) of subsection (2) of section
988 1006.07, Florida Statutes, is amended to read:

989 1006.07 District school board duties relating to student
990 discipline and school safety.—The district school board shall
991 provide for the proper accounting for all students, for the
992 attendance and control of students at school, and for proper
993 attention to health, safety, and other matters relating to the
994 welfare of students, including:

995 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
996 conduct for elementary schools and a code of student conduct for
997 middle and high schools and distribute the appropriate code to
998 all teachers, school personnel, students, and parents, at the
999 beginning of every school year. Each code shall be organized and
1000 written in language that is understandable to students and

1001 parents and shall be discussed at the beginning of every school
1002 year in student classes, school advisory council meetings, and
1003 parent and teacher association or organization meetings. Each
1004 code shall be based on the rules governing student conduct and
1005 discipline adopted by the district school board and shall be
1006 made available in the student handbook or similar publication.
1007 Each code shall include, but is not limited to:

1008 (d)1. An explanation of the responsibilities of each
1009 student with regard to appropriate dress, respect for self and
1010 others, and the role that appropriate dress and respect for self
1011 and others has on an orderly learning environment. Each district
1012 school board shall adopt a dress code policy that prohibits a
1013 student, while on the grounds of a public school during the
1014 regular school day, from wearing clothing that exposes underwear
1015 or body parts in an indecent or vulgar manner or that disrupts
1016 the orderly learning environment.

1017 2. Any student who violates the dress policy described in
1018 subparagraph 1. is subject to the following disciplinary
1019 actions:

1020 a. For a first offense, a student shall be given a verbal
1021 warning and the school principal shall call the student's parent
1022 or guardian.

1023 b. For a second offense, the student is ineligible to
1024 participate in any extracurricular activity for a period of time
1025 not to exceed 5 days and the school principal shall meet with

1026 the student's parent or guardian.

1027 c. For a third or subsequent offense, a student shall
 1028 receive an in-school suspension pursuant to s. 1003.01 ~~s.~~
 1029 ~~1003.01(5)~~ for a period not to exceed 3 days, the student is
 1030 ineligible to participate in any extracurricular activity for a
 1031 period not to exceed 30 days, and the school principal shall
 1032 call the student's parent or guardian and send the parent or
 1033 guardian a written letter regarding the student's in-school
 1034 suspension and ineligibility to participate in extracurricular
 1035 activities.

1036 Section 23. Subsection (5) of section 1008.24, Florida
 1037 Statutes, is amended to read:

1038 1008.24 Test administration and security; public records
 1039 exemption.—

1040 (5) Exceptional students with disabilities, as defined in
 1041 s. 1003.01 ~~s. 1003.01(3)~~, shall have access to testing sites.
 1042 The Department of Education and each school district shall adopt
 1043 policies that are necessary to ensure such access.

1044 Section 24. Paragraph (c) of subsection (6) of section
 1045 1012.2315, Florida Statutes, is amended to read:

1046 1012.2315 Assignment of teachers.—

1047 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
 1048 EVALUATIONS.—

1049 (c) For a student enrolling in an extracurricular course
 1050 as defined in s. 1003.01 ~~s. 1003.01(15)~~, a parent may choose to

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1051 have the student taught by a teacher who received a performance
1052 evaluation of "needs improvement" or "unsatisfactory" in the
1053 preceding school year if the student and the student's parent
1054 receive an explanation of the impact of teacher effectiveness on
1055 student learning and the principal receives written consent from
1056 the parent.

1057 Section 25. This act shall take effect July 1, 2021.