EDUCATION ACCOUNTABILITY

CS/CS/HB 991 — School Improvement for Accountability

by Full Appropriations Council on Education and Economic Development; PreK-12 Policy Committee; and Rep. Grady and others (CS/SB 1682 by Education Pre-K–12 Appropriations Committee and Senators Wise and Lynn)

Compliance with the Federal Elementary and Secondary Education Act

The bill creates Florida's Equal Opportunity in Education Act and requires the State Board of Education (SBE) to comply with the federal Elementary and Secondary Education Act (ESEA) and its implementing regulations, if the SBE determines that the act and its regulations are consistent with the purposes in the ESEA.

Differentiated Accountability Program

For purposes of determining whether a school needs action to achieve a sufficient level of school improvement, the bill requires the Department of Education to categorize public schools based on the school's grade and the level and rate of change in student performance in reading and mathematics, disaggregated into student subgroups. Schools are subject to intervention strategies addressing student performance, including, but not limited to:

- Improvement planning;
- Leadership quality;
- Educator quality;
- Professional development;
- Curriculum alignment and pacing;
- Continuous improvement; and
- Monitoring plans and processes.

The bill requires the Department of Education to provide the most intensive intervention strategies to the lowest performing schools, which are defined as schools that:

- Have received a grade of "F" in the most recent school year and in four of the last six years; or
- Are currently graded "D" or "F" and meet at least three of the following four criteria:
  - When compared to measurements taken five years previously, the percentage of students who are not proficient in reading has increased.
  - When compared to measurements taken five years previously, the percentage of students who are not proficient in mathematics has increased.
  - At least 65 percent of the school's students are not proficient in reading.
  - At least 65 percent of the school's students are not proficient in mathematics.

School districts and schools would administer intervention and support strategies for all but the lowest category of schools and those designated as "F" schools in the second lowest category. For the lowest category schools and "F" schools, the Commissioner of Education must assign a community assessment team to each school district or governing board.

Restructuring the Lowest Performing Schools

A school district must submit a plan, subject to SBE approval, to implement one of the following options by the beginning of the next school year for the lowest performing schools:

- Convert the school to a district-managed turnaround school;
- Reassign students to another school and monitor the progress of the reassigned students;
- Close the school and reopen it as a charter school or multiple charter schools whose governing board has a demonstrated record of effectiveness; or
- Contract with an outside entity that has a demonstrated record of effectiveness to operate the school.

A school that fails to improve during the first year must implement another option based on a plan approved by the SBE. However, the SBE may permit the school to continue implementing the first option if the board determines that the school would likely improve given additional time to use the existing intervention and support strategies. A school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading, in order to be designated as a higher performing school. Student performance must be evaluated for each subgroup. Subgroups include: economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency.

The bill requires the Department of Education to implement school improvement immediately and the State Board of Education to adopt rules to implement the provisions of this bill by July 1, 2010.

Assignment of Teachers

School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools designated as one of the lowest three performing categories under s. 1008.33(3)(b), F.S.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 38-0; House 77-39

CS/CS/SB 278 — Charter Schools

by Education Pre-K–12 Appropriations Committee; Education Pre-K–12 Committee; and Senator Gaetz

This bill is a comprehensive charter school accountability act with emphasis on improving financial management, establishing standards of conduct, and providing more disclosure on school performance.

Financial Management

Application Process and Review

Prior to filing a charter application, applicants for charter schools and charter technical career centers, including management companies, nonprofits organizations, principals, and chief financial officers or their equivalents, must participate in the training provided by the Department of Education (DOE). Specifically, the training involves financial planning, including developing business plans, estimating costs and income, projecting enrollment, and identifying state and federal funding sources. A sponsor may require an applicant to attend a sponsor's training if it meets or exceeds the DOE's training standards. Documentation of the training must be included in the application. Sponsors must use the standard evaluation form developed by the DOE. These provisions are intended to offer a greater degree of assistance to applicants and more uniformity among sponsors during the review process.

Indicators of Deteriorating Financial Conditions and Emergencies

Currently, there is no systematic process for detecting charter schools and charter technical career centers that are experiencing financial difficulties other than an end of the year audit. The bill establishes indicators of risk for financial difficulty, such as failure to provide for an audit, failure to comply with reporting requirements, and a deteriorating financial condition. When one of these conditions occurs, a charter school and a charter technical career center are subject to an expedited review by the sponsor, which includes a corrective action plan.

If the sponsor and board are unable to agree on the components or necessity of the plan, the Commissioner of Education determines the plan. The governing board must monitor corrective action plans and annually report to the sponsor the status of the corrective actions specified in the plan. The State Board of Education (SBE) must adopt rules to establish procedures for determining a deteriorating financial condition.

The SBE must prescribe the steps required for compliance when a governing board fails to implement the plan within one year. The chair of the governing board must appear before the SBE to report on the status of the plan and its effect on resolving the financial difficulties. The DOE would provide technical assistance to charter schools and centers and their governing boards and sponsors for corrective action and financial recovery plans.

The bill requires the Commissioner of Education to determine if a charter school or a charter technical career center needs a financial recovery plan to resolve a financial condition specified in s. 218.503, F.S. If the Commissioner determines that a plan is needed, the charter school or charter technical career center is considered to be in a state of financial emergency.

Charter Technical Career Centers
Under the bill, charter technical career centers are subject to the Financial Emergencies Act, which currently only applies to local governments, district school boards, and charter schools.

Causes for Nonrenewal or Termination of Charter
The bill provides additional grounds for not renewing or terminating a charter to include when a charter school or center fails to correct the deficiencies in a corrective action plan within one year or exhibits one or more financial emergency conditions for two consecutive years. The bill permits a charter to be immediately terminated or not renewed without a hearing under the Administrative Procedures Act when there is good cause shown or the health, safety, and welfare of a student is threatened.

Standards of Conduct

Nepotism
As a condition of receiving a charter, applicants must disclose the names of relatives who will be employed by the charter school or center. This requirement for full disclosure is also a part of the charter.

Personnel in charter schools or charter technical career centers that are operated by a private entity may not employ or promote a relative if he or she exercises jurisdiction or control over the individual. Additionally, the prohibition applies to governing board members and their relatives. Similarly, the bill prohibits a relative from accepting employment or a promotion if the decision is made or advocated by his or her relative. These provisions do not apply when an action is limited to the approval of a budget.

The nepotism requirements in s. 112.3135, F.S., apply to charter school personnel in schools operated by municipalities or other public entities. A violation of s. 112.3135, F.S., subjects these personnel to the penalties in s. 112.317, F.S.

Conflict of Interest and Governing Board Members
Members of the governing board of a charter school or charter technical career center, including those operated by private entities, are subject to the same requirements that apply to public employees for the solicitation and acceptance of gifts, business transactions, and conflicting employment or contractual relationships. The bill also subjects board members to the voting conflict requirements. Board members of charter schools or centers operated by public entities are explicitly subject to the requirements for public disclosure of financial interests in s. 112.3144, F.S. A violation of any of these provisions subjects governing board members to the penalties in s. 112.317, F.S.

School Grades and School Improvement Ratings

The bill expands performance reporting requirements for each charter school that does not receive a school grade or a school improvement rating, to the extent that the information does not compromise a student's privacy.

The DOE must provide charter schools that do not receive a school grade or a school improvement rating and serve at least 10 students who participate in the statewide assessment with student performance data, including learning gains, which is used to determine a school grade or a school improvement rating.

Charter schools must report to the parents of a student at the charter school, and to others, student performance comparisons by grade groupings for the following:

- Charter schools without school grades or school improvement ratings compared to traditional public schools in the district in which the charter school is located and to other charter schools in the state; and
- Charter alternative schools compared to all alternative schools in the state.

The bill requires charter schools to post this information on their website and provide for other notice to the public, as provided for in SBE rule.

Eligible Students

The bill permits an eligible student to transfer to a neighboring school district if he or she is within the geographic proximity of a charter school in that district.

Funding

The bill requires the DOE and district school boards to include charter schools in requests for federal stimulus funds, including funds provided through the federal Individuals with Disabilities Education Act (IDEA) and Title I of the federal Elementary and Secondary Education Act. Under the bill, charter schools may receive these funds and may participate in eligible federal stimulus competitive grants. For charter schools that participate in the National School Lunch Program, the bill requires charter schools to be paid at the same time and in the same manner as other public schools served by the sponsor or school district.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 39-0; House 116-0

CS/CS/SB 2538 — Supplemental Educational Services

by Education Pre-K–12 Appropriations Committee; Education Pre-K–12 Committee; and Senators Detert and Lynn

The bill requires the Department of Education (DOE) to assign a service designation of excellent, satisfactory, or unsatisfactory to state-approved supplemental educational services (SES) providers. A provider's service designation would be based primarily on student learning gains, but also on student attendance and completion rates and the results of principal, parent, and school district satisfaction surveys. The designation would not apply if the SES provider serves a student population that is too small for statistical reliability or if the designation would release personally identifiable student information.

The State Board of Education must adopt rules establishing the criteria for assigning the service designations and to report by July 1 of each year, the service designations to SES providers, school districts, parents, and the public.

The Department of Education is required to approve acceptable methods of measuring student learning gains by the SES providers and local school districts that serve as SES providers by September 1, 2009. Approval of providers would be contingent upon their use of one of the approved methods.

Under the bill, school districts would be authorized to use Title I, Part A funds, as provided in the Elementary and Secondary Education Act, to meet any requirements outlined in the bill.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 38-0; House 117-0

HB 7089 — Exceptional Students

by PreK–12 Policy Committee and Rep. Legg and others (CS/SB 2038 by Governmental Oversight and Accountability Committee and Senator Detert)

The bill requires the State Board of Education to comply with the federal Individuals with Disabilities Education Act (IDEA) after evaluating and determining that the act is consistent with specific principles.

The bill also makes the following changes to conform to IDEA's requirements:

- Revises the appellate review options of adversely affected parties;
- Codifies federal law for the removal and placement of a student with a disability who violates a school district's code of conduct; and
- Defines the terms "weapon" and "controlled substance" for purposes of disciplining a student with a disability.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 40-0; House 116-0

SB 1248 — Public K-12 Education

by Senator Wise

Instructional Materials

The bill authorizes district school boards to recover from a student or his or her parents 100 percent of the replacement costs of instructional materials lost or damaged by the student or parents. School board policies may continue to include alternate reimbursement provisions such as community or school volunteer work for students who are financially unable to pay for lost and damaged instructional materials.

Service Learning

The bill requires the Department of Education to encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12 and to provide assistance in locating available financial resources. The department is also required to develop and adopt elective service-learning courses for inclusion in middle and high school course code directories.

Under the bill, hours that high school students devote to course-based service-learning activities may count toward high school graduation community service requirements and the community service requirements of the Florida Bright Futures Scholarship Program.

School Grades

The bill provides that the governing body of a charter school that meets the definition of an alternative school pursuant to State Board of Education rule may elect to receive a school grade or school improvement rating. Current law provides authority for traditional schools and charter schools to choose this option.

Regional Professional Development Academies

The bill revises provisions in law relating to regional professional development academies to require greater specificity and accountability in contracts between district school boards and a regional academy, including provisions dealing with intellectual property generated by school district personnel at a regional academy, responsibility for the prudent and lawful use of public and private funds, documentation evidencing that services to district school boards are commensurate with funds paid to an academy, and annual audits with records available for inspection by the Auditor General.

The bill repeals provisions relating to the authorization of startup funding for a regional academy and the requirement that a regional academy be self-supporting after the first year of operation.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 39-0; House 112-0

PUBLIC RECORDS

HB 7117 — Public Records/Education Records

by Education Policy Council and Rep. Culp (CS/SB 2426 by Education Pre-K – 12 Committee and Senators Detert and Lynn)

The bill requires the State Board of Education (SBE) and public postsecondary institutions to comply with the federal Family Educational Rights and Privacy Act (FERPA) and federal implementing regulations. The SBE must evaluate and determine if the act is consistent with specific principles that include the rights of students and their parents. The SBE is also tasked with adopting rules, monitoring FERPA, notifying the Legislature of any significant change to the federal requirements, and advising the Legislature of any change in FERPA which may create a need for an exemption to the public records requirements.

The bill conforms current law with FERPA with respect to the parties who may access otherwise confidential and exempt personally identifiable records about a student without parental and student consent and the manner in which student and parental rights are implemented.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 39-0; House 117-0

HB 7119 — Public Records/Education Records

by Education Policy Council and Rep. Culp (CS/SB 2374 by Education Pre-K – 12 Committee and Senators Detert and Aronberg)

The bill reenacts and expands a public records exemption for student education records to comply with the federal Family Educational Rights and Privacy Act (FERPA) and the federal implementing regulations for K-12 students and public postsecondary students. The bill also protects from public disclosure the applicant records of a student who applies to a public postsecondary educational institution. These records are confidential and exempt. The exemption is subject to review under s. 119.15, F.S., the Open Government Sunset Review Act, and would sunset on October 2, 2014, unless saved from repeal through reenactment by the Legislature.

The bill prohibits agencies, public schools, centers, institutions or other entities that are part of Florida's education system from releasing information without the written consent of the student, except in the circumstances permitted by FERPA. Education records released by agencies, public schools, centers, and public postsecondary institutions to the Office of Program Policy Analysis and Government Accountability or the Auditor General that are used to perform their official duties and responsibilities must be used and maintained in accordance with FERPA.

If approved by the Governor, these provisions take effect on the same date that HB 7117 or similar legislation takes effect, if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law.
Vote: Senate 39-0; House 115-0

CS/HB 895 — Public Records/Investigation of Testing Impropriety

by PreK-12 Policy Committee and Rep. K. Roberson (CS/SB 1912 by Education Pre-K-12 Committee and Senator Detert)

The bill creates a public records exemption for information obtained as a part of the Department of Education's investigation of a testing impropriety. This includes:

- The identity of the school or postsecondary institution;
- The personally identifiable information of personnel in the school district or postsecondary institution; and
- Specific allegations of misconduct obtained or reported during the investigation.

This information is confidential and exempt until the conclusion of the investigation or until it is no longer active.

This bill affects investigations related to tests administered by the state to students and teachers, including postsecondary placement tests and teacher certification exams, and tests administered by school districts.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 40-0; House 117-0

SCHOOL AND PROGRAM CHOICE

CS/CS/HB 453 — Tax Credits for Contributions to Nonprofit Scholarship Funding Organizations

by Finance and Tax Council; PreK-12 Policy Committee; and Rep. Weatherford and others (CS/CS/SB 1310 by Finance and Tax Committee; Education Pre-K–12 Committee; and Senators Gardiner, Fasano, Oelrich, Altman, Bennett, Haridopolos, Wise, King, Storms, Dean, Siplin, Baker, and Lawson)

Insurance Premium Tax Credit

The bill expands the revenue sources that can be claimed as tax credits for donations to a nonprofit scholarship funding organization (SFO) under the Corporate Income Tax Credit Scholarship Program (CTC) to fund scholarships for economically disadvantaged students. The additional revenue source is the premium tax under s. 624.509, F.S., which is imposed on insurance premiums written in Florida and paid by insurance companies to the Department of Revenue (DOR). The bill allows insurance companies to receive a credit of 100 percent of an eligible contribution to an eligible SFO against any tax due for a taxable year under the provisions of the insurance premium tax. However, the credit may not exceed 75 percent of the tax due. An insurer claiming a credit against premium tax liability is not required to pay any additional retaliatory tax levied under s. 624.5091, F.S., as a result of claiming the credit.

Credit Limits

The maximum amount of tax credits that may be granted each state fiscal year under the CTC program remains at $118 million. The bill provides that the $118 million cap applies to all tax credits (the corporate income tax and the insurance premium tax combined). Insurers receiving an insurance premium tax credit under this program are not able to receive a similar corporate income tax credit under the program. The bill renames the CTC program as the Florida Tax Credit (FTC) Scholarship Program and provides that a taxpayer's use of the credit granted under the new program does not reduce the amount of the alternative minimum tax credits available under s. 220.186, F.S.

Provision for Certain Contributions Made by Insurers from 2006 through 2008

An insurance company that made eligible contributions under the CTC program for tax years beginning in 2006, 2007, or 2008, but did not receive a dollar-for-dollar benefit because of the interaction between the corporate income tax and the insurance premium tax, may apply to DOR by July 31, 2009, to take a credit against its 2009 corporate tax liability. Credits taken pursuant to this provision would be counted toward the $118 million cap in FY 2009-2010. These credits would be treated as corporate taxes paid for purposes of computing the corporate tax credit against the insurance premium tax.

Eligible Students

Students who are on a direct certification list are eligible to receive a scholarship. The bill defines the list to mean children who qualify for the Food Stamp Program, the Temporary Assistance to Needy Families Program, or the Food Distribution Program on Indian Reservations. This list is provided to the Department of Education by the Department of Children and Family Services pursuant to a memorandum of understanding.

At the request of an eligible scholarship-funding organization, school districts must inform all households participating in the National School Lunch Program that they are eligible to apply for a tax credit scholarship. School districts must include the information in any normal correspondence with an eligible household. Once a year an SFO may request a special communication from the district to each household and the SFO must reimburse the district for postal expenses.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 26-11; House 94-23

CS/CS/SB 1616 — Career and Adult Education

by Education Pre-K–12 Appropriations Committee; Education Pre-K–12 Committee; and Senators Oelrich and Lynn

Career and Adult Education

The bill renames the Division of Workforce Education within the Department of Education as the Division of Career and Adult Education.

In addition, the bill aligns career education certification to the needs of business and industry through industry certifications approved by Workforce Florida, Inc., by repealing the career education certification under s. 1003.431, F.S. Industry certifications attained by a student would be designated on the student's standard high school diploma.

The eligibility for bonus weight funding for career and professional academy industry certifications through the Florida Education Finance Program is clarified to apply only to those certifications identified annually in the Industry Certification Funding List pursuant to rules of the State Board of Education.

The requirement for adult high school students to complete a credit in fine or performing arts for graduation purposes is repealed.

The bill revises the membership and makes other conforming changes to the State Apprenticeship Advisory Council in order to comply with federal regulations. Council members may not receive per diem and travel expenses; rather, council meetings may be conducted by electronic means.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of student outcomes in workforce education degree and certificate programs offered by community colleges, independent institutions, and school districts, which are not included on locally targeted occupations lists through Workforce Florida, Inc., or on the statewide occupational forecasting list developed by the Workforce Estimating Conference. The review must also examine the cost to students and the cost-effectiveness of state funding for school district and community college workforce programs, successful program completion and employment placement rates, and include a survey of former students to determine employment and compensation information.

Seaport Security Training

The bill also provides for the Commissioner of Education or his or her designee to serve as a member of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 39-0; House 116-0

STUDENT SAFETY AND SUPPORT

CS/CS/CS/CS/SB 1540 — Zero-tolerance Policies/Schools

by Education Pre-K–12 Appropriations Committee; Judiciary Committee; Criminal Justice Committee; Education Pre-K–12 Committee; and Senators Wise, Sobel, and Bullard

The bill requires district school boards to revise their zero-tolerance policies to:

- Define petty misconduct and offenses that pose a serious threat to school safety;
- Clarify that zero-tolerance policies do not require the reporting of petty misconduct and certain misdemeanors to a law enforcement agency;
- Provide for a review of the disciplinary action taken against a student pursuant to s. 1006.07, F.S.; and
- Consider the particular circumstances surrounding the student's misbehavior in any disciplinary or prosecutorial action.

The bill requires cooperative agreements to specify guidelines for reporting and enforcing no contact orders and protecting the victim.

Finally, the bill requires a district school board having a policy authorizing corporal punishment to review the policy every three years during a public school board meeting. If the meeting does not occur, the corporal punishment policy expires.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 39-0; House 119-0

CS/CS/CS/SB 1128 — Education/Children in Shelter Care or Foster Care

by Judiciary Committee; Children, Families, and Elder Affairs Committee; Education Pre-K–12 Committee; and Senators Rich, Dean, Wilson, Bullard, Lynn, and Joyner

The bill makes changes that affect dependent children, children in shelter care, and exceptional students with disabilities in private residential care facilities.

Dependent and Sheltered Children

The bill defines a surrogate parent, for purposes of ch. 39, F.S., to mean an individual appointed to act in the place of a parent in making educational decisions and safeguarding the child's rights under the federal Individuals with Disabilities Education Act (IDEA).

The bill requires that a surrogate parent be appointed by the district school superintendent or the dependency court, for any dependent child or child in shelter care who has or is suspected of having a disability, if no parent can be located or the court determines that no one with authority is willing or able to make educational decisions for the child.

The bill specifies the qualifications, responsibilities, rights, and liabilities of a surrogate parent. A surrogate parent must successfully complete training to ensure that he or she adequately represents the interests of the child.

The bill specifies that a surrogate parent may not be:

- An employee of the Department of Education (DOE), the local school district, a community-based care provider, the Department of Children and Family Services (DCF), or any other public or private agency involved in the education or care of the child; or
- Group home staff or therapeutic foster home parents.

A surrogate parent may, however, be:

- A person who acts in a parental role to a child, such as a foster parent or relative caregiver;
- A court-appointed guardian ad litem;
- A relative or other adult involved in the child's life, regardless of whether he or she has physical custody of the child.

If a guardian ad litem has been appointed, the bill requires the district school superintendent to first consider him or her as the surrogate parent. The bill requires the court to provide timely notice of an appointment of a surrogate parent to the child's school and requires the district school superintendent to accept the appointment of a surrogate parent by a dependency court if he or she has not previously made an appointment. The bill requires the court to likewise recognize a previously made appointment by a superintendent. The bill also requires subsequent schools or school districts to accept the court or district appointment, regardless of where the child actually receives residential care.

The bill provides that the appointment or termination of a surrogate parent must be entered by an order of a court, with a copy of the order provided to the child's school.

The bill allows access to confidential reports and records of child abuse by a local school district employee who is designated to act as a liaison between the school district, the DCF, and the principal of the child's school.

The bill requires that, if a child is placed in shelter care pursuant to court order following a shelter hearing, the court must request that the child's parents consent to allow the court, the DCF or its contract providers, and the child's guardian ad litem or attorney to have access to the child's medical and education records. If a parent is unavailable or withholds consent, and the court determines that access is necessary, the court shall enter an order granting access to the records. The court may also order the parents to provide medical information.

The bill provides that judicial and citizen panel reviews of dependency cases must include consideration of testimony from a surrogate parent. In reviewing a case, the court and the panel must determine who has the right to make educational decisions for a child if the child has or is

suspected of being an exceptional student with a disability. In these reviews, consideration must be given to evidence from the community-based provider related to the appropriateness of the educational setting and coordination with the school district.

The bill also provides a temporary (30-day) exemption for dependent children and children in foster care from providing proof of age and school entry health examinations and immunizations prior to attending school.

As a part of the agreement between the DCF and the DOE for dependent children and children in shelter care, the bill requires the DOE to access the Florida Safe Families Network to obtain information concerning the children. Similarly, the bill requires school districts to access the information in the network.

Placement of Exceptional Students with Disabilities in Private Residential Care Facilities

The bill revises the requirements relating to the delivery of educational instruction and student funding when an exceptional student with disabilities is placed in a private residential care facility in another district. In particular, the bill:

- Requires timely notification by DCF, the Agency for Health Care Administration, the Agency for Persons with Disabilities, or a licensed private residential care facility when an exceptional student is placed in a private residential care facility for the primary purpose of meeting a student's residential or other non-educational needs and the placement crosses school district lines;
- Specifies that notification must be provided to the school district where the student is currently counted for funding purposes under s. 1011.62, F.S., and to the school district where the residential facility is located;
- Requires the student to be enrolled in school while payment is pending;
- Requires the receiving school district to review the student's individual educational plan (IEP), provide or contract for educational instruction to the student, or decline to do so;
- Provides that, if the receiving school district declines to contract or provide instruction, the school district in which the student legally resides is responsible for providing or contracting for instruction;
- Specifies that the school district which provides or contracts to provide instruction reports the student for funding;
- Requires the DOE to develop procedures for notifying school districts when an exceptional student is placed in a residential care facility; and
- Provides that school districts with inter-district agreements for providing and paying for educational services are not subject to the provisions of the bill relating to placement in private residential facilities, with the exception of timely reviewing a student's IEP.

The bill requires the DOE to implement an interagency cooperative agreement regarding the placement of exceptional students in residential facilities, consistent with federal law and

regulations, on or before January 1, 2010. The agreement must identify the responsibilities of each party; ensure that students receive special education and related services necessary to receive a free appropriate public education; and establish procedures for resolving interagency disputes, ensuring the provision of services during the pendency of a dispute, and ensuring continued Medicaid eligibility as deemed appropriate.

These provisions were approved by the Governor and take effect July 1, 2009.
Vote: Senate 39-0; House 119-0

CS/CS/HB 1539 — Certification of Public School Athletic Coaches

by Policy Council; PreK-12 Policy Committee; and Rep. Fresen and others (CS/CS/SB 2066 by Education Pre-K–12 Appropriations Committee; Education Pre-K–12 Committee; and Senator Haridopolos)

Under the bill, completion of a sports safety course counts for six hours (six in-service points) of required district in-service instruction for athletic coaching certification, if the course is approved by the Florida High School Athletic Association Board of Directors and meets the following requirements:

- Consists of at least eight modules;
- Immediately provides an individual with a merit certificate at the time of successful completion;
- Is delivered through hands-on and online teaching methods, with hands-on course material that is less than 120 pages;
- Is taught by a licensed athletic trainer who holds a current certificate from the Board of Certification or a member of the American Academy of Orthopaedic Surgeons;
- Specifically covers sports safety, excluding coaching principles and procedures for cardiopulmonary resuscitation;
- Is authored or approved by at least 10 health care professionals;
- Is subject to revision and reviewed at least once every 30 months; and
- Is available to the general public for under $50.

Each course examination must be taken online and an individual must score eighty percent or better for successful completion.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 38-0; House 113-0

VETERANS

SB 316 — High School Diplomas for Vietnam Veterans

by Senators Constantine, Bennett, Richter, Baker, King, Dean, Aronberg, Altman, and Crist

The bill authorizes the Commissioner of Education to award a standard high school diploma to honorably discharged veterans who were inducted into the United States Armed Forces during the Vietnam Era before completing their high school graduation requirements. This bill would afford Vietnam Era servicemembers the same opportunity for a high school diploma as their brethren who served in World War II and the Korean War.

If approved by the Governor, these provisions take effect July 1, 2009.
Vote: Senate 39-0; House 116-0