



Education Committee

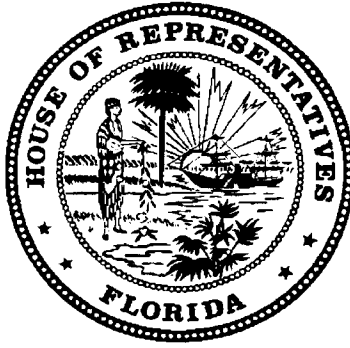
**Thursday, January 14, 2016
8:00 a.m. – 10:00 a.m.**

102 HOB

**Amended
Meeting Packet**

**Steve Crisafulli
Speaker**

**H. Marlene O'Toole
Chair**



AGENDA

Education Committee
Thursday, January 14, 2016
8:00 a.m. – 10:00 a.m.

102 HOB

- I. Call to Order and Roll Call – Chair O’Toole
- II. Welcome - Chair O’Toole
- III. Consideration of the following bill:
 - HB 31 High School Athletics by Spano
 - HB 117 Education Funding by Beshears
 - HB 119 Educational Facilities by Bileca
 - HB 149 Maximum Class Size by Moraitis
 - CS/HB 189 Teacher Certification by K-12 Subcommittee, Diaz, M.
 - HB 585 Instruction for Homebound and Hospitalized Students by Burgess
 - HB 7017 Career and Adult Education by Higher Education & Workforce Subcommittee, Raburn
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 31 High School Athletics
SPONSOR(S): Spano
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Appropriations Subcommittee	12 Y, 0 N	Dobson	Heflin
2) Education Committee		Cherry <i>TC</i>	Mizereck <i>MM</i>

SUMMARY ANALYSIS

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization for interscholastic athletics in Florida public schools in grades 6 through 12. FHSAA receives revenue from a variety of sources, including membership dues, administrative fees, fines, corporate sponsorships, royalties, sanctioning fees, athletic event and ticket sales, and interest on investments.

The bill increases accountability over the FHSAA by providing that special event fees, sanctioning fees, and contest receipts annually collected by the Florida High School Athletic Association (FHSAA) may not exceed the actual cost of performing the function that is the basis of the fee.

The bill also allows member schools to participate in the FHSAA on a per sport basis and prohibits the FHSAA from subjecting non-members to retributory or discriminatory treatment.

The bill does not have a fiscal impact on state or local government.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION

Florida High School Athletic Association

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization for interscholastic athletics in Florida public schools in grades 6 through 12. The FHSAA is not a state agency, but is assigned quasi-governmental functions. If the FHSAA fails to meet its obligations and responsibilities, the Commissioner of Education (commissioner) is directed to designate a nonprofit organization to manage interscholastic athletics with the approval of the State Board of Education.¹

Revenue and Fiscal Accountability

FHSAA receives revenue from a variety of sources, including membership dues, administrative fees, fines, corporate sponsorships, royalties, sanctioning fees, athletic event and ticket sales, and interest on investments. FHSAA has made efforts to reduce dues charged to member schools, in favor of other sources of revenue.² Among other things, FHSAA charges sanctioning fees for multi-team athletic events involving member schools held by a corporation or promoter. These fees range from \$2,300 per every two teams for football jamborees to \$60 per every four teams in sports like bowling or cheerleading.³

The law requires the FHSAA to have an annual financial audit⁴ of its accounts and records by an independent certified public accountant retained by it and paid from its funds. The accountant must furnish a copy of the audit report to the Auditor General. Additionally, the FHSAA must keep records of all revenues and expenditures; these records must be open for inspection by the Auditor General.⁵

Membership

Any high school, middle school, or combination school,⁶ including charter schools, virtual schools, private schools and home education cooperatives,⁷ may become a member of the FHSAA. Membership is not mandatory for any school.⁸ FHSAA may not deny or discourage interscholastic competition between member and nonmember Florida schools, including members of another athletic governing organization.⁹ However, FHSAA member schools may not join other athletic governing associations or participate in FHSAA sanctioned activities on a per sport basis.¹⁰

B. EFFECT OF PROPOSED CHANGES:

Accountability

¹ Section 1006.20(1), F.S.

² Understanding the Financial Structure of the FHSAA, Hearing before the House Education Committee (Feb. 18, 2015).

³ FHSAA, 2015-16 Event Sanction Fees for Third Party Direct Contract with FHSAA (2014-15), available at http://www.fhsaa.org/sites/default/files/orig_uploads/forms/2015-16_third_party_fees.pdf.

⁴ “Financial audit” means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Section 11.45(1)(c), F.S.

⁵ Section 1006.19, F.S.

⁶ A combination school is any school that serves both students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined, e.g., K-12, K-8, 6-12, or 7-12. Bylaw 3.2.2.3, FHSAA.

⁷ A “home education cooperative” is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6 through 12. Bylaw 3.2.2.4, FHSAA.

⁸ Section 1006.20(1), F.S.

⁹ *Id.*

¹⁰ Bylaw 3.3.1, FHSAA. Member school must adopt the FHSAA bylaws annually as the rules governing its interscholastic athletic programs.

The bill specifies that FHSAA may not collect fees in excess of the annual cost of performing the function that is subject to or justifies the fee.

Membership

The bill authorizes schools to join FHSAA on a per-sport basis. Schools would also be allowed to join other organizations for some sports, while maintaining membership in FHSAA for others. The FHSAA is prohibited from discriminating against its member schools that join other associations for a sport for which they are not a member of the FHSAA. The commissioner may identify other associations that govern interscholastic athletic competition that comply with the requirements of the National Federation of State High School Associations (NFSHA) and the FHSAA may not unreasonably withhold its approval of an application to become a member of the NFSHA filed by an association that meets the requirements of the NFSHA.

C. SECTION DIRECTORY:

Section 1. Amends s. 1006.20, F.S.; relating to athletics in public k-12 schools; revises FHSAA revenue and membership requirements.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill requires special event fees, sanctioning fees and gate receipts collected annually by the FHSAA to reflect the actual cost of the activity or justification for the fee. This may reduce public school spending on athletic events.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires special event fees, sanctioning fees and gate receipts collected annually by the FHSAA to reflect the actual cost of the activity or justification for the fee. This may result in reduced sanctioning fees for corporate sponsors and promoters that organize high school athletic events.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal documents.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to high school athletics; amending s.
 3 1006.20, F.S.; providing requirements regarding fees
 4 and contest receipts collected by the Florida High
 5 School Athletic Association (FHSAA); providing that a
 6 school may join the FHSAA as a full-time member or on
 7 a per-sport basis; prohibiting the FHSAA from taking
 8 any retributory or discriminatory action against
 9 specified schools; authorizing the Commissioner of
 10 Education to identify other associations in compliance
 11 with specified provisions; providing an effective
 12 date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (1) of section 1006.20, Florida
 17 Statutes, is amended to read:

18 1006.20 Athletics in public K-12 schools.—

19 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 20 School Athletic Association (FHSAA) is designated as the
 21 governing nonprofit organization of athletics in Florida public
 22 schools. If the FHSAA fails to meet the provisions of this
 23 section, the commissioner shall designate a nonprofit
 24 organization to govern athletics with the approval of the State
 25 Board of Education. The FHSAA is not a state agency as defined
 26 in s. 120.52 but is. ~~The FHSAA shall be~~ subject to ss. 1006.15-

27 1006.19. Any special event fees, sanctioning fees, including
 28 third-party sanctioning fees, or contest receipts collected
 29 annually by the FHSAA may not exceed its actual costs to perform
 30 the function or duty that is the subject of or justification for
 31 the fee ~~the provisions of s. 1006.19. A private school that~~
 32 ~~wishes to engage in high school athletic competition with a~~
 33 ~~public high school may become a member of the FHSAA. Any high~~
 34 school in the state, including private schools, traditional
 35 public schools, charter schools, virtual schools, and home
 36 education cooperatives, may become a member of the FHSAA and
 37 participate in the activities of the FHSAA. ~~However,~~ Membership
 38 in the FHSAA is not mandatory for any school. The FHSAA shall
 39 allow a school the option of joining the association as a full-
 40 time member or on a per-sport basis and may not prohibit or
 41 discourage any school from simultaneously maintaining membership
 42 in the FHSAA and another athletic association. The FHSAA may not
 43 deny or discourage interscholastic competition between its
 44 member schools and nonmember ~~non-FHSAA member~~ Florida schools,
 45 including members of another athletic association ~~governing~~
 46 ~~organization,~~ and may not take any retributory or discriminatory
 47 action against any of its member schools that seek to
 48 participate in interscholastic competition with nonmember ~~non-~~
 49 ~~FHSAA member~~ Florida schools or any of its member schools that
 50 seek membership in other associations for a sport for which they
 51 are not a member of the FHSAA. The FHSAA may not unreasonably
 52 withhold its approval of an application to become an affiliate

53 member of the National Federation of State High School
54 Associations submitted by any other association ~~organization~~
55 that governs interscholastic athletic competition in this state
56 which meets the requirements of this section. The commissioner
57 may identify other associations that govern interscholastic
58 athletic competition in compliance with this section ~~The bylaws~~
59 ~~of the FHSAA are the rules by which high school athletic~~
60 ~~programs in its member schools, and the students who participate~~
61 ~~in them, are governed, unless otherwise specifically provided by~~
62 ~~statute.~~ For the purposes of this section, "high school"
63 includes grades 6 through 12.

64 Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 117 Education Funding
SPONSOR(S): Beshears
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Appropriations Subcommittee	11 Y, 0 N	Seifert	Heflin
2) Education Committee		Cherry TC	Mizereck <i>KLM</i>
3) Appropriations Committee			

SUMMARY ANALYSIS

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs. The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the full-time equivalent (FTE) of the district by the number of permanent senior high school centers. For districts with FTE student memberships between 20,000 and 24,000, the maximum number of high school centers for eligibility is four. The maximum number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. There are four adjustments to the initial sparsity computation, including a wealth adjustment.

The wealth adjustment reduces the sparsity supplement of districts whose potential discretionary local effort per unweighted FTE student is greater than the state average. There are 12 districts that currently receive a wealth adjustment in the sparsity calculation: Charlotte, Citrus, Flagler, Franklin, Gulf, Jefferson, Martin, Monroe, Nassau, Sumter, Walton, and FAU-Palm Beach

The bill exempts a school district with a student population of 2,000 or less from receiving a sparsity wealth adjustment.

The bill does not have a fiscal impact on state government but will result in a redistribution of sparsity funding among eligible districts in the FEFP.

This bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs. A key feature of the FEFP is that it bases financial support for education upon the individual student participating in a particular educational program rather than upon the number of teachers or classrooms.

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the full-time equivalent (FTE) of the district by the number of permanent senior high school centers. Per the General Appropriations Act proviso, participation is limited to districts of 24,000 or fewer FTE students. For districts with FTE student memberships between 20,000 and 24,000, the maximum number of high school centers for eligibility is four. The maximum number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. There are four adjustments to the initial sparsity computation, including a wealth adjustment. This supplement is limited to \$52,800,000 statewide for the 2015-16 fiscal year. There are 37 districts receiving a sparsity supplement for the 2015-16 fiscal year.

Districts with 24,000 or fewer FTE students receive a sparsity supplement calculated in accordance with s. 1011.62(7), F.S., to support the relatively higher operating cost of smaller districts due to sparse student populations. The formula outlined in statute has a variable factor for the sparsity index. This index is computed by dividing the FTE students of the school district by the number of permanent senior high school centers (not to exceed four). The index is compared to a value of 7,308, which is provided in s. 1011.62(7)(a), F.S. If the index is greater than 7,308, the school district is not eligible for a sparsity supplement. If it is less than 7,308, the index is used to calculate a sparsity factor, which when multiplied by the funded weighted FTE and base student allocation results in a computed sparsity supplement. After receiving a wealth adjustment, the computed amount is prorated to equal the sparsity supplement allocation.

The sparsity formula outlined in s. 1011.62(7), F.S., includes a wealth adjustment. The wealth adjustment reduces the sparsity supplement of districts whose potential discretionary local effort per unweighted FTE student is greater than the state average. This is done by multiplying the district's per FTE amount above the state average by its unweighted FTE. The result is then deducted from the calculated unadjusted sparsity supplement.

No district shall have a sparsity wealth adjustment that, when applied to the total potential funds, would cause the district's total potential funds per FTE student to be less than the state average. The total potential funds include all the components of the FEFP except for Florida School Recognition Program funds.

As of the 2015-16 FEFP Second Calculation, there are 14 districts (six of which are lab schools) with fewer than 2,000 FTE students. Of these 14 districts, four are currently receiving a sparsity wealth adjustment. This bill would prohibit those four districts (Franklin, Gulf, Jefferson and FAU-Palm Beach) from receiving a wealth adjustment in the sparsity formula.

B. SECTION DIRECTORY:

Section 1. Amends 1011.62, F.S., prohibiting a school district with a specified student population from receiving a sparsity wealth adjustment.

Section 2. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None known.

D. FISCAL COMMENTS:

As of the 2015-16 FEFP Second Calculation, there are four districts (Franklin, Gulf, Jefferson and FAU-Palm Beach) with fewer than 2,000 FTE students receiving a sparsity wealth adjustment. This bill would exclude these districts from receiving a wealth adjustment, which is currently reducing their sparsity supplement by a total of \$1,363,928.

Because the sparsity allocation is prorated among the districts based on FTE student membership, elimination of the wealth adjustment in districts with fewer than 2,000 FTE students will result in an increase in sparsity funds for those districts and a decrease in sparsity funds among the other districts that received the sparsity supplement. If this bill had been implemented in the 2015-16 FEFP Second Calculation, the four districts with fewer than 2,000 FTE students (Franklin, Gulf, Jefferson and FAU-Palm Beach) would see an increase of \$1,203,550 in their overall sparsity supplements. The other 33 districts receiving this allocation would experience a decrease of \$1,203,550 in their sparsity supplements, ranging from a decrease of \$6,635 (Nassau) to \$80,218 (Jackson).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to education funding; amending s.
3 1011.62, F.S.; prohibiting a school district with a
4 specified student population from receiving a sparsity
5 wealth adjustment; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Paragraph (d) of subsection (7) of section
10 1011.62, Florida Statutes, is amended to read:

11 1011.62 Funds for operation of schools.—If the annual
12 allocation from the Florida Education Finance Program to each
13 district for operation of schools is not determined in the
14 annual appropriations act or the substantive bill implementing
15 the annual appropriations act, it shall be determined as
16 follows:

17 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

18 (d) Each district's allocation of sparsity supplement
19 funds shall be adjusted in the following manner:

20 1. A maximum discretionary levy per FTE value for each
21 district shall be calculated by dividing the value of each
22 district's maximum discretionary levy by its FTE student count.

23 2. A state average discretionary levy value per FTE shall
24 be calculated by dividing the total maximum discretionary levy
25 value for all districts by the state total FTE student count.

26 3. A total potential funds per FTE for each district shall

27 | be calculated by dividing the total potential funds, not
 28 | including Florida School Recognition Program funds and the
 29 | minimum guarantee funds, for each district by its FTE student
 30 | count.

31 | 4. A state average total potential funds per FTE shall be
 32 | calculated by dividing the total potential funds, not including
 33 | Florida School Recognition Program funds and the minimum
 34 | guarantee funds, for all districts by the state total FTE
 35 | student count.

36 | 5. For districts that have a levy value per FTE as
 37 | calculated in subparagraph 1. higher than the state average
 38 | calculated in subparagraph 2., a sparsity wealth adjustment
 39 | shall be calculated as the product of the difference between the
 40 | state average levy value per FTE calculated in subparagraph 2.
 41 | and the district's levy value per FTE calculated in subparagraph
 42 | 1. and the district's FTE student count and -1. A ~~However, No~~
 43 | district may not shall have a sparsity wealth adjustment that,
 44 | when applied to the total potential funds calculated in
 45 | subparagraph 3., would cause the district's total potential
 46 | funds per FTE to be less than the state average calculated in
 47 | subparagraph 4. A district with a student population of 2,000 or
 48 | fewer students may not receive a sparsity wealth adjustment.

49 | 6. Each district's sparsity supplement allocation shall be
 50 | calculated by adding the amount calculated as specified in
 51 | paragraphs (a) and (b) and the wealth adjustment amount
 52 | calculated in this paragraph.

HB 117



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Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 119 Educational Facilities
SPONSOR(S): Bileca and others
TIED BILLS: IDEN./SIM. BILLS: SB 442

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Brink	Fudge
2) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the State Requirements for Educational Facilities (SREF), is adopted by the Florida Building Commission as part of the Florida Building Code. The Department of Education (DOE) must biennially review and recommend to the Florida Building Commission updates and revisions to the SREF. The law and State Board of Education rules require district school boards to adhere to the SREF when planning and constructing educational facilities and ancillary plants. Generally speaking, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.

The bill authorizes a district school board to adopt a resolution to implement an exception to one or more of the following SREF requirements regarding:

- Use of wood studs in interior nonload-bearing walls;
- Paved walkways, roadways, driveways, and parking areas;
- Covered walkways for relocatable buildings; and
- Site lighting.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

The bill does not have a fiscal impact on state government. District school boards that take advantage of the facilities flexibility may achieve cost savings. See Fiscal Analysis & Economic Impact Statement.

The bill is effective July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State Requirements for Educational Facilities

The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the State Requirements for Educational Facilities (SREF), is adopted by the Florida Building Commission as part of the Florida Building Code.¹ The Department of Education (DOE) must biennially review and recommend to the Florida Building Commission updates and revisions to the provisions of the SREF of the Florida Building Code.² The law and State Board of Education rules require district school boards and Florida College System (FCS) institution boards of trustees to adhere to the SREF when planning and constructing educational facilities and ancillary plants.³ Generally speaking, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.⁴

Currently, the SREF is codified in s. 453 of the Florida Building Code, 5th Edition. Among other things, the SREF specifies the following standards for interior walls; walks, roads, drives, and parking areas; covered walks; and site lighting:

SREF of the Florida Building Code⁵
453.8.3.1.1: Interior nonload-bearing wood studs or partitions shall not be used in permanent educational and auxiliary facilities or relocatable buildings
453.10.2: Walks, roads, drives, and parking areas. Walks, roads, drives, and parking areas on educational and ancillary sites shall be paved. Roads, drives, and parking areas shall be in compliance with Department of Transportation (DOT) road specifications and striped in compliance with DOT paint specifications. All paved areas shall have positive drainage.
453.10.2.1: Covered walks. All buildings in K-12 educational facilities shall be connected by paved walks and accessible under continuous roof cover. New relocatable classroom buildings shall be connected to permanent buildings by paved covered walks where applicable.
453.10.3: Site lighting required. Design, construction, and installation of exterior security lighting for educational and ancillary facilities shall be provided for: <ul style="list-style-type: none">• Auto, bus, and service drives and loading areas;• Parking areas;• Building perimeter; and• Covered and connector walks between buildings and between buildings and parking.

Effect of Proposed Changes

The bill authorizes a district school board to adopt a resolution to implement an exception to one or more of the following SREF requirements:

¹ Section 1013.37(1), F.S.

² Section 1013.37(4), F.S.

³ Section 1013.37(1), F.S.; rule 6A-2.0010, F.A.C.

⁴ See, e.g., s. 1013.12 (casualty, safety, sanitation, and firesafety standards and inspection of property) and 1013.451, F.S. (life-cycle cost comparison)

⁵ International Code Council, *Florida Building Code 5th Edition (2014) Building*,

http://codes.iccsafe.org/app/book/content/2014_Florida/Building%20Code/Chapter%204.html (last visited October 27, 2015) (see s. 453 State Requirements for Educational Facilities).

- Interior nonload-bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.
- Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- Site lighting by approving construction specifications regarding site lighting that:
 - Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
 - Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
 - Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 footcandle.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

B. SECTION DIRECTORY:

Section 1. Creates s. 1013.385, F.S., relating to school district construction flexibility.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

District school boards that choose to implement the facilities flexibility authorized by the bill may achieve cost savings.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

A bill to be entitled

An act relating to educational facilities; creating s. 1013.385, F.S.; providing for school district construction flexibility; authorizing exceptions to educational facilities construction requirements under certain circumstances; providing an effective date.

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

Section 1. Section 1013.385, Florida Statutes, is created to read:

1013.385 School district construction flexibility.-

(1) A district school board may, with a supermajority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one or more of the exceptions to the educational facilities construction requirements provided in this section. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board achieves cost savings, improves the efficient use of school district resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public

27 workshop to discuss and receive public comment on the proposed
 28 resolution and cost-benefit analysis, which must begin no
 29 earlier than 5 p.m. and may occur at the same meeting at which
 30 the resolution will be voted upon.

31 (2) A resolution adopted under this section may propose
 32 implementation of exceptions to requirements of the uniform
 33 statewide building code for the planning and construction of
 34 public educational and ancillary plants adopted pursuant to ss.
 35 553.73 and 1013.37 relating to:

36 (a) Interior nonload-bearing walls, by approving the use
 37 of fire-rated wood stud walls in new construction or remodeling
 38 for interior nonload-bearing wall assemblies that will not be
 39 exposed to water or located in wet areas.

40 (b) Walkways, roadways, driveways, and parking areas, by
 41 approving the use of designated, stabilized, and well-drained
 42 gravel or grassed student parking areas.

43 (c) Standards for relocatables used as classroom space, as
 44 specified in s. 1013.20, by approving construction
 45 specifications for installation of relocatable buildings that do
 46 not have covered walkways leading to the permanent buildings
 47 onsite.

48 (d) Site lighting, by approving construction
 49 specifications regarding site lighting that:

50 1. Do not provide for lighting of gravel or grassed
 51 auxiliary or student parking areas.

52 2. Provide lighting for walkways, roadways, driveways,

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53 paved parking lots, exterior stairs, ramps, and walkways from
54 the exterior of the building to a public walkway through
55 installation of a timer that is set to provide lighting only
56 during periods when the site is occupied.

57 3. Allow lighting for building entrances and exits to be
58 installed with a timer that is set to provide lighting only
59 during periods in which the building is occupied. The minimum
60 illumination level at single-door exits may be reduced to no
61 less than 1 footcandle.

62 Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 149 Maximum Class Size
SPONSOR(S): Moraitis, Jr.
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Appropriations Subcommittee	12 Y, 0 N	Seifert	Heflin
2) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs.

In 2003, the Florida Legislature enacted chapter 2003-391, Laws of Florida, which implements the provisions of the class-size amendment and defines the progress that districts must make in reducing class size.

Compliance with class size reduction requirements is calculated at the classroom level for traditional public schools as required by section 1003.03(1), F.S., at the school level for charter schools as required by section 1002.33(16)(b)3., F.S., and at the school level for district-operated schools of choice as required by section 1002.31(5), F.S.

Section 1003.03(4)(a), F.S., requires a reduction in class size categorical funding for districts and charter schools that are out of compliance with class size requirements. Up to 25 percent of the reduction is reallocated to districts and charter schools that are in compliance with these requirements. The remaining balance is restored to districts and charter schools that are not in compliance but have submitted a certified plan to the Commissioner annually by February 1, explaining the actions the district or charter school will take to ensure compliance by the next October. The reallocations for traditional public schools, district-operated schools of choice and charter schools are each calculated separately based on their respective reduction amounts. In order for a district's traditional schools or district-operated schools of choice to qualify for the reallocation, all of its traditional schools and district-operated schools of choice must be in compliance with class size requirements.

The bill removes the exemptions for class size requirements and maintains class size compliance for each classroom but revises the method for calculating the penalty to be at the school average for any school that fails to comply with class size requirements. The bill also modifies the allowable uses of class size reduction operating categorical funds for schools not in compliance. The bill also repeals an increase in the penalty scheduled to begin in FY 2014-2015 and thereafter.

The bill will result in a reduction in the amount deducted from a school district's class size reduction operating categorical. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Maximum Class Size

Present Situation

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution. The amendment required the Legislature by the beginning of the 2010 school year to make adequate provision to ensure that there are a sufficient number of classrooms in Florida so that the maximum number of students assigned to each teacher does not exceed:

- 18 students for prekindergarten through 3rd grade;
- 22 students for 4th through 8th grades; and
- 25 students for 9th through 12th grades.

Extracurricular courses are expressly excluded from the class size mandate; thus, its requirements apply only to core curricula courses, which are defined in s. 1003.01(14), F.S.

Additionally, the amendment requires that the Legislature provide sufficient funds, beginning in Fiscal Year (FY) 2003-2004, for school districts to reduce the average number of students in each classroom by at least two annually until the constitutionally prescribed maximum number of students is achieved. Under the initial implementing statute¹, compliance with the class size requirements was to be measured at the:

- District level for each of the three grade groupings during FYs 2003-2006.
- School level for each of the three grade groupings in FYs 2006-2008.
- Individual classroom level for each of the three grade groupings in FY 2008-2009 and thereafter.

The timeframe for measuring class size at the school level was extended twice by the Legislature. In 2008, the Legislature extended school level measurement through FY 2008-2009.² The next year, the Legislature extended this timeframe by one more year, thereby delaying measurement of class size at the individual classroom level until FY 2010-2011 and thereafter.³ Legislation enacted in 2010 established the compliance calculation for charter schools at the school level average.⁴ Legislation enacted in 2013 granted the same treatment to district-operated schools of choice.⁵

In 2013, the Legislature also added a provision to exempt “blended learning courses” from the core courses required to be in compliance with class size.⁶ Currently no definition exists for what comprises a “blended learning course”.

To implement the class size amendment, the Legislature annually appropriates class size reduction categorical funding for school district operating costs. Additionally, the Legislature has appropriated funds for capital outlay (facility) needs and granted bonding authority to fund classroom construction and other capital needs related to class size reduction. Since 2003, the Legislature has appropriated

¹ Section 2, ch. 2003-391, L.O.F.

² Section 5, ch. 2008-142, L.O.F.

³ Section 13, ch. 2009-59, L.O.F.

⁴ s. 1002.33(16)(b)3., F.S., as created in section 6, ch. 2010-154, L.O.F.

⁵ s. 1002.31(9), F.S., as created in section 9, ch. 2013-250, L.O.F.

⁶ s. 1003.01(14), F.S., as modified in section 3, ch. 2013-225, L.O.F.

more than \$31.1 billion for operational expenses and \$2.5 billion in facilities funding to implement the Class Size Reduction Amendment.

History of Funding for Class Size Reduction			
Fiscal Year	Operating Funds	Facilities Funds	Total Funds
2003-2004	\$ 468,198,634	\$ 600,000,000	\$ 1,068,198,634
2004-2005	\$ 972,191,216	\$ 100,000,000	\$ 1,072,191,216
2005-2006	\$ 1,507,199,696	\$ 83,400,000	\$ 1,590,599,696
2006-2007	\$ 2,108,529,344	\$1,100,000,000	\$ 3,208,529,344
2007-2008	\$ 2,640,719,730	\$ 650,000,000	\$ 3,290,719,730
2008-2009	\$ 2,729,491,033	\$ -	\$ 2,729,491,033
2009-2010	\$ 2,845,578,849	\$ -	\$ 2,845,578,849
2010-2011	\$ 2,913,825,383	\$ -	\$ 2,913,825,383
2011-2012	\$ 2,927,464,879	\$ -	\$ 2,927,464,879
2012-2013	\$ 2,974,748,257	\$ -	\$ 2,974,748,257
2013-2014	\$ 2,974,766,164	\$ -	\$ 2,974,766,164
2014-2015	\$ 3,013,103,776	\$ -	\$ 3,013,103,776
2015-16	\$ 3,040,910,760	\$ -	\$ 3,040,910,760
Total to Date	\$31,116,727,721	\$2,533,400,000	\$33,650,127,721

Section 1003.03(4), F.S., requires the Department of Education (DOE) to reduce class size categorical funding for school districts and charter schools that are out of compliance with class size requirements. The penalty is calculated at the classroom level for traditional public schools and at the school level for charter schools, district-operated schools of choice, and innovation schools of technology. The penalties for traditional public schools and district-operated schools of choice are combined to make a total adjustment for each district. DOE must calculate the penalty for traditional public schools out of compliance as follows:

- Step 1:** Identify, for each grade grouping, the number of classrooms that exceed the maximum and the total number of students which exceeds the maximum for all classes.
- Step 2:** Determine the number of full-time equivalent (FTE) students which exceeds the maximum for each grade grouping.
- Step 3:** Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.
- Step 4:** Multiply the total number of FTE students over the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2013-14 FY.

A school district's class size reduction operating categorical allocation is then reduced by an amount equal to the sum of the calculations in Steps 3 and 4. Beginning in FY 2014-2015 and thereafter, the total number of FTE students over the maximum for all classes must be multiplied by 100 percent, rather than 50 percent, of the base student allocation adjusted by the district cost differential, thereby increasing the amount of the penalty (see Step 4).

The reduced amount is the lesser of DOE's calculation or the undistributed balance of the school district's class size reduction operating categorical allocation. If a district made appropriate efforts to reduce class sizes but still failed to achieve compliance or an emergency caused noncompliance, the Commissioner of Education is authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commission.⁷ Once the reduced amount is determined, after district appeals, the commissioner must prepare a reallocation of the funds made available as a bonus to districts that have fully met the class size requirements by calculating an amount that is up to five percent of the

⁷ s. 1003.03(4)(c), F.S.
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base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25 percent of the total funds reduced.

History of Class Size Transfer (& Reallocation) Calculation for Traditional Public Schools				
		Pre-Appeals	Post-Appeals	After Plan
District	2003-04	\$21,488,179	\$1,479,948	
District	2004-05	\$11,354,475	\$1,076,719	
District	2005-06	\$5,222,735	\$496,059	
School	2006-07	\$7,836,834	\$3,273,943	
School	2007-08	\$5,330,411	\$333,302	
School	2008-09	\$1,396,108	\$0	
School	2009-10	\$1,912,030	\$267,263	
Classroom	2010-11	\$40,795,637	\$31,305,124	\$7,826,281
Classroom	2011-12	\$58,749,605	\$43,407,465	\$10,851,866
Classroom	2012-13	\$26,965,789	\$22,698,784	\$5,674,696
Classroom	2013-14	\$12,674,357	\$9,558,513	\$2,389,628
Classroom	2014-15	\$11,306,609	\$1,260,083	\$315,021
Classroom	2015-16	TBD	TBD	TBD
History of Class Size Transfer (& Reallocation) Calculation for Charter Schools				
		Pre-Appeals	Post-Appeals	After Plan
N/A	2003-04	\$0	\$0	
N/A	2004-05	\$0	\$0	
N/A	2005-06	\$0	\$0	
School	2006-07	\$6,831,504	\$2,724,878	
School	2007-08	\$802,515	\$194,836	
N/A	2008-09	\$0	\$0	
N/A	2009-10	\$0	\$0	
School	2010-11	\$2,292,191	\$355,539	\$88,885
School	2011-12	\$3,921,323	\$652,851	\$163,213
School	2012-13	\$1,570,397	\$431,345	\$107,836
School	2013-14	\$835,448	\$204,863	\$51,216
School	2014-15	\$2,789,830	\$562,397	\$140,599
School	2015-16	TBD	TBD	TBD
History of Class Size Transfer (& Reallocation) Calculation for Choice Schools				
		Pre-Appeals	Post-Appeals	After Plan
School	2013-14	\$1,129,183	\$475,592	\$118,898
School	2014-15	\$421,513	\$177,347	\$44,337
School	2015-16	TBD	TBD	TBD

School districts that fail to comply with the class size requirements must submit a plan certified by the district school board by February 1 which describes the actions the district will take in order to be in compliance by October of the following year. For districts that submit the plan by the required deadline, the funds remaining after the reallocation calculation must be added back to the district's class size reduction operating categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. The amount added back may not be greater than the amount that was reduced.⁸

Effect of Proposed Changes

The bill amends s. 1003.03(04), F.S., to revise the method for calculating the penalty for schools that fail to comply with the class size requirements by calculating steps 2, 3, and 4 at the school average instead of at the classroom level. The increase in the penalty scheduled to begin in FY 2014-2015 and thereafter is repealed.

The bill removes the exemption from the class size requirement for charter schools, district-operated schools of choice, and district innovation schools of technology program.

The bill clarifies that a school's compliance with class size is measured at the classroom level and that only calculation of penalties is based upon the school average.

The bill requires the amount of the reduction calculation to be expended in the schools that are out of compliance to achieve compliance.

The bill repeals the reallocation of funds to districts that are in compliance with class size and requires the district to publish, by school, compliance data and the compliance plan on the school district website and provide a copy of the compliance plan to the School Advisory Committee at all non-compliant schools.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.31, F.S., exempting schools of choice from requirements relating to the class size.

Section 2: Amends s. 1002.33, F.S., exempting charter schools from requirements relating to the class size.

Section 3: Amends s. 1002.451, F.S., exempting the district innovation schools of technology program from requirements relating to the class size.

Section 4: Amends s. 1003.03, F.S., revising the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level; requiring the amount of the reduction calculation to be expended in the schools that are out of compliance to achieve compliance; repealing the reallocation funds to class size compliant districts; modifying a plan describing the actions the district will take in order to be in compliance; and adding a requirement for the district to publish, by school, compliance data and the compliance plan on the school district website.

Section 5: Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill revises the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level, so the amount deducted from a school district's class size reduction operating categorical will be reduced. The bill requires the district to spend the compliance funds within the school that is out of compliance to get the school to the class size maximum.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to maximum class size; amending s.
 3 1002.31, F.S.; deleting a provision relating to
 4 compliance with maximum class size requirements for
 5 certain public schools of choice; amending s. 1002.33,
 6 F.S.; revising requirements for charter school
 7 compliance with maximum class size requirements;
 8 amending s. 1002.451, F.S.; revising requirements for
 9 district innovation school of technology compliance
 10 with maximum class size requirements; amending s.
 11 1003.03, F.S.; calculating a school district's class
 12 size categorical allocation reduction at the school
 13 average when maximum class size requirements are not
 14 met; revising the calculation; providing for the
 15 expenditure of funds; requiring a school district that
 16 exceeds class size maximums to post its plan for
 17 compliance on the district website and provide the
 18 plan to the school advisory council of each
 19 noncompliant school; authorizing a noncompliant school
 20 to post the plan on its website; providing an
 21 effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Subsection (5) of section 1002.31, Florida
 26 Statutes, is amended to read:

27 | 1002.31 Controlled open enrollment; public school parental
28 | choice.-

29 | ~~(5) For a school or program that is a public school of~~
30 | ~~choice under this section, the calculation for compliance with~~
31 | ~~maximum class size pursuant to s. 1003.03 is the average number~~
32 | ~~of students at the school level.~~

33 | Section 2. Paragraph (b) of subsection (16) of section
34 | 1002.33, Florida Statutes, is amended to read:

35 | 1002.33 Charter schools.-

36 | (16) EXEMPTION FROM STATUTES.-

37 | (b) Additionally, a charter school shall be in compliance
38 | with the following statutes:

39 | 1. Section 286.011, relating to public meetings and
40 | records, public inspection, and criminal and civil penalties.

41 | 2. Chapter 119, relating to public records.

42 | 3. Section 1003.03, relating to the maximum class size,
43 | ~~except that the calculation for compliance pursuant to s.~~
44 | ~~1003.03 shall be the average at the school level.~~

45 | 4. Section 1012.22(1)(c), relating to compensation and
46 | salary schedules.

47 | 5. Section 1012.33(5), relating to workforce reductions.

48 | 6. Section 1012.335, relating to contracts with
49 | instructional personnel hired on or after July 1, 2011.

50 | 7. Section 1012.34, relating to the substantive
51 | requirements for performance evaluations for instructional
52 | personnel and school administrators.

53 Section 3. Paragraph (a) of subsection (5) of section
 54 1002.451, Florida Statutes, is amended to read:

55 1002.451 District innovation school of technology
 56 program.—

57 (5) EXEMPTION FROM STATUTES.—

58 (a) An innovation school of technology is exempt from
 59 chapters 1000-1013. However, an innovation school of technology
 60 shall comply with the following provisions of those chapters:

- 61 1. Laws pertaining to the following:
 - 62 a. Schools of technology, including this section.
 - 63 b. Student assessment program and school grading system.
 - 64 c. Services to students who have disabilities.
 - 65 d. Civil rights, including s. 1000.05, relating to
 - 66 discrimination.
 - 67 e. Student health, safety, and welfare.

68 2. Laws governing the election and compensation of
 69 district school board members and election or appointment and
 70 compensation of district school superintendents.

71 3. Section 1003.03, governing maximum class size, ~~except~~
 72 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
 73 ~~the average at the school level.~~

74 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
 75 compensation and salary schedules.

76 5. Section 1012.33(5), relating to workforce reductions,
 77 for annual contracts for instructional personnel. This
 78 subparagraph does not apply to at-will employees.

79 6. Section 1012.335, relating to contracts with
 80 instructional personnel hired on or after July 1, 2011, for
 81 annual contracts for instructional personnel. This subparagraph
 82 does not apply to at-will employees.

83 7. Section 1012.34, relating to requirements for
 84 performance evaluations of instructional personnel and school
 85 administrators.

86 Section 4. Subsection (4) of section 1003.03, Florida
 87 Statutes, is amended to read:

88 1003.03 Maximum class size.—

89 (4) ACCOUNTABILITY.—

90 (a) If the department determines that the number of
 91 students assigned to any individual class exceeds the class size
 92 maximum, as required in subsection (1), based upon the October
 93 student membership survey, the department shall:

94 1. ~~Identify, for each grade group, the number of classes~~
 95 ~~in which the number of students exceeds the maximum and the~~
 96 ~~total number of students which exceeds the maximum for all~~
 97 ~~classes.~~

98 2. Determine the number of FTE students which exceeds the
 99 maximum for each grade group calculated at the school average.

100 ~~2.3.~~ Multiply the total number of FTE students which
 101 exceeds the maximum for each grade group calculated at the
 102 school average by the district's FTE dollar amount of the class
 103 size categorical allocation for that year and calculate the
 104 total for all three grade groups.

105 3.4. Multiply the total number of FTE students which
 106 exceeds the maximum for all classes calculated at the school
 107 average by an amount equal to 50 percent of the base student
 108 allocation adjusted by the district cost differential for ~~each~~
 109 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
 110 ~~equal to the base student allocation adjusted by the district~~
 111 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

112 4.5. Reduce the district's class size categorical
 113 allocation by an amount equal to the sum of the calculations in
 114 subparagraphs 2. and 3. ~~and 4.~~

115 (b) The amount of funds reduced shall be the lesser of the
 116 amount calculated in paragraph (a) or the undistributed balance
 117 of the district's class size categorical allocation. The Florida
 118 Education Finance Program Appropriation Allocation Conference
 119 shall verify the department's calculation in paragraph (a). The
 120 commissioner may withhold distribution of the class size
 121 categorical allocation to the extent necessary to comply with
 122 paragraph (a).

123 (c) In lieu of the reduction calculation in paragraph (a),
 124 if the Commissioner of Education has evidence that a district
 125 was unable to meet the class size requirements despite
 126 appropriate efforts to do so or because of an extreme emergency,
 127 the commissioner may recommend by February 15, subject to
 128 approval of the Legislative Budget Commission, the reduction of
 129 an alternate amount of funds from the district's class size
 130 categorical allocation.

131 (d) Upon approval of the reduction calculation in
 132 paragraphs (a)-(c), each district shall retain the calculated
 133 reduction amount and expend the amount in the noncompliant
 134 schools to comply with the requirements in subsection (1) the
 135 ~~commissioner must prepare a reallocation of the funds made~~
 136 ~~available for the districts that have fully met the class size~~
 137 ~~requirements. The funds shall be reallocated by calculating an~~
 138 ~~amount of up to 5 percent of the base student allocation~~
 139 ~~multiplied by the total district FTE students. The reallocation~~
 140 ~~total may not exceed 25 percent of the total funds reduced.~~



141 (e) Each district that has not complied with the
 142 requirements in subsection (1) shall submit to the commissioner
 143 by February 1 a plan certified by the district school board that
 144 describes the specific actions that the district will take in
 145 order to fully comply with the requirements in subsection (1) by
 146 October of the following school year. The plan shall be posted
 147 on the district's website and be provided to the school advisory
 148 council of each noncompliant school. A noncompliant school may
 149 post the plan on its website ~~If a district submits the certified~~
 150 ~~plan by the required deadline, the funds remaining after the~~
 151 ~~reallocation calculation in paragraph (d) shall be added back to~~
 152 ~~the district's class size categorical allocation based on each~~
 153 ~~qualifying district's proportion of the total reduction for all~~
 154 ~~qualifying districts for which a reduction was calculated in~~
 155 ~~paragraphs (a)-(c). However, no district shall have an amount~~
 156 ~~added back that is greater than the amount that was reduced.~~

157 | ~~(f) The department shall adjust school district class size~~
158 | ~~reduction categorical allocation distributions based on the~~
159 | ~~calculations in paragraphs (a) (c).~~

160 | Section 5. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 189 Teacher Certification
SPONSOR(S): K-12 Subcommittee, Diaz, Jr.
TIED BILLS: IDEN./SIM. BILLS: SB 432

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	9 Y, 0 N, As CS	Brink	Fudge
2) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

An expert in the field who meets general educator certification requirements and holds a temporary certificate may immediately begin teaching in a classroom as the teacher of record. However, temporary certificates expire after three years and are nonrenewable. While serving as a classroom teacher, temporary certificate holders may pursue a professional educator certificate, which lasts for five years and is renewable, by completing at least 15 hours of additional coursework and participating in on-the-job training. This requirement applies even if the teacher has proven to be highly effective.

Temporary certificate holders with a master's degree or higher in STEM fields (science, technology, engineering, and mathematics), even if rated highly effective, must still complete at least 15 hours of additional coursework within three years to earn a professional certificate.

To make a professional certificate more attainable for individuals with expertise in STEM fields, the bill allows an individual to earn a professional certificate for grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Passes the subject area examination for the correlating certificate;
- Passes the professional education competency examination required by state board rule;
- Teaches a high school course in the subject of the advanced degree; and
- Is rated highly effective under the school district's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education.¹ Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.² The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”³

The department issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida’s highest type of full-time educator certification.⁴ The professional certificate is valid for five years and is renewable.⁵
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.⁶ The temporary certificate is valid for three years and is nonrenewable.⁷
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach.⁸

In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.⁹

To be eligible for an educator certificate, a person must:¹⁰

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning¹¹ or from a nonaccredited institution identified by the department as having a quality program resulting in a bachelor’s or higher degree;¹²

¹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

² Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

³ Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

⁴ Rule 6A-4.004(2), F.A.C.

⁵ Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year).

⁶ Rule 6A-4.004(1)(a)2., F.A.C.

⁷ Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C.

⁸ Section 1012.55(2), F.S.

⁹ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

¹⁰ Section 1012.56(2)(a)-(f), F.S.

¹¹ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); see also 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Nov. 23, 2015) (list of accrediting agencies approved by the U.S. Department of Education).

- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the department.¹³

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;¹⁴
- Demonstrate mastery of general knowledge;¹⁵
- Demonstrate mastery of subject area knowledge;¹⁶ and
- Demonstrate mastery of professional preparation and education competence.¹⁷

To receive a temporary certificate, an applicant must:

- Meet the basic eligibility requirements for certification;¹⁸
- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a department-approved professional education competence demonstration program;¹⁹ and
- Do one of the following:
 - Demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);²⁰ or
 - Complete the required degree or content courses specified in state board rule for subject area specialization²¹ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.²²

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.²³ If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.²⁴

¹² Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

¹³ Section 1012.56(1), F.S.; see s. 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

¹⁴ Section 1012.56(2)(a)-(f), F.S.

¹⁵ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Nov. 23, 2015).

¹⁶ Section 1012.56(2)(h) and (5), F.S.

¹⁷ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Nov. 23, 2015).

¹⁸ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

¹⁹ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

²⁰ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited Nov. 23, 2015).

²¹ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

²² Section 1012.56(2)(c), F.S.; see Florida Department of Education, *Certificate Types and Requirements*, http://www.fldoe.org/edcert/cert_types.asp (last visited Nov. 23, 2015).

²³ Section 1012.56(7), F.S. (flush-left provisions at end of subsection).

²⁴ *Id.*

Mastery of general knowledge may be demonstrated through several methods, including achieving a passing score on the General Knowledge Test²⁵ or achieving passing scores established in state board rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (e.g., the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination (GRE)).²⁶

Mastery of subject area knowledge may be demonstrated by earning a qualifying bachelor's or higher degree and passing the Florida-developed subject area examination specified in state board rule²⁷ or, if a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in state board rule. An applicant may also demonstrate mastery of subject area knowledge by providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory, by NBPTS, or by ABCTE, if the certificate is comparable to the Florida certificate issued for the same subject area.²⁸

Mastery of professional preparation and education competence is typically demonstrated by successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida, or a teacher preparation program from an out-of-state accredited or department-approved institution, and achieving a passing score on the Professional Education Test required by state board rule.²⁹ However, for individuals who already have a bachelor's or higher degree in a subject other than education, competence is demonstrated in part by completing 15 semester hours in professional preparation courses specified in state board rule³⁰ and achieving a passing score on the Professional Education Test.³¹

An expert in the field who meets the general certification requirements and holds a temporary certificate may immediately begin teaching in a classroom as the teacher of record. However, temporary certificate holders with a master's degree or higher in the area of science, technology, engineering, or mathematics (STEM) who are rated highly effective must still complete the 15 hours of coursework within three years to earn a professional certificate.³²

A STEM teacher's evaluation rating is determined by the school district's performance evaluation system, which incorporates student performance on statewide, standardized assessments or other district-selected measures into a teacher's summative evaluation.³³ For example, districts may use performance data from Advanced Placement (AP) examinations to evaluate a high school teacher in the following AP STEM courses:

- Chemistry;
- Environmental Science;
- Computer Science;
- Physics;
- Calculus;
- Biology; and

²⁵ Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Skills, English Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.

²⁶ Section 1012.56(3)(e), F.S.; rules 6a-4.002(4)(e) and 6a-4.0021(12)(a), F.A.C.

²⁷ Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 44 subject area tests. Florida Department of Education, *Florida Teacher Certification Examinations*, http://www.fl.nesinc.com/FL_TIGS.asp (last visited Nov. 23, 2015).

²⁸ Section 1012.56(5)(e) and (f), F.S.; rule 6A-4.002(1)(i)-(j), F.A.C.

²⁹ Section 1012.56(6)(a) and (b), F.S.; see s. 1004.04, F.S.; rule 6A-4.003(1) and (4), F.A.C. (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.A.C.

³⁰ Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

³¹ Section 1012.56(6)(f), F.S.

³² See s. 1012.56(6)(f)-(h), F.S. See also rules 6a-4.004(1) and 6A-4.006(2)(a) and (b), F.A.C.

³³ See s. 1012.34, F.S. See also rules 6a-5.030 and 6a-5.0411, F.A.C. The teacher's performance evaluation also includes instructional practice (i.e., classroom observations) and other criteria as determined by the school district. See s. 1012.34(3), F.S.

- Statistics.³⁴

Effect of Proposed Changes

The bill makes it easier for qualifying temporary certificate holders to earn a professional certificate by reducing the coursework associated with meeting professional preparation and education competence requirements. Under the bill, an individual may earn a professional certificate covering grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Passes the subject area examination for the correlated educator certificate;
- Passes the professional education competency examination required by state board rule;
- Teaches a high school course in the subject of the advanced degree; and
- Is rated highly effective under the school district's performance evaluation system based in part on student performance as measured by a statewide standardized assessment or an AP, Advanced International Certificate of Education, or International Baccalaureate examination.

A candidate who meets all of these requirements may apply for a professional certificate before the completion of his or her three-year temporary certification period.

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.56, F.S.; providing alternative requirements for earning a professional educator certificate that covers certain grades.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

³⁴ See CollegeBoard, *AP Courses*, <https://apstudent.collegeboard.org/apcourse> (last visited Nov. 23, 2015). Similar courses and examinations are offered through International Baccalaureate and Advanced International Certification of Education programs. See Cambridge AICE, *Cambridge AICE Diploma Curriculum*, <http://www.cie.org.uk/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/curriculum/> (last visited Nov. 23, 2015); International Baccalaureate, *Sciences*, <http://www.ibo.org/programmes/diploma-programme/curriculum/sciences/> (last visited Nov. 23, 2015).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 2, 2015, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute allows individuals with expertise in STEM fields to earn a professional certificate for grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Passes the subject area examination for the correlating certificate;
- Passes the professional education competency examination required by state board rule;
- Teaches a high school course in the subject of the advanced degree; and
- Is rated highly effective under the school district's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

1 A bill to be entitled
 2 An act relating to teacher certification; amending s.
 3 1012.56, F.S.; providing alternative requirements for
 4 earning a professional educator certificate that
 5 covers certain grades; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Paragraph (a) of subsection (7) of section
 10 1012.56, Florida Statutes, is amended to read:

11 1012.56 Educator certification requirements.—

12 (7) TYPES AND TERMS OF CERTIFICATION.—

13 (a) The Department of Education shall issue a professional
 14 certificate for a period not to exceed 5 years to any applicant
 15 who meets all the requirements outlined in subsection (2) or,
 16 for a professional certificate covering grades 6 through 12, any
 17 applicant who:

18 1. Meets the requirements of paragraphs (2) (a)-(h).

19 2. Holds a master's or higher degree in the area of
 20 science, technology, engineering, or mathematics.

21 3. Teaches a high school course in the subject of the
 22 advanced degree.

23 4. Is rated highly effective as determined by the
 24 teacher's performance evaluation under s. 1012.34, based in part
 25 on student performance as measured by a statewide, standardized
 26 assessment or an Advanced Placement, Advanced International

27 | Certificate of Education, or International Baccalaureate
 28 | examination.

29 | 5. Achieves a passing score on the Florida professional
 30 | education competency examination required by state board rule.



31 |
 32 | Each temporary certificate is valid for 3 school fiscal years
 33 | and is nonrenewable. However, the requirement in paragraph
 34 | (2)(g) must be met within 1 calendar year of the date of
 35 | employment under the temporary certificate. Individuals who are
 36 | employed under contract at the end of the 1 calendar year time
 37 | period may continue to be employed through the end of the school
 38 | year in which they have been contracted. A school district shall
 39 | not employ, or continue the employment of, an individual in a
 40 | position for which a temporary certificate is required beyond
 41 | this time period if the individual has not met the requirement
 42 | of paragraph (2)(g). The State Board of Education shall adopt
 43 | rules to allow the department to extend the validity period of a
 44 | temporary certificate for 2 years when the requirements for the
 45 | professional certificate, not including the requirement in
 46 | paragraph (2)(g), were not completed due to the serious illness
 47 | or injury of the applicant or other extraordinary extenuating
 48 | circumstances. The department shall reissue the temporary
 49 | certificate for 2 additional years upon approval by the
 50 | Commissioner of Education. A written request for reissuance of
 51 | the certificate shall be submitted by the district school
 52 | superintendent, the governing authority of a university lab

53 | school, the governing authority of a state-supported school, or
54 | the governing authority of a private school.

55 | Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 585 Instruction for Homebound and Hospitalized Students
SPONSOR(S): Burgess, Jr.
TIED BILLS: IDEN./SIM. **BILLS:** SB 806

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Appropriations Subcommittee	11 Y, 0 N	Seifert	Heflin
2) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

Current law does not provide minimum requirements for initiating instructional services for homebound or hospitalized students who are determined to be eligible under State Board of Education rule.

Accordingly, the bill provides the state board express rulemaking authority regarding instruction for homebound and hospitalized students and clarifies that districts must provide instruction to eligible students in accordance with state board rule. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill requires the school district in which a children's specialty hospital is located to provide educational instruction to an eligible student until it enters into an agreement with the student's school district of residence.

The bill requires the Department of Education to develop a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A student who is homebound or hospitalized qualifies as an exceptional student, and is thus eligible for certain exceptional student education services.¹

A homebound or hospitalized student is a student who “has a medically diagnosed physical or psychiatric condition which is acute or catastrophic in nature, or a chronic illness, or a repeated intermittent illness due to a persisting medical problem and which confines the student to home or hospital, and restricts activities for an extended period of time.”²

State Board of Education rule provides criteria for determining when a student qualifies as hospitalized or homebound for purposes of receiving specially designed instruction.³ A licensed physician⁴ must certify that the student:

- Is expected to be absent from school due to a physical or psychiatric condition for at least fifteen consecutive school days, or, for students with a chronic condition, for at least 15 consecutive or nonconsecutive school days;
- Is confined to home or hospital;
- Will be able to participate in and benefit from an instructional program;
- Is under medical care for illness or injury which is acute, catastrophic, or chronic in nature; and
- Can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.⁵

In addition, unless a student already meets eligibility criteria for other exceptional student education services, the student must be enrolled in a public school in kindergarten through 12th grade prior to the referral for homebound or hospitalized services.⁶ Finally, the student’s parent, guardian, or primary caregiver must sign an agreement concerning homebound or hospitalized policies and parental cooperation.⁷

At minimum, an annual report from a licensed physician must be used to determine the student’s eligibility for specially designed instruction. The report must:

- State that the student is unable to attend school;
- Describe the plan of treatment;
- Provide recommendations regarding school reentry; and
- Give an estimated duration of condition or prognosis.⁸

The team determining eligibility may require additional evaluation data, at no cost to the parent. A physical reexamination and medical report by a licensed physician may be requested on a more frequent basis and may be required if the student is scheduled to attend school part of a day while the

¹ Section 1003.01(3)(a), F.S.; rule 6A-6.03020, F.A.C.

² Rule 6A-6.03020(1), F.A.C. A licensed physician must make the medical diagnosis. *Id.*

³ Rule 6A-6.03020(3), F.A.C.

⁴ The physician must be licensed under chapter 458 or 459, F.S.

⁵ Rule 6A-6.03020(3)(a), F.A.C.

⁶ Rule 6A-6.03020(3)(b), F.A.C.

⁷ Rule 6A-6.03020(3)(c), F.A.C.

⁸ Rule 6A-6.03020(4)(a), F.A.C.

student readjusts to a full school schedule. Reexaminations and reports must be provided at no cost to the parent.⁹

State board rule specifies appropriate instructional methods for homebound or hospitalized students, including in-home instruction, instruction in a hospital,¹⁰ and instruction through telecommunications or computer devices.¹¹

The school district is responsible for conducting all initial evaluations to determine if the student is eligible for services and to determine the student's educational needs.¹² An individual educational plan must be developed or revised for the student before he or she is assigned to a homebound or hospitalized student services program.¹³

Under current law, the school district in which an eligible, hospitalized student resides is responsible for providing educational services to the student even if the student is placed at a hospital in another district for treatment. This can delay initiation of educational services for the student while the hospital, the school district in which the hospital is located, and the student's home district determine how to deliver the services. The districts may execute an interlocal agreement for remuneration of FEFP funds if the district in which the student is hospitalized provides the services.

There are three children's specialty hospitals in Florida that meet the licensing criteria in Part 1 of chapter 395, Florida Statutes. These three facilities are All Children's Hospital in Pinellas County, Nicklaus Children's Hospital in Miami-Dade County, and Nemours Children's Specialty Care in Orange County. The school districts in which those hospitals are located served a total of 109 hospitalized students in the 2014-2015 school year, with 27 of the students coming from other school districts in the state.¹⁴

Effect of Proposed Changes

The bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill clarifies the state board's rulemaking authority related to instruction for homebound or hospitalized students. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill requires the school district in which a children's specialty hospital is located to provide instruction to eligible students until it enters into an agreement with the school district in which the student resides.

⁹ Rule 6A-6.03020(4)(b), F.A.C.

¹⁰ "The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits." Rule 6A-6.03020(7)(b), F.A.C.

¹¹ Rules 6A-6.03020(7)(a), (b), and (c), F.A.C.

¹² See Rule 6A-6.03020(5); rule 6A-6.0331(3)(e), F.A.C.

¹³ Rule 6A-6.03020(6), F.A.C.

¹⁴ See email, Orange County Public Schools, Office of Planning and Government Relations (Dec. 14, 2015) (indicating the district served 17 hospitalized students, with only 2 served at Nemours Children's Specialty Care in Orlando); email, Miami-Dade County Public Schools, Office of Intergovernmental Affairs, Grants Administration, and Community Engagement (Dec. 14, 2015) (indicating the district served 45 students, all at Nicklaus Children's Hospital in Miami); email, Pinellas County Schools, Homebound/Hospital Program (Dec. 18, 2015) (indicating the district served 47 hospitalized students, all at All Children's Hospital in St. Petersburg).

The bill requires the Department of Education to develop a standard agreement for use by school districts to provide seamless instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

No later than August 15, 2016, each school district in which a licensed children's specialty hospital is located must enter into an agreement with the hospital to establish a process for the hospital to notify the school district of patients who may be eligible for instruction.

B. SECTION DIRECTORY:

Section 1. Amends 1003.57, F.S; requiring districts to provide instruction to homebound or hospitalized students in accordance with state board rule; requiring certain provisions to be adopted in state board rule; requiring the school district in which a children's specialty hospital is located to provide educational instruction to eligible students and enter into an agreement with the school district in which the student resides; requiring the Department of Education to develop a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

Section 2. Providing an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill codifies current district practice and State Board of Education rule regulating instruction for homebound and hospitalized students. Since school districts are already meeting the minimum requirements for providing instruction to such students there is no anticipated fiscal impact.

The bill requires a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the State Board of Education express rulemaking authority related to instruction for homebound and hospitalized students.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

A bill to be entitled

An act relating to instruction for homebound and hospitalized students; amending s. 1003.57, F.S.; requiring school districts to provide instruction to homebound or hospitalized students; requiring the State Board of Education to adopt rules for student eligibility, methods of providing instruction to homebound or hospitalized students, and the initiation of services; requiring certain school districts to enter into an agreement with certain children's specialty hospitals to establish certain processes and timelines relating to the instruction of homebound or hospitalized students; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.-

(1)

(b) Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable. Each district program must, ~~including provisions that:~~

1. ~~The district school board~~ Provide the necessary

27 professional services for diagnosis and evaluation of
 28 exceptional students. At least once every 3 years, the district
 29 school board must submit to the department its proposed
 30 procedures for the provision of special instruction and services
 31 for exceptional students.

32 2. ~~The district school board~~ Provide the special
 33 instruction, classes, and services, either within the district
 34 school system, in cooperation with other district school
 35 systems, or through contractual arrangements with approved
 36 private schools or community facilities that meet standards
 37 established by the commissioner.

38 3. ~~The district school board~~ Annually provide information
 39 describing the Florida School for the Deaf and the Blind and all
 40 other programs and methods of instruction available to the
 41 parent of a sensory-impaired student.

42 4. Provide instruction to homebound or hospitalized
 43 students in accordance with this section and rules adopted by
 44 the state board, which must establish, at a minimum, the
 45 following:

46 a. Criteria for the eligibility of K-12 homebound or
 47 hospitalized students for specially designed instruction.

48 b. Procedures for determining student eligibility.

49 c. A list of appropriate methods for providing instruction
 50 to homebound or hospitalized students.

51 d. Requirements for providing instructional services for a
 52 homebound or hospitalized student once the student is determined

53 to be eligible. Eligible students receiving treatment in a
 54 children's specialty hospital licensed under part I of chapter
 55 395 must be provided educational instruction from the school
 56 district in which the hospital is located until the school
 57 district in which the hospital is located enters into an
 58 agreement with the school district in which the student resides.
 59 The department shall develop a standard agreement for use by
 60 school districts to provide seamless educational instruction to
 61 students who transition between school districts while receiving
 62 treatment in the children's specialty hospital.

63
 64 No later than August 15, 2016, each school district in which a
 65 children's specialty hospital licensed under part I of chapter
 66 395 is located shall enter into an agreement with the hospital
 67 which establishes a process by which the hospital must notify
 68 the school district of students who may be eligible for
 69 instruction consistent with this subparagraph and the timelines
 70 for determining student eligibility and providing educational
 71 instruction to eligible students ~~The district school board, once~~
 72 ~~every 3 years, submit to the department its proposed procedures~~
 73 ~~for the provision of special instruction and services for~~
 74 ~~exceptional students.~~

75 Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7017 PCB HEWS 16-02 Career and Adult Education
SPONSOR(S): Higher Education & Workforce Subcommittee, Raburn
TIED BILLS: **IDEN./SIM. BILLS:** SB 726

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee	10 Y, 0 N	Banner	Bishop
1) Education Appropriations Subcommittee	12 Y, 0 N	Butler	Heflin
2) Education Committee		Bishop <i>ARB</i>	Mizereck <i>YLM</i>

SUMMARY ANALYSIS

The bill:

- Revises the definition of applied technology diploma to convert clock hour credit to college credit.
- Establishes fees for applied technology diploma programs offered by public school districts commensurate with fees for college credit programs at Florida College System institutions.
- Revises the standards for career, adult, and community education programs and provides rule-making authority for the State Board of Education to make rules regarding accountability for career education.
- Adds the Chancellor for Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Increases the number of CAPE Digital Tool Certificates that can be included on the CAPE Industry Certification Funding List from 15 to 30.
- Requires career centers and charter technical career centers to develop a procedure for appeals of grievances related to student financial aid.
- Requires more accurate financial reporting for workforce education programs.
- Promotes apprenticeship programs by creating the Florida Apprenticeship Grant (FLAG) Program to expand existing and establish new apprenticeship programs, updating terminology, revising membership on the State Apprenticeship Advisory Council, and clarifying language relating to industry standards.
- Establishes the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers.
- Requires each school district and Florida College System institution that offers an adult education program to provide at least one online option that enables students to earn a standard high school diploma or its equivalent.
- Allows a candidate to take the high school equivalency examination after reaching the age of 16 if a formal declaration of intent to terminate school enrollment is filed with the school district; and
- Corrects an incorrect reference to developmental education which is not offered by adult education programs.

The bill provides \$3 million in recurring general revenue to implement the FLAG Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Program. See fiscal impact section.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Apprenticeships

Present Situation

The Department of Education (DOE) serves as the state apprenticeship agency and registers apprentices and apprenticeship programs on behalf of the United States Department of Labor's (USDOL) Office of Apprenticeship. The purpose of apprenticeships is to enable employers to develop and apply industry standards to training programs for registered apprentices that can increase productivity and improve the quality of the workforce. An apprenticeship is a highly structured training system in which the apprentice works full-time during the day for a sponsoring employer, learning the skills of the trade through on-the-job training along with related classroom instruction. While enrolled in the program, apprentices earn a progressive wage and upon completion of the program are considered a journeyworker and receive a nationally recognized state certificate of completion.¹

Apprenticeship enrollment is obtained through school district programs, state college programs and independent agencies. Approximately 80 percent of the programs are offered through school districts and colleges and 20 percent through independent agencies. For the 2014-15 academic year, there were 7,424 students enrolled in school district programs and 2,471 students enrolled in state college programs. Based on 2013-14 cost data, school districts spent approximately \$17.1 million on apprenticeship programs and state colleges spent approximately \$5.3 million.²

During the 2002 Legislative Special Session E³, the department's rulemaking authority regarding Instructional Components of Vocational Education was repealed. As a result, DOE is unable to update its rule regarding instructional components of Career and Technical Education programs.

Effect of Proposed Changes

The bill redefines "journeyworker" to further identify individuals who may serve as journeyworkers to include mentors, technicians, specialists or other skilled workers who can document extensive occupational experience through an alternative means to traditional registered apprenticeship completion. It also revises the definition of "related instruction" to include instruction provided in the classroom, correspondence courses or self-study courses approved by DOE. The bill clarifies that no statute, rule, or agreement relating to apprenticeships shall invalidate any special provision for veterans, minorities or women in apprenticeship programs and modifies the requirements for the two public members appointed to the State Apprenticeship Advisory Council to be independent of any joint or non-joint organization.

The bill creates the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs. Program applications must contain projected enrollment and cost data and funds may be used for instructional equipment, supplies, personnel, student services or other administrative costs. The Division of Career

¹ Department of Education, *Apprenticeship in Florida: presentation to Higher Education and Workforce Subcommittee* (Jan. 21, 2015), available at [http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

² Email, Florida Department of Education, Apprenticeship Program Enrollment Information (September 17, 2015).

³ Chapter 2002-387, L.O.F.

and Adult Education within the DOE shall administer the program and give priority to applications for programs in the critical need areas of information technology, health, and machining and manufacturing. Grant recipients must submit quarterly reports to the DOE.

The bill provides \$3 million in recurring general revenue to the Department of Education to implement the FLAG Program.

Applied Technology Diploma

Present Situation

An applied technology diploma (ATD) is currently defined as a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. It may consist of either technical (clock hour) or college credit; however a public school district (through a career center or charter technical career center), may offer the ATD only as technical credit, and college credit can be awarded to the student only upon articulation to a Florida College System institution.⁴ Enrollment data for the 2014-15 academic year indicates that ATD programs were offered in nine districts and enrolled 1,168 students statewide. Pasco-Hernando State College offered two clock hour ATD programs, with enrollment of 35 students.⁵ Clock hour tuition rates are established at \$2.33 per clock hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour, which is in addition to the resident and nonresident tuition amount.⁶ Workforce education postsecondary student fees are subject to tuition and fee variances of no more than five percent below of 5 percent above the combined total of established standard tuition and out-of-state fees.⁷

Effect of Proposed Changes

The bill revises the definition of “applied technology diploma” to consist of college credit rather than technical clock hour credit. ATDs, currently offered as clock hour programs, will be converted to college credit. College credit courses may be offered by a public school district or a Florida College System institution.

The bill establishes a new tuition rate for applied technology diploma programs to align with current tuition rates established for credit courses in Florida College System institutions, which is \$71.98 per credit hour. This fee will be subject to the tuition and fee variances established in s. 1009.22(3)(d), F.S.

Career and Technical Education Programs

Present Situation

Current law outlines the issues related to career education for which school boards, Florida College System institution boards of trustees and the Department of Education are responsible.⁸ However, the State Board of Education (SBE) does not currently have rulemaking authority to define the quality components of a career and technical education program.

Additionally, current law requires each state university and Florida College System institution to establish a procedure for students to appeal grievances related to the award or administration of financial aid. Career centers and charter technical career centers are not subject to this requirement.

⁴ Section 1004.02(8), F.S.

⁵ Email, Florida Department of Education Division of Career and Adult Education (September 17, 2015).

⁶ Section 1009.22(3)(c), F.S.

⁷ Section 1009.22(3)(d), F.S.

⁸ Section 1004.92, F.S.

Effect of Proposed Changes

The bill improves the quality of career and technical education programs by revising standards and authorizing the SBE to adopt rules related to program accountability.

The bill also requires career centers and charter technical career centers to establish procedures for students to appeal grievances related to the award or administration of financial aid. This change meets federal requirements related to federal financial aid by applying the same statutory requirements for state universities and Florida College System institutions apply to career centers and charter technical career centers.

Higher Education Coordinating Council

Present Situation

The Higher Education Coordinating Council (HECC) was created in 2010 for the purpose of identifying unmet needs and facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.⁹ The HECC is comprised of eleven members:

- One member of the Board of Governors
- One member of the State Board of Education
- Chancellor of the State University System
- Chancellor of the Florida College System
- Executive Director of the Florida Association of Postsecondary Schools and Colleges
- President of the Independent Colleges and Universities of Florida;
- President of Workforce Florida, Inc.
- President of Enterprise Florida, Inc.
- Three business community representatives, one appointed by the Speaker of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Governor.¹⁰

Effect of Proposed Changes

The bill adds the Chancellor of Career and Adult Education to the membership of the HECC to provide adequate representation of career centers in discussions and recommendations relating to higher education policies.

CAPE Digital Tool Certificates

Present Situation

Cape Digital Tools certificates are available to students in kindergarten through grade 8, to enable students to attain digital skills.¹¹ Certificates are identified and reviewed by the Florida Department of Education and added to the CAPE Industry Certification Funding List annually. The current list includes 15 different certificates.¹² Implementation of CAPE Digital Tools Certificate programs began during the

⁹ Section 1004.015, F.S.

¹⁰ *Id.*

¹¹ 1003.4203(1) F.S.

¹² Florida Department of Education, CAPE Industry Certification Funding List, *available at* http://www.fldoe.org/core/fileparse.php/8904/urlt/1516icfl_detailed.pdf (last viewed October 23, 2015).

2014-2015 school year and funding for these programs became available during the 2015-2016 year. As of October 2015, 3,953 students have earned CAPE Digital Tool Certificates.¹³

For the 2015-2016 Industry Certification Funding List, the maximum number of CAPE Digital Tool Certificates authorized under law have been included on the list. The addition of any newly available certificate would require the removal of an existing certificate from the list.

Effect of Proposed Changes

The bill allows the Department of Education to consider up to 15 additional certificates for designation as CAPE Digital Tool Certificates on the CAPE Industry Certification Funding List if the certificates meet the statutory requirements.

Adult Education

Present Situation

Adult general education is the provision of educational services that will enable adults to acquire:

1. The basic skills necessary to attain basic and functional literacy.
2. A high school diploma or successfully complete the high school equivalency examination.
3. An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.¹⁴

Adult general education programs are available to individuals who:

- Are at least 16 years of age and have legally left the secondary school system
- Do not have a high school diploma or its equivalent
- Want to learn to speak, read, and write in English.¹⁵

Adult Standard High School Diploma

An Adult Standard High School Diploma may be issued by a school district or Florida College System institution. Students may choose a 24-credit or 18-credit ACCEL (Academically Challenging Curriculum to Enhance Learning) option and must complete the same courses and state assessments required to earn a standard high school diploma in the K-12 system. However, the following exceptions are allowed:

1. One elective credit may be substituted for the one credit requirement in fine or performing arts, speech and debate, or practical arts.
2. The requirement that two of the science credits include a laboratory component may be waived by the district school board.
3. The requirement for one credit in physical education may be substituted with an elective.¹⁶

High School Equivalency Diploma

¹³ Quick Guide to the Florida Career and Professional Education Act (CAPE), available at <http://www.serve.org/uploads/docs/Events%20&%20Webinars/Quick%20Guide%20to%20the%20Florida%20Career%20and%20Professional%20Education.pdf>

¹⁴ Section 1004.93, F.S.

¹⁵ Department of Education, *Overview of Adult General Education: presentation to Higher Education and Workforce Subcommittee* (September 16, 2015), available at

<http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=80>

¹⁶ *Id.*

Florida law¹⁷ requires a candidate for the high school equivalency diploma to be at least 18 years of age on the date of the examination, except that in extraordinary circumstances a school district may determine that a candidate is eligible to take the examination after reaching the age of 16.

Forty-three states and the District of Columbia require candidates to be 18 years old to receive a GED credential. Most states, however, allow individuals younger than the required minimum age to take the tests with additional documentation.¹⁸

Delivery of Diploma Programs: Adult High School and GED

Counties that offer ONLY a GED preparation (32)

- Okaloosa, Jackson, Washington, Bay, Calhoun, Liberty, Franklin, Wakulla, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Baker, Union, Bradford, Levy, Putnam, Marion, Citrus, Sumter, Lake, Osceola, Manatee, Hardee, Highlands, DeSoto, Charlotte, Lee, Collier

Counties that offer ONLY an Adult High School option (1)

- Gulf

Counties that offer BOTH a GED preparation and an Adult High School option (30)

- Escambia, Santa Rosa, Walton, Gadsden, Leon, Columbia, Alachua, Clay, Nassau, Duval, St. Johns, Flagler, Volusia, Seminole, Orange, Brevard, Hernando, Pasco, Polk, Hillsborough, Pinellas, Indian River, Okeechobee, St. Lucie, Martin, Palm Beach, Sarasota, Broward, Miami-Dade, Monroe

Counties that do not offer either a GED preparation or Adult High School option (4)

- Holmes, Gilchrist, Glades, Hendry¹⁹

Online delivery of Adult Education Programs

The Florida Adult and Technical Distance Education Consortium (FATDEC) is a consortium of 30 member institutions. The purpose of the group is to enable public schools, school districts and Florida College System institutions to work together to deliver curriculum in a web-based environment for adult education and career and technical programs in Florida.²⁰

Membership in the consortium includes:

Baker County Public Schools
Brevard County Public Schools
Broward County Public Schools
Calhoun County Adult School
College of Central Florida (serving Levy County)
Citrus County Public Schools

¹⁷ Section 1003.435(4), F.S.

¹⁸ Jizhi Zhang, *Young GED Examinees and Their Performance on the GED Tests*, General Educational Development Testing Service of the American Council on Education (2009), available at <http://www.gedtestingservice.com/uploads/files/eccfc5b0b5d764269e8780fc9f15d24.pdf>

¹⁹ Department of Education, *Overview of Adult General Education: presentation to Higher Education and Workforce Subcommittee* (September 16, 2015), available at [http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=80](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=80)

²⁰ Florida Adult and Technical Education Consortium: Your future, Online, available at http://fatdec.com/about_us.php (last viewed November 5, 2015)

Desoto County Public Schools
First Coast Technical College (serving St. Johns County)
Flagler County Public Schools
George Stone Technical Center (serving Escambia County)
Hernando County Public Schools
Hillsborough County Public Schools
Indian River State College (serving Martin, St. Lucie, Indian River, and Okeechobee Counties)
Lee County Public Schools
Manatee Technical Center
Monroe County Public Schools
Nassau County Public Schools
Orange County Public Schools
Palm Beach Public Schools
Pasco County Public Schools
Pinellas County Public Schools
Polk County Technical Center
Santa Fe State College (serving Alachua County)
Santa Rosa County Public Schools
Sarasota County Technical Institute
Seminole State College (serving Seminole County)
South Florida State College (serving Highlands County)
St. Johns River State College (serving Putnam County)
Tallahassee Community College (serving Leon County)
Washington-Holmes Technical Center (serving Washington and Holmes Counties)
**34 counties served by the consortium*

Effect of Proposed Changes

The bill reduces the age at which a candidate may take the high school equivalency examination from 18 to 16 and requires public school students to file a formal declaration of intent to terminate school enrollment²¹ with the school district before taking the examination.

The bill also requires any school district or Florida College System institution that offers an adult education program to provide at least one online option for students to earn a high school diploma or its equivalent no later than July 1, 2017.

In addition, the bill removes an incorrect reference to developmental education from the adult education section of statute because developmental education is not included in adult education programs.

Workforce Education Funding

Present Situation

Funds provided for career and charter technical centers are appropriated separately in the General Appropriations Act (GAA) from other K-12 programs. Proviso language included in the GAA specifies that the funds appropriated shall not be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General verifies compliance with this requirement during scheduled audits of these institutions.²² As part of the school district, career and charter technical centers benefit from the use of school district personnel and services for many activities which may include: payroll/human

²¹ Section 1003.21(1)(b), F.S., stipulates that any student who attains the age of 16 years is not subject to compulsory school attendance beyond the date upon which he or she reaches that age if the student files a formal declaration of intent to terminate school enrollment with the district school board.

²² Chapter 2015-232, L.O.F., see Specific Appropriation 118 proviso referencing Specific Appropriations 10, 116, and 118

resources; building maintenance and repair; pest control; lawn care; risk management and liability insurance; marketing; financial and legal services; professional development; school police; technology and MIS; transportation for limited high school students; and utilities. By sharing services, the centers do not have to hire additional full-time staff, or contract for these activities. School districts, in turn, charge their center(s) associated indirect and administrative fees for usage. Currently the Department of Education's (DOE) financial data system does not separate secondary expenditures from postsecondary expenditures; thus, it has been difficult to obtain data or ascertain how the career education centers' indirect service charges are calculated. The indirect costs charged by school districts to the 48 centers vary in percentage of total allocations.

Postsecondary education, including workforce education programs, once conformed to a calculated percentage of the average cost of instruction funded with 75 percent from state general revenue and 25 percent from student fees. This ratio is no longer applicable, as tuition and fee revenues currently make up a larger percentage of total funding. Funding for workforce education is currently calculated based on weighted enrollment minus fee revenues generated to offset program operational costs.

Effect of Proposed Changes

The bill requires each school district and Florida College System (FCS) institution receiving state appropriations for workforce education programs to maintain adequate and accurate records including a system to record school district workforce education funding and expenditures in order to maintain separation of postsecondary workforce education expenditures from secondary education expenditures.

The bill revises the calculation methodology for determining state funding for workforce education programs consistent with the current method used to allocate funds, and removes obsolete references for programs that are no longer funded.

The bill clarifies the requirements for workforce performance funding to reward all types of workforce education programs, including those that:

- prepare people to enter high-skill/high wage occupations;
- increase student achievement in Adult General Education courses; and
- award industry certifications

Rapid Response Grant Program

Present Situation

Florida does not currently have a formal mechanism for recruiting and retaining industry in the state by providing education and training programs specifically geared toward business employees. The lack of such a process may result in businesses choosing not to locate in Florida because they are not given adequate assurance that they will have the skilled workers needed for their enterprise to be successful in this state. Other states often have a competitive advantage over Florida in industry attraction, expansion, and retention projects and lose out on the associated jobs that they create.

Effect of Proposed Changes

The bill creates the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers. Career centers applying for the program must submit an application that includes, at a minimum, the details regarding the program expansion and development, projected enrollment and projected costs. Career centers that are granted awards must submit quarterly reports. Grant funds may not be used to supplant current funds and must be used to expand enrollment in existing programs or create new programs.

The Department of Education shall administer the program and conduct an annual analysis and assessment of the effectiveness of the postsecondary programs in meeting labor market demands.

The bill provides \$10 million in recurring general revenue to the Department of Education to implement this program.

B. SECTION DIRECTORY:

Section 1. Amends s. 446.021, F.S., amending the definitions of “journeyworker” and “related instruction”.

Section 2. Amends s. 446.032, F.S., making a technical change of “journeymen” to “journeyworker”.

Section 3. Amends s. 446.045, F.S., clarifying that public members of the State Apprenticeship Advisory Council are to be independent of any joint or nonjoint organization.

Section 4. Amends s. 446.081, F.S., clarifying that nothing in ss. 446.011-446.092, F.S. or implementing rules shall operate to invalidate any special provisions for veterans, minorities, or women in apprenticeship programs.

Section 5. Amends s. 446.091, F.S., making a technical change of “journeymen” to “journeyworker”.

Section 6. Amends s. 446.092, F.S., clarifying language related to industry standards.

Section 7. Amends s. 1003.435, F.S., reducing the age at which a candidate may take the high school equivalency examination.

Section 8. Amends s. 1004.015, F.S., adding the Chancellor of Career and Adult Education at the Department of Education to the Higher Education Coordinating Council.

Section 9. Amends s. 1004.02, F.S., clarifying that the applied technology diploma consists of college credit and may be offered by a public school district or Florida College System institution.

Section 10. Amends s. 1004.92, F.S., revising language regarding career and technical education program standards and requiring the State Board of Education to adopt rules.

Section 11. Amends s. 1004.93, F.S., requiring each school district and Florida College System institution that offers an adult education program to, by July 1, 2017, provide at least one online option for students to earn a standard high school diploma or its equivalent; removing an incorrect reference to developmental education.

Section 12. Amends s. 1008.44, F.S. increasing the number of CAPE Digital Tool Certificates that can be included on the CAPE Industry Certification Funding List from 15 to 30; changing language on identification of the CAPE Digital Tool Certificates to conform with other statutory language.

Section 13. Amends s. 1009.22, F.S., removes the reference to the applied technology diploma under the per contact hour fee structure; and provides a new tuition fee structure for the applied technology diploma at the same rates as those charged by the Florida College System for college credit programs.

Section 14. Amends s. 1009.42, F.S., requiring career centers to develop procedures for appeals of grievances related to financial aid as required by the U.S. Department of Education.

Section 15. Amends s. 1011.80, F.S., requiring school districts and colleges to maintain adequate and accurate records, separating postsecondary workforce education expenditures from secondary education expenditures; clarifying the requirements for funding calculations to align with the current

methodology for determining workforce education funding; clarifying the requirements for workforce performance funding.

Section 16. Creates s. 1011.802, F.S., establishing the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants for career centers, charter technical career centers and Florida College System institutions to expand existing or create new apprenticeship programs.

Section 17. Creates s. 1011.803, F.S., establishing the Rapid Response Grant Program for the purpose of providing a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers and charter technical career centers.

Section 18. Provides \$3 million in recurring general revenue to implement the Florida Apprenticeship Grant (FLAG) Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Education and Training Program to the Department of Education.

Section 19. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The 2014-2015 school year was the first year of implementation for CAPE Digital Tool Certificates. There is currently no data available on the number of students earning a certification. For 2015-16, the maximum number of CAPE Digital Tool Certificates (15) are included on the CAPE Industry Certification Funding List. It is possible that the addition of new CAPE Digital Tool Certificates to the funding list could attract more students to the program and result in an increase in the total number of certificates earned. Each additional certificate earned by an elementary or middle school student would generate 0.025 additional FTE, with a maximum of 1.0 FTE for any one student. The value of 0.025 FTE would generate approximately \$104 in additional funding for each certificate. The number of additional CAPE Digital Tool Certificates that may generate funding under the bill is unknown.

This bill provides the Department of Education with \$3 million in recurring general revenue to implement the Florida Apprenticeship Grant (FLAG) Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

The costs to school districts and Florida College System institutions offering adult education programs to provide at least one online option that enables students to earn a standard high school diploma or its equivalent are unknown.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Redefining “applied technology diploma” and converting the tuition rates from contact hour to credit hour will result in a minimal increase in cost for some students. The student does, however, receive an upgraded product with college credit that is more easily transferable. The conversion of credit hours could potentially lower costs to some students depending upon length of program, and its conversion to credit hours.

The bill creates the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers. This new program may result in businesses choosing to locate in Florida because they will be given adequate assurance that they will have the skilled workers needed for their enterprise to be successful in this state.

The Florida Apprenticeship Grant Program will provide start-up funding for new apprenticeship programs and allow for expansion of existing apprenticeship programs at Florida College System institutions, career centers, and charter technical career centers. The program will benefit both businesses and students enrolled in the programs. Businesses have expressed the need for increased apprenticeship programs. Students enrolled in apprenticeship programs are exempt from the payment of tuition and fees.

D. FISCAL COMMENTS:

Based on 2014-2015 enrollment data, the conversion of the ATD from clock hour to college credit would likely result in tuition revenue increases of \$87,274 for school districts, and a decrease of \$15,897 for Pasco-Hernando State College, the only college institution offering clock hour programs.²³ The bill has an indeterminate future fiscal impact on tuition and fee revenues for career centers and charter technical centers. Changing applied technology diploma credit from clock hour credit to college credit could encourage increased student enrollment in these programs. Enrollment increases, if significant, could require additional state funding in future years since tuition covers only a portion of a student’s educational costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides rulemaking authority to the State Board of Education regarding instructional components of Career and Technical Education programs. The bill may also require the State Board of Education to modify rules related to workforce education program funding reporting.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

²³ Email, Department of Education Division of Career and Adult Education (September 17, 2015)

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 18, 2015, the Higher Education and Workforce Subcommittee adopted two amendments. The first amendment clarifies that the requirement to file a formal declaration of intent to terminate school enrollment in order to be eligible to take the GED examination applies only to public school students. The second amendment corrects an incorrect date relating to appropriations for the Rapid Response Grant Program and the Florida Apprenticeship Grant (FLAG) program.

This analysis is drafted to the bill as amended and passed by the Higher Education and Workforce Subcommittee.

27 programs may only provide academic services to
28 specified students under certain circumstances;
29 deleting duties of the State Board of Education
30 relating to adult general education programs; deleting
31 a requirement that specific expenditures be reported
32 separately; revising allocation requirements for
33 developmental education; amending s. 1008.44, F.S.;
34 revising the number of allowable CAPE Digital Tool
35 certificates in certain areas that do not lead to
36 college credit; deleting a provision authorizing the
37 Chancellor of Career and Adult Education to update the
38 list of certificates; amending s. 1009.22, F.S.;
39 revising tuition and fees for specific workforce
40 education programs; amending s. 1009.42, F.S.;
41 requiring district school boards operating a career
42 center and governing bodies of charter technical
43 career centers to establish a specific appeal
44 procedure for students; amending s. 1011.80, F.S.;
45 conforming provisions; requiring school districts and
46 Florida College System institutions to maintain
47 certain records; revising operational and performance
48 funding calculation and allocation for workforce
49 education programs; deleting provisions relating to a
50 program to assist in responding to the needs of new
51 and expanding businesses and a requirement that the
52 State Board of Education and CareerSource Florida,

53 Inc., provide the Legislature with certain formulas
 54 and mechanisms for distributing performance funds;
 55 creating s. 1011.802, F.S.; creating the Florida
 56 Apprenticeship Grant (FLAG) program; providing for the
 57 purpose, requirements, and administration of the
 58 program; requiring certain career centers and
 59 institutions to provide quarterly reports; creating s.
 60 1011.803, F.S.; creating the Rapid Response Grant
 61 program; providing for the purpose, requirements, and
 62 administration of the program; requiring certain
 63 career centers to provide quarterly reports; requiring
 64 the department to administer the program and conduct
 65 an annual program analysis; providing appropriations;
 66 providing an effective date.

67

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

69

70 Section 1. Section 446.021, Florida Statutes, is reordered
 71 and amended to read:

72 446.021 Definitions of terms used in ss. 446.011-446.092.-

73 As used in ss. 446.011-446.092, the term:

74 (1)~~(2)~~ "Apprentice" means a person at least 16 years of
 75 age who is engaged in learning a recognized skilled trade
 76 through actual work experience under the supervision of a
 77 journeyworker ~~journeymen-craftsmen~~, which training should be
 78 combined with properly coordinated studies of related technical

79 and supplementary subjects, and who has entered into a written
 80 agreement, which may be cited as an apprentice agreement, with a
 81 registered apprenticeship sponsor who may be ~~either~~ an employer,
 82 an association of employers, or a local joint apprenticeship
 83 committee.

84 ~~(2)(6)~~ "Apprenticeship program" means an organized course
 85 of instruction, registered and approved by the department, which
 86 course shall contain all terms and conditions for the
 87 qualifications, recruitment, selection, employment, and training
 88 of apprentices including such matters as the requirements for a
 89 written apprenticeship agreement.

90 ~~(3)(10)~~ "Cancellation" means the deregistration of an
 91 apprenticeship program or the termination of an apprenticeship
 92 agreement.

93 ~~(4)(12)~~ "Department" means the Department of Education.

94 ~~(5)(4)~~ "Journeyworker Journeyman" means a person working
 95 in an ~~apprenticeable~~ occupation who has attained a level of
 96 skill and the abilities and competencies recognized within the
 97 industry as having mastered the skills and competencies required
 98 for the occupation. The term includes a mentor, technician,
 99 specialist, or other skilled worker who has documented
 100 sufficient skills and knowledge of the occupation through formal
 101 apprenticeship or practical on-the-job experience and formal
 102 training successfully completed a registered apprenticeship
 103 program or who has worked the number of years required by
 104 established industry practices for the particular trade or

105 | ~~occupation.~~

106 | (6)~~(11)~~ "Jurisdiction" means the specific geographical
107 | area for which a particular program is registered.

108 | (7) "On-the-job training program" means a formalized
109 | system of job processes which may be augmented by related
110 | instruction that provides the experience and knowledge necessary
111 | to meet the training objective of learning a specific skill,
112 | trade, or occupation. The training program must be at least 6
113 | months and not more than 2 years in duration and must be
114 | registered with the department.

115 | (8)~~(1)~~ "Preapprentice" means any person 16 years of age or
116 | over engaged in any course of instruction in the public school
117 | system or elsewhere, which course is registered as a
118 | preapprenticeship program with the department.

119 | (9)~~(5)~~ "Preapprenticeship program" means an organized
120 | course of instruction in the public school system or elsewhere,
121 | which course is designed to prepare a person 16 years of age or
122 | older to become an apprentice and which course is approved by
123 | and registered with the department and sponsored by a registered
124 | apprenticeship program.

125 | (10)~~(9)~~ "Related instruction" means an organized and
126 | systematic form of instruction designed to provide the
127 | apprentice with knowledge of the theoretical and technical
128 | subjects related to a specific trade or occupation. Such
129 | instruction may be given in a classroom, through occupational or
130 | industrial courses or correspondence courses of equivalent

131 value, through electronic media, or through other forms of self-
 132 study approved by the department.

133 ~~(11)(3)~~ "Trainee" means a person at least 16 years of age
 134 who is engaged in learning a specific skill, trade, or
 135 occupation within a formalized, on-the-job training program.

136 ~~(12)(8)~~ "Uniform minimum preapprenticeship standards"
 137 means the minimum requirements established uniformly for each
 138 craft under which a preapprenticeship program is administered
 139 and includes standards of admission, training goals, training
 140 objectives, curriculum outlines, objective standards to measure
 141 successful completion of the preapprenticeship program, and the
 142 percentage of credit which may be given to preapprenticeship
 143 graduates upon acceptance into the apprenticeship program.

144 Section 2. Subsection (1) of section 446.032, Florida
 145 Statutes, is amended to read:

146 446.032 General duties of the department for
 147 apprenticeship training.—The department shall:

148 (1) Establish uniform minimum standards and policies
 149 governing apprentice programs and agreements. The standards and
 150 policies shall govern the terms and conditions of the
 151 apprentice's employment and training, including the quality
 152 training of the apprentice for, but not limited to, such matters
 153 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
 154 related instruction, and on-the-job training; but these
 155 standards and policies may not include rules, standards, or
 156 guidelines that require the use of apprentices and job trainees

157 on state, county, or municipal contracts. The department may
 158 adopt rules necessary to administer the standards and policies.

159 Section 3. Paragraph (b) of subsection (2) of section
 160 446.045, Florida Statutes, is amended to read:

161 446.045 State Apprenticeship Advisory Council.—

162 (2)(b) The Commissioner of Education or the commissioner's
 163 designee shall serve ex officio as chair of the State
 164 Apprenticeship Advisory Council, but may not vote. The state
 165 director of the Office of Apprenticeship of the United States
 166 Department of Labor shall serve ex officio as a nonvoting member
 167 of the council. The Governor shall appoint to the council four
 168 members representing employee organizations and four members
 169 representing employer organizations. Each of these eight members
 170 shall represent industries that have registered apprenticeship
 171 programs. The Governor shall also appoint two public members who
 172 are knowledgeable about registered apprenticeship and
 173 apprenticeable occupations and who are independent of any joint
 174 or nonjoint organization, ~~one of whom shall be recommended by~~
 175 ~~joint organizations, and one of whom shall be recommended by~~
 176 ~~nonjoint organizations.~~ Members shall be appointed for 4-year
 177 staggered terms. A vacancy shall be filled for the remainder of
 178 the unexpired term.

179 Section 4. Subsection (1) of section 446.081, Florida
 180 Statutes, is amended to read:

181 446.081 Limitation.—

182 (1) Nothing in ss. 446.011-446.092, or in any apprentice

183 agreement approved under those sections, may shall operate to
 184 invalidate:

185 (a) Any apprenticeship provision in any collective
 186 agreement between employers and employees setting up higher
 187 apprenticeship standards.

188 (b) Any special provision for veterans, minority persons,
 189 or women in the standards, apprentice qualifications, or
 190 operation of the program that is not otherwise prohibited by
 191 law, executive order, or authorized regulation.

192 Section 5. Section 446.091, Florida Statutes, is amended
 193 to read:

194 446.091 On-the-job training program.—All provisions of ss.
 195 446.011-446.092 relating to apprenticeship and
 196 preapprenticeship, including, but not limited to, programs,
 197 agreements, standards, administration, procedures, definitions,
 198 expenditures, local committees, powers and duties, limitations,
 199 grievances, and ratios of apprentices and job trainees to
 200 journeyworkers ~~journeymen~~ on state, county, and municipal
 201 contracts, shall be appropriately adapted and made applicable to
 202 a program of on-the-job training authorized under those
 203 provisions for persons other than apprentices.

204 Section 6. Section 446.092, Florida Statutes, is amended
 205 to read:

206 446.092 Criteria for apprenticeship occupations.—An
 207 apprenticeable occupation is a skilled trade which possesses all
 208 of the following characteristics:

209 (1) It is customarily learned in a practical way through a
 210 structured, systematic program of on-the-job, supervised
 211 training.

212 (2) It is clearly identified and commonly recognized
 213 throughout an the industry ~~or recognized with a positive view~~
 214 ~~towards changing technology.~~

215 (3) It involves manual, mechanical, or technical skills
 216 and knowledge which, in accordance with the industry standards
 217 for the occupation, would require a minimum of 2,000 hours of
 218 on-the-job work and training, which hours are excluded from the
 219 time spent at related instruction.

220 (4) It requires related instruction to supplement on-the-
 221 job training. Such instruction may be given in a classroom,
 222 through occupational or industrial courses or ~~through~~
 223 correspondence courses of equivalent value, through electronic
 224 media, or through other forms of self-study approved by the
 225 department.

226 ~~(5) It involves the development of skill sufficiently~~
 227 ~~broad to be applicable in like occupations throughout an~~
 228 ~~industry, rather than of restricted application to the products~~
 229 ~~or services of any one company.~~

230 ~~(6) It does not fall into any of the following categories:~~

231 ~~(a) Selling, retailing, or similar occupations in the~~
 232 ~~distributive field.~~

233 ~~(b) Managerial occupations.~~

234 ~~(c) Professional and scientific vocations for which~~

235 ~~entrance requirements customarily require an academic degree.~~

236 Section 7. Subsection (4) of section 1003.435, Florida
237 Statutes, is amended to read:

238 1003.435 High school equivalency diploma program.—

239 (4) A candidate for a high school equivalency diploma
240 shall be at least 16 ~~18~~ years of age on the date of the
241 examination, ~~except that in extraordinary circumstances, as~~
242 ~~provided for in rules of the district school board of the~~
243 ~~district in which the candidate resides or attends school, a~~
244 ~~candidate may take the examination after reaching the age of 16.~~
245 Before taking the examination, a public school student must file
246 a formal declaration of intent to terminate school enrollment
247 pursuant to s. 1003.21.

248 Section 8. Subsection (2) of section 1004.015, Florida
249 Statutes, is amended to read:

250 1004.015 Higher Education Coordinating Council.—

251 (2) Members of the council shall include:

252 (a) One member of the Board of Governors, appointed by the
253 chair of the Board of Governors.

254 (b) The Chancellor of the State University System.

255 (c) The Chancellor of the Florida College System.

256 (d) The Chancellor of Career and Adult Education.

257 (e) ~~(d)~~ One member of the State Board of Education,
258 appointed by the chair of the State Board of Education.

259 (f) ~~(e)~~ The Executive Director of the Florida Association
260 of Postsecondary Schools and Colleges.

261 (g)~~(f)~~ The president of the Independent Colleges and
 262 Universities of Florida.

263 (h)~~(g)~~ The president of CareerSource Florida, Inc., or his
 264 or her designee.

265 (i)~~(h)~~ The president of Enterprise Florida, Inc., or a
 266 designated member of the Stakeholders Council appointed by the
 267 president.

268 (j)~~(i)~~ Three representatives of the business community,
 269 one appointed by the President of the Senate, one appointed by
 270 the Speaker of the House of Representatives, and one appointed
 271 by the Governor, who are committed to developing and enhancing
 272 world class workforce infrastructure necessary for Florida's
 273 citizens to compete and prosper in the ever-changing economy of
 274 the 21st century.

275 Section 9. Subsection (7) of section 1004.02, Florida
 276 Statutes, is amended to read:

277 1004.02 Definitions.—As used in this chapter:

278 (7) "Applied technology diploma program" means a course of
 279 study that is part of a technical degree program, is less than
 280 60 credit hours, and leads to employment in a specific
 281 occupation. An applied technology diploma program consists ~~may~~
 282 ~~consist of either technical credit or college credit~~ and may be
 283 offered by a public school district or a Florida College System
 284 institution. ~~A public school district may offer an applied~~
 285 ~~technology diploma program only as technical credit, with~~
 286 ~~college credit awarded to a student upon articulation to a~~

287 ~~Florida College System institution.~~ Statewide articulation among
 288 public schools and Florida College System institutions is
 289 guaranteed by s. 1007.23~~7~~, and is subject to guidelines and
 290 standards adopted by the State Board of Education pursuant to
 291 ss. 1007.24 and 1007.25.

292 Section 10. Paragraph (b) of subsection (2) of section
 293 1004.92, Florida Statutes, is amended, and subsection (4) is
 294 added to that section, to read:

295 1004.92 Purpose and responsibilities for career
 296 education.—

297 (2)

298 (b) Department of Education accountability for career
 299 education includes, but is not limited to:

300 1. The provision of timely, accurate technical assistance
 301 to school districts and Florida College System institutions.

302 2. The provision of timely, accurate information to the
 303 State Board of Education, the Legislature, and the public.

304 3. The development of policies, rules, and procedures that
 305 facilitate institutional attainment of the accountability
 306 standards and coordinate the efforts of all divisions within the
 307 department.

308 4. The development of program standards and industry-
 309 driven benchmarks for career, adult, and community education
 310 programs, which must be updated every 3 years. The standards
 311 must reflect the quality components of a career and technical
 312 education program and include career, academic, and workplace

313 skills; viability of distance learning for instruction; and
 314 work/learn cycles that are responsive to business and industry.

315 5. Overseeing school district and Florida College System
 316 institution compliance with the provisions of this chapter.

317 6. Ensuring that the educational outcomes for the
 318 technical component of career programs are uniform and designed
 319 to provide a graduate who is capable of entering the workforce
 320 on an equally competitive basis regardless of the institution of
 321 choice.

322 (4) The State Board of Education shall adopt rules to
 323 administer this section.

324 Section 11. Section 1004.93, Florida Statutes, is
 325 reordered and amended to read:

326 1004.93 Adult general education.—

327 (1)(a) The intent of this section is to encourage the
 328 provision of educational services that will enable adults to
 329 acquire:

330 1. The basic skills necessary to attain basic and
 331 functional literacy.

332 2. A high school diploma or successfully complete the high
 333 school equivalency examination.

334 3. An educational foundation that will enable them to
 335 become more employable, productive, and self-sufficient
 336 citizens.

337 (b) It is further intended that educational opportunities
 338 be available for adults who have earned a diploma or high school

339 equivalency diploma but who lack the basic skills necessary to
 340 function effectively in everyday situations, to enter the job
 341 market, or to enter career certificate instruction.

342 (2) The adult education program must provide academic
 343 services to ~~students in the following priority:~~

344 (a) Students who ~~demonstrate skills at less than a fifth~~
 345 ~~grade level, as measured by tests approved for this purpose by~~
 346 ~~the State Board of Education, and who~~ are studying to achieve
 347 basic literacy.

348 (b) Students who ~~demonstrate skills at the fifth grade~~
 349 ~~level or higher, but below the ninth grade level, as measured by~~
 350 ~~tests approved for this purpose by the State Board of Education,~~
 351 ~~and who~~ are studying to achieve functional literacy.

352 (c) Students who are earning credit required for a high
 353 school diploma or ~~who are~~ preparing for the high school
 354 equivalency examination. By July 1, 2017, each school district
 355 or Florida College System institution with an adult high school
 356 or offering a high school equivalency examination preparation
 357 program must offer at least one online program option that
 358 enables students to earn a high school diploma or its
 359 equivalent.

360 (d) Students who have earned high school diplomas and
 361 require specific improvement in order to:

- 362 1. Obtain or maintain employment or benefit from
- 363 certificate career education programs;
- 364 2. Pursue a postsecondary degree; or

365 3. Develop competence in the English language to qualify
 366 for employment.

367 (3) If all students meeting the criteria of subsection (2)
 368 are provided academic services, the adult education program may
 369 provide academic services to:

370 (a)~~(e)~~ Students who enroll in lifelong learning courses or
 371 activities that seek to address community social and economic
 372 issues that consist of health and human relations, government,
 373 parenting, consumer economics, and senior citizens.

374 (b)~~(f)~~ Students who enroll in courses that relate to the
 375 recreational or leisure pursuits of the students. The cost of
 376 courses conducted pursuant to this paragraph shall be borne by
 377 the enrollees.

378 (4)~~(3)~~(a) Each district school board or Florida College
 379 System institution board of trustees shall negotiate with the
 380 regional workforce board for basic and functional literacy
 381 skills assessments for participants in the welfare transition
 382 employment and training programs. Such assessments shall be
 383 conducted at a site mutually acceptable to the district school
 384 board or Florida College System institution board of trustees
 385 and the regional workforce board.

386 (b) State employees who are employed in local or regional
 387 offices of state agencies shall inform clients of the
 388 availability of adult basic and secondary programs in the
 389 region. The identities of clients who do not possess high school
 390 diplomas or who demonstrate skills below the level of functional

391 literacy shall be conveyed, with their consent, to the local
 392 school district or Florida College System institution, or both.

393 (c) To the extent funds are available, the Department of
 394 Children and Families shall provide for day care and
 395 transportation services to clients who enroll in adult basic
 396 education programs.

397 (5)~~(4)~~(a) Adult general education shall be evaluated and
 398 funded as provided in s. 1011.80.

399 (b) Fees for adult basic instruction are to be charged in
 400 accordance with chapter 1009.

401 ~~(c) The State Board of Education shall define, by rule,~~
 402 ~~the levels and courses of instruction to be funded through the~~
 403 ~~developmental education program. The state board shall~~
 404 ~~coordinate the establishment of costs for developmental~~
 405 ~~education courses, the establishment of statewide standards that~~
 406 ~~define required levels of competence, acceptable rates of~~
 407 ~~student progress, and the maximum amount of time to be allowed~~
 408 ~~for completion of developmental education. Developmental~~
 409 ~~education is part of an associate in arts degree program and may~~
 410 ~~not be funded as an adult career education program.~~

411 ~~(d) Expenditures for developmental education and lifelong~~
 412 ~~learning students shall be reported separately. Allocations for~~
 413 ~~developmental education shall be based on proportional full-time~~
 414 ~~equivalent enrollment. Program review results shall be included~~
 415 ~~in the determination of subsequent allocations. A student shall~~
 416 ~~be funded to enroll in the same developmental education class~~

417 ~~within a skill area only twice, after which time the student~~
 418 ~~shall pay 100 percent of the full cost of instruction to support~~
 419 ~~the continuous enrollment of that student in the same class;~~
 420 ~~however, students who withdraw or fail a class due to~~
 421 ~~extenuating circumstances may be granted an exception only once~~
 422 ~~for each class, provided approval is granted according to policy~~
 423 ~~established by the board of trustees. Each Florida College~~
 424 ~~System institution shall have the authority to review and reduce~~
 425 ~~payment for increased fees due to continued enrollment in a~~
 426 ~~developmental education class on an individual basis contingent~~
 427 ~~upon the student's financial hardship, pursuant to definitions~~
 428 ~~and fee levels established by the State Board of Education.~~
 429 ~~Developmental education and lifelong learning courses do not~~
 430 ~~generate credit toward an associate or baccalaureate degree.~~

431 (c)~~(e)~~ A district school board or a Florida College System
 432 institution board of trustees may negotiate a contract with the
 433 regional workforce board for specialized services for
 434 participants in the welfare transition program, beyond what is
 435 routinely provided for the general public, to be funded by the
 436 regional workforce board.

437 (6)~~(5)~~ If students who have been determined to be adults
 438 with disabilities are enrolled in workforce development
 439 programs, the funding formula must provide additional incentives
 440 for their achievement of performance outputs and outcomes.

441 (7)~~(6)~~ The commissioner shall recommend the level of
 442 funding for public school and Florida College System institution

443 adult education within the legislative budget request and make
 444 other recommendations and reports considered necessary or
 445 required by rules of the State Board of Education.

446 (8)~~(7)~~ Buildings, land, equipment, and other property
 447 owned by a district school board or Florida College System
 448 institution board of trustees may be used for the conduct of the
 449 adult education program. Buildings, land, equipment, and other
 450 property owned or leased by cooperating public or private
 451 agencies, organizations, or institutions may also be used for
 452 the purposes of this section.

453 (9)~~(8)~~ In order to accelerate the employment of adult
 454 education students, students entering adult general education
 455 programs after July 1, 2013, must complete the following action-
 456 steps-to-employment activities before the completion of the
 457 first term:

458 (a) Identify employment opportunities using market-driven
 459 tools.

460 (b) Create a personalized employment goal.

461 (c) Conduct a personalized skill and knowledge inventory.

462 (d) Compare the results of the personalized skill and
 463 knowledge inventory with the knowledge and skills needed to
 464 attain the personalized employment goal.

465 (e) Upgrade skills and knowledge needed through adult
 466 general education programs and additional educational pursuits
 467 based on the personalized employment goal.

468

469 The action-steps-to-employment activities may be developed
 470 through a blended approach with assistance provided to adult
 471 general education students by teachers, employment specialists,
 472 guidance counselors, business and industry representatives, and
 473 online resources. Students may be directed to online resources
 474 and provided information on financial literacy, student
 475 financial aid, industry certifications, and occupational
 476 services and a listing of job openings.

477 ~~(10)~~~~(9)~~ The State Board of Education may adopt rules
 478 necessary for the implementation of this section.

479 Section 12. Paragraph (b) of subsection (1) of section
 480 1008.44, Florida Statutes, is amended to read:

481 1008.44 CAPE Industry Certification Funding List and CAPE
 482 Postsecondary Industry Certification Funding List.—

483 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
 484 of Education shall, at least annually, identify, under rules
 485 adopted by the State Board of Education, and the Commissioner of
 486 Education may at any time recommend adding the following
 487 certificates, certifications, and courses:

488 (b) No more than 30 ~~15~~ CAPE Digital Tool certificates
 489 limited to the areas of word processing; spreadsheets; sound,
 490 motion, and color presentations; digital arts; cybersecurity;
 491 and coding pursuant to s. 1003.4203(3) that do not articulate
 492 for college credit. Such certificates shall be annually
 493 identified on the CAPE Industry Certification Funding List ~~and~~
 494 ~~updated solely by the Chancellor of Career and Adult Education.~~

495 The certificates shall be made available to students in
 496 elementary school and middle school grades and, if earned by a
 497 student, shall be eligible for additional full-time equivalent
 498 membership pursuant to s. 1011.62(1)(o)1.

499 Section 13. Paragraphs (d) and (e) of subsection (3) of
 500 section 1009.22, Florida Statutes, are redesignated as
 501 paragraphs (e) and (f), respectively, paragraph (c) of that
 502 subsection is amended, and a new paragraph (d) is added to that
 503 subsection, to read:

504 1009.22 Workforce education postsecondary student fees.—
 505 (3)

506 (c) Effective July 1, 2014, for programs leading to a
 507 career certificate ~~or an applied technology diploma~~, the
 508 standard tuition shall be \$2.33 per contact hour for residents
 509 and nonresidents, and the out-of-state fee shall be \$6.99 per
 510 contact hour. For adult general education programs, a block
 511 tuition of \$45 per half year or \$30 per term shall be assessed.
 512 Each district school board and Florida College System
 513 institution board of trustees shall adopt policies and
 514 procedures for the collection of and accounting for the
 515 expenditure of the block tuition. All funds received from the
 516 block tuition shall be used only for adult general education
 517 programs. Students enrolled in adult general education programs
 518 may not be assessed the fees authorized in subsection (5),
 519 subsection (6), or subsection (7).

520 (d) Effective July 1, 2016, for programs leading to an

521 applied technology diploma, the standard tuition shall be \$71.98
 522 per credit hour for residents and nonresidents, and the out-of-
 523 state fee shall be \$215.94 per credit hour.

524 Section 14. Subsection (2) of section 1009.42, Florida
 525 Statutes, is amended to read:

526 1009.42 Financial aid appeal process.—

527 (2) The president of each state university and each
 528 Florida College System institution, each district school board
 529 operating a career center pursuant to s. 1001.44, and each
 530 governing body of a charter technical career center operating
 531 pursuant to s. 1002.34 shall establish a procedure for appeal,
 532 by students, of grievances related to the award or
 533 administration of financial aid at the institution.

534 Section 15. Section 1011.80, Florida Statutes, is
 535 reordered and amended to read:

536 1011.80 Funds for operation of workforce education
 537 programs.—

538 (1) As used in this section, the terms "workforce
 539 education" and "workforce education program" include:

540 (a) Adult general education programs designed to improve
 541 the employability skills of the state's workforce as defined in
 542 s. 1004.02(3).

543 (b) Career certificate programs, as defined in s.
 544 1004.02(20).

545 (c) Applied technology diploma programs.

546 (d) Continuing workforce education courses.

547 (e) Degree career education programs.

548 (f) Apprenticeship and preapprenticeship programs as
549 defined in s. 446.021.

550 (2) A ~~Any~~ workforce education program may be conducted by
551 a Florida College System institution or a school district,
552 except that ~~college credit in~~ an associate in applied science or
553 an associate in science degree may be awarded only by a Florida
554 College System institution. However, if an associate in applied
555 science or an associate in science degree program contains
556 within it an occupational completion point that confers a
557 certificate or an applied technology diploma, that portion of
558 the program may be offered ~~conducted~~ by a school district career
559 center. ~~Any~~ Instruction designed to articulate to a degree
560 program is subject to guidelines and standards adopted by the
561 State Board of Education pursuant to s. 1007.25.

562 (3) Each school district and Florida College System
563 institution receiving state appropriations for workforce
564 education programs must maintain adequate and accurate records,
565 including a system to record school district workforce education
566 funding and expenditures, in order to maintain separation of
567 postsecondary workforce education expenditures from secondary
568 workforce education expenditures. These records must be filed
569 with the Department of Education in correct and proper form on
570 or before the date due as provided by law or rule for each
571 annual or periodic report that is required by rules of the State
572 Board of Education.

573 (4)~~(9)~~ School districts shall report full-time equivalent
 574 students by discipline category for the programs specified in
 575 subsection (1). There shall be an annual cost analysis for the
 576 school district workforce education programs that reports cost
 577 by discipline category consistent with the reporting for full-
 578 time equivalent students. The annual financial reports submitted
 579 by the school districts must accurately report on the student
 580 fee revenues by fee type according to the programs specified in
 581 subsection (1). The Department of Education shall develop a plan
 582 for comparable reporting of program, student, facility,
 583 personnel, and financial data between the Florida College System
 584 institutions and the school district workforce education
 585 programs.

586 ~~(3) If a program for disabled adults pursuant to s.~~
 587 ~~1004.93 is a workforce program as defined in law, it must be~~
 588 ~~funded as provided in this section.~~

589 ~~(4) Funding for all workforce education programs must be~~
 590 ~~based on cost categories, performance output measures, and~~
 591 ~~performance outcome measures.~~

592 ~~(a) The cost categories must be calculated to identify~~
 593 ~~high-cost programs, medium-cost programs, and low-cost programs.~~
 594 ~~The cost analysis used to calculate and assign a program of~~
 595 ~~study to a cost category must include at least both direct and~~
 596 ~~indirect instructional costs, consumable supplies, equipment,~~
 597 ~~and standard program length.~~

598 ~~(b) The performance output measure for an adult general~~
 599 ~~education course of study is measurable improvement in student~~
 600 ~~skills. This measure shall include improvement in literacy~~
 601 ~~skills, grade level improvement as measured by an approved test,~~
 602 ~~or attainment of a State of Florida diploma or an adult high~~
 603 ~~school diploma.~~

604 ~~(c) The performance outcome measures for adult general~~
 605 ~~education programs are associated with placement and retention~~
 606 ~~of students after reaching a completion point or completing a~~
 607 ~~program of study. These measures include placement or retention~~
 608 ~~in employment. Continuing postsecondary education at a level~~
 609 ~~that will further enhance employment is a performance outcome~~
 610 ~~for adult general education programs.~~

611 (5) State funding and student fees for workforce education
 612 instruction shall be established as follows:

613 (a) Expenditures for the continuing workforce education
 614 programs provided by the Florida College System institutions or
 615 school districts must be fully supported by fees. Enrollments in
 616 continuing workforce education courses shall not be counted for
 617 purposes of funding full-time equivalent enrollment.

618 (b) For all other workforce education programs, state
 619 funding shall be calculated based on weighted enrollment and
 620 program costs minus fee revenues generated to offset program
 621 operational costs ~~equal 75 percent of the average cost of~~
 622 ~~instruction with the remaining 25 percent made up from student~~
 623 ~~fees. Fees for courses within a program shall not vary according~~

624 | to the cost of the individual program, but instead shall be as
 625 | provided in s. 1009.22 ~~based on a uniform fee calculated and set~~
 626 | ~~at the state level, as adopted by the State Board of Education,~~
 627 | unless otherwise specified in the General Appropriations Act.

628 | ~~(c) For fee exempt students pursuant to s. 1009.25, unless~~
 629 | ~~otherwise provided for in law, state funding shall equal 100~~
 630 | ~~percent of the average cost of instruction.~~

631 | (c) ~~(d)~~ For a public educational institution that has been
 632 | fully funded by an external agency for direct instructional
 633 | costs of any course or program, the FTE generated shall not be
 634 | reported for state funding.

635 | (6) (a) ~~A school district or a Florida College System~~
 636 | ~~institution that provides workforce education programs shall~~
 637 | ~~receive funds in accordance with distributions for base and~~
 638 | ~~performance funding established by the Legislature in the~~
 639 | ~~General Appropriations Act.~~ To ensure equitable funding for all
 640 | school district workforce education programs and to recognize
 641 | enrollment growth, the Department of Education shall use the
 642 | funding model developed by the District Workforce Education
 643 | Funding Steering Committee to determine each district's
 644 | workforce education funding needs. To assist the Legislature in
 645 | allocating workforce education funds in the General
 646 | Appropriations Act, the funding model shall annually be provided
 647 | to the legislative appropriations committees no later than March
 648 | 1.

649 (b) Operational funding shall be provided to school
 650 districts for workforce education programs based on weighted
 651 student enrollment and program costs determined by cost
 652 categories. The cost categories must be calculated to identify
 653 high-cost programs, medium-cost programs, and low-cost programs.
 654 The cost analysis used to calculate and assign a program of
 655 study to a cost category must include, at a minimum, direct and
 656 indirect instructional costs, consumable supplies, equipment,
 657 and standard program length.

658 (7) Performance funding for workforce education programs
 659 shall be contingent upon specific appropriation in the General
 660 Appropriations Act. To assist the Legislature in determining
 661 performance funding allocations, the State Board of Education
 662 shall annually, by March 1, provide the Legislature with
 663 recommended formulas, criteria, timeframes, and mechanisms for
 664 distributing performance funds. These recommendations shall
 665 reward programs that:

666 (a) Prepare people to enter high-skill and high-wage
 667 occupations identified by the Workforce Estimating Conference
 668 pursuant to s. 216.136 and programs approved by CareerSource
 669 Florida, Inc. At a minimum, performance incentives shall be
 670 calculated for adults who reach completion points or complete
 671 programs that lead to their placement in high-skill and high-
 672 wage employment.

673 (b) Prepare adults who are eligible for public assistance,
 674 economically disadvantaged, disabled, not proficient in English,

675 or dislocated workers for high-wage occupations. At a minimum,
 676 performance incentives shall be calculated at an enhanced value
 677 for such adults who complete programs that lead to their
 678 placement in high-wage employment. In addition, adjustments may
 679 be made in performance incentives for such adults who become
 680 employed in high-wage occupations in areas with high
 681 unemployment rates.

682 (c) Increase student achievement in adult general
 683 education courses by measuring performance output and outcome
 684 measures.

685 1. The performance output measure for an adult general
 686 education course is measurable improvement in student skills.
 687 This measure includes improvement in literacy skills, grade-
 688 level improvement as measured by an approved test, or attainment
 689 of a high school diploma.

690 2. The performance outcome measures for adult general
 691 education programs are placement in and retention of employment
 692 after reaching a completion point or completing a program. These
 693 measures include continuation of postsecondary education at a
 694 level that will further enhance employment.

695 (d)(b) Award industry certifications. Performance funding
 696 for industry certifications ~~for school district workforce~~
 697 ~~education programs is contingent upon specific appropriation in~~
 698 ~~the General Appropriations Act and shall be determined as~~
 699 follows:

700 1. Occupational areas for which industry certifications
 701 may be earned, as established in the General Appropriations Act,
 702 are eligible for performance funding. Priority shall be given to
 703 the occupational areas emphasized in state, national, or
 704 corporate grants provided to Florida educational institutions.

705 2. The Chancellor of Career and Adult Education shall
 706 identify the industry certifications eligible for funding on the
 707 CAPE Postsecondary Industry Certification Funding List approved
 708 by the State Board of Education pursuant to s. 1008.44, based on
 709 the occupational areas specified in the General Appropriations
 710 Act.

711 3. Each school district shall be provided \$1,000 for each
 712 industry certification earned by a workforce education student.
 713 The maximum amount of funding appropriated for performance
 714 funding pursuant to this paragraph shall be limited to \$15
 715 million annually. If funds are insufficient to fully fund the
 716 calculated total award, such funds shall be prorated.

717 ~~(c) A program is established to assist school districts~~
 718 ~~and Florida College System institutions in responding to the~~
 719 ~~needs of new and expanding businesses and thereby strengthening~~
 720 ~~the state's workforce and economy. The program may be funded in~~
 721 ~~the General Appropriations Act. The district or Florida College~~
 722 ~~System institution shall use the program to provide customized~~
 723 ~~training for businesses which satisfies the requirements of s.~~
 724 ~~288.047. Business firms whose employees receive the customized~~
 725 ~~training must provide 50 percent of the cost of the training.~~

726 ~~Balances remaining in the program at the end of the fiscal year~~
 727 ~~shall not revert to the general fund, but shall be carried over~~
 728 ~~for 1 additional year and used for the purpose of serving~~
 729 ~~incumbent worker training needs of area businesses with fewer~~
 730 ~~than 100 employees. Priority shall be given to businesses that~~
 731 ~~must increase or upgrade their use of technology to remain~~
 732 ~~competitive.~~

733 (8) ~~(7)~~ (a) A school district or Florida College System
 734 institution that receives workforce education funds must use the
 735 money to benefit the workforce education programs it provides.
 736 The money may be used for equipment upgrades, program
 737 expansions, or any other use that would result in workforce
 738 education program improvement. The district school board or
 739 Florida College System institution board of trustees may not
 740 withhold any portion of the performance funding for indirect
 741 costs.

742 (b) State funds provided for the operation of
 743 postsecondary workforce programs may not be expended for the
 744 education of state or federal inmates.

745 ~~(8) The State Board of Education and CareerSource Florida,~~
 746 ~~Inc., shall provide the Legislature with recommended formulas,~~
 747 ~~criteria, timeframes, and mechanisms for distributing~~
 748 ~~performance funds. The commissioner shall consolidate the~~
 749 ~~recommendations and develop a consensus proposal for funding.~~
 750 ~~The Legislature shall adopt a formula and distribute the~~
 751 ~~performance funds to the State Board of Education for Florida~~

752 ~~College System institutions and school districts through the~~
 753 ~~General Appropriations Act. These recommendations shall be based~~
 754 ~~on formulas that would discourage low-performing or low-demand~~
 755 ~~programs and encourage through performance funding awards:~~

756 ~~(a) Programs that prepare people to enter high wage~~
 757 ~~occupations identified by the Workforce Estimating Conference~~
 758 ~~created by s. 216.136 and other programs as approved by~~
 759 ~~CareerSource Florida, Inc. At a minimum, performance incentives~~
 760 ~~shall be calculated for adults who reach completion points or~~
 761 ~~complete programs that lead to specified high-wage employment~~
 762 ~~and to their placement in that employment.~~

763 ~~(b) Programs that successfully prepare adults who are~~
 764 ~~eligible for public assistance, economically disadvantaged,~~
 765 ~~disabled, not proficient in English, or dislocated workers for~~
 766 ~~high-wage occupations. At a minimum, performance incentives~~
 767 ~~shall be calculated at an enhanced value for the completion of~~
 768 ~~adults identified in this paragraph and job placement of such~~
 769 ~~adults upon completion. In addition, adjustments may be made in~~
 770 ~~payments for job placements for areas of high unemployment.~~

771 ~~(c) Programs that are specifically designed to be~~
 772 ~~consistent with the workforce needs of private enterprise and~~
 773 ~~regional economic development strategies, as defined in~~
 774 ~~guidelines set by CareerSource Florida, Inc. CareerSource~~
 775 ~~Florida, Inc., shall develop guidelines to identify such needs~~
 776 ~~and strategies based on localized research of private employers~~
 777 ~~and economic development practitioners.~~

778 ~~(d) Programs identified by CareerSource Florida, Inc., as~~
 779 ~~increasing the effectiveness and cost efficiency of education.~~
 780 (9) ~~(10)~~ A high school student dually enrolled under s.
 781 1007.271 in a workforce education program operated by a Florida
 782 College System institution or school district career center
 783 generates the amount calculated for workforce education funding,
 784 including any payment of performance funding, and the
 785 proportional share of full-time equivalent enrollment generated
 786 through the Florida Education Finance Program for the student's
 787 enrollment in a high school. If a high school student is dually
 788 enrolled in a Florida College System institution program,
 789 including a program conducted at a high school, the Florida
 790 College System institution earns the funds generated for
 791 workforce education funding, and the school district earns the
 792 proportional share of full-time equivalent funding from the
 793 Florida Education Finance Program. If a student is dually
 794 enrolled in a career center operated by the same district as the
 795 district in which the student attends high school, that district
 796 earns the funds generated for workforce education funding and
 797 also earns the proportional share of full-time equivalent
 798 funding from the Florida Education Finance Program. If a student
 799 is dually enrolled in a workforce education program provided by
 800 a career center operated by a different school district, the
 801 funds must be divided between the two school districts
 802 proportionally from the two funding sources. A student may not
 803 be reported for funding in a dual enrollment workforce education

804 program unless the student has completed the basic skills
 805 assessment pursuant to s. 1004.91. A student who is coenrolled
 806 in a K-12 education program and an adult education program may
 807 be reported for purposes of funding in an adult education
 808 program. If a student is coenrolled in core curricula courses
 809 for credit recovery or dropout prevention purposes and does not
 810 have a pattern of excessive absenteeism or habitual truancy or a
 811 history of disruptive behavior in school, the student may be
 812 reported for funding for up to two courses per year. Such a
 813 student is exempt from the payment of the block tuition for
 814 adult general education programs provided in s. 1009.22(3)(c).
 815 The Department of Education shall develop a list of courses to
 816 be designated as core curricula courses for the purposes of
 817 coenrollment.

818 (10)~~(11)~~ The State Board of Education may adopt rules to
 819 administer this section.

820 Section 16. Section 1011.802, Florida Statutes, is created
 821 to read:

822 1011.802 Florida Apprenticeship Grant (FLAG) program.—

823 (1) The Florida Apprenticeship Grant (FLAG) program is
 824 created to provide grants to career centers, charter technical
 825 career centers, and Florida College System institutions on a
 826 competitive basis to establish new apprenticeship programs and
 827 expand existing apprenticeship programs. The Division of Career
 828 and Adult Education within the department shall administer the
 829 grant program.

830 (2) Applications from career centers, charter technical
 831 career centers, and Florida College System institutions must
 832 contain projected enrollment and projected costs for the new or
 833 expanded apprenticeship program.

834 (3) The department shall give priority to apprenticeship
 835 programs in the areas of information technology, health, and
 836 machining and manufacturing. Grant funds may be used for
 837 instructional equipment, supplies, personnel, student services,
 838 and other expenses associated with the creation or expansion of
 839 an apprenticeship program. Grant funds may not be used for
 840 recurring instructional costs or for a center's or an
 841 institution's indirect costs. Grant recipients must submit
 842 quarterly reports in a format prescribed by the department.

843 Section 17. Section 1011.803, Florida Statutes, is created
 844 to read:

845 1011.803 Rapid Response Grant program.-

846 (1) The Rapid Response Grant program is established to
 847 competitively award grants for the expansion or implementation
 848 of high-demand postsecondary programs at career centers, as
 849 defined in ss. 1001.44 and 1002.34.

850 (2) Each career center applying for a grant shall submit
 851 an application to the Department of Education in the format
 852 prescribed by the department. The application must include, but
 853 need not be limited to, program expansion or development
 854 details, projected enrollment, and projected costs.

855 (3) Each career center that is awarded a grant under this

856 section shall submit quarterly reports to the department in the
 857 format prescribed by the department. Grant funds may not be used
 858 to supplant current funds and must be used to expand enrollment
 859 in existing postsecondary programs or develop new postsecondary
 860 programs.

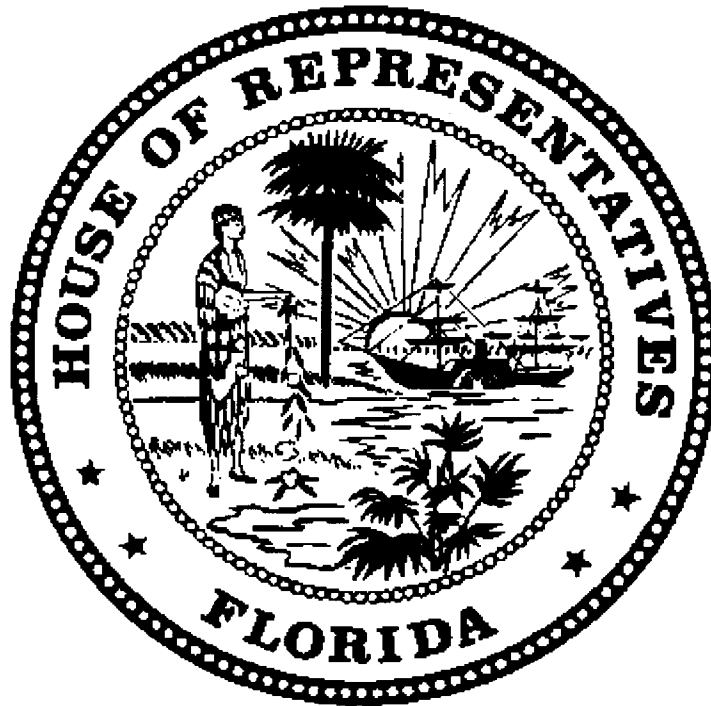
861 (4) The department shall administer the program and
 862 conduct an annual analysis and assessment of the effectiveness
 863 of the postsecondary programs funded under this section in
 864 meeting labor market demand.

865 Section 18. For the 2016-2017 fiscal year:

866 (1) The sum of \$3 million in recurring funds is
 867 appropriated from the General Revenue Fund to the Department of
 868 Education to implement the Florida Apprenticeship Grant (FLAG)
 869 program.

870 (2) The sum of \$10 million in recurring funds is
 871 appropriated from the General Revenue Fund to the Department of
 872 Education to implement the Rapid Response Grant program.

873 Section 19. This act shall take effect July 1, 2016.



Education Committee

**Thursday, January 14, 2016
8:00 a.m. – 10:00 a.m.**

AMENDMENT PACKET

**Steve Crisafulli
Speaker**

**H. Marlene O'Toole
Chair**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Spano offered the following:

3
 4 **Amendment**

5 Remove lines 19-63 and insert:

6 (1) GOVERNING NONPROFIT ASSOCIATION ORGANIZATION.--The
 7 Florida High School Athletic Association (FHSAA) is designated
 8 as the governing nonprofit association for purposes of
 9 membership in the National Federation of State High School
 10 Associations organization of athletics in Florida public
 11 schools. If, at any time, the FHSAA fails to meet the provisions
 12 of this part section, the commissioner, with the approval of the
 13 State Board of Education, shall designate another a nonprofit
 14 association organization to govern interscholastic athletic
 15 competition in this state and serve as Florida's voting member
 16 association of the National Federation of State High School
 17 Associations athletics with the approval of the State Board of



Amendment No. 1

18 ~~Education.~~ The FHSAA is not a state agency as defined in s.
19 120.52 but is. ~~The FHSAA shall be subject to ss. 1006.15-~~
20 1006.19. Any special event fees, sanctioning fees, including
21 third-party sanctioning fees, or contest receipts collected
22 annually by the FHSAA may not exceed its actual costs to perform
23 the function or duty that is the subject of or justification for
24 the fee the provisions of s. 1006.19. The FHSAA shall offer
25 spectators seeking admission to interscholastic athletic
26 competitions the option of purchasing a single-day pass or a
27 multiple-day pass that is at a cost below that which one would
28 pay on a per-event basis for the same number of contests. A
29 ~~private school that wishes to engage in high school athletic~~
30 ~~competition with a public high school may become a member of the~~
31 ~~FHSAA.~~ Any high school in the state, including private schools,
32 traditional public schools, charter schools, virtual schools,
33 and home education cooperatives, may become a member of the
34 FHSAA and participate in the activities of the FHSAA. However,
35 Membership in the FHSAA is not mandatory for any school. The
36 FHSAA shall allow a school the option of joining the association
37 as a full-time member or on a per-sport basis and may not
38 prohibit or discourage any school from simultaneously
39 maintaining membership in the FHSAA and another athletic
40 association. The FHSAA may not:

41 (a) Deny or discourage interscholastic athletic
42 competition between its member schools and nonmember non-FHSAA
43 member Florida schools, including members of another athletic



Amendment No. 1

44 ~~association. governing organization, and may not take~~

45 (b) Engage in any retributory or discriminatory action
46 against any of its member schools that seek to participate in
47 interscholastic athletic competition with nonmember non-FHSAA
48 member Florida schools or become members in other associations
49 for a sport for which they are not a member of the FHSAA. The
50 FHSAA may not unreasonably withhold

51 (c) Withhold its approval of an application to become an
52 affiliate member of the National Federation of State High School
53 Associations submitted by any other association organization
54 that governs interscholastic athletic competition in this state
55 which meets the requirements of the National Federation of State
56 High School Associations. The commissioner may identify other
57 associations that govern interscholastic athletic competition in
58 compliance with the requirements of the National Federation of
59 State High School Associations. The bylaws of the FHSAA are the
60 rules by which high school athletic programs in its member
61 schools, and the students who participate in them, are governed,
62 unless otherwise specifically provided by statute. For the
63 purposes of this section, "high school" includes grades 6
64 through 12.

65



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Spano offered the following:

3
 4 **Amendment (with directory and title amendments)**

5 Between lines 63 and 64, insert:

6 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

7 (c) The FHSAA shall adopt bylaws that require all students
 8 participating in interscholastic athletic competition or who are
 9 candidates for an interscholastic athletic team to
 10 satisfactorily pass a medical evaluation each year prior to
 11 participating in interscholastic athletic competition or
 12 engaging in any practice, tryout, workout, or other physical
 13 activity associated with the student's candidacy for an
 14 interscholastic athletic team. Such medical evaluation may be
 15 administered only by a practitioner licensed under chapter 458,
 16 chapter 459, chapter 460, or s. 464.012, and in good standing
 17 with the practitioner's regulatory board. The bylaws shall



Amendment No. 2

18 establish requirements for eliciting a student's medical history
19 and performing the medical evaluation required under this
20 paragraph, which shall include a physical assessment of the
21 student's physical capabilities to participate in
22 interscholastic athletic competition as contained in a uniform
23 preparticipation physical evaluation and history form. The
24 evaluation form shall incorporate the recommendations of the
25 American Heart Association for participation cardiovascular
26 screening and shall provide a place for the signature of the
27 practitioner performing the evaluation with an attestation that
28 each examination procedure listed on the form was performed by
29 the practitioner or by someone under the direct supervision of
30 the practitioner. The form shall also contain a place for the
31 practitioner to indicate if a referral to another practitioner
32 was made in lieu of completion of a certain examination
33 procedure. The form shall provide a place for the practitioner
34 to whom the student was referred to complete the remaining
35 sections and attest to that portion of the examination. The
36 preparticipation physical evaluation form shall contain
37 information that advises a student ~~advise students~~ to complete a
38 cardiovascular assessment that includes an electrocardiogram.
39 The preparticipation physical evaluation form ~~and~~ shall also
40 include information concerning alternative cardiovascular
41 evaluation and diagnostic tests. Results of such medical
42 evaluation must be provided to the school. No student shall be
43 eligible to participate in any interscholastic athletic



Amendment No. 2

44 competition or engage in any practice, tryout, workout, or other
 45 physical activity associated with the student's candidacy for an
 46 interscholastic athletic team until the results of the medical
 47 evaluation have been received and approved by the school. The
 48 FHSAA shall make available to the parent of each student
 49 literature on the importance of a preparticipation
 50 cardiovascular assessment that includes an electrocardiogram.

51
 52 -----
 53 **D I R E C T O R Y A M E N D M E N T**

54 Remove lines 16-17 and insert:

55 Section 1. Subsection (1) and paragraph (c) of subsection
 56 (2) of section 1006.20, Florida Statutes, are amended to read:

57
 58 -----
 59 **T I T L E A M E N D M E N T**

60 Remove line 11 and insert:

61 with specified provisions; requiring the FHSAA bylaws to specify
 62 that the preparticipation physical evaluation form advise
 63 students to complete a cardiovascular assessment that includes
 64 an electrocardiogram; requiring the FHSAA to make literature
 65 containing certain information available to parents; providing
 66 an effective