



Education Committee

Tuesday, February 9, 2016

12:30 p.m. – 2:30 p.m.

102 HOB

Meeting Packet

Steve Crisafulli
Speaker

H. Marlene O'Toole
Chair



AGENDA

Education Committee
Tuesday, February 9, 2016
12:30 p.m. – 2:30 p.m.

102 HOB

- I. Call to Order and Roll Call – Chair O’Toole
- II. Welcome - Chair O’Toole
- III. Consideration of the following bill(s):
 - CS/CS/HB 669 Educational Choice by Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Sprowls
 - CS/HB 705 Qualifications for Educational Interpreters by K-12 Subcommittee, Berman
 - CS/HJR 759 Statewide Charter School Authorizer by K-12 Subcommittee, Diaz, M.
 - HB 799 Out-of-State Fee Waivers for Active Duty Servicemembers by Avila, Sprowls
 - HB 833 Public School Recess by Plasencia, Cortes, B.
 - CS/HB 1155 Membership Associations by K-12 Subcommittee, Eisnaugle
 - CS/HB 1157 Postsecondary Education for Veterans by Higher Education & Workforce Subcommittee, Raburn
 - HB 1305 Student Health by Eagle
 - CS/CS/HB 1365 Competency-Based Education Pilot Program by Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Rodrigues, R.
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 669 Educational Choice

SPONSOR(S): Education Appropriations Subcommittee; Choice & Innovation Subcommittee; Sprowls and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	8 Y, 3 N, As CS	Dehmer	Healy
2) Education Appropriations Subcommittee	9 Y, 4 N, As CS	Seifert	Heflin
3) Education Committee		Dehmer DD	Mizereck KM

SUMMARY ANALYSIS

The bill enhances K-20 fiscal transparency and revises provisions relating to public and private educational choice options by:

- Specifying that career and professional education (CAPE) digital tools, CAPE industry certifications, and collegiate high school programs are considered public educational choice options and the Florida Personal Learning Scholarship Account Program is a private educational choice option.
- Requiring that parents be provided information about the average amount expended per student in their child's school.
- Authorizing district school board auditors to perform additional audits and reviews as directed by the school board.
- Requiring each district school board to allow parents to seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the district.
- Requiring district school boards to establish a transfer process by which a parent may request that his or her child be transferred to another teacher.
- Providing that, beginning in the 2017-2018 school year, a parent may seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the state.

The bill revises the Credit Acceleration Program (CAP) to allow students to earn high school credit in a course by passing an end-of-course assessment or an Advanced Placement (AP) Examination.

The authorization in the bill for students to enroll in any school district in the state would result in redistribution of funding among the 67 school districts in the FEFP. See fiscal comments.

The bill requires the Department of Education (DOE) to contract with the Center for Applied Economic Analysis at Florida Polytechnic University to determine the portability of the local portion of the Florida Education Finance Program (FEFP) funds when students are able to apply and enroll in any public school in the state. There is an estimated cost of \$200,000 for the DOE to implement this requirement. The bill includes an appropriation to meet this requirement.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Fiscal Transparency

Present Situation

Each public school must provide parents of students a school financial report as part of its annual public school accountability report.¹ The purpose of the school financial report is to better inform parents and the public concerning how funds are spent to operate the school during the prior fiscal year.²

Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.³ The report must indicate revenues and their sources.⁴ In addition, the report must include expenditures per unweighted full-time equivalent student at the district and state levels for teachers, substitute teachers, other instructional personnel, contracted instructional services, school administration and support personnel, certain materials and supplies, food services, support services, operation and maintenance of the school plant, and district-level expenditures that support the school's operations.⁵

Effect of Proposed Changes

The bill requires that the school's financial report be provided to the parents and include the average amount of money expended per student in the school.

Internal Auditor

Present Situation

The district school board may employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor must report directly to the district school board or its designee.⁶

Effect of Proposed Changes

The bill authorizes the internal auditor to perform additional audits and reviews as directed by the school board for the purpose of determining:

- The adequacy of internal controls.
- Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies and best practices.
- The efficiency of operations.
- The reliability of financial records and reports.
- The safeguarding of assets.

¹ See ss. 1002.20(16); 1010.215(5), F.S.

² *Id.*

³ Section 1010.215(5), F.S.

⁴ See s. 1010.215(5)(a), F.S.

⁵ See s. 1010.215(5)(b) and (c), F.S.

⁶ Section 1001.42(12)(l), F. S.

Public and Private Education Choice Options

Present Situation

Parents of public school students may seek school choice options such as controlled open enrollment, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, Advanced International Certificate of Education, credit by examination or demonstration of competency, the School for Deaf and the Blind, the Florida Virtual School, and the public school options for the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program (McKay Scholarship Program).⁷

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that gives school districts the option of making student school assignments using a parent's indicated preferential public school choice as a significant factor.⁸

Each district school board offering controlled open enrollment must adopt by rule a controlled open enrollment plan and post the plan on the district's website.⁹ The plan must:¹⁰

- Adhere to federal desegregation requirements.
- Include an application process required to participate in controlled open enrollment that allows parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.

Credit Acceleration Options

The Credit Acceleration Program (CAP) allows middle and high school students to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology if the student passes the statewide, standardized assessment. Students who are not enrolled in or who have not completed the course may take the statewide, standardized assessment during the regular administration of the assessment.¹¹

Effect of Proposed Changes

The bill requires each district school board to allow parents, as part of controlled open enrollment, to seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the district. The school district may provide student transportation at their discretion.

⁷ Section 1002.20(6), F.S.

⁸ Section 1002.31(1), F.S.; Implementation of the plan by a district school board is optional. Section 1002.31(2), F.S.

⁹ Section 1002.31(3), F.S.

¹⁰ Section 1002.31(3), F.S.

¹¹ Section 1003.4295(3), F.S.

The bill requires each district school board to annually post on its website the application process required to participate in controlled open enrollment. The process must:

- Identify schools that have not reached capacity as defined by the school district. The determination of capacity considers the specifications, plans, elements, and commitments contained in the school district's educational facilities plan and long-term work programs.
- Provide priority preference for the placement of siblings and students residing in the district.
- Ensure that a resident of a district cannot be displaced by a student transferring in from outside the district.
- Allow the student to attend the chosen school of enrollment until the student completes the highest grade offered.

Beginning in the 2017-2018 school year, a parent may seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the state. If the parent seeks enrollment for his or her student in a different school district, the parent must notify the district of residence at the time of application or by February 15 of the preceding school year, whichever occurs later.

The bill requires DOE to contract with the Center for Applied Economic Analysis at Florida Polytechnic University to determine the portability of the local portion of FEFP funds when students are able to apply and enroll in any public school in the state. The research results must be reported to the Legislature no later than November 1, 2017.

The bill requires each district school board to establish a transfer process for a parent to request his or her child be transferred to another classroom teacher. A school must grant or deny the transfer within 2 weeks after receiving a request. If a request for transfer is denied, the school must notify the parent and specify the reasons for a denial. An explanation of the transfer process must be made available in the parent guide or a similar publication.

The bill clarifies language for the acceleration options and allows passage of an end-of-course assessment or an AP Examination to qualify for high school course credits. The bill also clarifies that a district shall allow any public or home education student not enrolled in the corresponding course to take an end-of-course assessment or AP Examination during the regular administration of the examination or assessment.

The bill specifies that CAPE digital tool certificates, CAPE industry certifications, and collegiate high school programs are public educational choices.

The bill includes the Florida Personal Learning Scholarship Accounts Program as a private educational choice.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.42, F.S., relating to the powers and duties of district school boards.

Section 2. Amends s. 1002.20, F.S.; including certain public and private education options.

Section 3. Amends s. 1002.31, F.S.; requiring districts to publish a process for controlled open enrollment; defining capacity; requiring a district school board to annually report the number of students exercising school choice; allowing a parent to enroll his or her child in a public school in the state that has not reached capacity; requiring districts to establish a process for a parent to request his or her child to be transferred to another teacher and providing requirements for the process.

Section 4. Amends s. 1003.4295, F. S. relating to acceleration options.

Section 5. Requires the DOE to contract with the Center for Applied Economic Research at Florida Polytechnic University to determine the portability of the local portion of the FEFP funds and report to the Legislature by November 1, 2017.

Section 6. 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:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires each district school board to allow a parent to seek enrollment in and transport his or her child to any public school that has not reached capacity in the district. Further, the bill provides that, beginning in the 2017-2018 school year, a parent may seek enrollment in and transport his or her child to any public school, including charter schools, that has not reached capacity in any school district in the state. The school district must accept the student and report the student for purposes of the district's funding pursuant to the FEFP.

The authorization in the bill for students to enroll in any district in the state would result in a redistribution of funding among the 67 school districts in the FEFP. The bill could result in increased state funding needs in the FEFP depending on the choices of parents to enroll in neighboring districts. If students choice into a district where the millage produces more than 90 percent of a district's total FEFP entitlement, the FEFP formula will require more state funding to cover the cost of the student as there would be a corresponding increase in local millage rate as the 90 percent gap decreases. The bill could also result in significant losses of funding in districts where large numbers of parents and students choice into another district creating a financial hardship in the home district as the funding will be reduced after budget planning has taken place.

The bill requires the Department of Education (DOE) to contract with the Center for Applied Economic Analysis at Florida Polytechnic University to determine the portability of the local portion of the Florida Education Finance Program (FEFP) funds when students are able to apply and enroll in any public school in the state. There is an estimated cost of \$200,000 for the DOE to implement this requirement.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the Choice & Innovation Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments:

- Require that the school's financial report be provided to the parents and include the average amount of money expended per student.
- Authorize the internal auditor to perform additional audits and reviews as directed by the district school board.
- Correct the name of the department at Florida Polytechnic University that will be conducting the research from the Economic Analysis Program to the Center for Applied Economic Analysis.
- Clarify the application process for parents seeking to enroll their child in another public school in their district and outside their district.
- Outline preferences that a school district must include in its controlled open enrollment application process.
- Ensure a resident of a district cannot be displaced by a student transferring from outside the district.

On February 2, 2016, the Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provides an appropriation for the DOE to contract with the Center for Applied Economic Research at Florida Polytechnic University to research the feasibility of and recommend options for transferring local funds together with a student who enrolls in a public school instead of the student's zoned school district.

This bill analysis is drafted to the committee substitute as passed by the Education Appropriations Subcommittee.

1 A bill to be entitled
 2 An act relating to educational choice; amending s.
 3 1001.42, F.S.; providing additional duties of an
 4 internal auditor employed by a school district;
 5 amending s. 1002.20, F.S.; including specific
 6 certifications and programs in the public educational
 7 choice options available to students; authorizing
 8 parents to use the Florida Personal Learning
 9 Scholarship Accounts Program as a private educational
 10 choice option; providing that parents of public school
 11 students have the right to certain information;
 12 providing requirements for the school financial report
 13 to be provided to parents; amending s. 1002.31, F.S.;
 14 requiring school districts to establish a controlled
 15 open enrollment process; authorizing a parent to seek
 16 enrollment of his or her child in, and transport his
 17 or her child to, any public school in the state that
 18 has not reached capacity; authorizing a school
 19 district to provide transportation to certain
 20 students; revising the controlled open enrollment
 21 application process; providing that a student may not
 22 be displaced from his or her zoned school under
 23 certain circumstances; authorizing a student to attend
 24 a school of choice until he or she completes the
 25 school's highest grade; requiring a school district to
 26 annually report specified information; requiring a

27 parent to provide certain notification to the school
 28 district of residence by a specified date; requiring
 29 district school boards to establish a process for a
 30 parent to request that his or her child be transferred
 31 to another classroom teacher; amending s. 1003.4295,
 32 F.S.; revising the courses in which a student may earn
 33 high school credit through the Credit Acceleration
 34 Program; revising the assessments used in such
 35 program; requiring the Department of Education to
 36 contract with the Center for Applied Economic Research
 37 at Florida Polytechnic University for certain
 38 purposes; requiring the department to provide research
 39 results and recommendations to the Legislature by a
 40 specified date; providing an appropriation; providing
 41 an effective date.

42

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

44

45 Section 1. Paragraph (1) of subsection (12) of section
 46 1001.42, Florida Statutes, is amended to read:

47 1001.42 Powers and duties of district school board.—The
 48 district school board, acting as a board, shall exercise all
 49 powers and perform all duties listed below:

50 (12) FINANCE.—Take steps to assure students adequate
 51 educational facilities through the financial procedure
 52 authorized in chapters 1010 and 1011 and as prescribed below:

53 (1) Internal auditor.—May employ an internal auditor to
 54 perform ongoing financial verification of the financial records
 55 of the school district and such other audits and reviews as
 56 directed by the district school board to determine:

57 1. The adequacy of internal controls designed to prevent
 58 and detect fraud, waste, and abuse.

59 2. Compliance with applicable laws, rules, contracts,
 60 grant agreements, district school board-approved policies, and
 61 best practices.

62 3. The efficiency of operations.

63 4. The reliability of financial records and reports.

64 5. The safeguard of assets.

65

66 The internal auditor shall report directly to the district
 67 school board or its designee.

68 Section 2. Paragraphs (a) and (b) of subsection (6) and
 69 subsection (16) of section 1002.20, Florida Statutes, are
 70 amended to read:

71 1002.20 K-12 student and parent rights.—Parents of public
 72 school students must receive accurate and timely information
 73 regarding their child's academic progress and must be informed
 74 of ways they can help their child to succeed in school. K-12
 75 students and their parents are afforded numerous statutory
 76 rights including, but not limited to, the following:

77 (6) EDUCATIONAL CHOICE.—

78 (a) Public educational ~~school~~ choices.—Parents of public

79 school students may seek whatever public educational school
 80 choice options that are applicable and available to students
 81 throughout the state in their school districts. These options
 82 may include controlled open enrollment, single-gender programs,
 83 lab schools, virtual instruction programs, charter schools,
 84 charter technical career centers, magnet schools, alternative
 85 schools, special programs, auditory-oral education programs,
 86 career and professional education (CAPE) digital tool
 87 certificates, CAPE industry certifications, collegiate high
 88 school programs, advanced placement, dual enrollment,
 89 International Baccalaureate, International General Certificate
 90 of Secondary Education (pre-AICE), Advanced International
 91 Certificate of Education, early admissions, credit by
 92 examination or demonstration of competency, the New World School
 93 of the Arts, the Florida School for the Deaf and the Blind, and
 94 the Florida Virtual School. These options may also include the
 95 public educational school choice options of the Opportunity
 96 Scholarship Program and the McKay Scholarships for Students with
 97 Disabilities Program.

98 (b) Private educational school choices.—Parents of public
 99 school students may seek private educational school choice
 100 options under certain programs.

101 1. Under the McKay Scholarships for Students with
 102 Disabilities Program, the parent of a public school student with
 103 a disability may request and receive a McKay Scholarship for the
 104 student to attend a private school in accordance with s.

105 1002.39.

106 2. Under the Florida Tax Credit Scholarship Program, the
 107 parent of a student who qualifies for free or reduced-price
 108 school lunch or who is currently placed, or during the previous
 109 state fiscal year was placed, in foster care as defined in s.
 110 39.01 may seek a scholarship from an eligible nonprofit
 111 scholarship-funding organization in accordance with s. 1002.395.

112 3. Under the Florida Personal Learning Scholarship
 113 Accounts Program, the parent of a student with a qualifying
 114 disability may apply for a personal learning scholarship to be
 115 used for educational purposes pursuant to s. 1002.385.

116 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
 117 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
 118 have the right ~~are entitled~~ to an easy-to-read report card about
 119 the school's grade designation or, if applicable under s.
 120 1008.341, the school's improvement rating, and the school's
 121 accountability report, including the school financial report as
 122 required under s. 1010.215. The school financial report provided
 123 by the Department of Education must be provided to the parents
 124 and indicate the average amount of money expended per student in
 125 the school.

126 Section 3. Section 1002.31, Florida Statutes, is amended
 127 to read:

128 1002.31 Controlled open enrollment; public school parental
 129 choice.—

130 (1) As used in this section, "controlled open enrollment"

131 means a public education delivery system that allows school
 132 districts to make student school assignments using parents'
 133 indicated preferential educational school choice as a
 134 significant factor.

135 (2) In addition to the existing choice programs provided
 136 in s. 1002.20(6)(a), each district school board shall allow a
 137 parent to seek enrollment of his or her child in, and transport
 138 his or her child to, any public school that has not reached
 139 capacity in the district by filing an application pursuant to
 140 subsection (3). However, a school district may provide
 141 transportation to students at the school district's discretion
 142 ~~may offer controlled open enrollment within the public schools~~
 143 ~~which is in addition to the existing choice programs such as~~
 144 ~~virtual instruction programs, magnet schools, alternative~~
 145 ~~schools, special programs, advanced placement, and dual~~
 146 ~~enrollment.~~

147 (3) Each district school board ~~offering controlled open~~
 148 ~~enrollment~~ shall annually by January 1 adopt by rule and post on
 149 its website the application process required to participate in
 150 controlled open enrollment. The process a controlled open
 151 ~~enrollment plan which must:~~

152 (a) Adhere to federal desegregation requirements.

153 (b) Allow ~~Include an application process required to~~
 154 ~~participate in controlled open enrollment that allows parents to~~
 155 ~~declare school preferences, including placement of siblings~~
 156 ~~within the same school.~~

157 (c) Provide a lottery procedure to determine student
 158 assignment and establish an appeals process for hardship cases.

159 (d) Afford parents of students in multiple session schools
 160 preferred access to controlled open enrollment.

161 (e) Maintain socioeconomic, demographic, and racial
 162 balance.

163 (f) Address the availability of transportation.

164 (g) Identify schools that have not reached capacity, as
 165 determined by the school district. In making its determination
 166 of capacity, each school district shall consider the
 167 specifications, plans, elements, and commitments contained in
 168 the school district educational facilities plan and the long-
 169 term work programs required under s. 1013.35.

170 (h) Provide priority preference for the placement of
 171 siblings in the same school and students residing in the
 172 district. However, students residing in the district must not be
 173 displaced by a student from another district seeking enrollment
 174 under the controlled open enrollment process.

175 (i) Provide preference for the placement of military
 176 students, in addition to the preferences required under s.
 177 1003.05.

178 (j) Allow a student to remain at his or her chosen school
 179 until he or she completes the highest grade offered by the
 180 school in accordance with district plan priorities. However,
 181 students residing in the district must not be displaced by a
 182 student from another district.

183 (4) In accordance with the reporting requirements of s.
 184 1011.62, each district school board shall annually report the
 185 number of students exercising public educational choice, by type
 186 of choice, in accordance with attending the various types of
 187 public schools of choice in the district, including schools such
 188 as virtual instruction programs, magnet schools, and public
 189 charter schools, according to rules adopted by the State Board
 190 of Education.

191 (5)(a) Beginning in the 2017-2018 school year, or earlier
 192 if authorized by the school district, a parent may seek
 193 enrollment of his or her child in, and transport his or her
 194 child to, any public school that has not reached capacity in any
 195 school district in the state by filing an application pursuant
 196 to subsection (3). The school district shall enroll an eligible
 197 student pursuant to the preferences provided in subsection (3)
 198 and report the student for purposes of the school district's
 199 funding under the Florida Education Finance Program.

200 (b) A parent shall notify the school district of residence
 201 upon filing an application pursuant to subsection (3) or by
 202 February 15 of the preceding school year, whichever occurs later
 203 For a school or program that is a public school of choice under
 204 this section, the calculation for compliance with maximum class
 205 size pursuant to s. 1003.03 is the average number of students at
 206 the school level.

207 (6) Each district school board shall establish a transfer
 208 process for a parent to request that his or her child be

209 transferred to another classroom teacher. This subsection does
 210 not give a parent the right to choose a specific classroom
 211 teacher. A school must grant or deny the transfer within 2 weeks
 212 after receiving the request. If a request for transfer is
 213 denied, the school shall notify the parent and specify the
 214 reasons for the denial. An explanation of the transfer process
 215 must be made available in the parent guide or similar
 216 publication.

217 Section 4. Subsection (3) of section 1003.4295, Florida
 218 Statutes, is amended to read:

219 1003.4295 Acceleration options.—

220 (3) The Credit Acceleration Program (CAP) is created for
 221 the purpose of allowing a student to earn high school credit in
 222 courses required for high school graduation through the passage
 223 of an end-of-course Algebra I, Algebra II, geometry, United
 224 ~~States history, or biology if the student passes the statewide,~~
 225 ~~standardized~~ assessment administered under s. 1008.22 or an
 226 Advanced Placement Examination. Notwithstanding s. 1003.436, a
 227 school district shall award course credit to a student who is
 228 not enrolled in the course, or who has not completed the course,
 229 if the student attains a passing score on the corresponding end-
 230 of-course assessment or Advanced Placement Examination
 231 ~~statewide, standardized~~ assessment. The school district shall
 232 permit a public school or home education student who is not
 233 enrolled in the course, or who has not completed the course, to
 234 take the assessment or examination during the regular

235 administration of the assessment or examination.

236 Section 5. The Department of Education shall contract with
237 the Center for Applied Economic Research at Florida Polytechnic
238 University to determine the portability of the local portion of
239 Florida Education Finance Program funds. The center shall
240 research the feasibility of and recommend options for
241 transferring local funds together with a student who enrolls in
242 a public school in a school district other than his or her
243 school district of residence. The department shall provide
244 research results and recommendations to the Legislature by
245 November 1, 2017.

246 Section 6. For the 2016-2017 fiscal year, the sum of
247 \$200,000 in nonrecurring funds from the General Revenue Fund is
248 appropriated to the Department of Education to contract with the
249 Center for Applied Economic Research at Florida Polytechnic
250 University as required in section 5 of this act.

251 Section 7. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 705 Qualifications for Interpreters
SPONSOR(S): K-12 Subcommittee, Berman and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 916

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	9 Y, 0 N, As CS	Fudge	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	Seifert	Heflin
3) Education Committee		Fudge	Mizereck

SUMMARY ANALYSIS

According to a recent survey, there are approximately 310 interpreters employed by Florida school districts and the Florida School for the Deaf and the Blind. Neither Florida law nor State Board of Education rule establishes criteria for the qualification of educational interpreters. Consequently, the criteria for selecting educational interpreters as well as any requirements for continuing education are determined by each local school district.

The bill requires the State Board of Education to adopt in rule standards for educational interpreters. The bill defines educational interpreters as individuals who facilitate direct instruction from professionals and direct communication between students who are deaf or hard of hearing and their peers. The standards must include interpreter assessments that include both written and performance assessments that are offered by a national organization of professional sign language interpreters and transliterators.

The bill also requires school districts, beginning July 1, 2017, to notify parents if their student has been assigned an interpreter that does not meet the standards established in state board rule and to report to the Department of Education the total number of interpreters employed by the district and, of those, how many meet the standards.

The bill requires the State Board of Education to adopt in rule standards for educational interpreters. The bill has no known state fiscal impact as the rule making process is part of the daily operations of the Department of Education. It is unknown what the adopted standards for educational interpreters will be or how many current interpreters or school districts will be impacted.

The fiscal impact of the bill is indeterminate.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

According to a recent survey, there are approximately 310 interpreters employed by Florida school districts and the Florida School for the Deaf and the Blind.¹ Neither Florida law nor State Board of Education rule establishes criteria for the qualification of educational interpreters. Consequently, the criteria for selecting educational interpreters as well as any requirements for continuing education are determined by each local school district. Some school districts use the Quality Assurance Screening and the Educational Interpreter Evaluation by the Florida Registry of Interpreters for the Deaf. However, this was discontinued in November 2013.² Other school districts use the Ed:K-12 Certification offered by the National Registry of Interpreters for the Deaf (NRID).³ On August 5, 2015, the NRID issued a moratorium on credentialing pending the results of a risk analysis of the certification program.⁴ Finally, some school districts use the Educational Interpreter Performance Assessment (EIPA) developed by the Boys Town National Research Hospital. As of 2013, 37 states use the EIPA to determine educational interpreter competencies. Six states require a score of 3.0, twenty-two states require a score of 3.5, and ten states require a score of 4.0.

Effect of Proposed Changes

The bill requires the State Board of Education to adopt in rule standards for educational interpreters. The bill defines educational interpreters as individuals who facilitate direct instruction from professionals and direct communication between students who are deaf or hard of hearing and their peers. The standards must include interpreter assessments that include both written and performance assessment that are offered by a national organization of professional sign language interpreters and transliterators.

Beginning July 1, 2017, school districts are required to notify parents in writing if their student has been assigned an interpreter that does not meet the standards established in state board rule. Also, beginning July 1, 2017, school districts must report to the Department of Education the total number of individuals providing interpretation services in the district and, of those, how many meet the standards.

B. SECTION DIRECTORY:

Section 1. Creates s. 1012.441, F.S., requiring the State Board of Education to establish standards for educational interpreters.

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

¹ Florida Department of Education, *2016 Agency Legislative Bill Analysis for HB 705*.

² Out of the 37 school districts that responded, 21 indicate that the Quality Assurance Screening and the Educational Interpreter Evaluation is part of their criteria for educational interpreters. Florida Department of Education, *2016 Agency Legislative Bill Analysis for HB 705*.

³ Out of the 37 school districts that responded, 18 indicate that the Ed: K-12 Certification is part of their criteria for educational interpreters. Florida Department of Education, *2016 Agency Legislative Bill Analysis for HB 705*.

⁴ Registry of Interpreters for the Deaf, *Ed: K-12 Certification*, <http://rid.org/rid-certification-overview/ed-k-12-certification/> (last visited January 15, 2016).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has no known state fiscal impact as the rule making process is part of the daily operations of the Department of Education.

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 requires the State Board of Education to adopt in rule standards for educational interpreters. The bill has no known state fiscal impact as the rule making process is part of the daily operations of the Department of Education. It is unknown what the adopted standards for educational interpreters will be or how many current interpreters or school districts will be impacted. The fiscal impact of the bill is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt a rule establishing standards for educational interpreters.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute requires the State Board of Education to

adopt standards for educational interpreters and requires school districts to notify parents when an individual does not meet the standards. School districts must also report to the department the number of individuals providing interpretation services and the number who meet the standards. The bill analysis is drafted to the committee substitute as passed by the K-12 Subcommittee.

1 A bill to be entitled

2 An act relating to qualifications for educational
3 interpreters; creating s. 1012.441, F.S.; requiring
4 the State Board of Education to adopt standards for
5 educational interpreters; requiring school districts
6 to notify parents if an individual assigned to provide
7 interpreter services for their students does not meet
8 such standards; requiring school districts to report
9 to the Department of Education, for publication on its
10 website, certain information regarding individuals
11 providing interpreter services; providing an effective
12 date.

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

15
16 Section 1. Section 1012.441, Florida Statutes, is created
17 to read:

18 1012.441 Qualifications for educational interpreters.-

19 (1) The State Board of Education shall adopt by rule
20 standards for educational interpreters. An educational
21 interpreter is an individual who facilitates direct instruction
22 by professionals and directs communication between students who
23 are deaf or hard of hearing and their peers as designated in
24 each student's individual education plan or 504 accommodation
25 plan. The standards must include interpreter assessments,
26 including both written and performance assessments, offered by a

27 national organization of professional sign language interpreters
 28 and transliterators.

29 (2) Beginning July 1, 2017, each school district shall:



30 (a) Notify a parent in writing if an individual assigned
 31 to provide interpreter services for his or her student, in
 32 accordance with the student's individual education plan or 504
 33 accommodation plan, does not meet the educational interpreter
 34 standards established in state board rule.

35 (b) Report to the Department of Education, for publication
 36 on its website, the total number of individuals providing
 37 interpreter services in the district and the total number of
 38 such individuals who meet the educational interpreter standards
 39 established in state board rule.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HJR 759 Charter Schools
SPONSOR(S): K-12 Subcommittee, Diaz, Jr.
TIED BILLS: IDEN./SIM. BILLS: SJR 976

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	9 Y, 3 N, As CS	Dehmer	Fudge
2) Education Appropriations Subcommittee	9 Y, 3 N	Dobson	Heflin
3) Education Committee		Dehmer 	Mizereck 

SUMMARY ANALYSIS

Under current law, an applicant seeking to operate a charter school submits an application that is reviewed and approved by the school board in the district in which the applicant seeks to operate. Once approved, the applicant and school district enter into a contract called a charter.

The House Joint Resolution directs the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control and supervise charter schools as provided by law. Additionally, it clarifies that a school board has the authority to operate, control and supervise all free public schools within its district, except charter schools under the control and supervision of the statewide charter school authorizer.

HJR 759 impacts state funds to the extent that the cost of placing the constitutional amendment on the ballot must be administered by the Department of State. The estimated printing and publication costs for advertising the joint resolution and other necessary materials would be approximately \$28,145.79, possibly greater, depending on the final wording of the joint resolution and the resulting ballot language. The estimate is based on the cost to advertise constitutional amendments for the 2014 general election which was \$135.97 per word. Specific appropriation 3045 of the 2016-2017 House General Appropriations Act provides \$28,000 to fund advertising costs associated with this bill, should it be adopted. Implementing legislation would also be required to establish an office for the statewide charter school authorizer which would result in an additional, unknown fiscal impact.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature.

The Constitution requires 60 percent voter approval for passage of a proposed constitutional amendment.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Statewide Charter School Authorizer

Present Situation

In 2006, the Florida Legislature enacted s. 1002.335, F.S. (2006), which established the "Florida Schools of Excellence Commission" as an independent, state-level entity with the power to authorize charter schools throughout the state of Florida.¹ Prior to the enactment s.1002.235, F.S. (2006), only district school boards could authorize charter schools.² After the creation of the Florida Schools Excellence Commission, district school boards could only exercise that exclusive authority if the State Board of Education grants them such power within their district. Subsequently, the State Board of Education denied 28 of the 31 counties which applied for exclusive charter school authorization authority.³ Several of the denied school districts filed suit, claiming that a state-level charter school authorizer violates article IX, s. 4, of the Florida Constitution, which states, in part:

SECTION 4. School districts; school boards.—

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein...

In 2008, The First District Court of Appeal held that section 1002.335, F.S. (2006) is unconstitutional because it presents a "total and fatal conflict with article IX, s. 4 of the Florida Constitution."⁴ Based on this ruling, a successful attempt to create a statewide charter school authorizing authority would have to include an amendment to the Florida Constitution.

Currently, an applicant seeking to operate a charter school must submit an application that is reviewed and approved by the school board in the district in which the applicant seeks to operate.⁵ Once approved, the applicant and school district enter into a contract called a charter.⁶

Effect of Proposed Changes

The House Joint Resolution directs the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control and supervise charter schools as provided by law. Additionally, it clarifies that a school board has authority to operate, control and supervise all free public schools within its district, except charter schools under the control and supervision of the statewide charter school authorizer.

B. SECTION DIRECTORY:

Section 1. Amends art. IX, Fla. Const., directing the State Board of Education to establish a statewide charter school authorizer and clarifying a school board has authority to operate, control and supervise all free public schools within its district, except for those charter schools authorized by the statewide authorizer.

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

¹ Chapter 2006-302, Laws of Florida.

² Section 1002.335, F.S. was repealed in Ch. 2010-70, Laws of Florida.

³ Duval County Sch. Bd. v. State, Bd. of Educ., 998 So. 2d 641, at 644 (Fla. 1st DCA 2008)

⁴ Duval County Sch. Bd. v. State, Bd. of Educ., 998 So. 2d 641, at 644 (Fla. 1st DCA 2008)

⁵ Section 1002.33(6), F.S.

⁶ Section 1002.33(7), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Article XI, s. 5(d) of the State Constitution, requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately before the week the election is held.

According to the Department of State, the average cost per word to advertise an amendment to the State Constitution is \$135.97 for this fiscal year. The estimated publication costs for advertising the joint resolution will be approximately \$28,145.79, possibly greater, depending on the final wording of the joint resolution and the resulting ballot language. Specific appropriation 3045 of the 2016-2017 House General Appropriations Act provides \$28,000 to fund advertising costs associated with this bill, should it be adopted. Implementing legislation would also be required to establish an office for the statewide charter school authorizer which would result in an additional, unknown fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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 January 20, 2016, the K-12 Subcommittee adopted one amendment and reported HJR 759 favorably as a committee substitute. The amendment:

- Directs the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control and supervise charter schools as provided by law.
- Clarifies that a school board has authority to operate, control and supervise all free public schools within its district, except charter schools under the control and supervision of the statewide charter school authorizer.

This analysis is drafted to the committee substitute as approved by the K-12 Subcommittee.

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IX and the creation of Section 8 of Article IX of the State Constitution to require the State Board of Education to establish a statewide charter school authorizer to authorize, operate, control, and supervise charter schools.

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

That the following amendment to Section 4 of Article IX and the creation of Section 8 of Article IX of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.-

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

27 (b) The school board shall operate, control, and supervise
 28 all free public schools within the school district, except
 29 charter schools under the control and supervision of the
 30 statewide charter school authorizer in accordance with section 8
 31 of this article, and determine the rate of school district taxes
 32 within the limits prescribed herein. Two or more school
 33 districts may operate and finance joint educational programs.

34 SECTION 8. Statewide charter school authorizer.—The state
 35 board of education shall establish a statewide charter school
 36 authorizer to authorize, operate, control, and supervise charter
 37 schools as provided by general law.

38 BE IT FURTHER RESOLVED that the following statement be
 39 placed on the ballot:

40 CONSTITUTIONAL AMENDMENT

41 ARTICLE IX, SECTIONS 4 AND 8

42 STATEWIDE CHARTER SCHOOL AUTHORIZER.—Proposing an amendment
 43 to the State Constitution to require the State Board of
 44 Education to establish a statewide charter school authorizer to
 45 authorize, operate, control, and supervise charter schools.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 799 Out-of-State Fee Waivers for Active Duty Service Members
SPONSOR(S): Avila
TIED BILLS: IDEN./SIM. BILLS: SB 944

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 0 N	Banner	Bishop
2) Education Appropriations Subcommittee	13 Y, 0 N	Butler	Heflin
3) Education Committee		Banner <i>(tb)</i>	Mizereck <i>(M)</i>

SUMMARY ANALYSIS

Florida law provides for several tuition and fee waivers for veterans residing in the state while enrolled in a state university, Florida College System institution, career center, or charter technical career center.

The bill creates an out-of-state fee waiver for an active duty member of the United States Armed Forces residing or stationed outside of the state at the time of enrollment at a state university, Florida College System institution, career center, or charter technical career center.

The bill requires the Board of Governors or State Board of Education to report the number and value of all fee waivers granted and authorizes the Board of Governors and State Board of Education to adopt regulations and rules to administer this fee waiver.

The Board of Governors has provided an estimated impact based upon analysis of Fiscal Year 2014-2015 enrollment. The Florida Colleges estimated the impact is indeterminate. As the enrollment increases cannot accurately be determined, the fiscal impact is indeterminate.

The bill is effective July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The United States Department of Defense (USDOD) 2015 Strength Figures indicates a total active duty military population of 1.3 million worldwide. Florida has a large military population with more than 61,000 active duty military personnel.¹

Florida law defines "tuition" as "the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state".² Students who are not classified as "residents for tuition purposes"³ are required to pay the full cost of instruction at a public postsecondary institution. The additional charge is known as the "out-of-state fee"⁴. Institutions are authorized to provide exemptions and/or waivers⁵ of the out-of-state fee to students who meet specified criteria.

Florida law authorizes a state university, Florida College System institution, school district career center or charter technical career center to waive tuition for recipients of a Purple Heart or other superior combat decoration. Individuals must reside in the state at the time the military action occurred and while enrolled in the institution.⁶ Additionally, the Congressman C.W. "Bill" Young Veteran Tuition Waiver Program provides an out-of-state fee waiver for honorably discharged veterans of the United States Armed Forces, the United States Reserve Forces, or the National Guard who physically resides in the state while enrolled in the institution.⁷

Effect of Proposed Changes

The bill creates an out-of-state fee waiver for an active duty member of the Armed Forces of the United States residing or stationed outside of the state and prohibits these individuals from being charged tuition and fees higher than those charged to resident students.

The bill requires each state university, Florida College System institution, career center, and charter technical career center to report the number and value of all fee waivers granted to the Board of Governors or State Board of Education, as appropriate.

The bill authorizes the Board of Governors and the State Board of Education to adopt regulations and rules to administer this fee waiver.

B. SECTION DIRECTORY:

Section 1: Amends s. 1009.26, F.S., to direct state universities, Florida College System institutions, and Florida career centers to waive certain fees for active duty military; require an annual report; and authorize the adoption of rules and regulations by the Board of Governors and the State Board of Education.

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

¹ Email correspondence with Department of Military Affairs staff. January 12, 2016. On file with Higher Education and Workforce Subcommittee.

² Section 1009.01(1), F.S.

³ Section 1009.21(1)(g), F.S.

⁴ Section 1009.01(2), F.S.

⁵ Sections 1009.25 and 1009.26, F.S.

⁶ Section 1009.26(8), F.S.

⁷ Section 1009.26(13), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

State University System

The Board of Governors, based on Fall 2014 enrollment data of non-resident active duty military students, estimates an annual unrealized tuition amount for the State University System of approximately \$248,000.⁸

According to the Board of Governors, the fiscal impact to the State University System is calculated by using the 2014-2015 FTE enrollment data for non-resident active military students because 2015-2016 data are not yet available. Additionally, the 2015-2016 Tuition and Fee Survey is used to calculate the system average of lost revenues resulting from the exclusion of non-resident fees paid by these students.⁹

Of the 13.16 FTE non-resident students listed as active duty, 8.35 FTE are undergraduate students and 4.81 FTE are graduate students. The estimated fiscal impact of waiving the non-resident fee for undergraduate and graduate students is as follows:

Undergraduate Students (8.35 FTE):

2014-2015 System Non-Resident Fee Revenue = $8.35 * 40 \text{ credits} * \$465.59 = \$155,507$

Graduate Students (4.81 FTE):

2014-2015 System Non-Resident Fee Revenue = $4.81 * 32 \text{ credits} * \$599.07 = \$92,257$

Florida College System

According to the Division of Florida Colleges, the fiscal impact of the bill is indeterminate. The number of active duty servicemembers affected by the recommended changes cannot be determined with currently available data. Colleges may see a reduction of out-of-state fee revenue from currently enrolled students benefitting from the proposed changes.

For Fiscal Year 2015-2016, the weighted average in-state tuition and fees for lower level programs is \$106.74 per credit hour; the weighted average out-of-state tuition and fees is \$389.53 per credit hour, which is \$282.79 above the in-state per credit hour rate.

2. Expenditures:

The bill requires the Board of Governors and the State Board of Education to report the number and value of all fee waivers granted annually. The collection of these data can be included in the waiver information already collected, therefore there is an insignificant fiscal impact associated with this requirement.

The bill also authorizes the Board of Governors and the State Board of Education to amend regulations and rules, respectively, which may be inconsistent with the provisions of the bill. The regulation and rulemaking processes are part of the daily operations of the Board of Governors and Department of Education, therefore there is no known state fiscal impact associated with this requirement.

⁸ State University System of Florida Board of Governor's 2016 Legislative Bill Analysis for HB 799.

⁹ Id.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Specified active duty servicemembers who do not reside in Florida and would otherwise be unable to establish Florida residency would be able to pay in-state tuition rates at state universities, Florida College System institutions, career centers, and charter technical career centers. Savings are outlined below:

In-State versus Out-of-State Tuition Per Credit/Clock Hour

	Average Tuition and Fees		Savings Per Credit Hour
	In-State	Out-of-State	
COLLEGES			
Associate	\$107	\$390	\$283
Baccalaureate	\$122	\$514	\$392
Career Certificates/Applied Technology Diploma ¹	\$83	\$329	\$246
UNIVERSITIES			
Undergraduate	\$198	\$688	\$490
Graduate ²	\$437	\$1,064	\$627
CAREER CENTERS (tuition - per clock hour)			
Career Certificates/Applied Technology Diploma ¹	\$2.33	\$6.99	\$4.66
¹ Career Centers and Charter Technical Centers offer these programs as well. These represent Florida College System institutions' conversion from clock hour to credit hour. These rates are assessed in accordance with section 1009.22, Florida Statutes.			
² Graduate program tuition and fee comparisons do not include Law, Medical, Vet Medicine, Dentistry, Pharmacy, Physical Therapy, Master Public Health, or Nurse Anesthetist programs, which have higher tuition and fees.			

D. FISCAL COMMENTS:

Generally, it may be difficult for institutions to identify the number of students who will meet the criteria outlined in the bill and opt to take advantage of the expanded benefits; therefore, the full potential fiscal impact is indeterminate.

Institutions may incur losses in out-of-state fee revenues for current students who become eligible as a result of this legislation. Currently, for both the Florida colleges and state universities, state funding provides approximately 57 percent of the cost of student's education, while student tuition provides 43 percent. Significant increases in enrollment will require additional state funding; however, since there is no way to determine potential enrollment increases, the fiscal impact is indeterminate.

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:

The State board of Education and Board of Governors may be required to amend any rules or regulations inconsistent with the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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A bill to be entitled
 An act relating to out-of-state fee waivers for active
 duty service members; amending s. 1009.26, F.S.;
 providing that active duty members of the Armed Forces
 of the United States residing or stationed outside of
 this state may receive out-of-state fee waivers;
 requiring that tuition and fees charged to such
 students be below a specified amount; requiring an
 annual report of all out-of-state fee waivers for such
 individuals; providing for regulations and rules to
 administer such provisions; providing an effective
 date.

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

Section 1. Subsection (14) is added to section 1009.26,
 Florida Statutes, to read:

1009.26 Fee waivers.—

(14) (a) A state university, Florida College System
 institution, career center operated by a school district under
 s. 1001.44, or charter technical career center shall waive out-
 of-state fees for a person who is an active duty member of the
 Armed Forces of the United States residing or stationed outside
 of this state.

(b) Tuition and fees charged to a student who qualifies
 for the out-of-state fee waiver under this subsection may not

27 exceed the tuition and fees charged to a resident student.

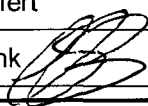

28 (c) Each state university, Florida College System
 29 institution, career center operated by a school district under
 30 s. 1001.44, and charter technical career center shall report to
 31 the Board of Governors and the State Board of Education,
 32 respectively, the number and value of all fee waivers granted
 33 annually under this subsection.

34 (d) The Board of Governors and the State Board of
 35 Education shall respectively adopt regulations and rules to
 36 administer this subsection.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 833 Public School Recess
SPONSOR(S): Plasencia and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 1002

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Brink	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	Seifert	Heflin
3) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

Current law establishes minimum time requirements for physical education instruction in public schools. However, there are no similar provisions related to school recess, which some organizations consider to be an integral component of a child's physical, social, and academic development.

The bill requires each district school board to provide 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades. The recess must be provided for at least 20 consecutive minutes each day and may not be withheld for academic or punitive reasons.

The bill may have a fiscal impact on school districts if districts elect to extend the school day to comply with the requirements of the bill. See FISCAL COMMENTS.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Minimum Instructional Hours

Generally, for purposes of the Florida Education Finance Program, a “full-time student” is a student on the membership roll of one school program or a combination of school programs for the school year for no less than 900 hours of instruction for a student in grades 4 through 12, or not less than 720 hours of instruction for a student in kindergarten through grade 3.¹

Thus, in order to receive full funding based on full-time equivalent student membership, an elementary school must provide during the 180-day school year no fewer than 900 hours of instruction for 4th and 5th grade students and no fewer than 720 hours of instruction for K-3 students. This results in an average of 5 hours of instructional time per day for 4th and 5th grade students and 4 hours per day for K-3 students. The instructional time does not include lunch or recess.

Time-Based Instructional Requirements

State Board of Education rule requires that elementary schools teach reading each school day in a “dedicated, uninterrupted block of time of at least ninety (90) minutes duration” to all students.² In addition, schools that are included in the 300 lowest-performing elementary schools based on state reading assessments must provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for their students.³

Further, current law requires each school board to provide 150 minutes of physical education each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a public school that contains one or more elementary grades, so that on any day during which physical education instruction is conducted, there are at least 30 consecutive minutes of instruction per day.⁴ This means that reading and physical education take up 2 of the 4 minimum, daily instructional hours for K-3 students and 2 of the 5 minimum, daily instructional hours for 4th and 5th graders.

The equivalent of one class period per day of physical education for one semester of each year is required for students enrolled in grades 6 through 8.⁵

Students enrolled in physical education instruction must be reported through the periodic student membership surveys. Records of physical education enrollment are subject to audit by the Auditor General.⁶

The requirements for physical education in public elementary and middle schools must be waived for a student who meets one of the following criteria:

- The student is enrolled or required to enroll in a remedial course;
- The parent requests in writing that the student enrolls in another course from among those courses offered as options by the school district; or

¹ Section 1011.61(1)(a)1., F.S.

² Rule 6A-6.053, F.A.C.

³ Section 1011.62(1)(f)2., F.S. Students who earn a Level 5 on the statewide, standardized English Language Arts assessment may, but are not required to, participate in the additional hour. *Id.*

⁴ Section 1003.455(3), F.S.

⁵ *Id.*

⁶ *Id.* The audits must be conducted pursuant to s. 1010.305, F.S.

- The student's parent indicates in writing to the school that the student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirements.⁷

While the law provides requirements related to physical education, there are no such provisions related to school recess. At least one district school board has voluntarily adopted a resolution to provide recess to elementary school students on days during which they are not scheduled for physical education instruction.⁸ Other school districts expressly require students be provided recess or physical activity in school board policy.⁹

The National Association for Sport and Physical Education (NASPE) recommends that all elementary school children be provided with at least one daily period of recess of at least 20 minutes in length.¹⁰

Effect of Proposed Changes

The bill requires each district school board to provide 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades. The recess must be provided for at least 20 consecutive minutes each day and may not be withheld for academic or punitive reasons.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.455, F.S.; Requiring each district school board to provide students in certain grades with consecutive minutes of free-play recess per day; providing that free-play recess may not be withheld for specified reasons.

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:

⁷ Section 1003.455(4), F.S.

⁸ Orange County Public School District, *Orange County Public Schools Resolution on Recess* (June 23, 2015), available at <https://www.ocps.net/sb/Documents/2015%20School%20Board%20Items/Recess%20Resolution%202015%20OCPS.pdf>.

⁹ See Osceola County School Board, *The School District of Osceola County, Florida Wellness Program*, at 5 (Feb. 17, 2015), available at http://www.osceola.k12.fl.us/Resources/Student_Resources/documents/WellnessProgramUpdated2015.pdf (requiring that all students in Kindergarten through grade 5 receive 20 minutes of "recess/physical activity" each day).

¹⁰ Position Paper, National Association for Sport and Physical Education, *Recess for Elementary School Students* (2006), available at <http://www.aahperd.org/naspe/standards/upload/Recess-for-Elementary-School-Students-2006.pdf>.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The requirement for additional free-play recess will not require additional state funds. However, the districts may incur additional costs associated with educator salary contracts if the 20 minutes of free-play recess replaces current instructional time which would require adding time to the school day.

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

None.

1 A bill to be entitled
 2 An act relating to public school recess; amending s.
 3 1003.455, F.S.; requiring each district school board
 4 to provide students in certain grades with consecutive
 5 minutes of free-play recess per day; providing that
 6 free-play recess may not be withheld for specified
 7 reasons; providing an effective date.

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

10
 11 Section 1. Subsection (3) of section 1003.455, Florida
 12 Statutes, is amended, and subsection (6) is added to that
 13 section, to read:

14 1003.455 Physical education; assessment.—

15 (3) Each district school board shall provide 150 minutes
 16 of physical education each week for students in kindergarten
 17 through grade 5 and for students in grade 6 who are enrolled in
 18 a school that contains one or more elementary grades so that on
 19 any day during which physical education instruction is conducted
 20 there are at least 30 consecutive minutes of physical education
 21 instruction per day. Beginning with the 2009-2010 school year,
 22 the equivalent of one class period per day of physical education
 23 for one semester of each year is required for students enrolled
 24 in grades 6 through 8. Students enrolled in such instruction
 25 shall be reported through the periodic student membership
 26 surveys, and records of such enrollment shall be audited

HB 833

2016

27 | pursuant to s. 1010.305. Such instruction may be provided by any
28 | instructional personnel as defined in s. 1012.01(2), regardless
29 | of certification, who are designated by the school principal.

30 | (6) In addition to the requirements in subsection (3),
31 | each district school board shall provide 100 minutes of
32 | supervised, safe, and unstructured free-play recess each week
33 | for students in kindergarten through grade 5 and for students in
34 | grade 6 who are enrolled in a school that contains one or more
35 | elementary grades so that there are at least 20 consecutive
36 | minutes of free-play recess per day. Free-play recess may not be
37 | withheld for academic or punitive reasons.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1155 Membership Associations
SPONSOR(S): K-12 Subcommittee, Eisnaugle
TIED BILLS: IDEN./SIM. BILLS: SB 1426

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	8 Y, 4 N, As CS	Dehmer	Fudge
2) Education Appropriations Subcommittee	10 Y, 2 N	Dobson	Heflin
3) Education Committee		Dehmer DD	Mizereck KM

SUMMARY ANALYSIS

In Florida, not for profit corporations are regulated by the Florida Not For Profit Corporation Act (Act), which outlines the requirements for creating and managing a not for profit corporation as well as the powers and duties of the corporation. The Act authorizes not for profit corporations to be created for any lawful purpose or purposes not for pecuniary profit and not specifically prohibited to corporations by other state laws.

Not for profit corporations are required to submit an annual report to the Department of State that contains basic information about the corporation, including the date of incorporation, the names and addresses of the corporation's directors and principal officers, and the addresses of certain corporate offices.

A not for profit corporation may receive public funds from the state or a local government in certain situations, such as through a grant or through payment of membership dues authorized for governmental employees and entities who are members of certain types of not for profit corporations.

The bill defines the term "membership association" as a corporation not for profit, including a department or division of such corporation, the majority of whose board members are constitutional officers that operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The bill specifies that the term does not include a labor organization or an entity funded through the Justice Administrative Commission.

The bill requires a membership association to file an annual report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The report must include contact information for the membership association, officers and representatives of the membership association, and any affiliates of the membership association. The report must also include information about the membership association's finances, including the amount of the fee required to become a member and the annual membership dues, a copy of the current financial statements, a description of assets and liabilities, a description of salary and allowances paid to each officer and employee who received more than \$10,000 from the membership association during the preceding fiscal year, the amount of the benefit packages paid to each principal officer, and the amount of disbursements for lobbying activity and litigation.

The bill prohibits a membership association from expending moneys received from public funds on litigation against the state. The bill also authorizes the Auditor General to conduct annual financial and operational audits of the accounts and records of each membership association.

The bill may have an indeterminate positive fiscal impact on state government, and may have an indeterminate but likely minimal negative fiscal impact on the private sector. See Fiscal Analysis section.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In Florida, not for profit corporations are regulated by the Florida Not For Profit Corporation Act (Act), which outlines the requirements for creating and managing a not for profit corporation as well as the powers and duties of the corporation.¹ The Act authorizes not for profit corporations to be created for any lawful purpose or purposes that are not for pecuniary profit and that are not specifically prohibited to corporations by other state laws.² The Act specifies that such purposes include charitable, benevolent, eleemosynary, educational, historical, civic, patriotic, political, religious, social, fraternal, literary, cultural, athletic, scientific, agricultural, horticultural, animal husbandry, and professional, commercial, industrial, or trade association purposes.³

Florida law authorizes not for profit corporations to operate with the same degree of power provided to for profit corporations in the state, including the power to appoint officers, adopt bylaws, enter into contracts, sue and be sued, and own and convey property.⁴ Officers and directors of certain not for profit corporations are also protected by the same immunity from civil liability provided to directors of for profit corporations.⁵ Unlike for profit corporations, certain not for profit corporations may apply for exemptions from federal, state, and local taxes.⁶

Not for profit corporations are required to submit an annual report to the Department of State that contains the following information:

- The name of the corporation and the state or country under the law of which it is incorporated;
- The date of incorporation or, if a foreign corporation, the date on which it was admitted to conduct its affairs in the state;
- The address of the principal office and the mailing address of the corporation;
- The corporation's federal employer identification number, if any, or, if none, whether one has been applied for;
- The names and business street addresses of its directors and principal officers;
- The street address of its registered office in the state and the name of its registered agent at that office; and
- Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of the Act.⁷

A not for profit corporation may receive public funds from the state or a local government in certain situations. Public funds are defined as "moneys under the jurisdiction or control of the state, a county, or a municipality, including any district, authority, commission, board, or agency thereof and the judicial branch, and includes all manner of pension and retirement funds and all other funds held, as trust funds or otherwise, for any public purpose."⁸ The state or a local government may provide public funds to a

¹ Chapter 90-179, L.O.F.

² Section 617.0301, F.S.

³ *Id.*

⁴ See ss. 617.0302 and 607.0302, F.S.

⁵ See ss. 617.0834 and 607.0831, F.S.

⁶ See 26 U.S.C. s. 501; Section 212.08(7)(p), F.S.

⁷ Section 617.1622, F.S.

⁸ Section 215.85(3)(b), F.S.

not for profit corporation through a grant or through payment of membership dues authorized for governmental employees and entities who are members of certain types of not for profit corporations.⁹

Effect of Proposed Changes

The bill defines the term “membership association” as a corporation not for profit, including a department or division of such corporation, the majority of whose board members are constitutional officers¹⁰ who, pursuant to the statutory definition of District School Boards, operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The bill specifies that the term does not include a labor organization or an entity funded through the Justice Administrative Commission.¹¹

The bill requires a membership association to file an annual report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The report must include the following information:

- The name and address of the membership association and any parent membership association or any state, national, or international membership association with which it is affiliated;
- The names, titles, telephone numbers, and addresses of the principal officers and all representatives of the membership association;
- The amount of the fee required to become a member of the membership association, if any, and of the annual dues that each member must pay;
- The current financial statements of the membership association;
- A copy of the current constitution and bylaws of the membership association;
- A description of the assets and liabilities of the membership association at the beginning and end of the preceding fiscal year;
- A description of the salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and to each employee who, during the preceding fiscal year, received more than \$10,000 in aggregate funding from the membership association and any other state, national, or international membership association affiliated with it;
- The annual amount of the benefit packages paid to each of the principal officers of the membership association, including health, major medical, vision, dental, and life insurance as well as retirement plans and automobile allowances;
- The per-member amount of annual dues sent from the membership association to each state, national, or international affiliate;
- The total amount of direct or indirect disbursements for lobbying activity at the federal, state, or local level incurred by the membership association, listed by the full name and address of each person who received a disbursement; and
- The total amount of direct or indirect disbursements for litigation expenses incurred by the membership association, listed by case citation.

⁹ See, e.g., Section 2-103(a), Pinellas County Code (authorizing the board of county commissioners to expend monies from the county general fund for membership fees and dues for county employees and officials for professional associations); Section 120-65(a)(2), South Florida Water Management District Administrative Policies (authorizing the district to pay for an employee’s membership in a professional organization not required by his or her job).

¹⁰Section 112.3142(1), F.S. (provides that “constitutional officers” include the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools).

¹¹ Current law defines a labor organization as “any organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state.” The definition also includes an “employee organization,” as defined in s. 447.203(11), F.S., at such time as it seeks to register pursuant to s. 447.305, F.S. Section 447.02(1), F.S.

The bill prohibits a membership association from expending moneys received from public funds, as defined in s. 215.85, F.S., on litigation against the state.

The bill authorizes the Auditor General to conduct annual financial and operational audits of the accounts and records of each membership association.

B. SECTION DIRECTORY:

Section 1. Creates s. 617.221, F.S., relating to membership associations.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have an indeterminate positive fiscal impact on state government as a result of reducing litigation against the state by prohibiting membership associations from using monies received from public funds to pay for such litigation.

2. Expenditures:

The bill may have an insignificant but likely minimal negative fiscal impact on the state as a result of the Legislature having to receive and process the required annual reports from membership associations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate but likely minimal negative fiscal impact on membership associations because they would be required to file an annual report with the Legislature.

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

On January 26, 2016, the K-12 Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes subsection 1001.32(3), F.S. from the definition of membership association.

This bill analysis is drafted to the committee substitute as passed by the K-12 Subcommittee.

1 A bill to be entitled

2 An act relating to membership associations; creating
 3 s. 617.221, F.S.; defining the term "membership
 4 association"; requiring a membership association to
 5 file an annual report with the Legislature; specifying
 6 report requirements; prohibiting a membership
 7 association from expending public funds on litigation
 8 against the state; requiring the Auditor General to
 9 conduct an annual financial and operational audit of
 10 membership associations; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 617.221, Florida Statutes, is created
 15 to read:

16 617.221 Membership associations; reporting requirements;
 17 restriction on use of funds.—

18 (1) As used in this section, the term "membership
 19 association" means a corporation not for profit, including a
 20 department or division of such corporation, the majority of the
 21 board members of which are constitutional officers who, pursuant
 22 to s. 1001.32(2), operate, control, and supervise public
 23 entities that receive annual state appropriations through a
 24 statutorily defined formulaic allocation that is funded and
 25 prescribed annually in the General Appropriations Act or the
 26 substantive bill implementing the annual appropriations act. The

27 term does not include a labor organization as defined in s.
 28 447.02 or an entity funded through the Justice Administrative
 29 Commission.

30 (2) A membership association shall file a report with the
 31 President of the Senate and the Speaker of the House of
 32 Representatives by January 1 of each year. The report must
 33 provide:

34 (a) The name and address of the membership association and
 35 any parent membership association or state, national, or
 36 international membership association with which it is
 37 affiliated.

38 (b) The names, titles, telephone numbers, and addresses of
 39 the principal officers and all representatives of the membership
 40 association.

41 (c) The amount of the fee required to become a member of
 42 the membership association, if any, and the annual dues each
 43 member must pay.

44 (d) The current annual financial statements of the
 45 membership association, as described in s. 617.1605.

46 (e) A copy of the current constitution and bylaws of the
 47 membership association.

48 (f) A description of the assets and liabilities of the
 49 membership association at the beginning and end of the preceding
 50 fiscal year.

51 (g) A description of the salary, allowances, and other
 52 direct or indirect disbursements, including reimbursed expenses,

53 to each officer and to each employee who, during the preceding
 54 fiscal year, received more than \$10,000 in the aggregate from
 55 the membership association and any other state, national, or
 56 international membership association affiliated with the
 57 membership association.

58 (h) The annual amount of the following benefit packages
 59 paid to each of the principal officers of the membership
 60 association:

61 1. Health, major medical, vision, dental, and life
 62 insurance.

63 2. Retirement plans.

64 3. Automobile allowances.

65 (i) The per-member amount of annual dues sent from the
 66 membership association to each state, national, or international
 67 affiliate.

68 (j) The total amount of direct or indirect disbursements
 69 for lobbying activity at the federal, state, or local level
 70 incurred by the membership association, listed by full name and
 71 address of each person who received a disbursement.

72 (k) The total amount of direct and indirect disbursements
 73 for litigation expenses incurred by the membership association,
 74 listed by case citation.

75 (3) A membership association may not expend moneys
 76 received from public funds, as defined in s. 215.85(3), on
 77 litigation against the state.

78 (4) Dues paid to a membership association, which are paid



79 with public funds, shall be assessed for each elected or
80 appointed public officer. If a public officer elects not to join
81 the membership association, the dues assessed to such public
82 officer may not be paid to the membership association.

83 (5) The Auditor General shall conduct an annual financial
84 and operational audit of the accounts and records of each
85 membership association.

86 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1157 Postsecondary Education for Veterans
SPONSOR(S): Higher Education & Workforce Subcommittee, Raburn
TIED BILLS: IDEN./SIM. **BILLS:** SB 1638

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 0 N, As CS	Banner	Bishop
2) Education Appropriations Subcommittee	12 Y, 0 N	Butler	Heflin
3) Education Committee		Banner 	Mizereck 

SUMMARY ANALYSIS

Florida law allows eligible members of the United State Armed Forces to earn college credit at public postsecondary institutions for college-level training and education acquired in the military. The bill expands this benefit to include honorably discharged veterans.

The bill requires the Department of Education to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) on the list of acceleration mechanisms for which credit may be awarded.

The bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration. The bill expands the tuition waiver to include any eligible recipient of a Purple Heart, or superior combat decoration, enrolled in an eligible postsecondary institution who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires the Department of Education to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

Increases in enrollment by students who qualify for this tuition waiver will require additional state funding in future years to cover these students' educational costs. The fiscal impact is indeterminate. See FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT.

The bill is effective July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

College Credit for Military Training

The Board of Governors and the State Board of Education are authorized to adopt regulations and rules, respectively, to enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary education institutions for college-level training and education acquired in the military.¹

Board of Governors Regulation directs each state university board of trustees to “adopt a policy and process that enables students who are or were eligible members of the United States Armed Forces to earn appropriate academic college credit for college-level training and education acquired in the military.”² State Board of Education Rule directs each Florida College System institution to adopt a similar policy.³

Current law also allows for a variety of articulated acceleration mechanisms in order to shorten the time necessary for a student to complete the requirements associated with the completion of a high school diploma and a postsecondary degree.⁴ The Department of Education (DOE) is required to identify and publish the minimum scores, maximum credit and course(s) for which credit is to be awarded for each College Level Examination Program (CLEP) subject examination, College Board Advanced Placement (AP) Program examination, Advanced International Certificate of Education (AICE) examination, and International Baccalaureate (IB) examination.⁵ Each state university and Florida College System institution must award credit for specific courses for which competency has been demonstrated by successful passage of one the examinations identified.⁶ The Articulation Coordinating Committee (ACC) also establishes passing scores and course and credit equivalents for the DSST (DANTES) and Excelsior College examinations. Public colleges and universities in Florida are not required to award the minimum recommended credit for DANTES and Excelsior exams as designated, but if a public institution awards credit consistent with ACC recommendations, all other public institutions must accept that credit in transfer.⁷

Fee Waivers

Florida law requires a state university, Florida College System institution, school district career center or charter technical career center to waive tuition for recipients of a Purple Heart or other superior combat decoration. Individuals must be enrolled as a degree or certificate seeking student, reside in the state while enrolled in the institution and have been a resident at the time the military action occurred.⁸

Accordingly, any veteran or active duty member who is a recipient of a Purple Heart or superior combat decoration and lives in Florida may receive this waiver. This would include any veteran or active duty

¹ Section 1004.096, F.S.

² Board of Governors Regulation 6.013, Military Veterans and Active Duty

³ Rule 6A-14.0302, F.A.C.

⁴ Section 1007.27(1), F.S.

⁵ Section 1007.27(2), F.S.

⁶ Section 1007.27(3), F.S. Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies Guidelines*, available at www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf (lasted updated December 2014).

⁷ Rule 6A-10.024(7), F.A.C. and Board of Governors Regulation 6.006.

⁸ Section 1009.26(8), F.S. and Board of Governors Regulation 7.008.

member whose home of record was Florida at the time of the military action and who has maintained Florida residency, regardless of where he or she is physically residing.

Data provided by the Board of Governors indicates that 46 Purple Heart waivers were granted during the 2012-2013 academic year.⁹

Educator Certification Requirements

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.¹⁰ 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.¹¹ 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."¹²

To be eligible for an educator certificate, a person must:¹³

- 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 learning¹⁴ or from a nonaccredited institution identified by the department as having a quality program resulting in a bachelor's or higher degree;¹⁵
- 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.¹⁶

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;¹⁷
- Demonstrate mastery of general knowledge;¹⁸
- Demonstrate mastery of subject area knowledge;¹⁹ and
- Demonstrate mastery of professional preparation and education competence.²⁰

⁹ Board of Governors analysis

¹⁰ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹¹ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

¹² Section 1012.54, F.S.; *see* rule 6A-4.001(1), F.A.C.

¹³ Section 1012.56(2)(a)-(f), F.S.

¹⁴ 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).

¹⁵ 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.

¹⁶ 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.

¹⁷ Section 1012.56(2)(a)-(f), F.S.

¹⁸ 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).

¹⁹ Section 1012.56(2)(h) and (5), F.S.

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 rule²¹ 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.²²

Effect of Proposed Changes

Currently, eligible members of the United State Armed Forces are able to earn college credit at public postsecondary institutions for college-level training and education acquired in the military. The bill expands this benefit to include honorably discharged veterans.

The bill requires DOE to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) to the list of acceleration mechanisms for which college credit must be awarded. The Articulation Coordinating Committee (ACC) already identifies passing scores and course and credit equivalents for the DSST (DANTES) and Excelsior College examinations, but does not currently do so for the Defense language Proficiency Test (DLPT). The bill will require the ACC to convene faculty committees to review the DLPT examinations.

The bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration. The bill expands the tuition waiver to include any eligible recipient of a Purple Heart, or superior combat decoration, who is enrolled in an eligible postsecondary institution and who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires DOE to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

B. SECTION DIRECTORY:

Section 1. Amends s.1004.096, F.S., to clarify that both active duty and honorably discharged veterans are able to earn academic college credit for college-level training and education acquired in the military.

Section 2. Amends s. 1007.27, F.S., to add specific subject examinations to be used for the demonstration of subject area knowledge.

Section 3. Amends s. 1009.26, F.S., to modify tuition waiver eligibility requirements for Purple Heart recipients.

Section 4. Amends s. 1012.56, F.S., to provide additional means by which an individual can verify subject area mastery in order to achieve teacher certification.

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

²⁰ 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).

²¹ 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).

²² Section 1012.56(5)(e) and (f), F.S.; rule 6A-4.002(1)(i)-(j), F.A.C.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

State University System

The Board of Governors, based on 2012-2013 enrollment data of recipients of Purple Heart or other combat decoration receiving a tuition and fee waiver, estimates an annual unrealized tuition amount for the State University System of approximately \$270,000.²³

According to the Board of Governors, the fiscal impact to the State University System is calculated by using the 2012-2013 FTE enrollment data for recipients of Purple Heart or other combat decoration because more current data is not available. Additionally, the 2015-2016 Tuition and Fee Survey is used to calculate the system average of lost revenues resulting from the exclusion of tuition and fees paid by these students.²⁴

2014-2015 System Tuition and Fee Revenue = $46 * 40 \text{ credits} * \$146.55 = \$269,652$

2. Expenditures:

The bill may require modification of rules and regulations by the State Board of Education and Board of Governors, respectively. Additionally, the bill requires the DOE and ACC to review additional examinations proposed as articulated acceleration mechanisms. The fiscal impact of these requirements is insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Specified recipients of the Purple Heart or other superior combat decoration who are not currently Florida residents will qualify for this tuition waiver at state universities, Florida College System institutions, career centers, and charter technical career centers if they were a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration. Currently, these individuals would be charged as a non-resident student, paying the out-of-state fee in addition to standard tuition and fees. Savings are outlined below:

²³ State University System of Florida Board of Governor's 2016 Legislative Bill Analysis for HB 1157.

²⁴ Id.

Tuition and Fees Per Credit/Clock Hour		
	Average Tuition and Fees	
	In- State	Out-of- State
COLLEGES		
Associate	\$107	\$390
Baccalaureate	\$122	\$514
Career Certificates/Applied Technology Diploma ¹	\$83	\$329
UNIVERSITIES		
Undergraduate	\$198	\$688
CAREER CENTERS (tuition - per clock hour)		
Career Certificates/Applied Technology Diploma ¹	\$2.33	\$6.99
¹ Career Centers and Charter Technical Centers offer these programs as well. These represent Florida College System institutions' conversion from clock hour to credit hour. These rates are assessed in accordance with section 1009.22, Florida Statutes.		

D. FISCAL COMMENTS:

Generally, it may be difficult for institutions to identify the number of students who will meet the criteria outlined in the bill and opt to take advantage of the expanded benefits; therefore, the full potential fiscal impact is indeterminate.

Institutions may incur losses in tuition and out-of-state fee revenues for current students who become eligible as a result of this legislation. Currently, for both the Florida colleges and state universities, state funding provides approximately 57 percent of the cost of student's education, while student tuition provides 43 percent. Significant increases in enrollment will require additional state funding. Since there is no way to determine potential enrollment increases, the fiscal impact is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The State board of Education and Board of Governors may be required to amend any rules or regulations inconsistent with the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 25, 2016, the Higher Education & Workforce Subcommittee adopted two amendments to the bill and reported the bill favorably as a committee substitute. The amendments:

- Make a technical correction moving the language in the bill related to the college credit equivalencies for standardized military examinations to a more appropriate section of law, and
- Clarify that any Purple Heart Recipient who is either currently a Florida resident *or* was a Florida resident at the time the combat decoration was awarded is eligible for the fee waiver.

This analysis reflects the committee substitute as adopted by the Higher Education & Workforce Subcommittee.

CS/HB 1157

2016

1 A bill to be entitled

2 An act relating to postsecondary education for
3 veterans; amending s. 1004.096, F.S.; directing the
4 Department of Education to award certain postsecondary
5 course credit to veterans; amending s. 1007.27, F.S.;
6 directing the Department of Education to award
7 postsecondary course credit for specified examinations
8 and tests; amending s. 1009.26, F.S.; revising the
9 residency requirement for certain tuition waivers for
10 recipients of specified military decorations;
11 conforming provisions; amending s. 1012.56, F.S.;
12 providing that specified programs and test scores meet
13 certain educator certification requirements; providing
14 an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 1004.096, Florida Statutes, is amended
19 to read:

20 1004.096 College credit for military training and
21 education courses.—The Board of Governors shall adopt
22 regulations and the State Board of Education shall adopt rules
23 that enable eligible servicemembers or honorably discharged
24 veterans ~~members~~ of the United States Armed Forces to earn
25 academic college credit at public postsecondary educational
26 institutions for college-level training and education acquired

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1157-01-c1

27 in the military. The regulations and rules shall include
 28 procedures for credential evaluation and the award of academic
 29 college credit, including, but not limited to, equivalency and
 30 alignment of military coursework with appropriate college
 31 courses, course descriptions, type and amount of college credit
 32 that may be awarded, and transfer of credit.

33 Section 2. Subsection (2) of section 1007.27, Florida
 34 Statutes, is amended to read:

35 1007.27 Articulated acceleration mechanisms.—

36 (2) The Department of Education shall annually identify
 37 and publish the minimum scores, maximum credit, and course or
 38 courses for which credit is to be awarded for each College Level
 39 Examination Program (CLEP) subject examination, College Board
 40 Advanced Placement Program examination, Advanced International
 41 Certificate of Education examination, ~~and~~ International
 42 Baccalaureate examination, Excelsior College subject
 43 examination, Defense Activity for Non-Traditional Education
 44 Support (DANTES) subject standardized test, and Defense Language
 45 Proficiency Test (DLPT). The department shall use student
 46 performance data in subsequent postsecondary courses to
 47 determine the appropriate examination scores and courses for
 48 which credit is to be granted. Minimum scores may vary by
 49 subject area based on available performance data. In addition,
 50 the department shall identify such courses in the general
 51 education core curriculum of each state university and Florida
 52 College System institution.

53 Section 3. Paragraphs (b) and (c) of subsection (8) of
 54 section 1009.26, Florida Statutes, are amended to read:

55 1009.26 Fee waivers.—

56 (8) A state university, a Florida College System
 57 institution, a career center operated by a school district under
 58 s. 1001.44, or a charter technical career center shall waive
 59 tuition for undergraduate college credit programs and career
 60 certificate programs for each recipient of a Purple Heart or
 61 another combat decoration superior in precedence who:

62 (b) Is currently, or ~~and~~ was at the time of the military
 63 action that resulted in the awarding of the Purple Heart or
 64 other combat decoration superior in precedence, a resident of
 65 this state; and

66 (c) Submits to the ~~state university, the Florida College~~
 67 ~~System institution, or the career center operated by a school~~
 68 ~~district under s. 1001.44, or the charter technical career~~
 69 ~~center~~ the DD-214 form issued at the time of separation from
 70 service as documentation that the student has received a Purple
 71 Heart or another combat decoration superior in precedence. If
 72 the DD-214 is not available, other documentation may be
 73 acceptable if recognized by the United States Department of
 74 Defense or the United States Department of Veterans Affairs as
 75 documenting the award.

76

77 Such a waiver for a Purple Heart recipient or recipient of
 78 another combat decoration superior in precedence shall be

79 applicable for 110 percent of the number of required credit
80 hours of the degree or certificate program for which the student
81 is enrolled.

82 Section 4. Paragraphs (e) and (f) of subsection (5) of
83 section 1012.56, Florida Statutes, are amended and paragraphs
84 (g) and (h) are added to that subsection, to read:

85 1012.56 Educator certification requirements.—

86 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
87 demonstrating mastery of subject area knowledge are:

88 (e) Documentation of a valid professional standard
89 teaching certificate issued by another state; ~~or~~

90 (f) Documentation of a valid certificate issued by the
91 National Board for Professional Teaching Standards or a national
92 educator credentialing board approved by the State Board of
93 Education;

94 (g) Documentation of successful completion of a United
95 States Defense Language Institute Foreign Language Center
96 program; or

97 (h) Documentation of a passing score on the Defense
98 Language Proficiency Test (DLPT).

99
100 School districts are encouraged to provide mechanisms for middle
101 grades teachers holding only a K-6 teaching certificate to
102 obtain a subject area coverage for middle grades through
103 postsecondary coursework or district add-on certification.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1305 Student Health
SPONSOR(S): Eagle and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 1196

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Dehmer	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	deNagy	Heflin
3) Education Committee		Dehmer <i>OD</i>	Mizereck <i>MM</i>

SUMMARY ANALYSIS

In 2012, the Legislature authorized pharmacists to administer epinephrine using an epinephrine auto-injector (EAI) in the event of an allergic reaction from a vaccine.

In 2013, public and private schools were authorized to purchase and store EAIs on campus. A school that stores EAIs must adopt a physician's protocol for administering the device. The law provides that except for willful and wanton conduct, trained school employees and the physicians who develop the school's protocol on administering the EAIs are protected from liability that may result from administering EAIs.

In 2014, the Legislature amended the law governing insect sting emergency treatment by creating new and expanding existing provisions in s. 381.88, F.S., related to emergency allergy treatment. The law also created s. 381.885, F.S. Together, these laws are referred to as the "Emergency Allergy Treatment Act."

Section 381.88(2)(b), F.S. defines "authorized entity" as an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. The term also includes a school for the purposes of the educational training programs for recognizing the symptoms of a severe allergic reaction and administering an EAI.

The bill includes private schools in the definition of authorized entities for the purpose of acquiring a supply of and administering EAIs. The law also applies the civil liability immunity protections in the Good Samaritan Act to private schools.

The bill authorizes public and private schools to receive EAIs free of charge or to purchase EAIs from a manufacturer or wholesale distributor at fair market value or a reduced price.

The bill does not appear to have a fiscal impact, see fiscal comments.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2012, the Legislature authorized pharmacists to administer epinephrine using an EAI in the event of an allergic reaction from a vaccine.¹ Pharmacists who obtain certification and are authorized to provide vaccines are required to complete a 3-hour continuing education course every two years on the safe and effective administration of vaccines.² The 3-hour course must be offered by a statewide professional association of physicians in this state and is considered part of the 30-hour continuing education requirement for biennial licensure renewal and recertification.³ If a pharmacist fails to take the 3-hour course, the authorization to administer vaccines or epinephrine is revoked.⁴

In 2013, the Legislature authorized public and private schools to purchase and store EAI on campus.⁵ A school that stores EAI must adopt a physician's protocol for administering the device.⁶ The law provides that except for willful and wanton conduct, trained school employees and the physicians who develop the school's protocol on administering the EAI are protected from liability that may result from administering EAI.⁷

Good Samaritan Act

The Good Samaritan Act, found in s. 768.13, F.S., provides immunity from civil liability for those who render emergency care and treatment to individuals in need of assistance. The statute provides immunity from liability for civil damages to any person who:

- Gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations or at the scene of an emergency, without objection of the injured victim, if that person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.⁸
- Participates in emergency response activities of a community emergency response team if that person acts prudently and within scope of his or her training.⁹
- Gratuitously and in good faith renders emergency care or treatment to an injured animal at the scene of an emergency if that person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.¹⁰

In 2014, the Legislature amended the law governing insect sting emergency treatment by creating new and expanding existing provisions in s. 381.88, F.S., related to emergency allergy treatment.¹¹ The law also created s. 381.885, F.S.¹² Together, these laws are referred to as the "Emergency Allergy Treatment Act" ("the Act").

¹ Section 465.189(3), F.S.

² Section 465.009(6)(a), F.S.

³ *Id.*

⁴ Section 465.009(6)(c), F.S.

⁵ Section 1002.20(3)(i)2., F.S. (public schools) and section 1002.42(17)(a), F.S. (private schools).

⁶ *Id.*

⁷ Section 1002.20(3)(i)3., F.S. (public schools) and s. 1002.42(17)(b), F.S. (private schools).

⁸ Section 768.13(2)(a), F.S.

⁹ Section 768.13(2)(d), F.S.

¹⁰ Section 768.13(3), F.S.

¹¹ Section 381.88, F.S.

¹² Section 381.885, F.S.

Authorized Entity

The law defines “authorized entity” as an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. The term also includes a school for the purposes of the educational training programs for recognizing the symptoms of a severe allergic reaction and administering an EAI.¹³

Epinephrine Use and Supply

Currently, public and private schools may purchase EAIs from a wholesale distributor and maintain the EAIs in a locked, secure location on its premises.

Effect of Proposed Changes

The bill includes private schools along with public schools in the definition of authorized entities for the purpose of acquiring a supply of and administering EAIs. The law also applies the civil liability immunity protections in the Good Samaritan Act to private schools.

The bill authorizes public and private schools to receive EAIs free of charge or to purchase EAIs from a manufacturer or wholesale distributor at fair market value or a reduced price.

B. SECTION DIRECTORY:

Section 1. Amends s. 381.88, F.S., relating to emergency allergy treatment.

Section 2. Amends s. 1002.20, F.S., K-12 student and parent rights.

Section 3. Creates s. 1002.42, F.S., relating to private school’s epinephrine supply.

Section 4. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government revenues.

¹³ Section 381.88(2)(b), F.S.
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DATE: 2/5/2016

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to the Department of Education, this bill has no fiscal impact.¹⁴

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

None.

1 A bill to be entitled
 2 An act relating to student health; amending s. 381.88,
 3 F.S.; revising the definition "authorized entity";
 4 amending ss. 1002.20 and 1002.42, F.S.; authorizing a
 5 public school or private school to receive for free or
 6 purchase at fair market value or at a reduced price a
 7 supply of epinephrine auto-injectors from certain
 8 entities; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (b) of subsection (2) of section
 13 381.88, Florida Statutes, is amended to read:

14 381.88 Emergency allergy treatment.—

15 (2) As used in this section and s. 381.885, the term:

16 (b) "Authorized entity" means an entity or organization at
 17 or in connection with which allergens capable of causing a
 18 severe allergic reaction may be present. The term includes, but
 19 is not limited to, restaurants, recreation camps, youth sports
 20 leagues, theme parks and resorts, and sports arenas. However, a
 21 school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b) is
 22 an authorized entity for the purposes of s. 381.885(4) and (5)
 23 ~~subsection (5)~~ only.

24 Section 2. Paragraph (i) of subsection (3) of section
 25 1002.20, Florida Statutes, is amended to read:

26 1002.20 K-12 student and parent rights.—Parents of public

27 school students must receive accurate and timely information
 28 regarding their child's academic progress and must be informed
 29 of ways they can help their child to succeed in school. K-12
 30 students and their parents are afforded numerous statutory
 31 rights including, but not limited to, the following:

32 (3) HEALTH ISSUES.—

33 (i) Epinephrine use and supply.—

34 1. A student who has experienced or is at risk for life-
 35 threatening allergic reactions may carry an epinephrine auto-
 36 injector and self-administer epinephrine by auto-injector while
 37 in school, participating in school-sponsored activities, or in
 38 transit to or from school or school-sponsored activities if the
 39 school has been provided with parental and physician
 40 authorization. The State Board of Education, in cooperation with
 41 the Department of Health, shall adopt rules for such use of
 42 epinephrine auto-injectors that shall include provisions to
 43 protect the safety of all students from the misuse or abuse of
 44 auto-injectors. A school district, county health department,
 45 public-private partner, and their employees and volunteers shall
 46 be indemnified by the parent of a student authorized to carry an
 47 epinephrine auto-injector for any and all liability with respect
 48 to the student's use of an epinephrine auto-injector pursuant to
 49 this paragraph.

50 2. A public school may receive for free or purchase from a
 51 manufacturer or wholesale distributor as defined in s. 499.003
 52 at fair market value or reduced price and maintain in a locked,

53 | secure location on its premises a supply of epinephrine auto-
 54 | injectors for use if a student is having an anaphylactic
 55 | reaction. The participating school district shall adopt a
 56 | protocol developed by a licensed physician for the
 57 | administration by school personnel who are trained to recognize
 58 | an anaphylactic reaction and to administer an epinephrine auto-
 59 | injection. The supply of epinephrine auto-injectors may be
 60 | provided to and used by a student authorized to self-administer
 61 | epinephrine by auto-injector under subparagraph 1. or trained
 62 | school personnel.

63 | 3. The school district and its employees and agents, and
 64 | ~~including~~ the physician who provides the standing protocol for
 65 | school epinephrine auto-injectors, are not liable for any injury
 66 | arising from the use of an epinephrine auto-injector
 67 | administered by trained school personnel who follow the adopted
 68 | protocol and whose professional opinion is that the student is
 69 | having an anaphylactic reaction:

70 | a. Unless the trained school personnel's action is willful
 71 | and wanton;

72 | b. Notwithstanding that the parents or guardians of the
 73 | student to whom the epinephrine is administered have not been
 74 | provided notice or have not signed a statement acknowledging
 75 | that the school district is not liable; and

76 | c. Regardless of whether authorization has been given by
 77 | the student's parents or guardians or by the student's
 78 | physician, physician's assistant, or advanced registered nurse

79 practitioner.

80 Section 3. Subsection (17) of section 1002.42, Florida
81 Statutes, is amended to read:

82 1002.42 Private schools.—

83 (17) EPINEPHRINE SUPPLY.—

84 (a) A private school may receive for free or purchase from
85 a manufacturer or wholesale distributor as defined in s. 499.003
86 at fair market value or reduced price and maintain in a locked,
87 secure location on its premises a supply of epinephrine auto-
88 injectors for use if a student is having an anaphylactic
89 reaction. The participating private school shall adopt a
90 protocol developed by a licensed physician for the
91 administration by private school personnel who are trained to
92 recognize an anaphylactic reaction and to administer an
93 epinephrine auto-injection. The supply of epinephrine auto-
94 injectors may be provided to and used by a student authorized to
95 self-administer epinephrine by auto-injector under s.
96 1002.20(3)(i) or trained school personnel.

97 (b) The private school and its employees and agents, and
98 ~~including~~ the physician who provides the standing protocol for
99 school epinephrine auto-injectors, are not liable for any injury
100 arising from the use of an epinephrine auto-injector
101 administered by trained school personnel who follow the adopted
102 protocol and whose professional opinion is that the student is
103 having an anaphylactic reaction:

104 1. Unless the trained school personnel's action is willful

105 | and wanton;

106 | 2. Notwithstanding that the parents or guardians of the
 107 | student to whom the epinephrine is administered have not been
 108 | provided notice or have not signed a statement acknowledging
 109 | that the school district is not liable; and

110 | 3. Regardless of whether authorization has been given by
 111 | the student's parents or guardians or by the student's
 112 | physician, physician's assistant, or advanced registered nurse
 113 | practitioner.

114 | Section 4. This act shall take effect July 1, 2016.



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 Eagle offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraph (b) of subsection (2) of section

7 381.88, Florida Statutes, is amended to read:

8 381.88 Emergency allergy treatment.-

9 (2) As used in this section and s. 381.885, the term:

10 (b) "Authorized entity" means an entity or organization at
 11 or in connection with which allergens capable of causing a
 12 severe allergic reaction may be present. The term includes, but
 13 is not limited to, restaurants, recreation camps, youth sports
 14 leagues, theme parks and resorts, and sports arenas. However, a
 15 school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b) is
 16 an authorized entity for the purposes of s. 381.885(4) and (5)
 17 ~~subsection (5)~~ only.



Amendment No. 1

18 Section 2. Paragraph (i) of subsection (3) of section
19 1002.20, Florida Statutes, is amended to read:

20 1002.20 K-12 student and parent rights.—Parents of public
21 school students must receive accurate and timely information
22 regarding their child's academic progress and must be informed
23 of ways they can help their child to succeed in school. K-12
24 students and their parents are afforded numerous statutory
25 rights including, but not limited to, the following:

26 (3) HEALTH ISSUES.—

27 (i) *Epinephrine use and supply.*—

28 1. A student who has experienced or is at risk for life-
29 threatening allergic reactions may carry an epinephrine auto-
30 injector and self-administer epinephrine by auto-injector while
31 in school, participating in school-sponsored activities, or in
32 transit to or from school or school-sponsored activities if the
33 school has been provided with parental and physician
34 authorization. The State Board of Education, in cooperation with
35 the Department of Health, shall adopt rules for such use of
36 epinephrine auto-injectors that shall include provisions to
37 protect the safety of all students from the misuse or abuse of
38 auto-injectors. A school district, county health department,
39 public-private partner, and their employees and volunteers shall
40 be indemnified by the parent of a student authorized to carry an
41 epinephrine auto-injector for any and all liability with respect
42 to the student's use of an epinephrine auto-injector pursuant to
43 this paragraph.

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Amendment No. 1

44 2. A public school may purchase a supply of epinephrine
45 auto-injectors from a wholesale distributor as defined in s.
46 499.003 or may enter into an arrangement with a wholesale
47 distributor or manufacturer as defined in s. 499.003 for the
48 epinephrine auto-injectors at fair-market, free, or reduced
49 prices for use in the event a student has an anaphylactic
50 reaction. The epinephrine auto-injectors must be maintained ~~and~~
51 ~~maintain~~ in a ~~locked,~~ secure location on the public school's ~~its~~
52 ~~premises a supply of epinephrine auto-injectors for use if a~~
53 ~~student is having an anaphylactic reaction.~~ The participating
54 school district shall adopt a protocol developed by a licensed
55 physician for the administration by school personnel who are
56 trained to recognize an anaphylactic reaction and to administer
57 an epinephrine auto-injection. The supply of epinephrine auto-
58 injectors may be provided to and used by a student authorized to
59 self-administer epinephrine by auto-injector under subparagraph
60 1. or trained school personnel.

61 3. The school district and its employees, ~~and~~ agents, and
62 ~~including~~ the physician who provides the standing protocol for
63 school epinephrine auto-injectors, ~~are~~ not liable for any injury
64 arising from the use of an epinephrine auto-injector
65 administered by trained school personnel who follow the adopted
66 protocol and whose professional opinion is that the student is
67 having an anaphylactic reaction:

68 a. Unless the trained school personnel's action is willful
69 and wanton;



Amendment No. 1

70 b. Notwithstanding that the parents or guardians of the
71 student to whom the epinephrine is administered have not been
72 provided notice or have not signed a statement acknowledging
73 that the school district is not liable; and

74 c. Regardless of whether authorization has been given by
75 the student's parents or guardians or by the student's
76 physician, physician's assistant, or advanced registered nurse
77 practitioner.

78 Section 3. Subsection (17) of section 1002.42, Florida
79 Statutes, is amended to read:

80 1002.42 Private schools.—

81 (17) EPINEPHRINE SUPPLY.—

82 (a) A private school may purchase a supply of epinephrine
83 auto-injectors from a wholesale distributor as defined in s.
84 499.003 or may enter into an arrangement with a wholesale
85 distributor or manufacturer as defined in s. 499.003 for the
86 epinephrine auto-injectors at fair-market, free, or reduced
87 prices for use in the event a student has an anaphylactic
88 reaction. The epinephrine auto-injectors must be maintained and
89 maintain in a locked, secure location on the private school's
90 its premises a supply of epinephrine auto-injectors for use if a
91 student is having an anaphylactic reaction. The participating
92 private school shall adopt a protocol developed by a licensed
93 physician for the administration by private school personnel who
94 are trained to recognize an anaphylactic reaction and to
95 administer an epinephrine auto-injection. The supply of

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Amendment No. 1

96 epinephrine auto-injectors may be provided to and used by a
97 student authorized to self-administer epinephrine by auto-
98 injector under s. 1002.20(3)(i) or trained school personnel.

99 (b) The private school and its employees, ~~and~~ agents, and
100 ~~including~~ the physician who provides the standing protocol for
101 school epinephrine auto-injectors, are not liable for any injury
102 arising from the use of an epinephrine auto-injector
103 administered by trained school personnel who follow the adopted
104 protocol and whose professional opinion is that the student is
105 having an anaphylactic reaction:

106 1. Unless the trained school personnel's action is willful
107 and wanton;

108 2. Notwithstanding that the parents or guardians of the
109 student to whom the epinephrine is administered have not been
110 provided notice or have not signed a statement acknowledging
111 that the school district is not liable; and

112 3. Regardless of whether authorization has been given by
113 the student's parents or guardians or by the student's
114 physician, physician's assistant, or advanced registered nurse
115 practitioner.

116 Section 4. This act shall take effect July 1, 2016.

117

118

119

120

121

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:




Amendment No. 1

122 An act relating to emergency allergy treatment in schools;
123 amending s. 381.88, F.S.; revising the term "authorized entity";
124 amending ss. 1002.20 and 1002.42, F.S.; authorizing a public
125 school and a private school, respectively, to enter into certain
126 arrangements with wholesale distributors or manufacturers for
127 epinephrine auto-injectors; revising the storage requirements
128 for epinephrine auto-injectors; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1365 Competency-Based Education Pilot Program
SPONSOR(S): Education Appropriations Subcommittee, Choice & Innovation Subcommittee, Rodrigues
TIED BILLS: IDEN./SIM. **BILLS:** SB 1714

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Dehmer	Healy
2) Education Appropriations Subcommittee	12 Y, 0 N, As CS	deNagy	Heflin
3) Education Committee		Dehmer DD	Mizereck 

SUMMARY ANALYSIS

The bill creates the Competency-Based Education Pilot Program within the Department of Education to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The bill authorizes the Commissioner of Education to waive State Board of Education rules relating to pupil progression and the awarding of credit. Applications to participate are limited to the P.K. Yonge Developmental Research School and the Lake, Palm Beach, and Pinellas County school districts.

The bill:

- Requires the Department of Education to develop an application; compile specific information related to student and staff schedules; provide participating schools with access to statewide standardized assessments; and provide an annual report to the Legislature.
- Specifies reporting requirements for purposes of the Florida Education Finance Program.
- Outlines minimum provisions that must be included in the application.

Because this program is voluntary, it is unknown if any of the four districts will participate, therefore the fiscal impact of this bill is indeterminate. The Department of Education will establish the application and meet the reporting requirements within existing resources. See fiscal comments.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Student Progression Plan

Each school district is required to establish a comprehensive student progression plan that provides for a student's progression from one grade to another based on the student's mastery of the Next Generation Sunshine State Standards, specifically English Language Arts (ELA), mathematics, science, and social studies standards.¹ The plan must, among other things:

- Include criteria emphasizing student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies. High schools must use all available assessment results to advise students of any deficiencies and provide appropriate postsecondary preparatory instruction;²
- List student eligibility and procedural requirements established by the school district for whole-grade promotion, midyear promotion, and subject-matter acceleration;³
- Advise parents and students of the Academically Challenging Curriculum to Enhance Learning (ACCEL)⁴ options;⁵
- Advise parents and students of early graduation options;⁶
- List all dual enrollment courses contained in the dual enrollment articulation agreement.⁷

Current law requires a student who does not score Level 3 or above on the statewide, standardized ELA assessment, statewide, standardized mathematics assessment, or the Algebra I end-of-course (EOC) assessment to be evaluated to determine the nature of student's difficulty, the areas of academic need, and strategies for providing supports to improve the student's performance.⁸ The law specifies that students must pass the grade 3 ELA assessment to be promoted to grade 4.⁹ Students retained in grade 3 must be provided intensive reading interventions¹⁰ and may be promoted midyear after demonstrating their ability to read and perform at or above grade level in ELA.¹¹

Credit Acceleration Program

The Credit Acceleration Program (CAP) allows students to earn credit based on demonstrating subject area competency. The program allows middle and high school students to earn high school credit in algebra I, algebra II, geometry, United States history, or biology if the student passes the statewide,

¹ Section 1008.25(2), F.S.

² Section 1008.25(2)(a), F.S.

³ Section 1008.25(2)(b), F.S.

⁴ Section 1002.3105(1), F.S. ACCEL options are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12.

⁵ Section 1008.25(2)(c), F.S.

⁶ Section 1008.25(2)(d), F.S.

⁷ Section 1008.25(2)(e), F.S.

⁸ *Id.*

⁹ To be promoted to grade 4, a student must score a Level 2 or higher on the grade 3 ELA assessment. A student must be retained in grade 3 if the student does not score Level 2 or higher on the grade 3 ELA assessment. Section 1008.25(5)(b), F.S. Florida law authorizes seven good cause exemptions from mandatory retention in grade 3. Section 1008.25(6)(b), F.S.

¹⁰ Section 1008.25(7)(a), F.S.

¹¹ Section 1008.25(7)(b)3., F.S.; *see also* Rule 6a-1.094222, F.A.C.

standardized assessment, without enrolling in or completing the corresponding course. The student is permitted to take the assessment during the regular administration of the assessment.¹²

Similarly, students participating in virtual instruction, through district programs or through the Florida Virtual School, are required to participate in statewide standardized assessments during the regular administration of the assessments.¹³

Awarding of Credit

Current law defines, for purposes of high school graduation requirements, one full credit as a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through CAP. For districts that have been authorized to implement block scheduling, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards. The State Board of Education determines the number of postsecondary credit hours earned through dual enrollment that equal one full credit of the equivalent high school course.¹⁴

In awarding credit for high school graduation, each district school board must maintain a one-half credit earned system that includes courses provided on a full-year basis. A student enrolled in a full-year course must receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to complete the other half of the course.¹⁵

Effect of Proposed Changes

The bill creates the Competency-Based Education Pilot Program within the Department of Education to provide an educational environment to allow students to advance to higher levels of learning upon demonstrating mastery of concepts and skills. The program shall be administered for 5 years, and eligible applicants include the P.K. Yonge Developmental Research School and Lake, Palm Beach, and Pinellas County school districts.

The Department of Education must:

- Develop an application that must include, at a minimum:
 - The vision and timelines for implementation of the program, including first year participating schools and additional schools that will be added in subsequent years;
 - The annual goals and performance outcomes;
 - A communication plan for parents and stakeholders, including local business and community members;
 - The scope of and timelines for professional development for instructional and administrative personnel;
 - A plan for student progression based on mastery of content;
 - A plan for utilizing technology and digital and blended learning;
 - The proposed allocation of resources at the school and district level;
 - The recruitment and selection of participating schools; and
 - The rules relating to student progression and award of credits that the district intends to waive for participating schools.

- Compile student and staff schedules of participating schools before and after program implementation.

¹² Section 1003.4295(3), F.S.

¹³ See Sections 1002.37(9) and 1002.45(6), F.S.

¹⁴ Section 1003.436(1)(a), F.S.

¹⁵ Section 1003.436(2), F.S.

- Provide participants access to statewide, standardized assessments.
- Provide an annual report to the Legislature and the Governor, by June 1, summarizing the accomplishments of the program and recommendations for statutory revisions.
- Adopt rules to administer this program.

B. SECTION DIRECTORY:

Section 1. Creates s. 1003.4996, F.S., establishing the Competency-Based Education Pilot Program.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Because this program is voluntary, it is unknown if any of the four districts will participate, therefore the fiscal impact of this bill is indeterminate. However, if a district chooses to participate, any fiscal impact would be absorbed within existing resources. The Department of Education will establish the application and meet the reporting requirements within existing resources.

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:

The bill requires the State Board of Education to adopt rules to administer the pilot program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Choice & Innovation Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarifies the Department of Education responsibilities, including access to statewide standardized assessments.
- Clarifies the Commissioner of Education's authority to waive State Board of Education rules regarding pupil progression and the awarding of credit.
- Provides a date by which the Department of Education must submit a report to the Governor and the Legislature about the accomplishments of the pilot program and recommendations for statutory revisions.
- Requires the State Board of Education to adopt rules to administer the program.

On February 2, 2016, the Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment adds Palm Beach as the fourth district eligible to participate in the Competency-Based Education Pilot Program.

This bill analysis is drafted to the committee substitute as passed by the Education Appropriations Subcommittee.

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A bill to be entitled
 An act relating to the Competency-Based Education
 Pilot Program; creating s. 1003.4996, F.S.; creating
 the Competency-Based Education Pilot Program;
 providing for participation in the program and
 application requirements; exempting participating
 school districts from specified rules; providing for
 funding of students enrolled in participating schools;
 providing duties of the Department of Education;
 providing for rulemaking; providing an effective date.

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

Section 1. Section 1003.4996, Florida Statutes, is created
 to read:

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

(1) PARTICIPATION.—The P. K. Yonge Developmental Research
School and the Lake, Palm Beach, and Pinellas County School

27 Districts may submit an application in a format prescribed by
28 the department to participate in the pilot program.

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

31 (a) The vision and timelines for the implementation of
32 competency-based education within the school district, including
33 a list of the schools that will participate in the pilot program
34 during the first school year and the list of schools that will
35 be integrated into the program in subsequent school years.

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

- 38 1. Student performance as defined in s. 1008.34.
- 39 2. Promotion and retention rates.
- 40 3. Graduation rates.
- 41 4. Indicators of college and career readiness.

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

44 (d) The scope of and timelines for professional
45 development for school instructional and administrative
46 personnel.

47 (e) A plan for student progression based on the mastery of
48 content, including mechanisms that determine and ensure that a
49 student has satisfied the requirements for grade-level promotion
50 and content mastery.

51 (f) A plan for using technology and digital and blended
52 learning to enhance student achievement and facilitate the

53 competency-based education system.

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

56 (h) The recruitment and selection of participating
 57 schools.

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

60 (3) EXEMPTION FROM RULES.—In addition to the waivers
 61 authorized in s. 1001.10(3), the State Board of Education may
 62 authorize the commissioner to grant an additional waiver of
 63 rules relating to student progression and the awarding of
 64 credits.

65 (4) STUDENT FUNDING.—Students enrolled in a participating
 66 school shall be reported for and generate funding pursuant to s.
 67 1011.62.

68 (5) DEPARTMENT DUTIES.—The department shall:

69 (a) Compile the student and staff schedules of
 70 participating schools before and after implementation of the
 71 pilot program.

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

74 (c) Annually, by June 1, provide to the Governor, the
 75 President of the Senate, and the Speaker of the House of
 76 Representatives a report summarizing the activities and
 77 accomplishments of the pilot program and any recommendations for
 78 statutory revisions.

CS/CS/HB 1365

2016

79 | (6) RULES.—The State Board of Education shall adopt rules
80 | to administer this section.

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