

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: PCS/CS/SB 948 (689974)

INTRODUCER: Appropriations Subcommittee on Education; Higher Education Committee; and Senator Gaetz

SUBJECT: Education

DATE: April 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>HE</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 948 updates and establishes numerous public K-12 and postsecondary education statutes relating to Florida digital classrooms, apprenticeships, public school funding and policy issues, preeminent state research university designation, postsecondary affordability, postsecondary performance-based incentive funding models, a Rapid Response Education and Training Program, educator liability insurance, and the Florida Best and Brightest Teacher Scholarship Program.

Florida Digital Classrooms

The bill provides a mechanism for comparing the status of digital readiness of school districts and public schools, which is independently verified, based on technology infrastructure standards identified by the Agency for State Technology (Agency), or a contracted organization. The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE) in consultation with the Agency.

Apprenticeships

The bill updates definitions, authorizes the appointment of independent public members to the State Apprenticeship Advisory Council, and revises the criteria for an apprenticeable occupation.

The bill also creates the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs.

Public School Funding and Policy Issues.

The bill modifies the Florida Education Finance Program (FEFP) funding formula by:

- Extending and expanding the requirement of providing an additional hour of intensive reading instruction to students enrolled in the 300 lowest-performing elementary schools.
- Authorizing performance funding for a career and professional education (CAPE) industry certification earned through a dual enrollment course.
- Establishing two new tiers of bonuses and raises the maximum annual bonus for CAPE industry certification teachers.
- Increasing the discretionary millage compression supplement above the state average.
- Revising the formula for calculating the sparsity supplement.
- Revising the formula for calculating the virtual education contribution.
- Creating the federally connected student supplement.

The bill also:

- Clarifies that annual license fees, maintenance fees, and lease agreements for enterprise resource software are allowable uses of local capital improvement funds.
- Provides audit protection for teachers under the Florida Teacher Classroom Supply Assistance Program by requiring teachers to provide the school district with receipts for the expenditure of the funds.
- Authorizes a district school board to adopt policies for standard student attire.
- Requires the DOE to administer an educator liability insurance program. Requires public school instruction on the events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation.
- Provides an exemption for the performance of students with excessive absences from counting against a teacher's performance evaluation.

Preeminent State Research University Designation

The bill adds a requirement that a state research university enter into and maintain a formal agreement with the National Merit Scholarship Corporation for designation as a preeminent state research university.

Performance-Based Funding

The bill establishes the State University System and Florida College System Performance-Based Incentive funding models based on metrics adopted by the Board of Governors and the State Board of Education (State Board), respectively.

Rapid Response Education and Training Program

The bill creates the Rapid Response Education and Training Program (Program) within the Complete Florida Plus Program to recruit and retain employees through industry-specific education and training. The bill:

- Specifies the responsibilities of the Program.
- Requires DOE to evaluate and report on the effectiveness of the Program.
- Requires DOE to develop standards.
- Requires the State Board to adopt rules.

Florida Best and Brightest Teacher Scholarship Program

The bill creates the Florida Best and Brightest Teacher Scholarship Program (Scholarship Program) to award teachers who demonstrate a high level of academic achievement, authorizes funding for the Scholarship Program, and, and, for teachers other than first-year teachers, have been evaluated as highly effective.

The Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill, SB 2500, appropriates a total of \$90 million for the additional hour of intensive reading instruction through the Supplemental Academic Instruction (SAI) and the Research-Based Reading Instruction Allocation categoricals in the FEFP. The increase in the discretionary millage supplement is funded at \$34 million and the federally connected student supplement categorical is funded at \$12.4 million. The State University System and Florida College System Performance-Based Incentive funding models are funded at \$400 million and \$60 million respectively. The Rapid Response Education and Training Program is funded at \$19.2 million.

The Florida Best and Brightest Program and the educator liability insurance program, which do not have an appropriation in SB 2500, have an estimated cost of \$45.5 million and \$1.2 million respectively for the 2015-2016 fiscal year.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

Florida Digital Classrooms Allocation

In 2014, the Legislature elevated policy and funding for technology-enhanced classroom teaching and learning by creating the Florida digital classrooms allocation (allocation) to support efforts and strategies of school districts and public schools in integrating technology into classroom instruction to improve student performance outcomes.¹ In response to the 2014 legislation that created the allocation,² the Department of Education (DOE or department) adopted a Strategic Technology Plan establishing the general parameters for digital classrooms which are used by the by the district school boards to adopt their district digital classrooms plan.³

¹ Section 1011.62(12)(a), F.S.

² Sections 5 and 27, ch. 2014-56, L.O.F.

³ Florida Department of Education, *FDOE Digital Classrooms Plan*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.stml> (last visited March 6, 2015); see ss. 1001.20(4) and 1011.62(12)(b), F.S. The

For the 2014-2015 fiscal year, the Legislature appropriated \$40 million to school districts to support digital classrooms.⁴ A minimum of \$250,000 was provided to each school district and the remaining balance was allocated based on each district's share of the state's total unweighted student enrollment.⁵

State Digital Classrooms Plan

The Office of Technology and Information Services, within the DOE, is responsible for developing a 5-year strategic plan (state plan) that must:⁶

- Describe how technology will be integrated into classroom teaching and learning to improve student performance outcomes and prepare students to be digital learners.
- Establish minimum technology requirements that include specifications for hardware, software, devices, networking, security, and bandwidth capacity and guidelines for the ratio of students per device.
- Establish minimum requirements for professional development opportunities and training to assist district instructional personnel staff with integrating technology into classroom teaching.
- Identify the types of digital tools and resources that can assist district instructional personnel and staff in management, assessment, and monitoring of student learning and performance.

DOE must update the state plan annually by January 1st.⁷

Technology Integration Matrix

To assist with integrating technology into curriculum, the DOE has prepared a Technology Integration Matrix (TIM)⁸ for teachers to use technology to enhance learning by:⁹

- Providing a framework for defining and evaluating technology integration;
- Setting a clear vision for effective teaching with technology;
- Giving teachers and administrators a common language for setting goals; and
- Helping target professional development resources effectively.

Department of Education has provided to school districts, technical assistance memo and guidance document regarding digital classrooms. Florida Department of Education, *Digital Classrooms Plan (DCP) and Allocation*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.stml> (last visited March 9, 2015).

⁴ Specific Appropriation 96, s. 2, ch. 2014-51, LO.F.

⁵ *Id.*

⁶ Section 1001.20(4)(a)1., F.S.

⁷ Section 1001.20(4)(a)1., F.S.

⁸ Florida Department of Education, *Presentation to the Florida Senate Appropriations Subcommittee on Education* (March 4, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket_2873.pdf, at 115 of 120.

⁹ Florida Department of Education, *The Technology Integration Matrix*, <http://fcit.usf.edu/matrix/index.php> (last visited March 10, 2015). The five interdependent characteristics of meaningful learning environments are: active, constructive, goal directed (i.e., reflective), authentic, and collaborative. The five levels of technology integration (i.e., entry, adoption, adaptation, infusion, and transformation) with each of the five characteristics of meaningful learning environments. Together, the five levels of technology integration and the five characteristics of meaningful learning environments create a matrix of 25 cells to set a clear vision for effective teaching with technology. Florida Department of Education, *The Technology Integration Matrix* (March 9, 2015), available at <http://fcit.usf.edu/matrix/matrix.php>.

District Digital Classrooms Plan

The 2014 legislation required each district school board to adopt a district digital classrooms plan (DCP) that meets the unique needs of students, schools, and personnel and submit the district DCP to the DOE for approval.¹⁰ By permitting the customization of district digital classrooms plan to meet local needs, the legislation promoted local control of targeted and purposeful technology enhancements in Florida's classrooms. At a minimum, the district DCPs must be updated annually to include the following:¹¹

- Measurable student performance outcomes, including the outcomes for students with disabilities.
- Digital learning and technology infrastructure purchases and operational activities including, but not limited to, connectivity, broadband access, wireless capacity, internet speed, and data security, all of which must meet or exceed the minimum requirements and protocols established by the department.
- Professional development purchases and operational activities including, but not limited to, using technology in the classroom and improving digital literacy and competency.
- Digital tool purchases and operational activities including, but not limited to, competency-based credentials that measure and demonstrate digital competency and certifications; third-party assessments that demonstrate acquired knowledge and use of digital applications; and devices that meet or exceed the minimum requirements and protocols established by the department.
- Online assessment-related purchases and operational activities including, but not limited to, expanding the capacity to administer assessments and compatibility with minimum assessment requirements and protocols established by the department.

Each district superintendent must certify to the Commissioner of Education (commissioner) that “the district school board has approved a comprehensive district digital classrooms plan that supports the fidelity of implementation of the Florida digital classrooms allocation.”¹² In addition, each district's DCP must include a formal verification of the district superintendent's approval of the DCP for each charter school in the district.¹³ The DOE must approve the DCPs before distributing the allocation funds to the school districts.¹⁴

For the 2014-2015 school year, the deadline for submitting district DCPs was October 1, 2014.¹⁵ All 67 district school boards have submitted their district DCP and the DOE has approved all district DCPs.¹⁶ For the 2015-2016 school year and each year thereafter, the district school boards must submit their district DCPs annually by March 1.¹⁷

In addition to submitting DCPs, beginning in the 2015-2016 fiscal year, each district school board must report to the department its use of allocation funds and student performance

¹⁰ Section 1011.62(12)(b), F.S.

¹¹ *Id.*

¹² Section 1011.62(12)(c), F.S.

¹³ Section 1011.62(12)(b)5(c), F.S.

¹⁴ *Id.*

¹⁵ Section 1011.62(12)(b), F.S.

¹⁶ Florida Department of Education, *Approved Districts' Digital Classroom Plans*, <http://www.fldoe.org/about-us/division-of-technology-info-services/dcp.shtml> (last visited March 6, 2015).

¹⁷ Section 1011.62(12)(b), F.S.

outcomes.¹⁸ The department may contract with an independent third-party entity to conduct an annual independent verification of the district's use of allocation funds in accordance with the district's DCP.¹⁹ If an independent third-party verification is not conducted, the Auditor General must, during scheduled operational audits of school districts, verify compliance of the use of allocation funds in accordance with the district's DCP.²⁰

Annually, by October 1, beginning in the 2015-2016 fiscal year, the commissioner must provide to the Governor, President of the Senate, and Speaker of the House of Representatives, a summary of each district's use of funds, student performance outcomes, and progress toward meeting statutory requirements and timelines.²¹

Apprenticeship Programs

Registered Apprenticeship (RA) "connects job seekers looking to learn new skills with employers looking for qualified workers, resulting in a workforce with industry-driven training and employers with a competitive edge."²²

Federal Program Requirements

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)²³ in 1937.²⁴ Following the passage of the act, RA programs consisted mainly of manufacturing, construction, and utilities industries.²⁵ Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction.²⁶ "As the need for skilled workers increases and our economy faces greater global competition, RA continues to be a competitive advantage for all parties—individuals, businesses, labor management organizations, education, the workforce investment system and government. For these reasons, [the Employment and Training Administration, U.S. Department of Labor] issued revised regulations that increase program flexibility to better serve the needs of today's apprentices and program sponsors."²⁷

For apprentices and program sponsors, the regulations:²⁸

¹⁸ Section 1011.62(12)(e), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

²³ U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>, at 4 of 38.

²⁴ U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015); see 29 U.S.C., s. 50.

²⁵ U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015).

²⁶ *Id.*

²⁷ *Id.* "These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system." U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited March 2, 2015).

²⁸ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 1-2 of 4.

- Incorporate technology-based learning;
- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

For State Apprenticeship Agencies (SSAs), the regulations:²⁹

- Increase linkages with the workforce investment system;
- Redefine the roles and responsibilities of SSAs and State Apprenticeship Councils (SACs);
- Establish a process for continued recognition; and
- Increase flexibility for location of an SSA.

For the U.S. Department of Labor, the regulations:³⁰

- Enhance program accountability; and
- Ensure national conformity with federal apprenticeship legislation and regulations.

Registered apprenticeship program sponsors (i.e., employers, employer associations, and labor management organizations)³¹ identify the minimum qualifications to apply into their apprenticeship program.³² An individual must be at least 16 years of age to be an apprentice.³³ In hazardous occupations, individuals must generally be 18 years of age.³⁴ Program sponsors may also identify additional minimum qualifications and credentials to apply (e.g., education, ability to physically perform the essential functions of the occupation, and proof of age). All applicants are required to meet the minimum qualifications. Additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified.³⁵ Apprenticeship programs range from 1 year to 6 years, but the majority are 4 years in length.³⁶ During the program, the apprentice receives both structured, on-the-job learning and related classroom instruction.³⁷ For each year of the apprenticeship, the apprentice typically receives 2,000 hours of on-the-job learning and a recommended minimum of 144 hours of related classroom instruction.³⁸

²⁹ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 2-3 of 4.

³⁰ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 3 of 4.

³¹ Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

³² U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

³³ *Id.*

³⁴ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

³⁵ *Id.*

³⁶ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

³⁷ *Id.*

³⁸ *Id.*

State Law

Florida law provides educational and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals for trades, occupations, and professions suited to their abilities.³⁹

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices⁴⁰ including such matters as the requirements for a written apprenticeship agreement.”⁴¹ A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.”⁴²

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs (e.g., developing and encouraging apprenticeship programs, cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements, monitoring RA programs, investigating complaints regarding failure to meet the standards⁴³ established by the department, and canceling registration of programs that fail to comply with the standards and policies of the department).⁴⁴

Additionally, the department, the district school boards, and the community college district boards of trustees must work together with existing apprenticeship programs so that individuals

³⁹ Section 446.011(1), F.S.

⁴⁰ An apprentice means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A journeyman means “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (e.g., customarily learned in a practical way through a structures, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

⁴¹ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

⁴² Section 446.021(5), F.S.

⁴³ The Department of Education (DOE or department) is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S. Uniform minimum preapprenticeship standards means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

⁴⁴ Section 446.041, F.S.

completing the preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.⁴⁵

The State Apprenticeship Advisory Council (Council) advises the department on matters related to apprenticeship.⁴⁶ The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.⁴⁷ The Commissioner of Education (commissioner) or the commissioner's designee must serve ex officio as chair of the Council, but may not vote.⁴⁸ Two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations are appointed by the Governor to the Council.⁴⁹ One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.⁵⁰

Florida Education Finance Program (FEFP)

Intensive Reading Instruction

A school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment is required to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year in those schools.⁵¹ Funds for this program are designated in the Supplemental Academic Instruction and the Research-Based Reading Instruction Allocation categoricals in the FEFP within the General Appropriations Act (GAA).⁵²

Dual Enrollment Industry Certification Funding

In 2007, the Legislature created the Florida Career and Professional Education (CAPE) Act to:⁵³

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses⁵⁴ that articulate to postsecondary-level coursework and lead to industry certification⁵⁵;
- Support local and regional economic development;
- Respond to Florida's critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

⁴⁵ Section 446.052(3), F.S.

⁴⁶ Section 446.045(2)(a), F.S.

⁴⁷ *Id.*

⁴⁸ Section 446.045(2)(b), F.S.

⁴⁹ *Id.*

⁵⁰ *Id.* A "joint organization" means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A "nonjoint organization" means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

⁵¹ Section 1011.62(1)(f) and (9), F.S.

⁵² Chapter 2014-51, L.O.F.

⁵³ Section 1003.491(1), F.S.

⁵⁴ A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

⁵⁵ Through third-party assessments called industry certifications, students demonstrate competency to perform specific industry-endorsed and -recognized skills and abilities required to perform particular jobs. Sections 1003.4203(8)(b) and 1003.492(2), F.S.

The State Board of Education (SBE or State Board) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP).⁵⁶ The list of industry certifications approved by Workforce Florida, Inc., and the DOE, called the Industry Certification Funding List, is updated annually.⁵⁷ Industry certifications on the “Gold Standard Career Pathways” list, which is incorporated by reference in SBE rule,⁵⁸ articulate to Associate in Applied Science and Associate in Science degree programs and are a subset of the Industry Certification Funding List.⁵⁹

Performance funding for a CAPE industry certification earned through dual enrollment is allocated to the Florida College System institution or district career center providing the instruction only if the industry certification is eligible for funding on the Postsecondary Industry Certification Funding List approved by the State Board.⁶⁰

Bonus Funding

Bonus funding is authorized for school districts and for teachers if a student earns a qualifying score on the following examinations and certifications: International Baccalaureate (IB) examinations; Advanced International Certificate of Education (AICE) examinations; Advance Placement (AP) examinations; and CAPE industry certifications.⁶¹

School District Bonus Funding

School district bonus funding is awarded as follows:⁶²

- 0.16 full-time equivalent (FTE) bonus funding for every qualifying score earned on an IB or AP examination or full-credit AICE examination.
- 0.8 FTE bonus funding for every qualifying score earned on a half-credit AICE examination.
- 0.1, 0.2, 0.3, 0.5, or 1.0 FTE for CAPE industry certifications.

Teacher Bonus Funding

Teacher bonus funding is awarded for IB, AICE, and AP examinations, and CAPE industry certifications.⁶³ For IB examinations, a bonus in the amount of \$50 is awarded for each student taught by the IB teacher who receives a qualifying score on the IB examination.⁶⁴ An additional bonus of \$500 is awarded to each IB teacher in a school designated with a grade of “D” or “F” who has at least one student earning a qualifying score on the IB examination.⁶⁵ IB bonuses must not exceed \$2,000 given to a teacher in any given school year. However, the maximum bonus

⁵⁶ Sections 1008.44 and 1003.492, F.S.

⁵⁷ Section 1003.492(2), F.S.

⁵⁸ Rule 6A-10.0401, F.A.C.

⁵⁹ Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

⁶⁰ Section 1011.80, F.S.

⁶¹ Section 1011.62(1)(1)-(o), F.S.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

shall be \$3,000 if at least 50 percent of the students enrolled in a teacher's course earn a qualifying score in a school designated with a grade of "A," "B," or "C"; or if at least 25 percent of the students enrolled in a teacher's course earn a qualifying score in a school designated with a grade of "D" or "F."⁶⁶

For AICE examinations, a bonus in the amount of \$50 is awarded for each student taught by the AICE teacher in each full-credit AICE course who receives a qualifying score on the AICE examination.⁶⁷ A bonus in the amount of \$25 is awarded for each student taught by the AICE teacher in each half-credit AICE course who receives a qualifying score on the AICE examination.⁶⁸ An additional bonus of \$500 is awarded to each AICE teacher in a school designated with a grade of "D" or "F" who has at least one student earning a qualifying score on the full-credit AICE examination, or \$250 is awarded each to teachers of half-credit AICE classes in a school designated with a grade of "D" or "F" which has at least one student earning a qualifying score on the half-credit AICE examination.⁶⁹ AICE bonuses must not exceed \$2,000 given to a teacher in any given school year.⁷⁰

For AP examinations, a bonus in the amount of \$50 is awarded for each student taught by the AP teacher who receives a qualifying score on the AP examination.⁷¹ An additional bonus of \$500 is awarded to each AP teacher in a school designated with a grade of "D" or "F" who has at least one student earning a qualifying score on the AP examination.⁷² AP bonuses must not exceed \$2,000 given to a teacher in any given school year.⁷³ However, the maximum bonus shall be \$3,000 if at least 50 percent of the students enrolled in a teacher's course earn a qualifying score in a school designated with a grade of "A," "B," or "C"; or if at least 25 percent of the students enrolled in a teacher's course earn a qualifying score in a school designated with a grade of "D" or "F."⁷⁴

For CAPE Industry Certifications, a bonus in the amount of \$25 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.⁷⁵ A bonus in the amount of \$50 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2, 0.3, 0.5, and 1.0.⁷⁶ CAPE industry certification bonuses must not exceed \$2,000 given to a teacher in any given school year.⁷⁷

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

Discretionary Millage Compression Supplement

A school district that levies the full 0.748 discretionary millage authorized under s. 1011.71(1), F.S., and prescribed in the GAA,⁷⁸ and generates an amount of funds per unweighted FTE student that is less than the state average amount per unweighted FTE student, receives a discretionary millage compression supplement that brings the district up to the state average.⁷⁹

Sparsity Supplement

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index.⁸⁰ This index is computed by dividing the FTE student membership of the qualified district by the number of permanent senior high school centers (not to exceed three).⁸¹ A qualified district's FTE shall equal or be less than that prescribed annually by the Legislature in the GAA.⁸² The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000 FTE.⁸³

Virtual Education Contribution

The virtual education contribution is calculated within the FEFP for the Florida Virtual School and its franchises, as well as other virtual instruction programs and options.⁸⁴ The virtual education contribution is the difference between the amount per FTE established in the GAA for virtual education and the amount per FTE for each district and the Florida Virtual School, which is calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE.⁸⁵ In the 2014-2015 fiscal year, funding for virtual education was established at \$5,230 per FTE.⁸⁶

Federally Connected Students

Title VIII of the Elementary and Secondary Education Act of 1965 authorizes certain school districts to receive federal Impact Aid funding to support the education of students whose parents are employed by the federal government, including active duty uniformed services, or who live or work on federally owned property, such as military installations, National Aeronautics and Space Administration property, and Indian lands.⁸⁷

⁷⁸ Chapter 2014-51, L.O.F.

⁷⁹ Florida Department of Education, 2014-15 Funding for Florida School Districts, Statistical Report, *available at* <http://fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

⁸⁰ Section 1011.62(7)(a), F.S. Florida Department of Education, 2014-15 Funding for Florida School Districts, Statistical Report, *available at* <http://fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

⁸¹ Section 1011.62(7)(b), F.S.

⁸² *Id.* at (7)(a).

⁸³ *Id.*

⁸⁴ Section 1011.62(11), F.S. Students are eligible to participate in: (a) school-district operated part-time and full-time kindergarten through grade 12 virtual instruction programs, if enrolled in the school district; (b) full-time virtual charter school instruction programs; or (c) virtual courses offered in the course code directory within the school district or other school districts throughout the state. Section 1002.455(3), F.S.

⁸⁵ Section 1011.62(11), F.S.

⁸⁶ Chapter 2014-51, L.O.F., *see* Specific Appropriations 9 and 96 of the 2014-2015 GAA.

⁸⁷ 20 U.S.C. s. 7703.

The Impact Aid funding for Florida school districts has decreased by 50 percent from \$13.9 million in the 1993-1994 fiscal year to \$6.9 million in the 2013-2014 fiscal year.⁸⁸ Currently, 14 school districts in Florida qualify for federal Impact Aid funding.⁸⁹

Local Capital Improvement Revenue for Computer Hardware and Enterprise Software

School districts are authorized to use local improvement revenue to purchase, lease-purchase, or lease:

- New and replacement equipment;
- Computer hardware; and
- Enterprise resource software applications that are classified as capital assets, have a useful life of at least 5 years, and are used to support districtwide administration or state-mandated reporting requirements.

Florida Classroom Teacher Supply Program

Under the Florida Teachers Classroom Supply Assistance Program, each school district is provided an allocation based on the prorated total of each school district's share of the total K-12 unweighted FTE student enrollment. These funds are to be used only by classroom teachers for the purchase of classroom instructional materials and supplies for use in teaching students.⁹⁰ Teachers are required to sign an acknowledgement stating they understand the appropriate use of these funds and that they will keep all receipts for expenditures of the funds for at least four years.⁹¹

Student Safety & Discipline

Each district school board is authorized to adopt policies requiring students to wear uniforms or policies imposing other dress-related requirements, if a district school board finds that the policies are necessary for the safety and welfare of the students or school personnel.⁹² However, students are permitted to wear sunglasses, hats, or other sun-protective wear while outdoors during school hours.⁹³

A district school board must adopt rules and policies relating to the control, discipline, suspension, and expulsion of students.⁹⁴ The district school board must decide on the expulsion of a student based on the school superintendent's recommendation.⁹⁵ In addition, a district school board must adopt a student code of conduct for elementary, middle, and high schools and

⁸⁸ Florida Department of Education, presentation to the Senate Appropriations Subcommittee on Education (January 22, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket_2761.pdf.

⁸⁹ *Id.*

⁹⁰ 2014-15 Funding for Florida School Districts, Florida Department of Education. <http://fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

⁹¹ s. 1012.71 (5), F.S.

⁹² Section 1001.43(1)(b), F.S.

⁹³ *Id.*

⁹⁴ Section 1006.07(1), F.S.

⁹⁵ *Id.*

distribute the code to teachers, school personnel, students, and parents at the beginning of the school year.⁹⁶

The student code of conduct must include a dress code policy prohibiting a student, while on the grounds of a public school during a regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.⁹⁷ Any student who violates the dress code policy is subject to specified disciplinary actions determined by the number of violations committed by the student.⁹⁸ If a student wears clothing or an accessory that causes a substantial disruption to student learning, the district school board may discipline such student in a manner consistent with its policies for similar infractions.⁹⁹

Preeminent State Research Universities

The preeminent state research university program is a collaborative partnership between the Board of Governors (BOG) of the State University System of Florida and the Legislature to elevate the academic and research preeminence of Florida's highest performing state research universities.¹⁰⁰ A state research university that meets at least 11 of the 12 academic and research excellence standards specified in law is designated as a preeminent state research university.¹⁰¹

The academic and research excellence standards are:¹⁰²

- An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher for fall semester incoming freshmen, as reported annually.
- A top-50 ranking on at least two well-known and highly respected national public university rankings, reflecting national preeminence, using most recent rankings.
- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).
- A 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS.
- Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report.
- Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the National Science Foundation (NSF).
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
- One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.

⁹⁶ *Id.* at (2).

⁹⁷ *Id.* at (2)(d).

⁹⁸ *Id.*

⁹⁹ *Id.* at (2)(g).

¹⁰⁰ Section 1001.7065(1), F.S.

¹⁰¹ *Id.* at (3).

¹⁰² *Id.* at (2).

- Four hundred or more doctoral degrees awarded annually, as reported in the BOG Annual Accountability Report.
- Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.
- An endowment of \$500 million or more, as reported in the BOG Annual Accountability Report.

A preeminent state research university receives \$5 million in recurring funds annually, subject to appropriation in the GAA.¹⁰³ Currently, only the Florida State University and University of Florida meet the standards for preeminent state research university designation and are Florida's only two preeminent state research universities.¹⁰⁴

Florida National Merit Scholarship Incentive Program

The Florida National Merit Scholarship Incentive Program is a merit scholarship for 2013-14 and later Florida high school graduates who achieved the National Merit or National Achievement Finalist designation. The scholarship award is equal to the per term cost of institutional attendance minus the sum of Bright Futures and the award associated with the National Merit/Achievement process.

Postsecondary Textbooks

Florida College System (FCS) institutions and state universities must post on their websites, not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course for the term.¹⁰⁵ The list must include the International Standard Book Number (ISBN) for each required textbook and specific information necessary to identify the specific textbook required for each course.¹⁰⁶

The State Board and the BOG must adopt policies, procedures, principles, and guidelines for implementation by FCS institutions and state universities that further efforts to minimize the costs of textbooks for students attending such institutions while maintaining the quality of education and academic freedom.¹⁰⁷ The policies, procedures, and guidelines must provide for the following:¹⁰⁸

- That textbook adoptions are made with sufficient lead time to bookstores so as to confirm availability of the requested materials and ensure maximum availability of used books.
- That, in the textbook adoption process, the intent to use all items ordered, is confirmed by the course instructor or academic department offering the course before the adoption is finalized.
- That a course instructor or the academic department offering the course, determines, before a textbook is adopted, the extent to which a new edition differs significantly and substantively

¹⁰³ Section 1001.7065, F.S.

¹⁰⁴ Florida Board of Governors, Strategic Planning Committee, Agenda Item 7, *Preeminent State Research University Benchmark Plans* (November 20, 2013) available at http://www.flbog.edu/documents_meetings/0184_0752_5480_399%20SPC%20Packet.pdf.

¹⁰⁵ Section 1004.085(3), F.S.

¹⁰⁶ *Id.*

¹⁰⁷ Section 1004.085(3)-(4), F.S.

¹⁰⁸ Section 1004.085(3)-(4), F.S.

from earlier versions and the value of changing to a new edition or the extent to which an open access textbook may exist and be used.

- That the establishment of policies shall address the availability of required textbooks to students who are otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook may be used.
- The course instructors and academic departments are encouraged to participate in the development, adaptation, and review of open-access textbooks, especially open-access textbooks for high-demand general education courses.

Tuition and Fees

Under Florida law, “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”¹⁰⁹ A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.¹¹⁰ An “out-of-state fee” is “the additional fee for instruction provided by a public postsecondary education institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate.”¹¹¹

Workforce Education Postsecondary Fees

A student who enrolls in workforce education postsecondary programs is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.¹¹² The Legislature establishes the standard tuition and out-of-state fee per contact hour. Since July 1, 2014, for programs leading to a career certificate or an applied technology diploma, the standard tuition is \$2.33 per contact hour for residents and nonresidents. The out-of-state fee for such programs is \$6.99 per contact hour.¹¹³ For adult general education programs, a block tuition of \$45 per half year or \$30 per term is assessed.¹¹⁴

Each district school board and each FCS System institution board of trustees are authorized to adopt tuition and out-of-state fees that vary no more than 5 percent below of 5 percent above the combined total of the standard tuition and out-of-state fees.¹¹⁵

Florida College System Institution Student Fees

A student who enrolls in a college credit course, a college preparatory course, or an educator preparation institute (EPI) program at a FCS institution is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.¹¹⁶ The Legislature establishes the standard tuition and out-of-state fee per credit hour. Since July 1, 2014, the standard tuition per credit hour for residents and non-residents enrolled in advanced and professional, postsecondary

¹⁰⁹ Section 1009.01(1), F.S. Additionally, the definition of tuition states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

¹¹⁰ Section 1009.21(1)(g), F.S.

¹¹¹ Section 1009.01(2), F.S. Additionally, the definition of out-of-state fee states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

¹¹² Sections 1009.22(1)-(2), 1009.25, and 1009.26, F.S.

¹¹³ Section 1009.22(3)(c), F.S.

¹¹⁴ *Id.*

¹¹⁵ Section 1009.22(3)(d), F.S.

¹¹⁶ Sections 1009.23(1)-(2)(a), 1009.25, and 1009.26, F.S.

vocational, developmental education, and EPI programs is \$71.98. The out-of-state fees for such programs is \$215.94 per credit hour.¹¹⁷ For baccalaureate programs, the tuition per credit hour for resident students is \$91.79 per credit hour.¹¹⁸ The sum of tuition and out-of-state fee per credit hour for non-resident students must not be more than 85 percent of the sum of tuition and out-of-state fee at a state university nearest to the FCS institution.¹¹⁹

Each FCS system institution board of trustees must establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees.¹²⁰

State University Student Fees

A student who enrolls in a college credit course at a state university is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.¹²¹ The amount of resident undergraduate tuition per credit hour is established by the Legislature. Since July 1, 2014, the resident undergraduate tuition is \$105.07 per credit hour for lower-level and upper-level coursework at a state university.¹²²

The BOG is authorized to establish tuition for graduate and professional programs, and out-of-state fees for all programs.¹²³ The sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students.¹²⁴ However, adjustments to out-of-state fees or tuition for graduate programs and professional programs must not exceed 15 percent in a year.¹²⁵

Performance-Based Funding

Performance-based funding models include performance metrics that evaluate the achievement and improvement of public postsecondary educational institutions.¹²⁶

State University System

In the 2014-2015 GAA, proviso specifically required performance funding be allocated based on the BOG's model approved on January 16, 2014.¹²⁷ The BOG model contained 10 performance metrics, which included the following:¹²⁸

¹¹⁷ Section 1009.23(3)(a), F.S.

¹¹⁸ Section 1009.23(3)(b)1., F.S.

¹¹⁹ Section 1009.23(3)(b)2., F.S.

¹²⁰ Section 1009.23(4), F.S.

¹²¹ Sections 1009.24(1)-(2), 1009.25, and 1009.26, F.S.

¹²² Section 1009.24(4)(a), F.S.

¹²³ Section 1009.24(4)(b), F.S.

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ Chapters 2013-40 and 2014-51, L.O.F.

¹²⁷ Chapter. 2014-51, L.O.F.

¹²⁸ See Florida Board of Governors, Meeting Archives (January 15-16, 2014) available at http://www.flbog.edu/pressroom/meeting_items.php?id=185&agenda=765&type=Past (last visited March 23, 2015); see also Florida Board of Governors, Meeting Minutes (January 16, 2014) available at http://www.flbog.edu/documents_meetings/0187_0790_5874_10.2.2%20BOG%202014_01_16_Board_of_Governors_minutes.pdf.

- Percent of bachelor's degree graduates employed and/or continuing their education;
- Average wages of employed baccalaureate graduates;
- Cost per undergraduate degree;
- Six-year graduation rate (full-time and part-time first time in college (FTIC));
- Academic Progress Rate (second year retention with a grade point average above 2.0);
- Bachelor's degrees awarded in areas of strategic emphasis (including Science, Technology, Engineering and Math (STEM) education);
- University access rate (percent of undergraduates with a Pell Grant);
- Graduate degrees awarded in areas of strategic emphasis (including STEM);
- Two additional metrics, one chosen by each of the following:
 - Board of Governors, and
 - University Board of Trustees

SUS institutions will be evaluated for their performance based on benchmarks adopted by the BOG for achievement of excellence or improvement these specified metrics. The 2014-2015 GAA appropriated \$200 million for State University Performance Based Incentives in the 2014-2015 fiscal year, which included \$100 million in new funding and \$100 million redistributed from the state university's base funds.¹²⁹ Institutions qualifying for new funding also have their base funding restored. Any institution which fails to meet the minimum threshold set by the BOG will have a portion of its base funding withheld and must submit an improvement plan to the BOG. The BOG must approve the improvement plan and conduct progress monitoring of the improvement plan's implementation. An institution will have its full base funding restored upon BOG approval of the improvement plan monitoring report. Any institution that fails to make satisfactory progress will not have its full base funding restored.

Florida College System

In the 2014-2015 GAA, proviso directed the Commissioner of Education to recommend a performance funding formula that may be used to allocate funds to Florida College System institutions.¹³⁰ The commissioner's recommendations were to include up to ten performance measures, appropriate performance benchmarks for each measure, and a detailed methodology for allocating performance funds to the colleges.¹³¹ At a minimum, the measures were to include job placement rates, cost per degree, and graduation / retention rates. In January 2015, these recommendations were finalized and included the required measures, as well as additional measures for:¹³²

- Pell Grant student graduation rate,
- Program completer entry level wages,

¹²⁹ ch. 2014-51, L.O.F.

¹³⁰ *Id.*

¹³¹ Chapter 2014-51, L.O.F., *see* Florida Department of Education, Division of Colleges, *Florida College System Performance Funding Commissioner's Recommendations*, presentation to the Senate Appropriations Subcommittee on Education (February 11, 2015) available at http://www.floridahighereducation.org/doc_meetings/20150223/Senate-Education-Appropriations-Commissioners-FCS-Performance-Funding.pptx (last visited March 23, 2015).

¹³² Florida Department of Education, Division of Colleges, *Florida College System Performance Funding Commissioner's Recommendations*, presentation to the Senate Appropriations Subcommittee on Education (February 11, 2015) available at http://www.floridahighereducation.org/doc_meetings/20150223/Senate-Education-Appropriations-Commissioners-FCS-Performance-Funding.pptx (last visited March 23, 2015).

- Time to degree,
- Credit milestones, and a
- Local measure selected by each college's board of trustees.

Career and Workforce Education

The Legislature has established mechanisms to facilitate coordination between public and private postsecondary education institutions and employment agencies to assist students in completing degree programs to meet the state's workforce needs.

In 2012, the Legislature created the Complete Florida Plus Program¹³³ at the University of West Florida (UWF) for the purpose of:¹³⁴

- Facilitating degree completion for the state's adult learners through the Complete Florida Degree Initiative.
- Providing information relating to and access to distance learning courses and degree programs offered by public postsecondary education institutions.
- Coordinating with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective.
- Administering the Florida Academic Library Services Cooperative¹³⁵ (Cooperative) and consulting with the chancellors of the FCS and the SUS regarding the Cooperative.

The UWF must submit annual reports to the President of the Senate and the Speaker of the House of Representatives relating to the implementation and operation of the components of the Complete Florida Plus Program and the Cooperative.¹³⁶

Complete Florida Degree Initiative

In 2014, the Legislature established the Complete Florida Degree Initiative ("Initiative") within the Complete Florida Plus Program for the purpose of recruiting, recovering, and retaining the state's adult learners¹³⁷ and assisting them in completing an associate degree or a baccalaureate degree aligned to the state's high-wage, high-skill workforce needs.¹³⁸ The Initiative coordinates with FCS institutions, state universities, and private postsecondary institutions and partners with public and private job recruitment and placement agencies to identify associate, applied baccalaureate, and baccalaureate degree programs that meet the state's workforce needs.¹³⁹

¹³³ The program was formerly established as the Degree Completion Pilot Project pursuant to s. 15, ch. 2012-34, L.O.F.

¹³⁴ Section 1006.735(1), F.S.

¹³⁵ Section 1006.73, F.S. The cooperative provides a single library automation system and associated resources and services for public postsecondary institutions to use to support learning, teaching, and research needs. *Id.* at (1).

¹³⁶ Sections 1006.73(4) and 1006.735(5), F.S.

¹³⁷ Section 1006.735(2), F.S. Adult learners who are veterans or active duty members of the United States Armed Forces are given priority. *Id.* An "adult learner" is defined as "a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree." *Id.*

¹³⁸ Section 1006.735(2), F.S.; *see also*, s. 16, ch. 2014-56, L.O.F.

¹³⁹ Section 1006.735(2)(a), F.S.

Specifically, the Initiative must:¹⁴⁰

- Give priority to degree programs using labor market data and projections, including data and projections included in the Board of Governor's gap analysis,¹⁴¹ to identify the specific workforce needs and targeted occupations of the state.
- Provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses,¹⁴² student and library support services, and electronic resources¹⁴³ that will aid them in completing a postsecondary degree.
- Use existing or develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education to award college credit and reduce the time required for adults to complete degrees.
- Develop and implement an evaluation process to collect and analyze appropriate data to report the effectiveness of the Initiative to the chancellors of the FCS and the SUS, the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor.
- Develop and implement a statewide student recruitment campaign targeted toward adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in degree programs offered through the Initiative.

III. Effect of Proposed Changes:

The bill updates and establishes numerous K-12 and postsecondary education statutes relating to Florida digital classrooms, apprenticeships, public school funding and policy issues, preeminent state research university designation, postsecondary affordability, postsecondary performance-based incentive funding models, a Rapid Response Education and Training Program, educator liability insurance, and the Florida Best and Brightest Teacher Scholarship Program.

Florida Digital Classrooms

The bill provides a mechanism for assessing and comparing the status of digital readiness of school districts and public schools based on technology infrastructure standards and targets identified by the Agency for State Technology (AST or agency) or a professional organization that the agency contracts with (contracted organization). The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE or department) in consultation with the agency.

Specifically, the bill requires the AST, or a contracted organization, to consult with the department to identify technology infrastructure standards for the successful implementation of

¹⁴⁰ Section 1006.735(2), F.S.

¹⁴¹ Section 1001.706(5), F.S.

¹⁴² Section 1006.735(3), F.S. The Complete Florida Plus Program manages a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to facilitate the institutions' efforts in developing a statewide articulation system that allows students to rapidly proceed toward their educational objectives and transfer between institutions. *Id.*; see also, s. 1007.01, F.S.

¹⁴³ Section 1006.735(4), F.S. Statewide online services and support include a streamlined online admissions application process for undergraduate transient students and a K-20 statewide computer-assisted student advising system that supports K-12 career and education planning and the advisement, registration, and certification of postsecondary students for graduation. *Id.*

digital classrooms. These standards must include, but are not limited to, device recommendations, security and connectivity requirements, and browser expectations. This provision will likely facilitate a collaboration between AST, the agency that establishes the standards for the most efficient use of state's information technology resources,¹⁴⁴ and DOE, the department that is familiar with public schools' instructional needs.

Requirements for the Agency for State Technology

The AST was established in 2014 by the Legislature to oversee the state's essential technology projects and is responsible for establishing standards and processes for information technology (IT).¹⁴⁵ The agency is responsible for establishing technology architecture standards to provide the most efficient use of the state's IT resources which must include, but not be limited to, performance measurements and metrics that objectively reflect the status of an IT project based on a defined and documented scope, cost, and schedule.¹⁴⁶

In addition to identifying the technology infrastructure standards and targets, the bill requires AST, or a contracted organization, to:

- Perform an annual assessment of the DOE's 5-year strategic plan for establishing Florida digital classrooms and the districts' and charter schools' digital classrooms plans for the 2015-2016 school year, and annually thereafter, to determine the status of technology infrastructure and digital readiness of school districts. The retrospective analyses will likely provide the state with an independent assessment of the districts' and schools' technology infrastructure and digital readiness status and needs. Currently, technology readiness data are self-reported by the school districts. In addition, the retrospective analyses will likely assist with identifying gaps in technology infrastructure relative to the identified standards and targets. The bill requires school districts to be assessed using a digital readiness scorecard to provide a mechanism for comparing the status of school districts' digital readiness.
- Provide prospective planning guidance and technical assistance to the department, school districts, and public schools regarding identified gaps in technology infrastructure and recommended improvements to meet the standards and targets identified by AST or a contracted organization. The guidance and technical assistance will likely help the DOE, school districts, and public schools to make strategic and purposeful investments in technology infrastructure.
- Submit a report by May 1, 2016, for the 2015-2016 school year, and annually by December 1 thereafter, to the Governor, President of the Senate, and Speaker of the House of Representatives, summarizing the status of technology infrastructure and recommending strategies for improving cost efficiencies and maximizing the state's and school districts' investments in technology to establish digital classrooms. The annual report, which AST must provide to the Commissioner of Education (commissioner) by November 1 of each

¹⁴⁴ Section 282.0051(2), F.S. The Agency for State Technology is responsible for developing and publishing "information technology policy for the management of the state's information technology resources." Section 282.0051(1), F.S.

¹⁴⁵ Section 10, ch. 2014-221, L.O.F.; Agency for State Technology, *About Us*, <http://www.ast.myflorida.com/about.asp> (lasted visited March 9, 2015) Information technology means "equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form." Section 282.0041, F.S.

¹⁴⁶ Section 282.0051(2)-(3), F.S.

year, will likely help to inform the state about the school districts' and public schools' technology infrastructure status and progress toward meeting the technology infrastructure standards and targets that are identified by AST or a contracted organization in consultation with the DOE. Additionally, the recommendations regarding cost efficiencies may help inform strategic budgetary investments in technology infrastructure.

- Collaborate with the DOE and the Department of Management Services (DMS) to identify:
 - State term contract procurement options available to school districts that provide information technology commodities, consultant services, or staff augmentation contractual services that support the information technology architecture standards applicable to digital classrooms.
 - Shared services available to school districts through the State Data Center to facilitate the implementation of school district digital classrooms plans.

Requirements for the Department of Education

The bill specifies requirements for the DOE regarding incorporating the identified technology infrastructure standards and targets in the department's 5-year strategic plan (state plan), establishing uniform definitions of technology infrastructure components, creating a digital readiness scorecard, and providing access to statewide procurement service agreements:

- The DOE must include the identified technology infrastructure standards and targets in the state plan for successful implementation of digital classrooms to improve student performance outcomes. In addition to the components that must be included in the state plan, which are specified in law,¹⁴⁷ the bill clarifies that the state plan must also identify minimum technology infrastructure requirements in consultation with the AST. The minimum technology infrastructure requirements will likely help the school districts and public schools strategically plan for technology investments and allocate funds purposefully.
- The DOE must coordinate with the AST to facilitate school districts' access to statewide procurement service agreements. Access to competitively procured service agreements may result in cost savings and efficiencies for the school districts.
- The DOE must consult with the AST to establish uniform definitions of technology infrastructure components which must be incorporated into the state plan. The uniform definitions must also be used by charter schools that seek Florida digital classrooms allocation funds and by each district school board in the technology information submitted annually to the DOE. Uniform definitions will allow for comparability of technology infrastructure components across school districts to assess the status of districts' digital readiness.
- The DOE must consult with the AST to create a digital readiness scorecard to compare the digital readiness of school districts within the state. The scorecard must use the uniform definitions and identified technology infrastructure standards and targets identified by the department in consultation with the AST. At a minimum, the scorecard must include the student-to-device ratio, the percentage of schools within each district that meet bandwidth standards, the percentage of classrooms within each district that must meet wireless standards, the refresh rate of devices, network capacity, information storage capacity, and information security services.

¹⁴⁷ Section 1001.20(4)(a)1., F.S.

- The DOE if it determines the administration of online assessments after January 1, 2015, does not comply with the minimum assessment protocols and requirements it established must contract with an independent, auditing entity that has expertise in the area to evaluate the extent of the noncompliance and provide recommendations to remediate the noncompliance in future administrations of online assessments.

Requirements for School Districts

Beginning in the 2016-2017 school year, each school district must undergo an annual assessment and independent verification of its use of Florida digital classrooms allocation funds (digital classrooms funds) for the district to be eligible to receive digital classrooms funds. An independent assessment of the districts' use of digital classrooms funds will likely help inform the state about school districts' technology needs and investments to improve student performance outcomes. Access to such information will also likely assist the state with budgetary decisions concerning school districts' and public schools' preparedness to integrate technology into classroom teaching and learning and administer computer-based assessments.

Requirements for Submitting Digital Classrooms Plans

The bill also makes modifications to the format and deadline for submitting digital classrooms plans:

- The DOE must develop a streamlined format for charter schools to use for submitting their digital classrooms plan. This process may result in creating a precise accountability measurement tool matching the charter school's mission, program, goals, students served, methods of assessment and ways to measure success of charter schools.¹⁴⁸
- The commissioner must implement an online, web-based portal for school districts and charter schools to submit their digital classrooms plan. The online submission system may result in a cost-effective method for the school districts to timely report their digital classrooms plan information to the department.
- District school boards must submit their digital classrooms plan annually to the DOE by August 1, instead of the March 1 deadline which is the current statutory deadline. The August 1 deadline will likely assist the districts with budgetary planning by taking into consideration allocation funds appropriated for the next school year.

Finally, the bill clarifies that the annual report the commissioner must provide to the Governor, President of the Senate, and Speaker of the House of Representatives, by October 1 of each year, include a summary of each district's:

- Student performance goals and outcomes; and
- Use of funds in support of such goals and outcomes.

The clarification emphasizes that improving student performance outcomes should be the goal that drives technology integration in classroom teaching and learning.

¹⁴⁸ Florida Department of Education, *General Information* (March 9, 2015), available at <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml>.

Apprenticeships

The bill changes the term “journeyman” to “journeyworker.” Also, the bill clarifies the definition of the term “journeyworker” as a worker who has mastered the skills, abilities, and competencies required for an occupation through a formal apprenticeship or on-the-job experience or formal training. Such skills, abilities, and competencies may be evidenced through a formal apprenticeship, attainment of a nationally recognized industry certification, or through practical, on-the-job experience or formal training. The revised definition may benefit apprentices and apprenticeship programs by clarifying the criteria and enhancing the qualifications of “journeyworkers.”

The bill redefines “related instruction” by specifying that such instruction may be given in occupational or industrial courses taught in the classroom or by correspondence courses, including electronic media or other forms of self-study instruction approved by the Department of Education (DOE). The bill expands the definition to broaden the types of courses and options for receiving instruction on those courses, which may benefit people who would not otherwise have the opportunity to receive such instruction in a traditional setting.

The bill revises the criteria for an apprenticeable occupation as a skilled trade that is clearly defined and:

- May be associated with a nationally recognized industry certification.
- Involves skills and knowledge in accordance with the applicable industry standards.
- Includes a minimum number of hours of on-the-job training.
- Includes related instruction through occupational or industrial courses.

Also, the bill authorizes the Governor to appoint two public members to the State Apprenticeship Advisory Council who are independent of, rather than recommended by, joint or nonjoint organizations affiliated with apprenticeship sponsors.

The bill prohibits an apprenticeship program or agreement from invalidating special provisions for veterans, minority persons, or women.

Florida Apprenticeship Grant Program

The bill creates the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs. Program applications must contain projected enrollment and cost data and funds may be used for instructional equipment, supplies, personnel, student services or other administrative costs. The Division of Career and Adult Education within the DOE shall administer the program and give priority to applications for programs in the critical need areas of information technology, health, and machining and manufacturing. Grant recipients must submit quarterly reports to the DOE.

FEFP Funding***Intensive Reading Instruction***

The bill extends the requirement of providing an additional hour of intensive reading instruction daily to students enrolled in the 300 lowest-performing elementary schools through the 2017-2018 academic year.

Additionally, the bill requires participating schools to:

- Provide additional reading instruction through an equivalent number of hours in a summer program; and
- Continue to provide the additional hour of instruction to all students who have level 1 or 2 reading assessment scores in the subsequent year after the school is no longer classified as one of the 300 lowest performing.

Dual Enrollment Industry Certification Funding

The bill authorizes performance funding for a career and professional education (CAPE) industry certification earned through a dual enrollment course, which is not a fundable certification on the Postsecondary Industry Certification Funding List or is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, to be funded in the same manner as a non-dual enrollment course industry certification. The bill authorizes a school district to provide for an agreement between a high school and a technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

CAPE Teacher Bonus Funding

The bill establishes two new tiers of bonuses available to CAPE industry certification teachers. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3 will earn a \$75 bonus, which is \$25 more than currently authorized. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0 will earn a \$100 bonus, which is \$50 more than currently authorized. The maximum annual bonus for teachers providing instruction in courses leading to these CAPE industry certifications is increased from \$2,000 to \$4,000.

Discretionary Millage Compression Supplement

The bill increases the discretionary millage compression supplement for the school district 0.748 mill discretionary levy for operations from the state average to five percent above the state average funds per full-time equivalent (FTE) student membership.

Sparsity Supplement

The bill modifies the calculation for determining the sparsity supplement for larger eligible districts with between 20,000 and 24,000 FTE, by dividing the total number of FTE by the number of permanent senior high school centers in the district, not in excess of four rather than three.

Virtual Education Contribution

The bill modifies the virtual education contribution calculation within the FEFP by including the declining enrollment supplement and exceptional student education (ESE) guaranteed allocation.

Federally Connected Student Supplement

The bill creates the federally connected student supplement categorical within the FEFP. Fourteen school districts, which currently receive federal impact aid under Title VIII of the Elementary and Secondary Education Act of 1965, could be eligible for additional FEFP funding under this new categorical.

The supplement is based on two components: a student allocation and an exempt-property allocation. The student allocation is based on the number of students in the district reported for federal impact aid, including students with disabilities, who

- Reside with a parent who is on active duty in the uniformed services or is an accredited foreign government official and military officer;
- Reside on eligible federally-owned Indian lands; or
- Reside with a civilian parent who lives or works on eligible federal property connected with a military installation or NASA. The number of these students shall be multiplied by a factor of 0.5.

The exempt-property allocation is based on the district's real property value of exempt federal property of federal impact aid lands reserved as military installations, NASA properties, or federally-owned Indian lands, multiplied by the millage authorized and levied under s. 1011.71 (2), F.S. The student allocation and the exempt-property allocation will be added together for each eligible district to produce the federally connected student supplement.

Local Capital Improvement Revenue for Computer Hardware and Enterprise Software

School districts are currently authorized to purchase enterprise resource software with their local capital improvement revenue, however, it is unclear as to whether annual license fees, maintenance fees, or lease agreements for enterprise resource software are authorized uses of these funds. The bill specifically authorizes school districts to use their local capital improvement revenue for enterprise resource software annual license fees, maintenance fees, or lease agreements.

Florida Classroom Teacher Supply Program

The bill requires classroom teachers to provide receipts for the expenditure of Florida Teachers Classroom Supply Assistance Program funds to the school district, in place of the currently required signed acknowledgement that the teacher understands the appropriate use of the funds and will keep all receipts for expenditures of the funds for at least four years. This change, while requiring additional effort from the school district, protects teachers from potential income tax audit issues arising from situations in which the teacher has not retained receipts, and has the funds counted as taxable income.

Student Safety & Discipline

The bill authorizes a district school board to adopt and implement a standard school attire policy that requires students to conform to wearing specific types and styles of clothing. Furthermore, the bill grants a district school board immunity from civil liability for implementing a districtwide standard school attire policy in at least kindergarten through grade 8.

Educator Liability Insurance Program

The bill requires the DOE to administer an educator liability insurance program, as provided in the General Appropriations Act, to protect full-time instructional personnel from liability for monetary damages and the costs of defending actions resulting from claims made against the instructional personnel's professional capacity. The bill provides that liability coverage of at least \$2 million shall be provided to all full-time instructional personnel and may be provided to part time instructional personnel, administrative personnel, and students enrolled in a state-approved teacher preparation program that choose to participate in the program.

Preeminent State Research Universities

The bill specifies that any institution that meets the required academic and research excellence standards for consideration of preeminent status must also enter into, and maintain, a formal agreement with the National Merit Scholarship Corporation to offer College-sponsored Merit Scholarship® awards to be designated as a preeminent state research university.

Florida National Merit Scholarship Incentive Program

The Florida National Merit Scholarship Incentive Program is renamed as the Benacquisto Scholarship Program, and a recipient of an award is identified as a Benacquisto Scholar.

Postsecondary Affordability

The bill includes provisions related to textbooks and tuition and fees, both of which serve to improve postsecondary affordability.

Textbook Affordability

The bill promotes public awareness about textbook and instructional material costs by requiring each FCS institution and state university to prominently post on the institution's website for course registration, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 90 percent of the courses and course sections offered by the institution. The bill also changes the deadline for posting the textbook information online from at least 30 days to at least 14 days before the first day of class for each term. Such information will help students with financial planning for course registrations.

Additionally, the bill:

- Requires that the lists of required and recommended textbooks include new and used retail price and rental price, if applicable, for a required or recommended textbook or instructional

materials for purchase at an institution's designated bookstore or other specified vendor. The lists must also include website or other contact information for the bookstore.

- Requires institutions that are unable to provide the specified information on textbooks within the specified timeframe (i.e., at least 14 days before the first day of student registration for each term) by the 2015 fall semester, to provide the required information to students at least 60 days before the first day of classes. The bill requires institutions to submit quarterly reports to the applicable board, the Board of Governors (BOG) or the State Board of Education (SBE), to document institutions' efforts to comply with the specified requirements by 2016 fall semester.
- Requires postsecondary institutions to consult with school districts regarding textbooks and instructional materials used for dual enrollment courses (e.g., the length of time that textbooks and instructional materials remain in use and the cost associated with digital materials).
- Requires regular cost-benefit analyses to help students receive the highest quality product at the lowest available price.
- Requires the policies, procedures, and guidelines that are adopted by the BOG and the SBE to include instructional materials in addition to textbooks; and requires state universities and FCS institutions to annually send to the BOG or SBE, as applicable, electronic copies of the institutional policies regarding textbooks and instructional materials, which must be available on the boards' websites.
- Requires each FCS institution and state university to annually report specified textbook and instructional material information to the Chancellor of the Florida College System or the Chancellor of the State University System, as applicable (e.g., cost of undergraduate textbooks and instructional materials by course and course section, textbook and instructional material selection process for high-enrollment courses as determined by the chancellors, and specific initiatives to reduce the cost of textbooks and instructional materials). The chancellors must compile the information and report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31 of each year.

College Affordability Strategies

The bill promotes strategies to maintain college affordability for all Floridians by requiring BOG and SBE to identify strategies and initiatives that must include consideration of the following:

- The impact of tuition and fee increases at state colleges and universities, including graduate, professional, medical, and law schools.
- The total cost of fees, including orientation fees, to a student and family at a state university and a state college.
- The cost of textbooks and instructional materials for all students. To determine the best methods to reduce costs, BOG and SBE must consult with students, faculty, bookstores, and publishers, at a minimum, consider specified options (e.g., purchasing e-textbooks in bulk, expanding the use of open-access textbooks and instructional materials, rental options for textbook and instructional materials, and supporting efficient used book sales, buy-back sales, student-to-student sales, and the cost of instructional materials for dual enrollment students to school districts).

BOG and SBE must annually, by December 31, report on the boards' college affordability efforts to the Governor, President of the Senate, and Speaker of the House of Representatives.

Tuition and Fees

The bill caps tuition and out-of-state fees for workforce education at no more than 5 percent above the combined total of standard tuition and out-of-state fees. For FCS institutions, tuition must not exceed \$91.79 per credit hour and the tuition and out-of-state fees must not be more than 15 percent above the combined total of standard tuition and out-of-state fees. For state universities, the resident undergraduate tuition for lower-level and upper-level coursework must not exceed \$105.07 per credit hour. Establishing tuition caps rather than a set tuition amount per credit hour may allow postsecondary institutions to charge lower tuition than currently established. The bill prohibits adjustments to the resident tuition for graduate program and professional programs which is set on July 1, 2015.

The bill requires FCS institutions and state universities to notify students and the public about any institutional boards of trustees meeting regarding votes on proposed increases in tuition and fees. The notice must be posted on the institutions' website homepage 28 days before the scheduled meeting of the institutions' boards of trustees. Additionally, the notice must specify the date and time of the meeting, and clearly outline the tuition and fee details and the rationale for the proposed increase. The tuition and fee information may help students and their families plan for higher education at public postsecondary institutions within the state.

Performance-Based Funding

State University System

The bill statutorily establishes State University System (SUS) Performance Based Incentive, which is based on indicators of institutional attainment of performance metrics adopted by the BOG. These performance metrics include, but are not limited to, metrics that measure graduation and retention rates; degree production; affordability; postgraduation employment, salaries, or further education; student loan default rates; access; and any other metrics approved by the BOG. SUS institutions will be evaluated for their performance based on benchmarks adopted by the BOG for achievement of excellence or improvement on specified metrics.

Each fiscal year, the amount of funds available for allocation to universities based upon the performance funding model consists of a state investment, plus an institutional investment consisting of funds redistributed from the base funding for the SUS, as determined in the General Appropriations Act (GAA). Institutions qualifying for the state's investment will also have their institutional investment restored. The institutional investment will be restored for all institutions that meet the board's minimum performance funding threshold under the performance funding model. Any institution that is in the bottom three or fails to meet the board's minimum performance funding threshold will not be eligible for the state's investment, will have a portion of its institutional investment withheld, and must submit an improvement plan to the board that specifies the activities and strategies for improving the institution's performance.

Florida College System

The bill establishes Florida College System (FCS) Performance Based Incentive, which is based on indicators of institutional attainment of performance metrics adopted by the State Board of Education (state board). These performance metrics include, but are not limited to, metrics that

measure retention; program completion and graduation rates; student loan default rates; job placement; and post-graduation employment, salaries, or further education. FCS institutions will be evaluated for their performance based on benchmarks adopted by the state board for achievement of excellence or improvement on specified metrics.

Each fiscal year, the amount of funds available for allocation to institutions based upon the performance funding model consists of a state investment, plus an institutional investment consisting of funds redistributed from the base funding for the Florida College System Program Fund, as determined in the GAA. Institutions qualifying for the state investment shall also have their institutional investment restored. Any institution which fails to meet the minimum threshold set by the state board will have a portion of its institutional investment withheld and must submit an improvement plan to the state board. The state board must approve the improvement plan and conduct progress monitoring of the improvement plan's implementation. An institution will have its full institutional investment restored upon state board approval of the improvement plan monitoring report. Any institution that fails to make satisfactory progress will not have its full institutional investment restored.

Rapid Response Education and Training Program

The bill creates the Rapid Response Education and Training Program (Program) within the Complete Florida Plus Program to work with Enterprise Florida, Inc., to recruit and retain employees through industry-specific education and training.

Specifically, the bill requires that the Program:

- Award matching grants to public and private education and training providers.
- Submit to the Legislature periodic reports generated by an independent forensic accounting or auditing entity.
- Keep administrative costs to a minimum through the use of existing organizational structures.
- Work with businesses to recruit individuals for education and training.
- Terminate an education and training program by giving 30-days' notice.
- Survey businesses regarding the effectiveness of the education and training programs.

Additionally, the bill requires that the Division of Career and Adult Education within DOE analyze and assess the effectiveness of the education and training programs offered through the Program in meeting labor market and occupational trends and gaps.

Finally, the bill requires the DOE to develop career education program standards that reflect the quality components of a career and technical education program, and requires the State Board of Education to adopt rules.

Florida Best and Brightest Teacher Scholarship Program

The bill creates the Florida Best and Brightest Teacher Scholarship Program (Scholarship Program) to reward teachers who demonstrate a high level of academic achievement and, for teachers other than first-year teachers, who have been evaluated as highly effective. The bill requires that the Scholarship Program be administered by the DOE. Also, the bill authorizes

funding for the Scholarship Program as provided in the GAA, beginning in the 2015-2016 school year, and establishes reporting and payment deadlines for school districts.

The bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

PCS/CS/SB 948 increases the bonus funding for teachers who provide instruction to a student in a course that led to the attainment of a 0.3, 0.5, or 1.0 weighted industry certification. These teachers are eligible for up to an additional \$2,000 annually in bonus funding.

C. Government Sector Impact:

The bill modifies the calculation for the sparsity supplement to continue to include the Hernando County School District. The Hernando County School District would be eligible for an estimated \$2 million in sparsity supplement funds in the 2015-2016 fiscal year.

The bill modifies the virtual education contribution calculation in the Florida Education Finance Program (FEFP) by including the declining enrollment supplement and the exceptional student education (ESE) guaranteed allocation in the calculation to maintain funding for virtual education at 5,230 per full-time equivalent (FTE) student.

The bill extends the requirement of providing an additional hour of intensive reading instruction daily to students enrolled in the 300 lowest performing elementary schools through the 2017-2018 academic year, requires participating schools to also provide the required additional instruction through an equivalent number of hours in a summer program, and requires participating schools to continue to provide the additional hour of

instruction to all students who have level 1 or 2 reading assessment scores in the subsequent year after the school is no longer classified as one of the 300 lowest performing. This additional hour of reading instruction is funded through the Supplemental Academic Instruction (SAI) and the Research-Based Reading Instruction Allocation categoricals in the FEFP. A total of \$90 million is provided for this instruction in SB 2500, the Senate's 2015-2016 fiscal year Fiscal Year General Appropriations Bill.

The bill increases the discretionary millage compression supplement for the school district 0.748 mill discretionary levy for operations from the state average to five percent above the state average funds per FTE student. This change will increase the discretionary millage supplement by approximately \$34 million.

The bill creates the federally connected student supplement categorical within the FEFP. The school districts eligible for funding through the categorical will receive their proportional share of the \$12,441,144, as proposed in SB 2500, allocated through the FEFP.

The bill statutorily establishes the State University Performance Based Incentive, which is funded at \$400 million in SB 2500. The state's investment consists of \$200 million and the institutional investment constitutes the remaining \$200 million. The funds received by an individual state university will be contingent upon the university's performance on the established metrics.

The bill establishes the Florida College System Performance Based Incentive, which is funded at \$60 million in SB 2500. The state's investment consists of \$30 million and the institutional investment constitutes the remaining \$30 million. The funds received by each institution will be contingent upon the institution's performance on the established metrics.

The bill establishes the Rapid Response Education and Training Program, which is funded at \$19.2 million in SB 2500.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 282.0051, 282.00515, 446.021, 446.032, 446.045, 446.052, 446.081, 446.091, 446.092, 1001.20, 1001.43, 1001.7065, 1003.42, 1004.085, 1004.92, 1006.735, 1009.22, 1009.23, 1009.24, 1009.893, 1011.62, 1011.71, 1012.34, 1012.3401, 1012.39, 1012.71, and 1012.75.

The bill creates the following sections of the Florida Statute: 282.0052, 1004.084, 1011.802, and 1012.731.

The bill creates undesignated sections of law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Education on April 8, 2015:

The committee substitute:

- Renames the Florida National Merit Scholarship Incentive Program as the Benacquisto Scholarship Program.
- Clarifies that annual license fees, maintenance fees, and lease agreements for enterprise resource software are allowable uses of local capital improvement funds.
- Provides audit protection for teachers under the Florida Teacher Classroom Supply Assistance Program by requiring teachers to provide the school district with receipts for the expenditure of the funds.
- Authorizes a district school board to adopt policies for standard student attire.
- Requires the Department of Education (DOE) to administer an educator liability insurance program.
- Requires public school instruction on the events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation.
- Provides an exemption for the performance of students with excessive absences from counting against a teacher's performance evaluation.
- Requires the Agency for State Technology (AST), or contracted entity, to:
 - Consult with the DOE to identify information technology architectural standards for the successful implementation of digital classrooms.
 - Perform annual assessment of state and school district digital classrooms plans.
 - Provide prospective planning guidance and technical assistance to the DOE, school districts, and public schools.
 - Provide technology infrastructure implementation reports and recommendations to the Legislature, Governor; and the Commissioner of Education regarding the implementation of digital classrooms and status of technology infrastructure.
 - Establish information technology architecture standards for purposes of implementing digital classrooms, including but not limited to, device recommendations, security requirements, connectivity requirements, and browser expectations.
 - Collaborate with the DOE and the Department of Management Services (DMS) to identify state term contract procurement and shared services options for school districts.
 - Include, in the annual assessment of DOE, the status of statewide implementation of digital classrooms and recommendations for improving cost efficiencies.
- Requires the DOE to:

- Consult with the AST to incorporate the minimum information technology architecture standards into the state strategic plan.
- Facilitate school district access to state term contract and shared service options and consult with the AST to establish uniform definitions and create digital readiness scorecard to facilitate implementation of digital classrooms.
- Implement online, web-based portal for submission of digital classroom plans.
- Highlight student performance goals and outcomes in its annual report.
- Contract with independent auditing entity to make recommendations to remediate technology infrastructure issues associated with the administration of 2014-15 online assessments.
- Clarifies the responsibilities of the DOE regarding collaboration with the Department of Economic Opportunity (DEO) to identify, develop, and register apprenticeship and preapprenticeship programs.
- Clarifies that the annual accountability report must include regional information related to program usage, student demographics and performance outcomes, and program requirements for existing and new programs.
- Requires the DOE to collaborate with CareerSource Florida, Inc., in addition to the DEO, to prepare an operational report which must also include:
 - A summary of activities and coordination between the DOE and the DEO to identify, develop, register, and administer apprenticeship and preapprenticeship programs over the last 5 years.
 - Recommendations to maximize resources of the DOE and the DEO to gain efficiencies in program development, administration, and funding.
 - An evaluation of the feasibility of linking the DOE's information on apprenticeship and preapprenticeship programs with the DEO and CareerSource Florida, Inc. workforce information system.
- Establishes the Florida Apprenticeship Grant Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs.
- Requires the Board of Governors of the State University System of Florida (BOG) and the State Board of Education (SBE) to identify strategies and initiatives to maintain college affordability for all Floridians and annually report on the boards' college affordability efforts to the Governor, President of the Senate, and Speaker of the House of Representatives.
- Modifies current law regarding a postsecondary educational institution's responsibility to post textbook information online by requiring each FCS institution and state university to prominently post on the institution's website for course registration, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 90 percent of the courses and course sections offered by the institution. The bill also changes the deadline for posting the textbook information online from at least 30 days before the first day of class for each term to at least 14 days before the first day of student registration for each term.
- Specifies modifications to postsecondary educational institutions' policies and procedures for instructional materials.

- Specifies reporting requirements for FCS institutions; state universities; president of a college or university, or his or her designee; Chancellor of the Florida College System, and the Chancellor for the State University System regarding college affordability efforts, and textbooks and instructional materials costs and selection process.
- Establishes caps for tuition and out-of-state workforce education fees, FCS institution fees, and state university tuition per credit hour.
- Requires the FCS institutions and state universities to notify students and the public about any institutional boards of trustees meeting regarding votes on proposed increases in tuition and fees; and provides specifications and timelines for such notifications.

CS by Higher Education on March 23, 2015:

The committee substitute makes the following substantial changes to the bill:

Apprenticeships

Maintains the substance of the provisions of the bill relating to apprenticeships, except that a nationally recognized industry certification is added to the criteria indicating a journeyworker's or apprentice's skills, abilities, and competencies required for an occupation.

Florida Education Finance Program Funding

Includes FEFP funding provisions that:

- Expand the requirement that an additional hour of intensive reading instruction be provided for the 300 lowest-performing elementary schools.
- Authorize performance funding for a career and professional education (CAPE) industry certification earned through a dual enrollment course.
- Add tiers for and raise the cap on CAPE bonus funding that teachers may earn for instructing students who attain industry certifications.
- Increase the discretionary millage compression supplement.
- Modify the formula for calculating the K-12 sparsity supplement.
- Modify the formula for calculating the virtual education contribution.
- Create supplemental funding for students connected with federally owned military installations, National Aeronautics and Space Administration property, and Indian lands.

Preeminent State Research University Designation

Adds provisions requiring participation in the National Merit Scholarship Program for designation as a preeminent state research university or as a preeminent state research university institute for online learning.

Postsecondary Performance-Based Funding

Adds undesignated sections of law that establish State University System and Florida College System Performance-Based Incentive funding models based on metrics adopted by the Board of Governors and the State Board of Education ("State Board"), respectively, which include, but are not limited to, metrics that measure:

- Graduation and retention rates;
- Degree production;
- Affordability;
- Postgraduation employment, salaries, or continued education;
- Student loan default rates; and
- Access.

Florida Best and Brightest Teacher Scholarship Program

Adds a new section creating the Florida Best and Brightest Teacher Scholarship Program (“Scholarship Program”) to award teachers who demonstrate a high level of academic achievement; authorizing funding for the Scholarship Program; and requiring the State Board to adopt rules relating to reports, eligibility criteria for scholarship recipients, and distribution of scholarship funds.

B. Amendments:

None.