

# **Committee on K-12**

## **Meeting**

**Tuesday, March 20, 2007**

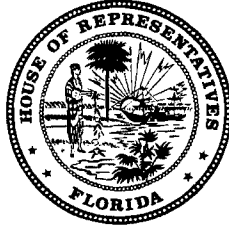
**9:00 a.m. — 12:00 p.m.**

**212 Knott Building**

**REVISED**

**Marco Rubio  
Speaker**

**Anitere Flores  
Chair**



# **Florida House of Representatives**

**Marco Rubio**

**Speaker**

## **Committee on K-12**

**Anitere Flores, Chair**  
Representative Gary Aubuchon  
Representative Dorothy Bendross-Mindingall  
Representative Will Kendrick

**Marti Coley, Vice Chair**  
Representative Curtis Richardson  
Representative Garrett Richter  
Representative Shelley Vana

### **AGENDA** **March 20, 2007**

- I. Call to Order**
- II. Roll Call**
- III. Comments, Chair Flores**
- IV. Consideration of the following bills:**
  - **HB 379 Use of School District Millage by Poppell**
  - **HB 511 Uses of the District School Tax by Kendrick**
  - **HB 967 Public School Physical Education by Weatherford**
  - **HB 1107 Child Care by Ausley**
  - **HB 561 Human Papillomavirus by Homan**
- V. Consideration of the following recommendations for Proposed Council Bills relating to:**
  - **Early Learning**
  - **Education**
- VI. Adjournment**



1                                   A bill to be entitled  
 2           An act relating to use of school district millage;  
 3           amending ss. 200.065 and 1011.71, F.S.; expanding  
 4           authorized school board millage levy funding to include  
 5           payment of premiums for property and casualty insurance  
 6           necessary to insure school district educational plants;  
 7           limiting expenditures of operating revenues; providing an  
 8           effective date.

9

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

11

12           Section 1. Paragraph (a) of subsection (9) of section  
 13           200.065, Florida Statutes, is amended to read:

14           200.065 Method of fixing millage.--

15           (9) (a) In addition to the notice required in subsection  
 16           (3), a district school board shall publish a second notice of  
 17           intent to levy additional taxes under s. 1011.71(2). Such notice  
 18           shall specify the projects or number of school buses anticipated  
 19           to be funded by such additional taxes and shall be published in  
 20           the size, within the time periods, adjacent to, and in  
 21           substantial conformity with the advertisement required under  
 22           subsection (3). The projects shall be listed in priority within  
 23           each category as follows: construction and remodeling;  
 24           maintenance, renovation, and repair; motor vehicle purchases;  
 25           new and replacement equipment; payments for educational  
 26           facilities and sites due under a lease-purchase agreement;  
 27           payments for renting and leasing educational facilities and  
 28           sites; payments of loans approved pursuant to ss. 1011.14 and



57 (list of capital outlay projects)

58

59 All concerned citizens are invited to a public hearing to  
60 be held on (date and time) at (meeting place) .

61 A DECISION on the proposed CAPITAL OUTLAY TAXES will be  
62 made at this hearing.

63 Section 2. Paragraph (j) is added to subsection (2) of  
64 section 1011.71, Florida Statutes, and paragraph (a) of  
65 subsection (5) of that section is amended, to read:

66 1011.71 District school tax.--

67 (2) In addition to the maximum millage levy as provided in  
68 subsection (1), each school board may levy not more than 2 mills  
69 against the taxable value for school purposes for district  
70 schools, including charter schools at the discretion of the  
71 school board, to fund:

72 (j) Payment of premiums for property and casualty  
73 insurance necessary to insure the educational plants of the  
74 school district.

75

76 Violations of these expenditure provisions shall result in an  
77 equal dollar reduction in the Florida Education Finance Program  
78 (FEFP) funds for the violating district in the fiscal year  
79 following the audit citation.

80 (5)(a) It is the intent of the Legislature that, by July  
81 1, 2003, revenue generated by the millage levy authorized by  
82 subsection (2) should be used only for the costs of  
83 construction, renovation, remodeling, maintenance, and repair of  
84 the educational plant; for the purchase, lease, or lease-

85 purchase of equipment, educational plants, and construction  
86 materials directly related to the delivery of student  
87 instruction; for the rental or lease of existing buildings, or  
88 space within existing buildings, originally constructed or used  
89 for purposes other than education, for conversion to use as  
90 educational facilities; for payment of premiums for property and  
91 casualty insurance necessary to insure the educational plants of  
92 the school district; for the opening day collection for the  
93 library media center of a new school; for the purchase, lease-  
94 purchase, or lease of school buses or the payment to a private  
95 entity to offset the cost of school buses pursuant to paragraph  
96 (2)(i); and for servicing of payments related to certificates of  
97 participation issued for any purpose prior to the effective date  
98 of this act. Costs associated with the lease-purchase of  
99 equipment, educational plants, and school buses may include the  
100 issuance of certificates of participation on or after the  
101 effective date of this act and the servicing of payments related  
102 to certificates so issued. For purposes of this section,  
103 "maintenance and repair" is defined in s. 1013.01. Each year  
104 operating revenues are made available through the payment of  
105 property and casualty insurance premiums from revenues generated  
106 under this subsection or subsection (2), such operating revenues  
107 may be expended only for nonrecurring operational expenditures  
108 of the school district.

109  
110 A district that violates these expenditure restrictions shall  
111 have an equal dollar reduction in funds appropriated to the  
112 district under s. 1011.62 in the fiscal year following the audit

HB 379

2007

113 citation. The expenditure restrictions do not apply to any  
114 school district that certifies to the Commissioner of Education  
115 that all of the district's instructional space needs for the  
116 next 5 years can be met from capital outlay sources that the  
117 district reasonably expects to receive during the next 5 years  
118 or from alternative scheduling or construction, leasing,  
119 rezoning, or technological methodologies that exhibit sound  
120 management.



121 Section 3. This act shall take effect July 1, 2007.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 379 Use of School District Millage  
**SPONSOR(S):** Poppell and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 574

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on K-12		Gillespie 	Ahearn 
2) Schools & Learning Council			
3) Policy & Budget Council			
4) _____			
5) _____			

---

**SUMMARY ANALYSIS**

House Bill 379 allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for payment of the district's property and casualty insurance costs which are necessary to insure the district's educational plants. The bill limits a school district's use of operating revenues made available through payment of property and casualty insurance from the 2-mill levy to nonrecurring operational expenditures.

The bill also requires a school district, if the district anticipates using revenues from the 2-mill levy for property and casualty insurance costs, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

Section 9, Article VII of the State Constitution permits a school district, if authorized by law, to levy up to 10 mills<sup>1</sup> of property taxes for school purposes. From the 10 mills, current law authorizes a school district to levy up to 2 mills for the following uses without voter approval (commonly known as the “nonvoted capital improvement millage”):<sup>2</sup>

- New construction and remodeling projects;
- Maintenance, renovation, and repair of existing educational plants<sup>3</sup> or leased facilities to correct nonconformity with the Florida Building Code or Fire Safety Prevention Code;
- Purchase, lease-purchase, or lease of school buses and other school vehicles;
- Purchase, lease-purchase, or lease of new and replacement equipment;
- Payment for educational facilities and sites under certain lease-purchase agreements;
- Payment of loans for specific school-related purposes;
- Payment of costs to comply with state and federal environmental laws, rules, and regulations;
- Payment of costs for renting or leasing educational facilities; and
- Purchase, lease-purchase, or lease of school buses or payment to a private entity to offset the cost of school buses.

In 1997, the Legislature limited the use of revenues from the discretionary 2-mill levy, phased out over 6 years. Thus, since July 1, 2003, current law limits the use of revenues from the 2-mill levy to the following projects:<sup>4</sup>

- Construction, renovation, remodeling, maintenance, and repair of the educational plant;
- Purchase, lease, or lease-purchase of equipment, educational plants, and construction materials directly related to the delivery of student instruction;
- Rental or lease of existing buildings or space converted for use as educational facilities;
- Opening day collection for the library media center of a new school;
- Purchase, lease-purchase, or lease of school buses or payment to a private entity to offset the cost of school buses; and
- Payments for certificates of participation<sup>5</sup> issued before January 7, 2003.<sup>6</sup>

---

<sup>1</sup> A mill is 0.001 of one dollar. Thus, one mill of \$100,000 of taxable value is \$100.

<sup>2</sup> Section 1011.71(2), Florida Statutes.

<sup>3</sup> Section 1013.01(7), Florida Statutes, defines the term “educational plant” to comprise the educational facilities, site, and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.

<sup>4</sup> Section 8, chapter 97-265, Laws of Florida; Section 35, chapter 97-384, Laws of Florida; section 1011.71(5), Florida Statutes.

<sup>5</sup> A “certificate of participation” is an instrument evidencing a pro rata share in a specific pledged revenue stream, usually lease payments by the issuer that are subject to annual appropriation. The certificate generally entitles the holder to receive a share, or participation, in the lease payments from a particular project. Municipal Securities Rulemaking Board, *Glossary of Municipal Securities Terms* 2d ed. (Jan. 2004), at <http://www.msrb.org/msrb1/glossary/default.asp> (last visited Mar. 7, 2007).

<sup>6</sup> See sections 663 and 1065, chapter 2002-387, Laws of Florida.

A school district that spends revenues from the 2-mill levy in violation of these limits is subject to an equal-dollar reduction in funds appropriated to the district under the Florida Education Finance Program the fiscal year after an audit finds the violation.<sup>7</sup>

Current law exempts a school district from these limits, thereby allowing the district to spend revenues from the 2-mill levy on any of the projects listed, including those authorized before the 1997 restrictions previously discussed in this analysis, if the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs (i.e., alternative scheduling or construction, leasing, rezoning, or technological methodologies).<sup>8</sup>

A review by the Department of Education of the legislative history of the 2-mill nonvoted capital improvement levy shows that the levy "has always been restricted to costs associated with capital outlay, and not with operating expenses."<sup>9</sup>

The department reports that, for 2006-2007, the value of 1 mill of school taxable value is \$1.56 billion. Thus, the 2-mill levy could generate a statewide value of \$ 3.11 billion. The following table shows the millage rates levied by Florida's school districts for 2006-2007:<sup>10</sup>

<b>2006-2007 Capital Improvement Millage Rates</b>	
<b>Levy of Discretionary 2 Mills</b>	<b>School Districts</b>
Three school districts do not levy millage	Calhoun, Holmes, and Jackson
Three school districts levy 0.001 to 0.500 mills	Gulf, Madison, and Monroe
Seven school districts levy 0.501 to 1.500 mills	Bay, DeSoto, Orange, Pasco, Santa Rosa, Walton, and Washington
Two school districts levy 1.501 to 1.999 mills	Citrus and Okaloosa
<b>The remaining 52 school districts levy the maximum of 2.000 mills</b>	

**Tax Notices:**

Current law requires a school district to annually publish certain notices of its tentative budget, tax increases, and budget hearings in a newspaper of general paid circulation in the district, which is of general interest and readership in the community and not one of limited subject matter.<sup>11</sup> If a school district levies the nonvoted capital improvement millage (up to 2 mills), current law requires the district to publish a second notice of that tax, which also must appear in a newspaper of general paid circulation in the district.<sup>12</sup> The notice must include a list of the projects anticipated to be funded by the capital improvement tax.<sup>13</sup>

<sup>7</sup> Flush-left provisions of section 1011.71(5), Florida Statutes.

<sup>8</sup> *Id.*

<sup>9</sup> Florida Department of Education, *2007 Bill Analysis of HB 511 2* (Feb. 6, 2007).

<sup>10</sup> Florida Department of Education, Office of Funding and Financial Reporting, *Florida Education Finance Program 2006-07 Third Calculation 47* (Dec. 15, 2006), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4169/coefo-07-12c.pdf>.

<sup>11</sup> Section 200.065(2)(f) and (3), Florida Statutes.

<sup>12</sup> Section 200.065(9)(a), Florida Statutes.

<sup>13</sup> *Id.*

### Proposed Changes:

The bill allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for payment of the district's property and casualty insurance necessary to insure the district's educational plants. The bill limits a school district's use of operating revenues made available through payment of property and casualty insurance costs from the 2-mill levy to nonrecurring operational expenditures.

The bill also requires a school district, if the district anticipates using revenues from the 2-mill levy for payment of property and casualty insurance costs, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

The bill provides an effective date of July 1, 2007.

#### C. SECTION DIRECTORY:

Section 1. Amends section 200.065, Florida Statutes, requiring the addition of specified information in an annual tax notice.

Section 2. Amends section 1011.71, Florida Statutes, to allow revenues from the 2-mill nonvoted capital improvement levy to be used to pay certain insurance costs.

Section 3. Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

#### D. FISCAL COMMENTS:

The bill allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for the district's property and casualty insurance costs, regardless of whether the district meets the class-size reduction requirements<sup>14</sup> or has other demands for capital outlay funds. According to the Department of Education, 24 school districts are subject to transfers of operating funds to the district's

<sup>14</sup> See Section 1(a), Article IX of the State Constitution; section 1003.03, Florida Statutes.

fixed capital outlay account for class-size reduction<sup>15</sup> because the districts have one or more public schools that did not meet the 2006-2007 class-size reduction requirements.<sup>16</sup>

School District	Transfer Amount
Bay	\$68,834
Brevard	\$2,474
Broward	\$954,157
Clay	\$37,392
Collier	\$2,573
Miami-Dade	\$518,149
Duval	\$34,210
Gadsden	\$4,294
Hendry	\$35,956
Lee	\$37,685
Levy	\$7,392
Manatee	\$596,123

School District	Transfer Amount
Monroe	\$13,041
Orange	\$1,766,907
Osceola	\$444,463
Palm Beach	\$59,831
Pasco	\$7,226
Pinellas	\$153,569
Polk	\$120,551
Putnam	\$7,151
Sarasota	\$20,623
Seminole	\$722
Sumter	\$193,466
Washington	\$19,220

In addition to these school districts, five districts had at least one public school that did not meet the class-size reduction requirements, but, as a result of the department's appeal and adjustment process, are not subject to the transfer of operating funds to fixed capital outlay: Alachua, Franklin, Lake, Okaloosa, and Walton.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### D. STATEMENT OF THE SPONSOR

No statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

<sup>15</sup> See section 1003.03(4)(a), Florida Statutes.

<sup>16</sup> Florida Department of Education, *2006-07 Class Size Reduction Transfer to Fixed Capital Outlay: All Schools* (Feb. 2007).



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

HB 511

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Schools & Learning Council  
2 Representative(s) Kendrick offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause, and insert:

6 Section 1. Paragraph (a) of subsection (9) of section  
7 200.065, Florida Statutes, is amended to read:

8 200.065 Method of fixing millage.--

9 (9)(a) In addition to the notice required in subsection  
10 (3), a district school board shall publish a second notice of  
11 intent to levy additional taxes under s. 1011.71(2). Such notice  
12 shall specify the projects or number of school buses anticipated  
13 to be funded by such additional taxes and shall be published in  
14 the size, within the time periods, adjacent to, and in  
15 substantial conformity with the advertisement required under  
16 subsection (3). The projects shall be listed in priority within  
17 each category as follows: construction and remodeling;  
18 maintenance, renovation, and repair; motor vehicle purchases;  
19 new and replacement equipment; payments for educational  
20 facilities and sites due under a lease-purchase agreement;  
21 payments for renting and leasing educational facilities and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

22 sites; payments of loans approved pursuant to ss. 1011.14 and  
23 1011.15; payment of costs of compliance with environmental  
24 statutes and regulations; payment of premiums for property and  
25 casualty insurance necessary to insure the educational plants of  
26 the school district; payment of costs of leasing relocatable  
27 educational facilities; and payments to private entities to  
28 offset the cost of school buses pursuant to s. 1011.71(2)(i).  
29 The additional notice shall be in the following form, except  
30 that if the district school board is proposing to levy the same  
31 millage under s. 1011.71(2) which it levied in the prior year,  
32 the words "continue to" shall be inserted before the word  
33 "impose" in the first sentence, and except that the second  
34 sentence of the second paragraph shall be deleted if the  
35 district is advertising pursuant to paragraph (3)(e):

36  
37 NOTICE OF TAX FOR SCHOOL  
38 CAPITAL OUTLAY  
39

40 The (name of school district) will soon consider a  
41 measure to impose a (number) mill property tax for the  
42 capital outlay projects listed herein.

43 This tax is in addition to the school board's proposed tax  
44 of (number) mills for operating expenses and is proposed  
45 solely at the discretion of the school board. THE PROPOSED  
46 COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES  
47 AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

48 The capital outlay tax will generate approximately \$  
49 (amount) , to be used for the following projects:

50  
51 (list of capital outlay projects)



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81

All concerned citizens are invited to a public hearing to be held on (date and time) at (meeting place) .

A DECISION on the proposed CAPITAL OUTLAY TAXES will be made at this hearing.

Section 2. Paragraph (j) is added to subsection (2) of section 1011.71, Florida Statutes, and paragraph (a) of subsection (5) of that section is amended, to read:

1011.71 District school tax.--

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:

(j) Payment of premiums for property and casualty insurance necessary to insure the educational plants of the school district.

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

(5)(a) It is the intent of the Legislature that, by July 1, 2003, revenue generated by the millage levy authorized by subsection (2) should be used only for the costs of construction, renovation, remodeling, maintenance, and repair of the educational plant; for the purchase, lease, or lease-purchase of equipment, educational plants, and construction materials directly related to the delivery of student instruction; for the rental or lease of existing buildings, or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

82 space within existing buildings, originally constructed or used  
83 for purposes other than education, for conversion to use as  
84 educational facilities; for payment of premiums for property and  
85 casualty insurance necessary to insure the educational plants of  
86 the school district; for the opening day collection for the  
87 library media center of a new school; for the purchase, lease-  
88 purchase, or lease of school buses or the payment to a private  
89 entity to offset the cost of school buses pursuant to paragraph  
90 (2)(i); and for servicing of payments related to certificates of  
91 participation issued for any purpose prior to the effective date  
92 of this act. Costs associated with the lease-purchase of  
93 equipment, educational plants, and school buses may include the  
94 issuance of certificates of participation on or after the  
95 effective date of this act and the servicing of payments related  
96 to certificates so issued. For purposes of this section,  
97 "maintenance and repair" is defined in s. 1013.01. Each year  
98 operating revenues are made available through the payment of  
99 property and casualty insurance premiums from revenues generated  
100 under this subsection or subsection (2), such operating revenues  
101 may be expended only for nonrecurring operational expenditures  
102 of the school district.

103  
104 A district that violates these expenditure restrictions shall  
105 have an equal dollar reduction in funds appropriated to the  
106 district under s. 1011.62 in the fiscal year following the audit  
107 citation. The expenditure restrictions do not apply to any  
108 school district that certifies to the Commissioner of Education  
109 that all of the district's instructional space needs for the  
110 next 5 years can be met from capital outlay sources that the  
111 district reasonably expects to receive during the next 5 years

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

112 or from alternative scheduling or construction, leasing,  
113 rezoning, or technological methodologies that exhibit sound  
114 management.

115 Section 3. Section 1003.621, Florida Statutes, is created  
116 to read:

117 1003.621 Academically high-performing school districts.--  
118 It is the intent of the Legislature to recognize and reward  
119 school districts that demonstrate the ability to consistently  
120 maintain or improve their high-performing status. The purpose of  
121 this section is to provide high-performing school districts with  
122 flexibility in meeting the specific requirements in statute and  
123 rules of the State Board of Education.

124 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--

125 (a) A school district is an academically high-performing  
126 school district if it meets the following criteria:

127 1.a. Beginning with the 2005-2006 school year, earns a  
128 grade of "A," under s. 1008.34(7) for 2 consecutive years; and

129 b. Has no public schools, including charter schools, that  
130 earn a grade of "F" under s. 1008.34;

131 2. Complies with all class size requirements in s. 1, Art.  
132 IX, of the State Constitution and s. 1003.03; and

133 3. Has no material weaknesses or instances of material  
134 noncompliance noted in the annual financial audit conducted  
135 pursuant to s. 218.39.

136 (b) By July 1, the State Board of Education shall notify  
137 all school districts as to those districts designated as  
138 academically high performing school districts. Each designated  
139 school district shall retain the designation as a high-  
140 performing school district for 3 years, at the end of which time  
141 the district may request renewal of the designation if the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

142 district meets the requirements in this section. If a school  
143 grade is being appealed, the designation is conditional until  
144 the appeal outcome is finalized. The State Board of Education  
145 will notify any district that is no longer eligible to be  
146 designated as an academically high-performing school district.

147 (c) A school district, that is designated as an  
148 academically high-performing school district, must send the  
149 State Board of Education a list of the specific statutes or  
150 rules from which the school district desires to be exempt during  
151 its period of designation.

152 (d) In order to maintain the designation as an  
153 academically high-performing school district pursuant to this  
154 section, a school district must meet the following requirements:

155 1. Comply with the provisions of subparagraphs (a) 2. and  
156 3.; and

157 2. Earn a grade of "A" under s. 1008.34(7) for 2 years  
158 within a 3-year period.

159 However, a district in which a public school, including a  
160 charter school, earns a grade of "F" under s. 1008.34 during the  
161 3-year period may not continue to be designated as an  
162 academically high-performing school district during the  
163 remainder of that 3-year period. The district must meet the  
164 criteria in paragraph (a) in order to be redesignated as an  
165 academically high-performing school district.

166 (2) EXEMPTION FROM STATUTES AND RULES.--An academically  
167 high-performing school district may not be exempt from any of  
168 the following statutes:

169 (a) Those statutes pertaining to the provision of services  
170 to students with disabilities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

171 (b) Those statutes pertaining to civil rights, including  
172 s. 1000.05, relating to discrimination.

173 (c) Those statutes pertaining to student health, safety,  
174 and welfare.

175 (d) Those statutes governing the election or compensation  
176 of district school board members.

177 (e) Those statutes pertaining to the student assessment  
178 program and the school grading system, including chapter 1008.

179 (f) Those statutes pertaining to financial matters,  
180 including chapter 1010, except that s. 1010.20(3)(a)1., 2., and  
181 3., relating to the required program expenditure levels, are  
182 eligible for exemption.

183 (g) Those statutes pertaining to planning and budgeting,  
184 including chapter 1011, except that the following sections are  
185 eligible for exemption:

186 1. Section 1011.62(9)(d), relating to the requirement for  
187 a comprehensive reading plan; and

188 2. Section 1011.71(2), relating to the district school  
189 tax, in order to provide funds for property insurance and  
190 casualty insurance.

191 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to  
192 differentiated pay and performance-pay policies for school  
193 administrators and instructional personnel. Professional service  
194 contracts are subject to the provisions of ss. 1012.33 and  
195 1012.34.

196 (i) Those statutes pertaining to educational facilities,  
197 including chapter 1013, except that s. 1013.20, relating to  
198 covered walkways for portables, and s. 1013.21, relating to the  
199 use of relocatable facilities that exceed 20 years of age, are  
200 eligible for exemption.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

201 (j) Those statutes relating to instructional materials,  
202 except that s. 1006.37, relating to the requisition of state-  
203 adopted materials from the depository under contract with the  
204 publisher, and s. 1006.40(3)(a), relating to the use of 50  
205 percent of the instructional materials allocation, shall be  
206 eligible for exemption.

207  
208 A district that is exempt from submitting a K-12 comprehensive  
209 reading plan pursuant to s. 1011.62(9)(d) shall be deemed  
210 approved to receive the research-based reading instruction  
211 allocation.

212 (3) COMPLIANCE REQUIREMENTS.--An academically high-  
213 performing school district shall comply with the following  
214 statutes:

215 (a) Section 286.011, relating to public meetings and  
216 records, public inspection, and criminal and civil penalties.

217 (b) Those statutes pertaining to public records, including  
218 chapter 119.

219 (c) Those statutes pertaining to financial disclosure by  
220 elected officials.

221 (d) Those statutes pertaining to conflicts of interest by  
222 elected officials.

223 (4) GOVERNING BOARD.--The governing board of the  
224 academically high-performing school district shall be the duly  
225 elected district school board. The district school board shall  
226 supervise the academically high-performing school district.

227 (5) REPORTS.--The academically high-performing school  
228 district shall submit to the State Board of Education and the  
229 Legislature an annual report on December 1 which delineates the  
230 performance of the school district relative to the academic

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

231 performance of students at each grade level in reading, writing,  
232 mathematics, science, and any other subject that is included as  
233 a part of the statewide assessment program in s. 1008.22. The  
234 annual report shall be submitted in a format prescribed by the  
235 Department of Education and shall include, but need not be  
236 limited to, the following:

237 (a) Longitudinal performance of students in mathematics,  
238 reading, writing, science, and any other subject that is  
239 included as a part of the statewide assessment program in s.  
240 1008.22;

241 (b) Longitudinal performance of students by grade level  
242 and subgroup in mathematics, reading, writing, science, and any  
243 other subject that is included as a part of the statewide  
244 assessment program in s. 1008.22;

245 (c) Longitudinal performance regarding efforts to close  
246 the achievement gap;

247 (d)1. Number and percentage of students who take an  
248 Advanced Placement Examination; and

249 2. Longitudinal performance regarding students who take an  
250 Advanced Placement Examination by demographic group,  
251 specifically by age, gender, race, and Hispanic origin, and by  
252 participation in the National School Lunch Program.

253 (e) Evidence of compliance with subsection (1); and

254 (f) A description of each waiver and the status of each  
255 waiver.

256 Section 2. The State Board of Education shall identify any  
257 reporting requirements in state law which duplicate the  
258 requirements for reporting under the federal No Child Left  
259 Behind Act and make recommendations to the Legislature by

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

260 December 1, 2007, for eliminating duplicative requirements in  
261 state law.

262 Section 4. This act shall take effect July 1, 2007.  
263  
264

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

266 Remove the entire title, and insert:

267 A bill to be entitled

268 An act relating to school district flexibility; amending  
269 ss. 200.065 and 1011.71, F.S.; authorizing a district  
270 school board to levy additional taxes, not to exceed 2  
271 mills, to fund property and casualty insurance costs of  
272 the school district; providing exemptions from certain  
273 expenditure restrictions for school districts meeting  
274 certain requirements related to class size and audits;  
275 creating s. 1003.621, F.S.; providing criteria for  
276 designating academically high-performing school districts;  
277 providing exceptions for such districts to be exempt from  
278 certain statutes and rules; providing compliance  
279 requirements; providing for district governing boards;  
280 providing for reports; providing for a review by the State  
281 Board of Education of certain reporting requirements;  
282 providing an effective date.



1                                   A bill to be entitled  
 2           An act relating to uses of the district school tax;  
 3           amending ss. 200.065 and 1011.71, F.S.; including health,  
 4           property, and casualty insurance costs as authorized uses  
 5           of school district millage; specifying nonapplication of  
 6           certain expenditure restrictions to school districts  
 7           meeting certain class size requirements; providing an  
 8           effective date.

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

11  
 12           Section 1. Paragraph (a) of subsection (9) of section  
 13   200.065, Florida Statutes, is amended to read:

14           200.065 Method of fixing millage.--

15           (9) (a) In addition to the notice required in subsection  
 16   (3), a district school board shall publish a second notice of  
 17   intent to levy additional taxes under s. 1011.71(2). Such notice  
 18   shall specify the projects or number of school buses anticipated  
 19   to be funded by such additional taxes and shall be published in  
 20   the size, within the time periods, adjacent to, and in  
 21   substantial conformity with the advertisement required under  
 22   subsection (3). The projects shall be listed in priority within  
 23   each category as follows: construction and remodeling;  
 24   maintenance, renovation, and repair; motor vehicle purchases;  
 25   new and replacement equipment; payments for educational  
 26   facilities and sites due under a lease-purchase agreement;  
 27   payments for renting and leasing educational facilities and  
 28   sites; payments of loans approved pursuant to ss. 1011.14 and

29 1011.15; payment of costs of compliance with environmental  
 30 statutes and regulations; payment of health, property, and  
 31 casualty insurance costs of the school district; payment of  
 32 costs of leasing relocatable educational facilities; and  
 33 payments to private entities to offset the cost of school buses  
 34 pursuant to s. 1011.71(2)(i). The additional notice shall be in  
 35 the following form, except that if the district school board is  
 36 proposing to levy the same millage under s. 1011.71(2) which it  
 37 levied in the prior year, the words "continue to" shall be  
 38 inserted before the word "impose" in the first sentence, and  
 39 except that the second sentence of the second paragraph shall be  
 40 deleted if the district is advertising pursuant to paragraph  
 41 (3)(e):

42  
 43 NOTICE OF TAX FOR SCHOOL  
 44 CAPITAL OUTLAY  
 45

46 The (name of school district) will soon consider a  
 47 measure to impose a (number) mill property tax for the  
 48 capital outlay projects listed herein.

49 This tax is in addition to the school board's proposed tax  
 50 of (number) mills for operating expenses and is proposed  
 51 solely at the discretion of the school board. THE PROPOSED  
 52 COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES  
 53 AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

54 The capital outlay tax will generate approximately \$  
 55 (amount) , to be used for the following projects:  
 56

57 (list of capital outlay projects)

58

59 All concerned citizens are invited to a public hearing to  
60 be held on (date and time) at (meeting place) .

61 A DECISION on the proposed CAPITAL OUTLAY TAXES will be  
62 made at this hearing.

63 Section 2. Paragraph (j) is added to subsection (2) of  
64 section 1011.71, Florida Statutes, and subsection (5) of that  
65 section is amended, to read:

66 1011.71 District school tax.--

67 (2) In addition to the maximum millage levy as provided in  
68 subsection (1), each school board may levy not more than 2 mills  
69 against the taxable value for school purposes for district  
70 schools, including charter schools at the discretion of the  
71 school board, to fund:

72 (j) Health, property, and casualty insurance costs of the  
73 school district.

74

75 Violations of these expenditure provisions shall result in an  
76 equal dollar reduction in the Florida Education Finance Program  
77 (FEFP) funds for the violating district in the fiscal year  
78 following the audit citation.

79 (5) (a) It is the intent of the Legislature that, by July  
80 1, 2003, revenue generated by the millage levy authorized by  
81 subsection (2) should be used only for the costs of  
82 construction, renovation, remodeling, maintenance, and repair of  
83 the educational plant; for the purchase, lease, or lease-  
84 purchase of equipment, educational plants, and construction

85 materials directly related to the delivery of student  
86 instruction; for the rental or lease of existing buildings, or  
87 space within existing buildings, originally constructed or used  
88 for purposes other than education, for conversion to use as  
89 educational facilities; for the opening day collection for the  
90 library media center of a new school; for the purchase, lease-  
91 purchase, or lease of school buses or the payment to a private  
92 entity to offset the cost of school buses pursuant to paragraph  
93 (2)(i); and for servicing of payments related to certificates of  
94 participation issued for any purpose prior to the effective date  
95 of this act. Costs associated with the lease-purchase of  
96 equipment, educational plants, and school buses may include the  
97 issuance of certificates of participation on or after the  
98 effective date of this act and the servicing of payments related  
99 to certificates so issued. For purposes of this section,  
100 "maintenance and repair" is defined in s. 1013.01.

101 (b) For purposes not delineated in paragraph (a) for which  
102 proceeds received from millage levied under subsection (2) may  
103 be legally expended, a district school board may spend no more  
104 than the following percentages of the amount the district spent  
105 for these purposes in fiscal year 1995-1996:

- 106 1. In fiscal year 2000-2001, 40 percent.
- 107 2. In fiscal year 2001-2002, 25 percent.
- 108 3. In fiscal year 2002-2003, 10 percent.

109 (c) Beginning July 1, 2003, revenue generated by the  
110 millage levy authorized by subsection (2) must be used only for  
111 the purposes delineated in paragraph (a).

112 (d) Notwithstanding any other provision of this

113 subsection, if through its adopted educational facilities plan a  
 114 district has clearly identified the need for an ancillary plant,  
 115 has provided opportunity for public input as to the relative  
 116 value of the ancillary plant versus an educational plant, and  
 117 has obtained public approval, the district may use revenue  
 118 generated by the millage levy authorized by subsection (2) for  
 119 the acquisition, construction, renovation, remodeling,  
 120 maintenance, or repair of an ancillary plant.

121

122 A district that violates these expenditure restrictions shall  
 123 have an equal dollar reduction in funds appropriated to the  
 124 district under s. 1011.62 in the fiscal year following the audit  
 125 citation. The expenditure restrictions do not apply to any  
 126 school district that has met the current year class size  
 127 reduction requirements of s. 1003.03 and certifies to the  
 128 Commissioner of Education that all of the district's  
 129 instructional space needs for the next 5 years can be met from  
 130 capital outlay sources that the district reasonably expects to  
 131 receive during the next 5 years or from alternative scheduling  
 132 or construction, leasing, rezoning, or technological  
 133 methodologies that exhibit sound management.

134 Section 3. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 511 Uses of the District School Tax
SPONSOR(S): Kendrick and others
TIED BILLS: IDEN./SIM. BILLS: SB 1750

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: 1) Committee on K-12, Gillespie, Ahearn. Row 2: 2) Schools & Learning Council. Row 3: 3) Policy & Budget Council. Row 4: 4). Row 5: 5).

SUMMARY ANALYSIS

House Bill 511 allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for the district's health, property, and casualty insurance costs, if the district meets current-year class-size reduction requirements and the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs.

The bill also requires a school district, if the district anticipates using revenues from the 2-mill levy for payment of health, property, and casualty insurance costs, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

It is anticipated that the bill's sponsor will file an amendment that removes provisions from the bill which allow a school district to use revenues from the 2-mill levy for the payment of health insurance costs.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

### B. EFFECT OF PROPOSED CHANGES:

#### Present Situation:

Section 9, Article VII of the State Constitution permits a school district, if authorized by law, to levy up to 10 mills<sup>1</sup> of property taxes for school purposes. From the 10 mills, current law authorizes a school district to levy up to 2 mills for the following uses without voter approval (commonly known as the “nonvoted capital improvement millage”):<sup>2</sup>

- New construction and remodeling projects;
- Maintenance, renovation, and repair of existing educational plants<sup>3</sup> or leased facilities to correct nonconformity with the Florida Building Code or Fire Safety Prevention Code;
- Purchase, lease-purchase, or lease of school buses and other school vehicles;
- Purchase, lease-purchase, or lease of new and replacement equipment;
- Payment for educational facilities and sites under certain lease-purchase agreements;
- Payment of loans for specific school-related purposes;
- Payment of costs to comply with state and federal environmental laws, rules, and regulations;
- Payment of costs for renting or leasing educational facilities; and
- Purchase, lease-purchase, or lease of school buses or payment to a private entity to offset the cost of school buses.

In 1997, the Legislature limited the use of revenues from the discretionary 2-mill levy, phased out over 6 years. Thus, since July 1, 2003, current law limits the use of revenues from the 2-mill levy to the following projects:<sup>4</sup>

- Construction, renovation, remodeling, maintenance, and repair of the educational plant;
- Purchase, lease, or lease-purchase of equipment, educational plants, and construction materials directly related to the delivery of student instruction;
- Rental or lease of existing buildings or space converted for use as educational facilities;
- Opening day collection for the library media center of a new school;
- Purchase, lease-purchase, or lease of school buses or payment to a private entity to offset the cost of school buses; and
- Payments for certificates of participation<sup>5</sup> issued before January 7, 2003.<sup>6</sup>

---

<sup>1</sup> A mill is 0.001 of one dollar. Thus, one mill of \$100,000 of taxable value is \$100.

<sup>2</sup> Section 1011.71(2), Florida Statutes.

<sup>3</sup> Section 1013.01(7), Florida Statutes, defines the term “educational plant” to comprise the educational facilities, site, and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.

<sup>4</sup> Section 8, chapter 97-265, Laws of Florida; Section 35, chapter 97-384, Laws of Florida; section 1011.71(5), Florida Statutes.

<sup>5</sup> A “certificate of participation” is an instrument evidencing a pro rata share in a specific pledged revenue stream, usually lease payments by the issuer that are subject to annual appropriation. The certificate generally entitles the holder to receive a share, or participation, in the lease payments from a particular project. Municipal Securities Rulemaking Board, *Glossary of Municipal Securities Terms* 2d ed. (Jan. 2004), at <http://www.msrb.org/msrb1/glossary/default.asp> (last visited Mar. 7, 2007).

<sup>6</sup> See sections 663 and 1065, chapter 2002-387, Laws of Florida.

A school district that spends revenues from the 2-mill levy in violation of these limits is subject to an equal-dollar reduction in funds appropriated to the district under the Florida Education Finance Program the fiscal year after an audit finds the violation.<sup>7</sup>

Current law exempts a school district from these limits, thereby allowing the district to spend revenues from the 2-mill levy on any of the projects listed, including those authorized before the 1997 restrictions previously discussed in this analysis, if the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs (i.e., alternative scheduling or construction, leasing, rezoning, or technological methodologies).<sup>8</sup>

A review by the Department of Education of the legislative history of the 2-mill nonvoted capital improvement levy shows that the levy "has always been restricted to costs associated with capital outlay, and not with operating expenses."<sup>9</sup>

The department reports that, for 2006-2007, the value of 1 mill of school taxable value is \$1.56 billion. Thus, the 2-mill levy could generate a statewide value of \$ 3.11 billion. The following table shows the millage rates levied by Florida's school districts for 2006-2007.<sup>10</sup>

<b>2006-2007 Capital Improvement Millage Rates</b>	
<b>Levy of Discretionary 2 Mills</b>	<b>School Districts</b>
Three school districts do not levy millage	Calhoun, Holmes, and Jackson
Three school districts levy 0.001 to 0.500 mills	Gulf, Madison, and Monroe
Seven school districts levy 0.501 to 1.500 mills	Bay, DeSoto, Orange, Pasco, Santa Rosa, Walton, and Washington
Two school districts levy 1.501 to 1.999 mills	Citrus and Okaloosa
<b><i>The remaining 52 school districts levy the maximum of 2.000 mills</i></b>	

Class-Size Reduction:

In 2002, the voters of Florida approved an amendment to the State Constitution requiring the reduction of class sizes by the 2010 school year so that the maximum number of students per public school classroom assigned to a teacher is:<sup>11</sup>

- Eighteen students for prekindergarten through third grade;
- Twenty-two students for grades 4 through 8; and
- Twenty-five students for grades 9 through 12.

The constitutional amendment requires the Legislature, beginning with the 2003-2004 fiscal year, to provide funds for reducing the average number of students in each classroom by at least two students per year until reaching the maximum class sizes.<sup>12</sup>

To implement the constitutional amendment, the Legislature required a school district that did not comply with the maximum class sizes to reduce its average number of students per classroom<sup>13</sup> by at least two students per year. The Legislature also specified how the averages are calculated:

<sup>7</sup> Flush-left provisions of section 1011.71(5), Florida Statutes.

<sup>8</sup> *Id.*

<sup>9</sup> Florida Department of Education, *2007 Bill Analysis of HB 511 2* (Feb. 6, 2007).

<sup>10</sup> Florida Department of Education, Office of Funding and Financial Reporting, *Florida Education Finance Program 2006-07 Third Calculation 47* (Dec. 15, 2006), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4169/coefo-07-12c.pdf>.

<sup>11</sup> Section 1(a), Article IX of the State Constitution.

<sup>12</sup> *Id.*



- For fiscal years 2003-2004 through 2005-2006, the average number of students per classroom is calculated at the district level.
- For fiscal years 2006-2007 through 2007-2008, the average is calculated at the school level.
- For fiscal year 2008-2009 and thereafter, the average is calculated at the individual classroom level.

Thus, for fiscal years 2003-2004 through 2005-2006, a school district that did not meet the maximum class sizes for its classrooms was required to reduce the district's average number of students per classroom by two students. A school district was permitted to have a school whose average class size was not reduced as long as the district's average showed an overall reduction by two students.

For fiscal years 2006-2007 and 2007-2008, a public school (including a charter school) that does not meet the maximum class sizes for its classrooms is required to reduce the school's average number of students per classroom by two students. A school is permitted to have individual classrooms that are not reduced as long as the school's average shows an overall reduction by two students.

Beginning in fiscal year 2008-2009, an individual classroom that does not meet the maximum class size must be reduced by two students to meet the maximum class size.

Under current law, if the Department of Education determines for any year that a school district has not reduced average class size as required, the department must calculate an amount of the district's operating funds that is proportionate to the amount of class-size reduction not accomplished. Once the department's calculation is verified, the Executive Office of the Governor transfers the operating funds to the district's fixed capital outlay account for class-size reduction.<sup>14</sup> If, however, the Commissioner of Education recommends that the State Board of Education has reviewed evidence indicating that a school district was unable to meet class-size reduction requirements despite appropriate efforts, current law allows the Legislative Budget Commission to approve an alternative amount of funds to be transferred from the district's operating funds to fixed capital outlay for class-size reduction.

For 2006-2007, if a school district had at least one public school (including a charter school) that did not meet the class-size reduction requirements, the Department of Education allowed the district to appeal the department's calculation of the amount of operating funds to be transferred to fixed capital outlay. The Commissioner of Education subsequently recommended an adjustment to the transfer calculations if the district demonstrated that one of the following affected the calculation:

- Correction of data errors;
- District was actively recruiting (e.g., advertising of vacancy) a teacher to fill a vacancy before the class-size calculations and subsequently filled the position; or
- District experienced unexpected student enrollment growth.

---

<sup>13</sup> The State Constitution specifies that the class-size requirements do not apply to "extracurricular classes." *Id.* Section 1003.03(1), Florida Statutes, specifies that the maximum class sizes apply to "core-curricula courses," which section 1003.01(14), Florida Statutes, defines as "courses defined by the Department of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms."

<sup>14</sup> Section 1003.03(4)(a), Florida Statutes.

Based on the adjusted calculations resulting from the appeals, operating funds of 24 school districts are subject to transfer to fixed capital outlay.<sup>15</sup>

School District	Transfer Amount
Bay	\$68,834
Brevard	\$2,474
Broward	\$954,157
Clay	\$37,392
Collier	\$2,573
Miami-Dade	\$518,149
Duval	\$34,210
Gadsden	\$4,294
Hendry	\$35,956
Lee	\$37,685
Levy	\$7,392
Manatee	\$596,123

School District	Transfer Amount
Monroe	\$13,041
Orange	\$1,766,907
Osceola	\$444,463
Palm Beach	\$59,831
Pasco	\$7,226
Pinellas	\$153,569
Polk	\$120,551
Putnam	\$7,151
Sarasota	\$20,623
Seminole	\$722
Sumter	\$193,466
Washington	\$19,220

In addition to these school districts, five districts had at least one public school that did not meet the class-size reduction requirements, but, as a result of the department's appeals process, are not subject to the transfer of operating funds to fixed capital outlay: Alachua, Franklin, Lake, Okaloosa, and Walton.

Tax Notices:

Current law requires a school district to annually publish certain notices of its tentative budget, tax increases, and budget hearings in a newspaper of general paid circulation in the district, which is of general interest and readership in the community and not one of limited subject matter.<sup>16</sup> If a school district levies the nonvoted capital improvement millage (up to 2 mills), current law requires the district to publish a second notice of that tax, which also must appear in a newspaper of general paid circulation in the district.<sup>17</sup> The notice must include a list of the projects anticipated to be funded by the capital improvement tax.<sup>18</sup>

Proposed Changes:

The bill allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for payment of the district's health, property, and casualty insurance costs, if:

- The district has met the current-year class-size-reduction requirements; and
- The Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs (i.e., alternative scheduling or construction, leasing, rezoning, or technological methodologies).

Since current law provides for the calculation of class-size reduction requirements at the school level for fiscal years 2006-2007 and 2007-2008,<sup>19</sup> the bill is unclear when a school district is considered to have met the current-year class-size reduction requirements, especially in light of the appeals and adjustment process being implemented by the Department of Education, which is previously discussed in this analysis. Moreover, beginning in fiscal year 2008-2009, the class-size reduction requirements will be calculated at the level of individual classrooms, further obscuring whether a school district is considered to have met the current-year class-size reduction requirements.

<sup>15</sup> Florida Department of Education, *2006-07 Class Size Reduction Transfer to Fixed Capital Outlay: All Schools* (Feb. 2007).

<sup>16</sup> Section 200.065(2)(f) and (3), Florida Statutes.

<sup>17</sup> Section 200.065(9)(a), Florida Statutes.

<sup>18</sup> *Id.*

<sup>19</sup> Section 1003.03(2)(b)2., Florida Statutes.

The bill also requires a school district, if the district anticipates using revenues from the 2-mill levy for payment of health, property, and casualty insurance costs, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

The bill provides an effective date of July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Amends section 200.065, Florida Statutes, requiring the addition of specified information in an annual tax notice.

Section 2. Amends section 1011.71, Florida Statutes, to allow revenues from the 2-mill nonvoted capital improvement levy to be used to pay certain insurance costs.

Section 3. Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill allows a school district to use revenues from the 2-mill nonvoted capital improvement levy for the district's health, property, and casualty insurance costs, if the district meets current-year class-size reduction requirements and the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs.

The bill accordingly allows a district that does not confront short-term capital outlay demands to use revenues from the levy to support the operational costs of paying the district's insurance premiums, thereby allowing the district to use operational funds for other purposes. If, however, the school district confronts unexpected long-term capital outlay demands, the district could experience challenges in shifting expenditures for the district's insurance premiums back to its operational funds after an extended period of supporting these expenses with revenues from the 2-mill levy.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

As previously discussed in the EFFECT OF PROPOSED CHANGES (I. B.), the bill is unclear whether a school district meets the current-year class-size reduction requirements, thereby causing the bill to be unclear whether a district is eligible to use revenues from the 2-mill nonvoted capital improvement levy for the district's health, property, and casualty insurance costs.

#### D. STATEMENT OF THE SPONSOR

No statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (SA1)

Bill No.0561

COUNCIL/COMMITTEE ACTION

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

Council/Committee hearing bill: K-12

Representative Flores offered the following:

**Substitute Amendment for Amendment (1) by Representative Homan (with directory and title amendments)**

Remove everything after the enacting clause and insert:

Section 1. (1) Beginning with the 2007-2008 school year, each student in any public or private school in the state who is entering grade 6, and his or her parent or guardian, must be provided information by the school concerning the human papillomavirus; the connection between the human papillomavirus and cervical cancer; and that a vaccine, which helps prevent human papillomavirus infection, is available and recommended to be given to females before they enter grade 8.

(2) The information required to be provided in subsection(1) must be prescribed by the Department of Health, in consultation with the Department of Education.

(3) No later than January 1, 2008, the Department of Health shall add the human papillomavirus to its list of communicable diseases for which immunizations are recommended.

Section 2. This act shall take effect July 1, 2007.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (SA1)

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

24 Remove lines 3 - 17 and insert:  
25 public and private schools in the state to provide to  
26 students entering grade 6, and their parents or guardians,  
27 information concerning the human papillomavirus; requiring  
28 the Department of Health, in consultation with the  
29 Department of Education, to prescribe the required  
30 information; requiring the Department of Health to add the  
31 human papillomavirus to its list of communicable diseases  
32 for which immunizations are recommended; providing an  
33 effective date.

34

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 0561

COUNCIL/COMMITTEE ACTION

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

Council/Committee hearing bill: Committee on K-12

Representative(s) Homan offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. (1)(a) No later than January 1, 2009, the Department of Health shall adopt a rule adding the human papillomavirus to the list of communicable diseases set forth in s. 1003.22, Florida statutes, for which immunizations are required.

(b) The rule must include procedures for exempting a student from this immunization requirement without requiring a reason for doing so.

(2) Beginning with the 2009-2010 school year, each student in any public or private school in the state who is entering grade 6 for whom the human papillomavirus vaccine is approved by the United States Food and Drug Administration, and his or her parent or guardian, must be given information by the school concerning the connection between the human papillomavirus and cervical cancer and that a vaccine preventing human

3-15-07 5:37 pm



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

21 papillomavirus infection is available and recommended to be  
22 given before the student enters grade 8.

23 (3) Beginning with the 2011-2012 school year, each student  
24 for whom the human papillomavirus vaccine is approved by the  
25 United States Food and Drug Administration who is entering grade  
26 8 in any public or private school in the state shall submit to  
27 the school a certificate of immunization showing that the  
28 student has completed the immunization protocol for the human  
29 papillomavirus or a written statement, signed by his or her  
30 parent or guardian, that, after receiving the information about  
31 the human papillomavirus and its vaccine, the parent or guardian  
32 has elected that the student not receive the vaccine, with no  
33 reason required.

34 (4) Beginning with the 2011-2012 school year, a principal  
35 or any other person in charge of a public or private school in  
36 the state may not knowingly admit into grade 8 any student for  
37 whom the human papillomavirus vaccine is approved by the United  
38 States Food and Drug Administration until such student submits  
39 to the school a certificate of immunization showing the  
40 completion of the immunization protocol for the human  
41 papillomavirus or a written statement, signed by his or her  
42 parent or guardian, that, after receiving the information about  
43 the human papillomavirus and its vaccine, the parent or guardian  
44 has elected that the student not receive the vaccine, with no  
45 reason required.

46 (5) The information required to be provided to students  
47 and their parents or guardians and the students for whom the  
48 human papillomavirus vaccine is approved and recommended shall  
49 be prescribed by the Department of Health, in consultation with

3-15-07 5:37 pm

Page 2 of 3

Strike All Amendment 1 - Homan.doc

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

50 the Department of Education, in the rule adopted under  
51 subsection (1).

52 Section 2. This act shall take effect July 1, 2007.

53  
54 ===== T I T L E A M E N D M E N T =====

55 Remove the entire title and insert:

56 A bill to be entitled  
57 An act relating to the human papillomavirus; requiring the  
58 Department of Health to adopt a rule adding the human  
59 papillomavirus to the list of communicable diseases for  
60 which immunization is required for school admittance;  
61 requiring public and private schools in the state to  
62 provide to certain students and their parents or guardians  
63 information concerning the human papillomavirus, its  
64 vaccine, and cervical cancer; prohibiting certain students  
65 from admission to school without providing evidence of  
66 immunization for the human papillomavirus; providing an  
67 exception; providing requirements for school  
68 administrators; requiring the Department of Health, in  
69 consultation with the Department of Education, to  
70 prescribe in rule the required information and the  
71 students for whom the vaccine is approved and recommended;  
72 providing an effective date.

1 A bill to be entitled

2 An act relating to the human papillomavirus; requiring  
 3 public and private middle schools in the state to provide  
 4 to certain students and their parents or guardians  
 5 information concerning the human papillomavirus, its  
 6 vaccine, and cervical cancer; prohibiting certain students  
 7 from admission into school without providing evidence of  
 8 vaccination for the human papillomavirus; providing an  
 9 exception; prohibiting a principal from knowingly  
 10 admitting a student into school without evidence of  
 11 vaccination for the human papillomavirus; providing an  
 12 exception; requiring the Department of Education, in  
 13 consultation with the Department of Health, to prescribe  
 14 the content of the information regarding the connection  
 15 between the human papillomavirus and cervical cancer and  
 16 the availability of a vaccine preventing human  
 17 papillomavirus; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21 Section 1. (1) Beginning with the 2008-2009 school year,  
 22 each public or private middle school in this state shall provide  
 23 to each student who is 11 years of age or 12 years of age and to  
 24 the parents or guardian of such student information concerning  
 25 the connection between the human papillomavirus (HPV) and  
 26 cervical cancer and the availability of a vaccine preventing  
 27 human papillomavirus.

28 (2) Beginning with the 2008-2009 school year:

29        (a) A student who is 11 years of age or 12 years of age  
 30 may not be admitted to any private or public school in this  
 31 state until that student submits to the school acceptable  
 32 evidence of vaccination for the human papillomavirus or proof  
 33 that, after receiving the information required in subsection  
 34 (1), the student's parent or guardian has elected that the  
 35 student not receive the vaccine.

36        (b) A principal or any other person in charge of a public  
 37 or private school may not knowingly admit a student who is 11  
 38 years of age or 12 years of age until that student submits to  
 39 the school acceptable evidence of vaccination for the human  
 40 papillomavirus or proof that, after receiving the information  
 41 required in subsection (1), the student's parent or guardian has  
 42 elected that the student not receive the vaccine.

43        (3) The Department of Education, in consultation with the  
 44 Department of Health, shall prescribe the content of the  
 45 information required in subsection (1).

46        Section 2. This act shall take effect July 1, 2008.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 561 Human Papillomavirus
SPONSOR(S): Homan and others
TIED BILLS: IDEN./SIM. BILLS: SB 660

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: 1) Committee on K-12, Analyst: Ahearn, Staff Director: Ahearn. Rows 2-5 are empty.

SUMMARY ANALYSIS

The human papillomavirus (HPV) is the most common sexually transmitted virus in the United States. By age 50, at least 80 percent of women will have acquired the HPV infection at some point in their lives of at least one or more of the 30 known strains of HPV.

The bill requires, beginning with the 2008-2009 school year, that each public and private middle school in Florida provide each student, age 11 or 12, and the parent or guardian, information regarding the connection between HPV and cervical cancer as well as the "availability of a vaccine preventing HPV".

The bill provides that, beginning with the 2008-2009 school year, a student who is 11 or 12 years of age may not be admitted to any school in Florida, public or private, until the student provides evidence of vaccination for HPV, or proof that the parent or guardian, after receiving the required HPV information, has elected for the student to not receive the vaccine.

The bill has a fiscal impact; see Section II of this analysis for additional details.

The sponsor has filed a strike-all amendment.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government, Safeguard Individual Liberty, Empower Families: The bill requires that as of the 2008-2009 school year, a student who is 11 or 12 years of age may not be admitted to any private or public school in this state until that student submits to the school acceptable evidence of vaccination for the human papillomavirus (HPV) or proof that, after receiving information concerning HPV and cervical cancer and the availability of a vaccine preventing HPV, the parent or guardian has elected that the student not receive the vaccine.

Requires the Department of Education (DOE), in consultation with the Department of Health (DOH), to determine the content of the information the parent is to receive.

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Law

Section 1003.22(3), F.S., requires students to receive seven named immunizations: poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, tetanus; and, allows the Department of Health to supplement the list with immunizations for other communicable diseases, as adopted in rule. The DOH, in consultation with the DOE, has adopted rules governing the immunization of children against, the testing for, and the control of preventable communicable diseases. The rules include procedures for exempting a child from immunization requirements.

The Department of Health supervises and secures the enforcement of the required immunizations. *Immunizations required by s. 1003.22(3), F.S., must be made available at no cost from the county health departments.*

Neither s. 1003.22(3), F.S., or the agency rules, require immunization for HPV. However, the DOH "routinely informs the parents or guardians of female patients in the age range of 11-12 years of age who present for services at county health department that the HPV vaccine is available [at no cost] for those who are eligible under the federal Vaccines for Children Program (VFC). Children age 0-18 are eligible for the VPC Program if they meet one of the following criteria: Medicaid covered, uninsured, underinsured (insurance does not cover immunization), Alaskan Native or American Indian."<sup>1</sup>

##### Proposed Changes

"HPV is the most common sexually transmitted virus in the United States. By age 50, at least 80% of women will have acquired the HPV infection at some point in their lives of at least one or more of the 30 known strains of HPV that infect the genital tract. The HPV vaccine was released in June by the FDA **for use in girls** age 9-26. The Advisory Committee on Immunization Practices, a panel of expert advisors to the Centers for Disease Control, recommended the vaccine for 11 to 12 year old girls. Gardasil (Merek & Co., Inc.) **protects against 4 strains of HPV.**"<sup>2</sup>

The bill requires that beginning with the 2008-2009 school year and extending to each subsequent school year thereafter, each public and private school in Florida will be required "to provide each 11 or 12 year old student, and the parent or guardian, information regarding the connection between [HPV] and cervical cancer, as well as the availability of a vaccine to prevent HPV", a sexually transmitted disease (STD). However, as indicated in the above-quoted material, the vaccine does not totally "prevent HPV"; the vaccine protects against 4 of the most common 30 strains of the virus.

<sup>1</sup> DOH analysis, HB 561, Feb. 13, 2007

<sup>2</sup> HB 561 Vaccination for Cervical Cancer by Rep. Ed Homan, MD, March 2007.

The bill further requires that beginning with the 2008-2009 school year and extending to each subsequent school year thereafter, *students* who are 11 or 12 years of age are excluded from admission to any school in the state, public or private, until *each student* provides evidence of vaccination for HPV, or proof that the parent or guardian has elected for the student not to receive HPV vaccine after receiving the HPV information required to be given to the student and parent by the school.

The HPV vaccine on the market, at this time, is gender specific and is licensed for *females only*. Nonetheless, the bill requires boys to receive the vaccine as well.

The bill requires a principal or other person in charge of a public and private school to prohibit the admission of students to school who are 11 or 12 years of age until the student provides evidence of vaccination for the HPV series, or proof that the parent or guardian has elected for the student to not receive HPV vaccine after receiving the HPV information required to be provided by the school. This requires each public and private school with students that are 11 or 12 years of age to develop policy and procedures to implement the provisions of this proposal.

Since the HPV vaccine is given in a series of three injections over a 6-month period, schools (public and private) and district school boards will need to develop and implement an ongoing immunization tracking system to monitor students' completion of the three dose series over a six-month timeframe.

Finally, the bill requires that the DOE, in consultation with the DOH, prescribe the content of the HPV information requirement to students who are 11 or 12 years of age and their parents or guardians.

This bill takes effect July 1, 2008.

#### C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section regarding required information and immunization for HPV.

Section 2. Provides effective date of July 1, 2008.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

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

#### 2. Expenditures:

DOH has provided a fiscal analysis, which is based on the cost of the vaccine as well as the additional staffing needed to provide the services at the county health departments.

DOH construed the bill literally to mean that whether a student is 11 or 12 years old, the student is to receive the vaccine: "provide to each **student** who is 11 years of age **or** 12 years of age." However, DOH did not include boys in its calculations, despite the fact that a literal interpretation of the bill includes boys. DOH did not include boys because the vaccine is not approved for boys, at this time. Irrespective of what may have been intended by a bill, an analysis of a bill must address the provisions of the bill. Accordingly, a literal interpretation of the bill would increase the fiscal impact over the DOH projections for the cost of the vaccine.

Currently, according to DOH, there are approximately 257,563 girls that are 11 or 12 years old. The Vaccines for Children (VFC) program, a federally funded program, will cover the cost of vaccinating

approximately 116,660 of these girls<sup>3</sup>. The remaining 140,903 females will be eligible to be vaccinated at the county health departments, free of charge. Some of these girls will be vaccinated in private health care clinics and thus covered by private health care insurance. However, DOH estimates, from experience, that approximately 30% of girls who normally receive services in the private health care sector will be referred to county health departments for service. Thus, approximately 42,271 girls will need to be served by the county health departments.

DOH will have to purchase 126,813 doses of the HPV vaccine (42,271 x 3 injections) at \$96 per dose for a total of \$12,174,048 – girls only.

In addition, more staff would be needed to administer the additional service in the 67 county health departments. DOH projects the need for 100 additional nurses; and, including overhead, the cost would be approximately \$3.8 million (without factoring in annualization or recurring costs). Without administrative overhead, and with a more conservative assessment of staff needed, the cost would be closer to approximately \$1.5 million. However, these estimates only relate to the provision of the vaccines to girls, not boys. Including boys, would substantially increase the cost.

A strike all amendment has been filed by the sponsor, which provides, among other things that “beginning with the 2011-2012 school year, each student for whom the human papillomavirus vaccine is approved by the United States Food and Drug Administration” must either be immunized or elect not to receive the vaccine. Accordingly, one might conclude from the continued inclusion of boys (i.e., students), that by 2011-2012 a vaccine could be available for use on boys. Therefore, a fiscal analysis including that population of recipients would not be inappropriate.

The DOH and DOE will experience some fiscal impact, though limited, with regard to prescribing the content of the information regarding HPV that the school districts must provide to the students and parents.

## B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

### 1. Revenues:

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

### 2. Expenditures:

This bill does not appear to be a fiscal impact on local government expenditures.

---

<sup>3</sup> Children age 0-18 are eligible for the VFC program if they meet one of the following criteria: Medicaid covered, uninsured, underinsured (insurance does not cover immunization), Alaskan Native or American Indian.



### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The private health care sector will assume some burden for the costs of implementing the required vaccinations through administration of additional required vaccinations and the provision of information dissemination and documentation of any exemptions for school attendance. Private health care insurers will also bear the costs of covering the vaccine.

1. Private Sector Costs: Private health insurers who cover the vaccination will be affected by the costs of implementing the bill.
2. Private Sector Benefits: The primary benefits of the bill include potentially lowering the number of cases of cervical cancer due to the increase in HPV vaccinations administered in 11 or 12 year olds.<sup>4</sup>

### D. FISCAL COMMENTS:

Public and private schools must disseminate information "to each student who is 11 years of age or 12 years of age and to the parents or guardian regarding the connection between the HPV and cervical cancer and the availability of a vaccine preventing HPV." (Please note discussion above: the vaccine does not prevent all strains of HPV.) The cost of production and dissemination of such information is indeterminate.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to apply to counties or municipalities.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

This bill does not create rule-making authority.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### D. STATEMENT OF THE SPONSOR

The discovery of a vaccine to prevent the HPV infection that causes most cases of cervical cancer is one of the greatest advances in women's health in the last century.

When the vaccine to prevent Hepatitis B became available it was incorporated into the schools immunization program without hesitation or controversy, despite the fact that Hepatitis B is a sexually transmitted disease just like the HPV virus. The difference being that the Hepatitis B virus is uncommon, but 44% of women and 59% of men in the 20-24 year age group harbor the HPV virus. We need to get this problem under control and we have a vaccine to do it. The fiscal impact in the analysis is overstated because it was done on the original bill that has been rewritten in the strike all amendment. This bill is a true representative of IDEA # 88, i.e. better health care through prevention.

---

<sup>4</sup> DOE analysis, HB 561, Feb. 13, 2007  
STORAGE NAME: h0561.KT.doc  
DATE: 3/15/2007

An up front investment to prevent disease saves many more dollars than treating the disease, in addition to saving lives as well.

#### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 0967

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill:     Committee on K-12  
2 Representative(s) Weatherford offered the following:

3  
4       **Amendment (with title amendment)**

5       Remove everything after the enacting clause and insert:

6       Section 1. Subsection (7) is added to section 1001.11,  
7 Florida Statutes, to read:

8       1001.11 Commissioner of Education; other duties.--

9       (7) The commissioner shall dedicate financial and  
10 departmental staff resources to provide professional development  
11 to physical education teachers; elementary and secondary  
12 teachers whose assignments include physical education courses;  
13 and developers of physical education curricula. Such  
14 professional development shall incorporate current physical  
15 education and nutrition philosophy and best practices that  
16 result in student participation in physical activities that  
17 promote lifelong physical and mental well-being.

18       Section 2. Subsection (16) is added to section 1003.01,  
19 Florida Statutes, to read:

20       1003.01 Definitions.--As used in this chapter, the term:

3-15-07 7:25 pm

Page 1 of 3

Amendment 1 by Weatherford - HB 967.doc

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

21       (16) "Physical education" means the development or  
22 maintenance of skills related to strength, agility, flexibility,  
23 movement, and stamina; the development of knowledge and skills  
24 regarding teamwork and fair play; the development of knowledge  
25 and skills regarding nutrition and physical fitness as part of a  
26 healthy lifestyle; and the development of positive attitudes  
27 regarding sound nutrition and physical activity as a component  
28 of personal well-being.

29       Section 3. Subsection (3) of section 1003.455, Florida  
30 Statutes, is amended to read:

31       1003.455 Physical education; assessment.--

32       (3) Each district school board shall provide 150 minutes  
33 of physical education each week for students in kindergarten  
34 through grade 5. Students enrolled in such instruction shall be  
35 reported separately through the Florida Education Finance  
36 Program, and records of such enrollment shall be audited  
37 pursuant to s. 1010.305. Each district school board is  
38 encouraged to provide ~~150 minutes of physical education each~~  
39 ~~week for students in kindergarten through grade 5~~ and 225  
40 minutes of physical education each week for students in grades 6  
41 through 8.

42       Section 4. During the 2007-2008 school year, the State  
43 Board of Education shall review and revise the Sunshine State  
44 Standards related to physical education to reflect state-of-the-  
45 art philosophy and practice. The revised standards shall  
46 emphasize the role of physical education in promoting the  
47 knowledge, skills, and attitudes that prepare students to make  
48 healthy lifelong nutrition and physical fitness choices.

49       Section 5. This act shall take effect upon becoming a law.

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

3-15-07 7:25 pm

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

51 Remove the entire title and insert:  
52 A bill to be entitled  
53 An act relating to physical education; amending s.  
54 1001.11, F.S.; requiring the Commissioner of Education to  
55 dedicate resources to provide professional development in  
56 physical education; amending s. 1003.01, F.S.; defining  
57 the term "physical education"; amending s. 1003.455, F.S.;  
58 requiring district school boards to provide specified  
59 physical education for certain students; requiring  
60 reporting for funding purposes and auditing of records;  
61 requiring the Department of Education to review and revise  
62 the Sunshine State Standards regarding physical education;  
63 providing an effective date.

3-15-07 7:25 pm

Page 3 of 3

Amendment 1 by Weatherford - HB 967.doc

1                   A bill to be entitled  
 2           An act relating to public school physical education;  
 3           amending s. 1003.455, F.S.; providing requirements for  
 4           student participation in physical education; requiring  
 5           review and revision of the Sunshine State Standards for  
 6           physical education; amending s. 1012.98, F.S.; requiring  
 7           the Department of Education to develop and school  
 8           districts to provide a professional development program;  
 9           providing an effective date.

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

12  
 13           Section 1. Section 1003.455, Florida Statutes, is amended  
 14 to read:

15           1003.455 Physical education programs; ~~assessment~~.--

16           (1) It is the responsibility of each district school board  
 17 to develop a physical education program that stresses physical  
 18 fitness and encourages healthful, active lifestyles. Each  
 19 district school board shall require all students in kindergarten  
 20 through grade 5, and to encourage all students in grades 6  
 21 through prekindergarten through grade 12, to participate in  
 22 physical education. Physical education shall consist of physical  
 23 activities of at least a moderate intensity level and for a  
 24 duration sufficient to provide a significant health benefit to  
 25 students, subject to the differing capabilities of students. All  
 26 physical education programs and curricula must be reviewed by a  
 27 certified physical education instructor.

28 (2) Each district school board shall adopt a written  
 29 physical education policy that details the school district's  
 30 physical education program and expected program outcomes.

31 (3) Each district school board shall require each  
 32 kindergarten through grade 5 student to participate in physical  
 33 education daily to consist of ~~is encouraged to provide~~ 150  
 34 minutes of physical education each week ~~for students in~~  
 35 kindergarten through grade 5 and shall encourage each student in  
 36 grades 6 through 12 to participate in physical education for 225  
 37 minutes each week ~~for students in grades 6 through 8.~~

38 (4) The State Board of Education shall review and revise  
 39 as necessary the Sunshine State Standards for physical education  
 40 to ensure that the standards reflect state-of-the-art physical  
 41 education philosophy and practice.

42 Section 2. Paragraph (c) of subsection (4) of section  
 43 1012.98, Florida Statutes, is redesignated as paragraph (d) and  
 44 a new paragraph (c) is added to that subsection to read:

45 1012.98 School Community Professional Development Act.--

46 (4) The Department of Education, school districts,  
 47 schools, community colleges, and state universities share the  
 48 responsibilities described in this section. These  
 49 responsibilities include the following:

50 (c) The department shall develop and each school district  
 51 shall provide a professional development program for physical  
 52 education instructors, elementary and secondary school teachers  
 53 whose responsibilities include teaching physical education  
 54 classes, and developers of physical education curricula.

55 Section 3. This act shall take effect July 1, 2007.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 967 Public School Physical Education
SPONSOR(S): Weatherford and others
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: 1) Committee on K-12, Barnhill, Ahearn.

SUMMARY ANALYSIS

Currently, Florida law encourages all students in prekindergarten through grade 12 to participate in physical education. More particularly, school boards are encouraged to provide 150 minutes of physical education each week to students in kindergarten through grade 5 and to provide 225 minutes of physical education each week to students in grades 6 through 8.

This bill requires all students in kindergarten through grade 5 to participate in physical education. The bill requires these students to participate in a total of 150 minutes of physical education each week. This bill encourages students in grades 6 through 12 to participate in 225 minutes of physical education each week, thus providing students in grades 9 through 12 a suggested amount of time each week to spend on physical education.

This bill also requires the State Board of Education to review, and revise as necessary, the Sunshine State Standards to ensure the standards reflect the state-of-the-art physical education philosophy and practice in this state.

This bill also requires the Department of Education and the district school boards to provide a professional development program for physical education instructors and developers of physical education curricula.

This bill does not appear to have a significant fiscal impact on state government. This bill does not appear to have an impact on local governments. Please see FISCAL ANALYSIS, section II.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

*Provide limited government* – This bill requires the State Board of Education to revise the Sunshine State Standards to reflect Florida’s state-of-the-art physical education philosophy and practice. This bill also requires the Department of Education and district school boards to provide a professional development program for physical education instructors and developers of physical education curricula.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background**

Obesity is a growing concern across the country and in this state. Overweight rates have doubled among children and tripled among adolescents in the last 25 years.<sup>1</sup> Obesity has been linked to inactivity, yet schools have reduced or completely excluded physical education from the curriculum in an effort to spend more time in the classroom.

##### **Present Situation**

Currently, Florida law *encourages* all students in prekindergarten through grade 12 to participate in physical education.<sup>2</sup> Section 1003.455(2), F.S., states the district school boards are responsible for developing a physical education program that stresses physical fitness and encourages healthy, active lifestyles. Physical education must include physical activities of moderate intensity, for enough time to provide a significant health benefit to students. Differing capabilities of students must be considered in the development of the physical education program.

Each school board must adopt a written policy for physical education. This policy must detail the school district’s physical education program and include the district’s expected program outcomes.

Current law *encourages* district school boards to provide 150 minutes of physical education each week for students in kindergarten through grade 5. District school boards are encouraged to provide 225 minutes of physical education each week to students in grades 6 through 8. Students in grades 9 through 12 are encouraged to participate in physical education, although no amount of time is suggested. However, high school graduation requirements require one credit of physical education.<sup>3</sup>

There are currently 6,233 physical education teachers employed in Florida. There are also an unknown number of additional teachers involved in physical education.

##### **Effects of Proposed Changes**

This bill changes the law from requiring school districts to *encourage* student participation in physical education, to requiring school districts to *require* students in kindergarten through grade 5 to participate in physical education and *encourage* students in grades 6 through 12 to participate in physical education.

More particularly, district school boards must require students in kindergarten through grade 5 to participate in daily physical activity, for a total of 150 minutes per week. The district school board must encourage students in grades 6 through 12 to participate in physical activity for a total of 225 minutes

<sup>1</sup> <http://www.cdc.gov/HealthyYouth/index.htm>

<sup>2</sup> s. 1003.455(1), F.S.

<sup>3</sup> s. 1003.428(2)(a)(6), F.S.

per week, thus providing school boards a suggested amount of time each week students in grades 9 through 12 should spend on physical education.

This bill requires the State Board of Education to review and revise as necessary the Sunshine State Standards for physical education. These standards should reflect Florida's state-of-the-art physical education philosophy and practice.

This bill requires the Department of Education and each school district to provide a professional development program for physical education instructors and developers of physical education curricula. Physical education instructors include elementary and secondary school teachers whose responsibilities include teaching physical education classes.

C. SECTION DIRECTORY:

**Section 1.** Amends s. 1003.455, F.S., providing requirements for student participation in physical education and requiring review and revision of the Sunshine State Standards for physical education.

**Section 2.** Amends s. 1012.98, F.S., requiring the Department of Education to develop and school districts to provide a professional development program.

**Section 3.** Provides an effective date of July 1, 2007.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

This bill has an indeterminate fiscal impact on the Department of Education (DOE). This bill requires the DOE to provide a professional development program for physical education instructors and developers of physical education curricula. These costs depend on availability of existing material and professional analysis of needed content.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Each school district may experience additional costs to provide the required professional development program for physical education instructors and developers of physical education curricula. Costs will vary depending on the method of delivery (e.g., online, demonstration) and the duration of the program.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

This bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not raise the need for rules or rulemaking authority or direct an agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This bill will have an impact on daily instructional time for elementary schools. Districts that do not currently follow the recommendations in statute will have to eliminate instruction time in other areas.

This bill will have an impact on teacher certification requirements. Enrollment in physical education classes will increase significantly, causing a need for more teachers.

The language of this bill requires an actual physical *education* class. This is different from required physical *activity* (i.e., recess).

The bill does not provide for exemptions that will be needed for some students.

D. STATEMENT OF THE SPONSOR

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. **HB 1107**

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: K-12  
2 Representative Flores offered the following:

**Amendment (with title amendments)**

Remove lines 24-120 and insert:

3  
4  
5  
6 SYSTEM.--Subject to specific legislative appropriation, the  
7 Office of Early Learning within the Agency for Workforce  
8 Innovation shall establish Florida's Sunshine State Stars  
9 Quality Rating System to provide a voluntary, statewide standard  
10 rating system for licensed early learning programs, child care  
11 facilities as defined in s. 402.302, and facilities  
12 participating in the Voluntary Prekindergarten Education Program  
13 created under s. 1002.53.

14 (a) The rating system shall consist of five tiers. For the  
15 purposes of this section, a "tier" refers to each level of  
16 progression and represents a higher level of quality within the  
17 quality rating system. To communicate the level of quality to  
18 parents, consumers, and the participating early learning  
19 program, a star symbol shall be used. Programs that meet the  
20 highest level of quality in the rating system shall be awarded  
21 five stars.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

22 (b) Programs must meet all the criteria of a tier before  
23 advancing to the next tier. The office shall be responsible for  
24 implementing the requirements for each tier in each category  
25 based upon recommendations of the Early Learning Advisory  
26 Council's Quality Rating System Task Force and recommendations  
27 from organized meetings to gather local input from parent and  
28 provider focus groups and interviews.

29 (2) REQUIREMENTS FOR CHILD CARE FACILITIES AND FACILITIES  
30 PARTICIPATING IN THE VOLUNTARY PREKINDERGARTEN EDUCATION  
31 PROGRAM.--

32 (a) Overall quality rating assessment shall be based on  
33 the following major components that have been documented by  
34 research or best practices to positively impact child and family  
35 outcomes:

- 36 1. Learning environment.
- 37 2. Curricula, screening, and assessment.
- 38 3. Staff qualifications.
- 39 4. Professional development.
- 40 5. Business practices.
- 41 6. Family involvement.

42 (b) Advancement through the tiers in each major component  
43 shall be based on the following:

- 44 1. Learning environment, verified through document  
45 submission or use of an appropriate environment rating scale.
- 46 2. Curricula, screening, and assessment, verified through  
47 document review and observation.
- 48 3. Staff qualifications, verified by linkage with  
49 licensing and document review.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

50       4. Professional development for the director, lead  
51 teacher, and assistant teacher, verified by linkage with  
52 licensing and document review.

53       5. Business practices, verified by document review and  
54 observation. Consideration shall be given to child care  
55 providers possessing a Gold Seal Quality Care designation and  
56 Head Start and Early Head Start programs of quality and  
57 excellence.

58       6. Family involvement, verified through document review.

59       Section 2. Florida's Sunshine State Stars Quality Rating  
60 System Voluntary Pilot Program.--

61       (1) FLORIDA'S SUNSHINE STATE STARS QUALITY RATING SYSTEM  
62 VOLUNTARY PILOT PROGRAM.--Subject to specific legislative  
63 appropriation, Florida's Sunshine State Stars Quality Rating  
64 System voluntary pilot program is created for the implementation  
65 of the rating system tier program in the following counties:  
66 Broward, Duval, Hillsborough, Leon, Miami-Dade, Orange, Palm  
67 Beach, and Pinellas. The identified counties include urban  
68 counties and rural counties that have established or are in the  
69 process of establishing quality rating systems.

70       (2) FINANCIAL INCENTIVES FOR ADVANCEMENT IN THE RATING  
71 SYSTEM.--

72       (a) Centers and programs in tiers 1, 2, and 3 shall be  
73 eligible for grants and awards to improve quality, subject to  
74 appropriation.

75       (b) Centers and programs in tiers 4 and 5 shall be  
76 eligible for merit awards to maintain high quality, subject to  
77 appropriation.

78       (3) TECHNICAL SUPPORT.--Subject to specific legislative  
79 appropriation, technical support shall be provided to programs

000000



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

80 to ensure successful entry into the rating system and movement  
81 through the system. The Office of Early Learning within the  
82 Agency for Workforce Innovation shall coordinate with the  
83 participating early learning coalitions to facilitate the  
84 successful participation of child care facilities in the pilot  
85 program and with those programs currently implementing a quality  
86 rating system.

87 (4) OTHER COUNTIES.--Nothing in this section shall  
88 preclude early learning coalitions from implementing a quality  
89 rating system in other counties.

90 (5) EXPIRATION OF THE PILOT PROGRAM.--The pilot program  
91 shall expire on July 1, 2009.

92 Section 3. In order to ensure the availability of  
93 qualified teachers to meet the needs associated with higher  
94 standards, the Office of Early Learning within the Agency for  
95 Workforce Innovation shall develop a workforce development plan.  
96 The plan shall include recommendations for the funding and  
97 expansion of current child care professional development  
98 credentialing programs, such as the Teacher Education and  
99 Compensation Helps program (TEACH), as well as other programs  
100 designed to provide professional development, credentialing, and  
101 advanced education.

102 Section 4. This act shall take effect upon becoming a law.

103  
104 ===== T I T L E A M E N D M E N T =====

105 Remove line 14 and insert:  
106 workforce development plan;

000000

1                   A bill to be entitled  
 2           An act relating to child care; creating s. 402.3012, F.S.;  
 3           establishing the Florida's Sunshine State Stars Quality  
 4           Rating System, a voluntary rating system, in the Agency  
 5           for Workforce Innovation; providing quality rating  
 6           requirements for early learning programs, child care  
 7           facilities, and facilities participating in the Voluntary  
 8           Prekindergarten Education Program; establishing a  
 9           voluntary pilot program in specified counties; providing  
 10          financial incentives for advancement in quality rating;  
 11          providing for technical support; providing for expiration  
 12          of the program; requiring the Office of Early Learning  
 13          within the Agency for Workforce Innovation to develop a  
 14          workforce development plan; providing an appropriation;  
 15          providing an effective date.

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

18  
 19           Section 1. Section 402.3012, Florida Statutes, is created  
 20   to read:

21           402.3012 Florida's Sunshine State Stars Quality Rating  
 22   System.--

23           (1) FLORIDA'S SUNSHINE STATE STARS QUALITY RATING  
 24   SYSTEM.--The Office of Early Learning within the Agency for  
 25   Workforce Innovation shall establish the Florida's Sunshine  
 26   State Stars Quality Rating System to provide a voluntary,  
 27   statewide standard rating system for licensed early learning  
 28   programs, child care facilities as defined in s. 402.302, and

29 facilities participating in the Voluntary Prekindergarten  
 30 Education Program created under s. 1002.53.

31 (a) The rating system shall consist of five tiers. For the  
 32 purposes of this section, a "tier" refers to each level of  
 33 progression and represents a higher level of quality within the  
 34 quality rating system. To communicate the level of quality to  
 35 parents, consumers, and the participating early learning  
 36 program, a star symbol shall be used. Programs that meet the  
 37 highest level of quality in the rating system shall be awarded  
 38 five stars.

39 (b) Programs must meet all the criteria of a tier before  
 40 advancing to the next tier. The office shall be responsible for  
 41 implementing the requirements for each tier in each category  
 42 based upon recommendations of the Early Learning Advisory  
 43 Council's Quality Rating System Task Force and recommendations  
 44 from organized meetings to gather local input from parent and  
 45 provider focus groups and interviews.

46 (2) REQUIREMENTS FOR CHILD CARE FACILITIES AND FACILITIES  
 47 PARTICIPATING IN THE VOLUNTARY PREKINDERGARTEN EDUCATION  
 48 PROGRAM.--

49 (a) Overall quality rating assessment shall be based on  
 50 the following major components that have been documented by  
 51 research or best practices to positively impact child and family  
 52 outcomes:

- 53 1. Learning environment.
- 54 2. Curricula, screening, and assessment.
- 55 3. Staff qualifications.
- 56 4. Professional development.

57           5. Business practices.  
58           6. Family involvement.  
59           (b) Advancement through the tiers in each major component  
60 shall be based on the following:  
61           1. Learning environment, verified through document  
62 submission or use of the appropriate Early Childhood Environment  
63 Rating Scales (Harms, Clifford, and Cryer).  
64           2. Curricula, screening, and assessment, verified through  
65 document review and observation.  
66           3. Staff qualifications, verified by linkage with  
67 licensing and document review.  
68           4. Professional development for the director, lead  
69 teacher, and assistant teacher, verified by linkage with  
70 licensing and document review.  
71           5. Business practices, verified by document review and  
72 observation. Consideration shall be given to child care  
73 providers possessing a Gold Seal Quality Care designation and  
74 Head Start and Early Head Start programs of quality and  
75 excellence.  
76           6. Family involvement, verified through document review.  
77           Section 2. Florida's Sunshine State Stars Quality Rating  
78 System Voluntary Pilot Program.--  
79           (1) FLORIDA'S SUNSHINE STATE STARS QUALITY RATING SYSTEM  
80 VOLUNTARY PILOT PROGRAM.--Florida's Sunshine State Stars Quality  
81 Rating System voluntary pilot program is created for the  
82 implementation of the rating system tier program in the  
83 following counties: Broward, Duval, Hillsborough, Leon, Miami-  
84 Dade, Orange, Palm Beach, and Pinellas. The identified counties

85 include urban counties and rural counties that have established  
 86 or are in the process of establishing quality rating systems.

87 (2) FINANCIAL INCENTIVES FOR ADVANCEMENT IN THE RATING  
 88 SYSTEM.--

89 (a) Centers and programs in tiers 1, 2, and 3 shall be  
 90 eligible for grants and awards to improve quality.

91 (b) Centers and programs in tiers 4 and 5 shall be  
 92 eligible for merit awards to maintain high quality.

93 (3) TECHNICAL SUPPORT.--Technical support shall be  
 94 provided to programs to ensure successful entry into the rating  
 95 system and movement through the system. The Office of Early  
 96 Learning within the Agency for Workforce Innovation shall  
 97 coordinate with the participating early learning coalitions to  
 98 facilitate the successful participation of child care facilities  
 99 in the pilot program and with those programs currently  
 100 implementing a quality rating system.

101 (4) OTHER COUNTIES.--Nothing in this section shall  
 102 preclude early learning coalitions from implementing a quality  
 103 rating system in other counties.

104 (5) EXPIRATION OF THE PILOT PROGRAM.--The pilot program  
 105 shall expire on July 1, 2009.

106 Section 3. In order to ensure the availability of  
 107 qualified teachers to meet the needs associated with higher  
 108 standards, the Office of Early Learning within the Agency for  
 109 Workforce Innovation shall develop a workforce development plan.  
 110 The plan shall include recommendations for the funding and  
 111 expansion of current child care professional development  
 112 credentialing programs, such as the Teacher Education and

HB 1107

2007

113 | Compensation Helps program (TEACH), as well as other programs  
114 | designed to provide professional development, credentialing, and  
115 | advanced education.

116 |       Section 4. The sum of \$25 million is appropriated from the  
117 | General Revenue Fund to the Agency for Workforce Innovation for  
118 | the 2007-2008 fiscal year to implement the provisions of this  
119 | act.

120 |       Section 5. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS



BILL #: HB 1107

Child Care

SPONSOR(S): Ausley

IDEN./SIM. BILLS: SB 2226

TIED BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on K-12		Gillespie 	Ahearn 
2) Schools & Learning Council			
3) Policy & Budget Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

House Bill 1107 requires the Agency for Workforce Innovation (AWI) to establish Florida's Sunshine State Stars Quality Rating System (QRS), which assesses and communicates to parents the quality of early childhood education and child care programs provided by licensed child care facilities and facilities participating in the Voluntary Prekindergarten Education (VPK) Program. The bill requires the QRS to be voluntary for facilities.

The QRS must be based on an assessment of a facility's learning environment; curricula, screening, and assessment; staff qualifications; professional development; business practices; and family involvement. The bill requires AWI to design the QRS as a five-star rating system of five tiers, each tier being represented by one to five stars. A facility is required to meet the criteria of a lower tier before advancing to the next tier.

The bill creates a 2-year voluntary pilot program to implement the QRS in eight Florida counties. The bill specifies that centers and programs rated as Tier 1, 2, or 3 are eligible for grants and awards to improve quality. The bill also provides that centers and programs rated as Tier 4 or 5 are eligible for merit awards to maintain high quality. The bill does not, however, require AWI or the early learning coalitions to provide these grants and awards or specify the amounts of the awards.

The bill requires AWI and the early learning coalitions to provide technical support for facilities in the pilot program.

The bill provides a \$25 million appropriation to AWI to fund the program. The bill does not, however, specify the amount or methodology for allocating the funds among the early learning coalitions.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill creates a new program and accordingly increases government duties and the number of government employees responsible for carrying out those duties.

Empower Families: The bill establishes a system that assesses the quality of early childhood education and child care programs and communicates that information to parents, thereby empowering parents to make an informed choice about the appropriate child care settings for their children.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

According to the National Child Care Information Center (NCCIC)<sup>1</sup>, a “quality rating system” (QRS) is a method to assess, improve, and communicate the level of quality in early childhood education and child care settings.<sup>2</sup> A QRS typically includes five common elements:<sup>3</sup>

- Standards based on the foundation of compliance with the state’s child care licensing regulations and including two or more levels, or tiers, of quality criteria above basic licensing requirements;
- Accountability through appropriate means of assessment and monitoring for compliance with the specific criteria of the standards;
- Program and practitioner outreach and support including efforts to promote participation in the QRS, as well as technical assistance, training, mentoring, and other supports;
- Financing incentives specifically linked to compliance with quality standards, such as quality bonus payments, tiered reimbursement rates, contracts, quality grants, and wage supplements; and
- Parent education designed to ensure that parents understand the QRS and how it benefits children, families, and the early childhood education and child care system as a whole. Parent education includes the development of a quality rating indicator or symbol that parents use as a consumer guide. These symbols, which represent varying quality rating levels, are easy-to-understand indicators of quality, such as a “three-star” or “gold level” that parents can use when making decisions about the care and education of their children.

NCCIC reports that, as of March 2006, 13 states have a QRS: Colorado, District of Columbia, Iowa, Kentucky, Maryland, Montana, New Hampshire, New Mexico, North Carolina, Oklahoma, Pennsylvania, Tennessee, and Vermont.<sup>4</sup>

##### Sunshine State Stars Quality Rating System:

On May 19, 2006, NCCIC presented information about quality rating systems to the Florida Early Learning Advisory Council.<sup>5</sup> At the conclusion of the presentation, the advisory council, chaired by

---

<sup>1</sup> The National Child Care Information Center (NCCIC) is a national clearinghouse and technical assistance center linking parents, providers, policymakers, researchers, and the public to early childhood education and child care information. NCCIC is a partner with the federal Child Care Bureau of the United States Department of Health and Human Services.

<sup>2</sup> National Child Care Information Center, *Quality Rating Systems: Definition and Statewide Systems* (Apr. 2006), available at <http://nccic.acf.hhs.gov/pubs/qrs-defsystems.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> The Florida Early Learning Advisory Council is composed of a chair appointed by the Governor; the chairs of the 31 early learning coalitions, who are appointed by the Governor; one member appointed by the President of the Senate; and one member appointed by the Speaker of the House of Representatives. Section 1002.79(2), Florida Statutes.



former Lieutenant Governor Toni Jennings, requested the Agency for Workforce Innovation to develop a proposal for a QRS in Florida.

On July 27 and 28, 2006, the Agency for Workforce Innovation convened a statewide meeting in Orlando of early learning coalitions, providers of early learning programs, child care advocates, and state agencies involved in early learning to discuss the development of a QRS.

On September 8, 2006, the Agency for Workforce Innovation conducted a second statewide meeting in Tampa to refine its proposal for a QRS, and, on September 28 and 29, 2006, the agency presented its final proposal to the Florida Early Learning Advisory Council, which the agency titled the "Sunshine State Stars Quality Rating System."

### Voluntary Prekindergarten Education Program:

In 2002, the voters of Florida approved an amendment to the State Constitution, which requires the Legislature to establish an early childhood education program for every 4-year-old child in the state which is voluntary, high quality, free, and delivered according to professionally accepted standards.<sup>6</sup> In December 2004, to implement the constitutional amendment, the Legislature created the Voluntary Prekindergarten Education (VPK) Program.<sup>7</sup> The VPK program allows a parent to enroll his or her child in a voluntary, free prekindergarten program offered during the year before the child is eligible for admission to kindergarten. The program gives parents of eligible children a choice among three program options:

- A 540-instructional-hour school-year VPK program delivered by a private provider;
- A 300-instructional-hour summer VPK program delivered by a public school or private provider; or
- If offered in a school district that meets class-size reduction requirements, a 540 instructional-hour school-year VPK program delivered by a public school.

Two types of providers are eligible to deliver the VPK program:

- Private providers: Eligible private providers include licensed child care facilities, licensed family day care homes, licensed large family child care homes, private school (exempt from licensure), and faith-based child care facilities (exempt from licensure).<sup>8</sup>
- Public schools: A district school board determines which public schools in the district are eligible to participate in the VPK program.<sup>9</sup>

### Child Care Licensing:

Florida's child care licensing regulations generally govern the health, safety, sanitation, nutrition, physical surroundings, and child development needs of children receiving child care services; child care personnel requirements (e.g., training, professional credentials, and background screening); and staff-to-children ratios.<sup>10</sup> Except for certain facilities that are exempt from licensure (i.e., faith-based child care facilities), all child care facilities in the state must be licensed.<sup>11</sup> Specialized child care facilities for the care of mildly ill children and large family child care homes must also be licensed.<sup>12</sup> Depending on local requirements, family day care homes must either be licensed or registered.<sup>13</sup>

<sup>6</sup> Section 1(b) and (c), Article IX of the State Constitution.

<sup>7</sup> Chapter 2004-484, Laws of Florida.

<sup>8</sup> Sections 1002.55(3)(a) and 1002.61(3)(b), Florida Statutes.

<sup>9</sup> Section 1001.61(3)(a) and 1002.63(3), Florida Statutes.

<sup>10</sup> See, e.g., sections 402.305, 402.313, and 402.3131, Florida Statutes.

<sup>11</sup> Sections 402.305 and 402.312, Florida Statutes.

<sup>12</sup> Sections 402.305(17), 402.312, and 402.3131, Florida Statutes.

<sup>13</sup> Sections 402.312 and 402.313, Florida Statutes.

The licensure or registration of child care providers is administered by the Child Care Services Program Office of the Department of Children and Family Services or, in seven counties (Alachua, Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota), by local licensing agencies that have licensing standards meeting or exceeding the state's minimum standards.<sup>14</sup>

#### Inconsistent Use of "Child Care Facility":

Florida's child care licensing laws inconsistently use the term "child care facility" to mean any type of regulated child care provider or, in other contexts, a distinct license type that is distinguished from other license types (e.g., family day care homes or large family child care homes). For example, section 402.309, Florida Statutes, authorizes provisional licenses to be issued to "child care facilities." In this section, the term refers to any child care provider that is subject to licensure. Conversely, section 402.305, Florida Statutes, provides licensing standards for "child care facilities." In this section, the term refers only to the distinct license type and would not apply, for example, to family day care homes.

#### Gold Seal Quality Care Designation:

The Department of Children and Family Services (DCF) issues a "Gold Seal Quality Care" designation to child care facilities, large family child care homes, and family day care homes that are accredited by a nationally recognized accrediting association whose standards meet or exceed standards of the

- National Association for the Education of Young Children;
- National Association of Family Child Care, and
- National Early Childhood Program Accreditation Commission.

In addition to the three associations listed in law, DCF's current approved list of accrediting associations include:<sup>15</sup>

- Association of Christian Schools International;
- Association of Christian Teachers and Schools;
- Accredited Professional Preschool Learning Environment;
- Council On Accreditation;
- Montessori School Accreditation Commission;
- National After-School Association;
- National Accreditation Commission;
- National Council for Private School Accreditation;
- Southern Association of Colleges and Schools;
- United Methodist Association of Preschools; and
- National Accreditation Council for Early Childhood Professional Personnel and Programs.

Child care providers who hold a Gold Seal Quality Care designation and participate in the school readiness program<sup>16</sup> are eligible for an increased payment rate (up to 120 percent of non-Gold Seal rate).<sup>17</sup> In addition, licensed or faith-based child care facilities with the Gold Seal Quality Care

---

<sup>14</sup> Sections 402.306 and 402.307, Florida Statutes.

<sup>15</sup> Florida Department of Children and Family Services, *Gold Seal Quality Care*, at <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited Mar. 16, 2007).

<sup>16</sup> In 1999, the Legislature enacted the School Readiness Act (section 411.01, Florida Statutes), which consolidated the state's early childhood education and child care programs into one integrated program of school readiness services. Chapter 99-357, Laws of Florida. A child whose parent receives temporary cash assistance subject to federal work requirements, who is at risk of abuse or neglect, or whose family is economically disadvantaged (family income does not exceed 150 percent of federal poverty level) is generally eligible for school readiness programs. Section 411.01(6) and (11), Florida Statutes.

<sup>17</sup> See, e.g., Specific Appropriation 2304, *General Appropriation Act for Fiscal Year 2006-2007*, chapter 2006-25, Laws of Florida ("Funds in Specific Appropriation 2304 from the Child Care and Development Block Grant Trust Fund may be used to provide a rate

designation may receive an exemption from property taxes<sup>18</sup> and a sales tax exemption for certain educational materials.<sup>19</sup>

In 2006, the Legislature authorized the DCF to temporarily revoke a provider's Gold Seal Quality Care designation based on violations of child care licensing requirements.<sup>20</sup>

#### T.E.A.C.H. Early Childhood® Project:

The Teacher Education and Compensation Helps (T.E.A.C.H.) Early Childhood® Project is a comprehensive scholarship initiative established in 1993 by the Child Care Services Association in North Carolina.<sup>21</sup> The program provides educational scholarships and salary supplements to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes in order to increase the quality of instructors, to increase the compensation of early childhood providers, and to encourage a commitment to the early learning field. In the General Appropriations Act for fiscal year 2006-2007,<sup>22</sup> the Legislature enacted proviso language that authorizes AWI to contract for the T.E.A.C.H. scholarship program or, if approved by the Legislative Budget Commission, to administer or contract for a substantially similar program.<sup>23</sup>

#### Proposed Changes:

The bill requires the Agency for Workforce Innovation (AWI) to establish Florida's Sunshine State Stars Quality Rating System (QRS). The bill requires the proposed QRS to include the following:

- Voluntary: Participation by facilities is voluntary.
- Participation: Licensed early learning programs, child care facilities, and facilities participating in the VPK program may participate in the QRS.
- Tiers: Five tiers, each level of progression represents a higher level of quality.
- Symbol: Tiers are represented by one to five stars, five stars representing the highest level of quality.
- Progression: Programs must meet criteria of one tier before advancing to the next tier.

The bill appears to limit eligibility for the QRS to "child care facilities." In section 402.302, Florida Statutes, the term "child care facility" is defined as "any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit." The bill appears to exclude "family day care homes" and "large family child care homes" from the QRS. In addition, the bill specifies that "facilities" participating in the VPK program may participate in the QRS, which would appear to exclude providers who are not "child care facilities." For example, private schools, large family child care homes, and licensed family day care homes are eligible to participate in the VPK program, but may not be eligible for the QRS under the bill.

The bill requires AWI's Office of Early Learning to implement requirements for each tier based on recommendations from the Early Learning Advisory Council's Quality Rating System Task Force and recommendations from organized meetings to gather local input from parent and provider focus groups and interviews. The bill does not create a Quality Rating System Task Force, nor does the bill require the Florida Early Learning Advisory Council to establish a task force. As previously discussed, the

---

differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate").

<sup>18</sup> Section 402.26(6), Florida Statutes.

<sup>19</sup> Section 212.08(5)(m), Florida Statutes.

<sup>20</sup> Chapter 2006-91, Laws of Florida.

<sup>21</sup> See <http://www.childcareservices.org/ps/teach.html> (last visited Mar. 16, 2007).

<sup>22</sup> Chapter 2006-25, Laws of Florida ;part V of chapter 1002, Laws of Florida.

<sup>23</sup> Specific Appropriation 2304, *General Appropriation Act for Fiscal Year 2006-2007*, chapter 2006-25, Laws of Florida.

Agency for Workforce Innovation presented a proposal for a QRS to the Florida Early Learning Advisory Council in September 2006 based on a series of statewide meetings facilitated by the agency. The bill is unclear whether the QRS must be based on the agency's recommendations or recommendations of a task force to be established by the advisory council.

The bill requires the QRS to be based on documented research or best practices to positively impact child and family outcomes in six areas of assessment. The bill also requires that advancement through the QRS' five tiers in the six assessment areas must be verified as follows:

- Learning environment: Verified through document submission or use of an appropriate environment rating scale.
- Curricula, screening, and assessment: Verified through document review and observation.
- Staff qualifications: Verified by linkage with licensing and document review.
- Professional development for director, lead teacher, and assistant teacher: Verified by linkage with licensing and document review.
- Business practices: Verified by document review and observation.
- Family involvement: Verified through document review.

The bill specifies that a provider's learning environment must be verified through document review or use of the appropriate *Early Childhood Environment Rating Scale* (commonly called "ECERS"). This publication is one of five similar publications developed by authors Thelma Harms, Richard Clifford, and Debby Cryer. The ECERS is intended for use in child care facilities for children ages 2 1/2 through 5 years. The other environment rating scales developed by the authors include the *Family Day Care Rating Scale* (FDCRS), *Infant/Toddler Environment Rating Scale* (ITERS), and the *School-Age Care Environment Rating Scale* (SACERS). As previously discussed, the bill appears to exclude family day care homes and large family child care homes from the QRS. If they are included, use of the ECERS may not be an appropriate measure of the learning environment in that setting.

The bill also requires the QRS to give consideration to child care providers possessing a Gold Seal Quality Care designation, Head Start programs, and Early Head Start programs.

#### Pilot Program:

The bill creates a 2-year voluntary pilot program to implement a QRS in eight Florida counties: Broward, Duval, Hillsborough, Leon, Miami-Dade, Orange, Palm Beach, and Pinellas.

The bill specifies that centers and programs rated as Tier 1, 2, or 3 are eligible for grants and awards to improve quality. The bill also provides that centers and programs rated as Tier 4 or 5 are eligible for merit awards to maintain high quality. The bill does not, however, require the Agency for Workforce Innovation or early learning coalitions to provide these grants and awards or specify the amounts of the awards.

The bill requires the Agency for Workforce Innovation and early learning coalitions to provide technical support for child care facilities in the pilot program, to facilitate the providers' entry and movement through the QRS. The bill also specifies that the legislation does not preclude other learning coalitions from implementing a QRS.

The pilot program expires on July 1, 2009.

#### Workforce Development Plan:

The bill requires the Agency for Workforce Innovation to develop a workforce development plan that includes recommendations for funding and expansion of current child care professional development credentialing programs (e.g., T.E.A.C.H. program) and other programs designed to provide professional development, credentialing, and advanced education.

Appropriation:

The bill provides an appropriation of \$25 million from the General Revenue Fund to the Agency for Workforce Innovation for implementation of the bill's provisions during the 2007-2008 fiscal year.

Effective Date:

The bill specifies that the bill takes effect upon becoming a law.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of the Florida Statutes which requires the Agency for Workforce Innovation to establish Florida's Sunshine State Stars Quality Rating System.

Section 2. Creates an unnumbered section of the Florida Statutes which creates Florida's Sunshine State Stars Quality Rating System voluntary pilot program.

Section 3. Creates an unnumbered section of the Florida Statutes which requires the Agency for Workforce Innovation to develop a workforce development plan.

Section 4. Provides an appropriation.

Section 5. Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Agency for Workforce Innovation (AWI) and early learning coalitions will incur startup costs associated with establishing a QRS and its components. These costs may include contracts with early learning consultants, travel, conducting focus groups of parents and providers, and the printing and distribution of the QRS requirements. The bill requires AWI and the coalitions to provide training and technical assistance for facilities participating in the QRS. The bill also provides for grants and awards for Tier 1, 2, and 3 facilities and merit awards for Tier 4 and 5 facilities. The amount of these grants and awards is not specified in the bill. The startup and recurring costs for establishing and operating a QRS are indeterminate at this time.

The bill provides an appropriation of \$25 million from the General Revenue Fund to the Agency for Workforce Innovation for implementation of the bill's provisions during the 2007-2008 fiscal year. The bill does not, however, specify the amount or methodology for allocating the funds among the early learning coalitions.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Child care facilities and facilities participating in the VPK program that voluntarily participate in the QRS would incur increased costs associated with meeting the QRS requirements. However, facilities earning grants and awards would have part of the costs paid by the grants and awards.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill assigns responsibilities to the Agency for Workforce Innovation for establishing the state's quality rating system for child care facilities and facilities participating in the VPK program. Administration of the quality rating system would likely require the adoption of rules. The bill does not grant the Agency for Workforce Innovation with authority to adopt rules to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Department of Children and Family Services raises the question whether a quality rating system, if the pilot program is expanded statewide, will render obsolete the Gold Seal Quality Care designation.<sup>24</sup> As previously discussed, the Gold Seal Quality Care designation is granted based on accreditation. Providers granted the designation receive increased payment rates for government-funded school readiness programs, property tax exemptions, and sales tax exemptions for educational materials. Similarly, a QRS establishes standards for providers, requires assessment against the standards, and assigns a one-to-five star rating. The bill proposes to award financial grants to assist providers receiving one, two, or three stars. The bill also proposes the award of financial merit award for high-performing providers. If the QRS is successful, the Legislature may need to readdress the Gold Seal Quality Care designation.

D. STATEMENT OF THE SPONSOR

Waived by sponsor due to time constraints.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

<sup>24</sup> Florida Department of Children and Family Services, *Staff Analysis and Economic Impact of HB 1107, 2* (Mar. 1, 2007).



**Summary of Recommended Language for a Proposed Council Bill to Implement  
Idea No. 5: Make Florida’s Voluntary Prekindergarten Program  
a Global Model for School Readiness.**

***A. Develop a data system for the program that is comparable to the current data system for our K-12 education system and stimulate careful research on the best ways to measure the program’s educational impact.***

- Early Learning Information System.—The Agency for Workforce Innovation (AWI) shall establish the Early Learning Information System (“ELIS,” pronounced “Ellis”) by July 2010 to support early learning programs. The ELIS system must:
  - Have a centralized database and data warehouse;
  - Support core functions of the current system (known as “EFS” – the Enhanced Field System) for payment of providers;
  - Collect information for robust analysis of child developmental growth and the state’s return on investment;
  - Integrate compatibility of data elements among AWI, the Department of Children and Family Services (DCF), and DOE;
  - Allow AWI and DOE to jointly conduct longitudinal tracking of child performance through grade 3;
  - Provide for transfer of screening and assessment results to kindergarten programs; and
  - Measure the educational impact of programs and publishes results on Internet website for parents.

*[Implementing Concepts 1-5 & 6, Lines 651-699]*

***B. Reevaluate the governance structure to ensure efficiency and accountability.***

- Chancellor of Early Learning.—A Chancellor of Early Learning is appointed in the Governor’s office, subject to Senate confirmation, to facilitate interagency coordination among DOE, AWI, and DCF. The chancellor is to be the state’s principal advocate for early learning and child care programs and advises Governor and Legislature. The chancellor does not have authority to control staffing, expenditures, or other powers of DOE, AWI, or DCF—coordination only. An appropriation and positions are provided for the Chancellor’s office. *[Implementing Concept 5, Lines 49-84, 642-650, 721-724]*
- Five-Year Strategic Plan.—The Chancellor of Early Learning establishes a 5-year strategic plan for early learning and child care programs. *[Implementing Concept 5, Lines 65-69]*
- OPPAGA Study of VPK Administrative Expenses.—OPPAGA will report to the Governor and Legislature on administrative expenses of the VPK program and the appropriate limit for these expenses, including “nondirect services” (e.g., child



and provider eligibility determinations, onsite inspections of providers, advertising and other outreach, and training and technical assistance).  
[*Implementing Concepts 7 & 8, Lines 700-720*]

**C. Remove any participation obstacles for those students in most need of these services.**

- Prohibited VPK Charges.—Clarifies that private providers and public schools may not require parents to pay for full-day, extended-day, or other additional services as a condition of the child’s enrollment in the VPK program. Also specifies that provider or school may not condition continued enrollment of a child in the VPK program based on payment for other services. [*Implementing Concept 9, Lines 609-619*]
- Enrollment Procedures.—AWI and early learning coalitions must use enrollment procedures that maximize parent convenience and administrative efficiency for private providers and public schools, while minimizing the potential for fraud. [*Implementing Concept 10, Lines 440-445*]
- VPK Transportation System.—Encourages early learning coalitions and schools districts to coordinate transportation systems for the VPK program using funds voluntarily provided by private providers and public schools. [*Implementing Concept 11, Lines 629-639*]
- Advertising and Outreach.—Proportional share of advertising and outreach to parents must concentrate on families who speak a language other than English and communities where additional assistance is needed based on kindergarten screening scores. [*Implementing Concept 12, Lines 451-466*]
- Language of Instruction.—Private providers and public schools are encouraged to use curricula for the VPK program which include instruction in English and the language spoken by families in the program. [*Implementing Concept 13, Lines 525-528*]
- Background Screenings.—Requirements for background screening of VPK instructors are aligned to DCF’s rules and policies for the background screening of child care personnel, which the recommended language codifies in law:
  - Initial screening upon employment;
  - Initial screening includes fingerprinting, employment history checks, and criminal history checks by local law enforcement, FDLE, and FBI;
  - Rescreening every 5 years includes criminal history checks by local law enforcement and FDLE (no refingerprinting or FBI checks);
  - Break in employment which exceeds 90 days requires initial screening;

- School employees screened through school district are not rescreened if fingerprints are kept on file by FDLE and continuously screened against arrest records as required by current law.

[*Implementing Concept 14, Lines 85-348, 370-387, 399-415, 467-481, 488-519*]

- Monthly Attendance Verification.—Requirement is eliminated that parent must sign a monthly form attesting to his or her child’s attendance in the VPK program for the prior month and continuous choice of the provider. Also eliminates provider’s responsibility to keep signed forms for 2 years. Early learning coalitions currently use other methods to verify attendance for audit purposes, including auditing of daily sign-in/sign-out logs. [*Implementing Concept 14, Lines 430-439, 540-578*]

**D. Other issues.**

- Joint Administrative Procedures Committee’s (JAPC’s) Rule Objections.—On March 12, 2007, JAPC reviewed objections to rules of DOE and DCF concerning early learning and child care. The recommended language addresses the objections as follows:
  - DCF is given authority to exempt an operator of a family day care home or large family child care home from all or part of the child care introductory course, if the operator passes a competency examination or has certain educational credentials (*e.g.*, postsecondary degree in early childhood education). DCF currently has authority to exempt child care personnel from these requirements, but the JAPC objection questions DCF’s authority to extend the exemption to operators of family day care homes and large family child care homes. [*Lines 362-369, 388-398*]
  - DOE is given authority to allow DCF to issue prekindergarten director credentials on DOE’s behalf. DOE currently adopts standards for the required prekindergarten director credential and by rule allows DCF to issue the credential on DOE’s behalf as part of DCF’s system for issuing child care facility director credentials, but the JAPC objection questions DCF’s authority to issue DOE’s credentials and questions DOE’s authority to delegate its authority to DCF. [*Lines 485-487*]

BILL

ORIGINAL

2007

1                                   A bill to be entitled  
 2           An act relating to early learning; creating s. 14.204,  
 3           F.S.; creating a Chancellor of Early Learning within the  
 4           Executive Office of the Governor; providing for the  
 5           appointment and duties of the chancellor; amending ss.  
 6           402.302, 402.3025, 402.305, 402.3054, 402.3057, 402.308,  
 7           402.309, 402.313, 402.3131, 402.316, F.S.; revising  
 8           requirements for screening and rescreening of child care  
 9           personnel and prekindergarten instructors; requiring  
 10          denial of employment or termination of personnel and  
 11          instructors disqualified by screening; providing  
 12          exemptions from screening and disqualification; providing  
 13          responsibilities of the office; authorizing the Department  
 14          of Children and Family Services to exempt operators of  
 15          family day care homes and large family child care homes  
 16          from certain training requirements; amending s. 1002.53,  
 17          F.S.; revising requirements for the Voluntary  
 18          Prekindergarten Education Program; revising requirements  
 19          for application forms, enrollment of children, and  
 20          advertising the program; amending s. 1002.55, F.S.;  
 21          revising requirements for screening of prekindergarten  
 22          instructors; amending s. 1002.57, F.S.; permitting the  
 23          Department of Education to authorize the Department of  
 24          Children and Family Services to issue certain credentials;  
 25          amending ss. 1002.61, 1002.63, F.S.; revising requirements  
 26          for screening of prekindergarten instructors; amending s.  
 27          1002.67, F.S.; encouraging dual-language instruction in  
 28          prekindergarten programs; amending s. 1002.71, F.S.;  
 29          deleting requirements for monthly attendance verification  
 30          by parent; limiting a provider's or school's enrollment or

BILL

ORIGINAL

2007

31 removal of children from prekindergarten programs;  
 32 encouraging the establishment of transportation systems in  
 33 specified communities; amending s. 1002.77, F.S.; revising  
 34 the purpose of the Florida Early Learning Advisory  
 35 Council; requiring the Agency for Workforce Innovation to  
 36 establish the Early Learning Information System and  
 37 replace the current information system; providing minimum  
 38 requirements for the information system; requiring the  
 39 Agency for Workforce Innovation to submit reports;  
 40 requiring the Office of Program Policy Analysis and  
 41 Government Accountability to submit a report; providing a  
 42 definition; providing an appropriation; providing an  
 43 effective date.

44

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

46

47 Section 1. Section 14.204, Florida Statutes, is created to  
 48 read:

49 14.204 Chancellor of Early Learning.--

50 (1) There is created within the Executive Office of the  
 51 Governor a Chancellor of Early Learning who is appointed by the  
 52 Governor, subject to confirmation by the Senate, and who serves  
 53 at the pleasure of the Governor. The Governor shall make the  
 54 initial appointment by October 1, 2007. The Chancellor of Early  
 55 Learning shall serve as the state's principal coordinator and  
 56 advocate for early learning programs and child care regulation.

57 (2) The Chancellor of Early Learning shall:

58 (a) Advise the Governor and Legislature on the early  
 59 learning and child care policies of the state, including policies  
 60 relating to administration of the Voluntary Prekindergarten

BILL

ORIGINAL

2007

61 Education Program under part V of chapter 1002, school readiness  
62 programs under s. 411.01, child care regulation under ss.  
63 402.301-402.319, and child care resource and referral under s.  
64 402.27;

65 (b) Establish a 5-year strategic plan for early learning  
66 programs and child care regulation by October 1, 2008; revise the  
67 plan at least once every 5 years; and submit the initial and  
68 revised plans to the Governor, the President of the Senate, and  
69 the Speaker of the House of Representatives; and

70 (c) Facilitate interagency coordination among the  
71 Department of Education, the Office of Early Learning of the  
72 Agency for Workforce Innovation, and the Child Care Services  
73 Program Office of the Department of Children and Family Services.

74 (3) The Department of Education, Agency for Workforce  
75 Innovation, and Department of Children and Family Services shall  
76 cooperate with, and provide administrative support to, the  
77 Chancellor of Early Learning for the chancellor's activities and  
78 duties under this section.

79 (4) This section does not authorize the Chancellor of Early  
80 Learning to govern the powers, duties, functions, records,  
81 personnel, or property; expenditure of appropriations,  
82 allocations, or other funds; rulemaking authority; or contractual  
83 authority of the Department of Education, Agency for Workforce  
84 Innovation, or Department of Children and Family Services.

85 Section 2. Paragraph (e) of subsection (2), subsection (3),  
86 and subsection (13) of section 402.302, Florida Statutes, are  
87 amended to read:

88 402.302 Definitions.--

89 (2) "Child care facility" includes any child care center or  
90 child care arrangement which provides child care for more than

BILL

ORIGINAL

2007

91 five children unrelated to the operator and which receives a  
 92 payment, fee, or grant for any of the children receiving care,  
 93 wherever operated, and whether or not operated for profit. The  
 94 following are not included:

95 (e) Operator ~~Operators~~ of a transient establishment  
 96 ~~establishments~~, as defined in s. 509.013 ~~chapter 509~~, which  
 97 provides ~~provide~~ child care services exclusively ~~solely~~ for the  
 98 guests of the ~~their~~ establishment ~~or resort~~, if ~~provided that~~ all  
 99 child care personnel of the establishment are screened under s.  
 100 402.3057 ~~according to the level 2 screening requirements of~~  
 101 ~~chapter 435~~.

102 (3) "Child care personnel" means all owners, operators,  
 103 employees, and volunteers working in a child care facility. The  
 104 term does not include persons who work in a child care facility  
 105 after hours when children are not present or parents of children  
 106 in Head Start. For purposes of screening, the term includes any  
 107 member, over the age of 12 years, of a child care facility  
 108 operator's family, or person, over the age of 12 years, residing  
 109 with a child care facility operator if the child care facility is  
 110 located in or adjacent to the home of the operator or if the  
 111 family member of, or person residing with, the child care  
 112 facility operator has any direct contact with ~~the~~ children in the  
 113 facility during its hours of operation. Members of the operator's  
 114 family or persons residing with the operator who are between the  
 115 ages of 12 years and 18 years are ~~shall~~ not ~~be~~ required to be  
 116 fingerprinted or screened under s. 402.3057, but shall be  
 117 screened through statewide juvenile records checks by the Florida  
 118 Department of Law Enforcement ~~for delinquency records~~. For  
 119 purposes of screening, the term ~~shall~~ also includes ~~include~~  
 120 persons who work in child care programs which provide care for

BILL

ORIGINAL

2007

121 children 15 hours or more each week in public or nonpublic  
 122 schools, summer day camps, family day care homes, or those  
 123 programs otherwise exempted under s. 402.316. The term does not  
 124 include public or nonpublic school personnel who are providing  
 125 care during regular school hours, or after hours for activities  
 126 related to a school's program for grades kindergarten through 12.  
 127 A volunteer who assists on an intermittent basis for less than 40  
 128 hours per month is not included in the term "personnel" for the  
 129 purposes of screening and training, if provided ~~that the~~  
 130 volunteer is under direct and constant supervision by persons who  
 131 are screened under s. 402.3057 ~~meet the personnel requirements of~~  
 132 ~~s. 402.305(2)~~. Students who observe and participate in a child  
 133 care facility as a part of their required coursework are ~~shall~~  
 134 not ~~be~~ considered child care personnel, if the provided ~~such~~  
 135 observation and participation are on an intermittent basis and  
 136 the students are under direct and constant supervision of child  
 137 care personnel.

138 (13) "Screening" includes, but is not limited to, ~~means the~~  
 139 ~~act of~~ assessing the background of child care personnel and  
 140 volunteers under s. 402.3057 and checks of the central abuse  
 141 registry under s. 39.201(4) ~~includes, but is not limited to,~~  
 142 ~~employment history checks, local criminal records checks through~~  
 143 ~~local law enforcement agencies, fingerprinting for all purposes~~  
 144 ~~and checks in this subsection, statewide criminal records checks~~  
 145 ~~through the Department of Law Enforcement, and federal criminal~~  
 146 ~~records checks through the Federal Bureau of Investigation.~~

147 Section 3. Paragraph (c) of subsection (2) of section  
 148 402.3025, Florida Statutes, is amended to read:

149 402.3025 Public and nonpublic schools.--For the purposes of  
 150 ss. 402.301-402.319, the following shall apply:

BILL

ORIGINAL

2007

151 (2) NONPUBLIC SCHOOLS.--  
 152 (c) Programs for children who are at least 3 years of age,  
 153 but under 5 years of age, are ~~shall not be~~ deemed to be child  
 154 care and are ~~shall not be~~ subject to the provisions of ss.  
 155 402.301-402.319 relating to child care facilities, if provided  
 156 the programs in the schools are operated and staffed directly by  
 157 the schools, ~~provided~~ a majority of the children enrolled in the  
 158 schools are 5 years of age or older, and the programs comply  
 159 ~~provided there is compliance~~ with the screening requirements for  
 160 personnel in pursuant to s. 402.305 or s. 402.3057. A nonpublic  
 161 school may designate certain programs as child care, in which  
 162 case these programs are ~~shall be~~ subject to the ~~provisions of~~ ss.  
 163 402.301-402.319.

164 Section 4. Paragraph (a) of subsection (2) of section  
 165 402.305, Florida Statutes, is amended to read:

166 402.305 Licensing standards; child care facilities.--

167 (2) PERSONNEL.--Minimum standards for child care personnel  
 168 shall include minimum requirements as to:

169 (a) ~~Good moral character based upon~~ Screening under s.  
 170 402.3057. ~~This screening shall be conducted as provided in~~  
 171 ~~chapter 435, using the level 2 standards for screening set forth~~  
 172 ~~in that chapter.~~

173 Section 5. Subsection (3) of section 402.3054, Florida  
 174 Statutes, is amended to read:

175 402.3054 Child enrichment service providers.--

176 (3) A child enrichment service provider shall be screened  
 177 under s. 402.3057, except that of good moral character based upon  
 178 screening clearances must be received by a child care facility  
 179 before the. ~~This screening shall be conducted as provided in~~  
 180 ~~chapter 435, using the level 2 standards for screening set forth~~



BILL

ORIGINAL

2007

181 ~~in that chapter. A child enrichment service provider may provide~~  
 182 ~~must meet the screening requirements prior to providing services~~  
 183 to a child in the ~~a~~ child care facility. A child enrichment  
 184 service provider whose ~~who as met the screening clearances are~~  
 185 received by the child care facility is ~~standards shall not be~~  
 186 required to be under the direct and constant supervision of child  
 187 care personnel.

188 Section 6. Section 402.3057, Florida Statutes, is amended  
 189 to read:

190 402.3057 Background screening and rescreening;  
 191 disqualification from employment; exemptions ~~Persons not required~~  
 192 ~~to be refingerprinted or rescreened.--~~

193 (1) INITIAL SCREENING.--Upon employment in a position  
 194 requiring screening under this section, or upon reemployment in a  
 195 position requiring screening under this section after a break in  
 196 employment which exceeds 90 days, a person must:

197 (a) Attest under penalty of perjury on forms prescribed by  
 198 the department that the person is of good moral character;

199 (b) Be screened by the employer through employment history  
 200 checks of the person's former employers from the previous 2  
 201 years; and

202 (c) Be fingerprinted and screened:

203 1. According to the level 2 standards in s. 435.04 through  
 204 local criminal records checks by local law enforcement agencies,  
 205 statewide criminal and juvenile records checks by the Florida  
 206 Department of Law Enforcement, and federal criminal records  
 207 checks by the Federal Bureau of Investigation; or

208 2. By a school district according to the standards in s.  
 209 1012.32.

BILL

ORIGINAL

2007

210 (2) EXEMPTIONS.--Upon employment in a position requiring  
211 screening under this section, a person screened within the  
212 previous 5 years for a position requiring screening under Any  
213 provision of law to the contrary notwithstanding, human resource  
214 personnel who have been fingerprinted or screened chapter  
215 pursuant to chapters 393, chapter 394, chapter 397, chapter 402,  
216 chapter and 409, part V of chapter 1002, or and teachers and  
217 noninstructional personnel who have been fingerprinted pursuant  
218 to chapter 1012, is not required to repeat the screening under  
219 this section, if:

220 (a) The person attests, who have not been unemployed for  
221 more than 90 days thereafter, and who under the penalty of  
222 perjury on forms prescribed by the department that the person is  
223 of attest to the completion of such fingerprinting or screening  
224 and to compliance with the provisions of this section and the  
225 standards for good moral character;

226 (b) The employer is provided documentation of the person's  
227 screening clearances which show that the person was screened  
228 within the previous 5 years according to the level 2 standards in  
229 s. 435.04 or the standards in s. 1012.32; and

230 (c) The person did not terminate employment from the  
231 position for which the person was screened more than 90 days  
232 before employment in the position requiring screening under this  
233 section.

234 (3) RESCREENING.--A person required to be screened under  
235 this section must be rescreened at least once every 5 years. A  
236 rescreening requires the person to:

237 (a) Attest under penalty of perjury on forms prescribed by  
238 the department that the person is of good moral character; and

BILL

ORIGINAL

2007

239 (b) Be rescreened according to the standards in s. 435.04  
 240 through local criminal records checks by local law enforcement  
 241 agencies and statewide criminal and juvenile records checks by  
 242 the Florida Department of Law Enforcement. A rescreening does not  
 243 require refingerprinting or federal criminal records checks by  
 244 the Federal Bureau of Investigation.

245  
 246 However, a person fingerprinted and screened by a school district  
 247 under s. 1012.32 is not required to be rescreened under this  
 248 section if the person's fingerprints are retained in the  
 249 statewide automated fingerprint identification system and subject  
 250 to search against arrest fingerprint cards as required in s.  
 251 1012.32(3).

252 (4) DISQUALIFICATION FROM EMPLOYMENT.--A person  
 253 disqualified from employment under s. 435.06, unless granted an  
 254 exemption from disqualification under s. 435.07, must be denied  
 255 employment or terminated from the position requiring screening  
 256 under this section as contained in such provisions as ss.  
 257 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and  
 258 409.175(6), shall not be required to be refingerprinted or  
 259 rescreened in order to comply with any caretaker screening or  
 260 fingerprinting requirements.

261 Section 7. Paragraph (d) of subsection (3) and paragraph  
 262 (d) of subsection (4) and of section 402.308, Florida Statutes,  
 263 are amended to read:

264 402.308 Issuance of license.--

265 (3) STATE ADMINISTRATION OF LICENSING.--In any county in  
 266 which the department has the authority to issue licenses, the  
 267 following procedures shall be applied:

BILL

ORIGINAL

2007

268 (d) The department shall issue or renew a license upon  
 269 receipt of the license fee and upon being satisfied that all  
 270 standards required by ss. 402.301-402.319 are ~~have been~~ met. A  
 271 license may be issued if all ~~the~~ screening materials are ~~have~~  
 272 ~~been~~ timely submitted under s. 402.3057; however, a license may  
 273 not be issued or renewed if any of the child care personnel at  
 274 the applicant facility are disqualified from employment under s.  
 275 435.06 unless granted an exemption from disqualification under s.  
 276 435.07 ~~have failed the screening required by ss. 402.305(2) and~~  
 277 ~~402.3055.~~

278 (4) LOCAL ADMINISTRATION OF LICENSING.--In any county in  
 279 which there is a local licensing agency approved by the  
 280 department, the following procedures shall apply:

281 (d) The local licensing agency shall issue a license or  
 282 renew a license upon being satisfied that all standards required  
 283 by ss. 402.301-402.319 are ~~have been~~ met. A license may be issued  
 284 or renewed if all ~~the~~ screening materials are ~~have been~~ timely  
 285 submitted under s. 402.3057; however, the local licensing agency  
 286 may shall not issue or renew a license if any of the child care  
 287 personnel at the applicant facility are disqualified from  
 288 employment under s. 435.06 unless granted an exemption from  
 289 disqualification under s. 435.07 ~~have failed the screening~~  
 290 ~~required by ss. 402.305(2) and 402.3055.~~

291 Section 8. Subsection (2) of section 402.309, Florida  
 292 Statutes, is amended to read:

293 402.309 Provisional license or registration.--

294 (2) A provisional license or registration may not be issued  
 295 unless the operator or owner makes adequate provisions for the  
 296 health and safety of the child. A provisional license may be  
 297 issued for a child care facility if all ~~of the~~ screening

BILL

ORIGINAL

2007

298 materials are ~~have been~~ timely submitted under s. 402.3057. A  
 299 provisional license or registration may not be issued unless the  
 300 child care facility, family day care home, or large family child  
 301 care home complies ~~is in compliance~~ with the requirements for  
 302 screening of child care personnel in s. 402.3057 ~~ss. 402.305,~~  
 303 ~~402.3055, 402.313, and 402.3131,~~ respectively.

304 Section 9. Paragraph (a) of subsection (1) and subsections  
 305 (3) and (4) of section 402.313, Florida Statutes, are amended to  
 306 read:

307 402.313 Family day care homes.--

308 (1) Family day care homes shall be licensed under this act  
 309 if they are presently being licensed under an existing county  
 310 licensing ordinance, if they are participating in the subsidized  
 311 child care program, or if the board of county commissioners  
 312 passes a resolution that family day care homes be licensed. If no  
 313 county authority exists for the licensing of a family day care  
 314 home, the department shall have the authority to license family  
 315 day care homes under contract for the purchase-of-service system  
 316 in the subsidized child care program.

317 (a) If not subject to license, a family day care home ~~homes~~  
 318 shall register annually with the department, providing the  
 319 following information:

- 320 1. The name and address of the home.
- 321 2. The name of the operator.
- 322 3. The number of children served.
- 323 4. Proof of a written plan to provide at least one other  
 324 competent adult to be available to substitute for the operator in  
 325 an emergency. This plan shall include the name, address, and  
 326 telephone number of the designated substitute.

BILL

ORIGINAL

2007

327 5. Proof of screening under s. 402.3057 and ~~background~~  
 328 ~~checks.~~

329 6. Proof of successful completion of the 30-hour training  
 330 course, as evidenced by passage of a competency examination,  
 331 which shall include:

332 a. State and local rules and regulations that govern child  
 333 care.

334 b. Health, safety, and nutrition.

335 c. Identifying and reporting child abuse and neglect.

336 d. Child development, including typical and atypical  
 337 language development; and cognitive, motor, social, and self-help  
 338 skills development.

339 e. Observation of developmental behaviors, including using  
 340 a checklist or other similar observation tools and techniques to  
 341 determine a child's developmental level.

342 f. Specialized areas, including early literacy and language  
 343 development of children from birth to 5 years of age, as  
 344 determined by the department, for owner-operators of family day  
 345 care homes.

346 7. Proof that immunization records are kept current.

347 8. Proof of completion of the required continuing education  
 348 units or clock hours.

349 (3) Child care personnel in a family day care home must  
 350 ~~homes shall be screened under s. 402.3057 subject to the~~  
 351 ~~applicable screening provisions contained in ss. 402.305(2) and~~  
 352 ~~402.3055. For purposes of screening in family day care homes, the~~  
 353 ~~term includes~~ Any member over the age of 12 years of a family day  
 354 care home operator's family, or persons over the age of 12 years  
 355 residing with the operator in the family day care home, must also  
 356 be screened under s. 402.3057. Members of the operator's family,

BILL

ORIGINAL

2007

357 or persons residing with the operator, who are between the ages  
 358 of 12 years and 18 years are ~~shall~~ not ~~be~~ required to be  
 359 fingerprinted or screened under s. 402.3057, but shall be  
 360 screened through statewide juvenile records checks by the Florida  
 361 Department of Law Enforcement ~~for delinquency records~~.

362 (4) Operators of family day care homes must successfully  
 363 complete an approved 30-clock-hour introductory course in child  
 364 care, as evidenced by passage of a competency examination, before  
 365 caring for children. The department may grant the operator of a  
 366 family day care home an exemption from all or part of the  
 367 training required under this subsection in the same manner that  
 368 child care personnel are granted an exemption from required  
 369 training under the flush-left provisions of s. 402.305(2)(d).

370 Section 10. Subsections (2) and (3) of section 402.3131,  
 371 Florida Statutes, are amended to read:

372 402.3131 Large family child care homes.--

373 (2) Child care personnel in a large family child care home  
 374 must ~~homes shall~~ be screened under s. 402.3057 ~~subject to the~~  
 375 ~~applicable screening provisions contained in ss. 402.305(2) and~~  
 376 ~~402.3055. For purposes of screening child care personnel in large~~  
 377 ~~family child care homes, the term "child care personnel" includes~~  
 378 Any member of a large family child care home operator's family 12  
 379 years of age or older, or any person 12 years of age or older  
 380 residing with the operator in the large family child care home,  
 381 must also be screened under s. 402.3057. Members of the  
 382 operator's family, or persons residing with the operator, who are  
 383 between the ages of 12 years and 18 years, inclusive, are ~~shall~~  
 384 not ~~be~~ required to be fingerprinted or screened under s.  
 385 402.3057, but shall be screened through statewide juvenile

BILL

ORIGINAL

2007

386 records checks by the Florida Department of Law Enforcement for  
 387 delinquency records.

388 (3) Operators of large family child care homes must  
 389 successfully complete an approved 40-clock-hour introductory  
 390 course in group child care, as evidenced by passage of a  
 391 competency examination. Successful completion of the 40-clock-  
 392 hour introductory course shall articulate into community college  
 393 credit in early childhood education, under ~~pursuant to~~ ss.  
 394 1007.24 and 1007.25. The department may grant the operator of a  
 395 large family child care home an exemption from all or part of the  
 396 training required under this subsection in the same manner that  
 397 child care personnel are granted an exemption from required  
 398 training under the flush-left provisions of s. 402.305(2)(d).

399 Section 11. Subsection (1) of section 402.316, Florida  
 400 Statutes, is amended to read:

401 402.316 Exemptions.--

402 (1) Sections ~~The provisions of ss. 402.301-402.319,~~ except  
 403 for ~~the~~ requirements regarding screening of child care personnel,  
 404 do shall not apply to a child care facility that ~~which~~ is an  
 405 integral part of a church or parochial school ~~schools~~ conducting  
 406 regularly scheduled classes, courses of study, or educational  
 407 programs accredited by, or by a member of, an organization that  
 408 ~~which~~ publishes and requires compliance with its standards for  
 409 health, safety, and sanitation. However, such facilities shall  
 410 meet minimum requirements of the applicable local governing body  
 411 as to health, sanitation, and safety and shall meet the screening  
 412 requirements of s. 402.3057 ~~pursuant to ss. 402.305 and 402.3055.~~  
 413 Failure by a facility to comply with the ~~such~~ screening  
 414 requirements shall result in the loss of the facility's exemption  
 415 from licensure.



BILL

ORIGINAL

2007

416 Section 12. Subsections (1) and (4) of section 1002.53,  
 417 Florida Statutes, are amended, and subsection (7) is added to  
 418 that section, to read:

419 1002.53 Voluntary Prekindergarten Education Program;  
 420 eligibility and enrollment.--

421 (1) There is created the Voluntary Prekindergarten  
 422 Education Program. The program shall ~~take effect in each county~~  
 423 ~~at the beginning of the 2005-2007 school year and shall be~~ be  
 424 organized, designed, and delivered in accordance with s. 1(b) and  
 425 (c), Art. IX of the State Constitution.

426 (4) (a) A ~~Each~~ parent enrolling a child in the Voluntary  
 427 Prekindergarten Education Program must complete and submit an  
 428 application to the early learning coalition through the single  
 429 point of entry established under s. 411.01.

430 (b) The application must be submitted on forms prescribed  
 431 by the Agency for Workforce Innovation and must be accompanied by  
 432 a certified copy of the child's birth certificate. ~~The forms must~~  
 433 ~~include a certification, in substantially the form provided in s.~~  
 434 ~~1002.71(6)(b)2., that the parent chooses the private~~  
 435 ~~prekindergarten provider or public school in accordance with this~~  
 436 ~~section and directs that payments for the program be made to the~~  
 437 ~~provider or school.~~ The Agency for Workforce Innovation may  
 438 authorize alternative methods for submitting proof of the child's  
 439 age in lieu of a certified copy of the child's birth certificate.

440 (c) The Agency for Workforce Innovation and early learning  
 441 coalitions shall adopt and administer procedures for enrolling  
 442 children in prekindergarten programs which maximize convenience  
 443 for parents and administrative efficiency for private  
 444 prekindergarten providers and public schools, while minimizing  
 445 the potential for fraud.

BILL

ORIGINAL

2007

446 ~~(d)(e)~~ An ~~Each~~ early learning coalition shall coordinate  
 447 with each of the school districts within the coalition's county  
 448 or multicounty region in the development of procedures for  
 449 enrolling children in prekindergarten programs delivered by  
 450 public schools.

451 (7) The Agency for Workforce Innovation and early learning  
 452 coalitions, when advertising the Voluntary Prekindergarten  
 453 Education Program or providing outreach materials and activities  
 454 for parents, shall concentrate a proportional share of its  
 455 advertising and outreach on:

456 (a) Families who predominately speak a language other than  
 457 English; and

458 (b) Families residing in communities where additional  
 459 advertising and outreach is needed, as determined by the State  
 460 Board of Education, based on results of the statewide  
 461 kindergarten screening administered under s. 1002.69.

462  
 463 Advertising and outreach materials and activities for these  
 464 families and communities should be provided in the language  
 465 predominately spoken, and the media most frequently accessed, by  
 466 the families.

467 Section 13. Paragraph (d) of subsection (3) of section  
 468 1002.55, Florida Statutes, is amended to read:

469 1002.55 School-year prekindergarten program delivered by  
 470 private prekindergarten providers.--

471 (3) To be eligible to deliver the prekindergarten program,  
 472 a private prekindergarten provider must meet each of the  
 473 following requirements:

474 (d) Each prekindergarten instructor employed by the private  
 475 prekindergarten provider must be of good moral character, ~~must be~~

BILL

ORIGINAL

2007

476 ~~screened, using the level 2 screening standards in s. 435.04~~  
 477 ~~before employment and rescreened at least once every 5 years, and~~  
 478 ~~must be denied employment or terminated as if required in s.~~  
 479 ~~402.3057. The prekindergarten instructor under s. 435.06, and~~  
 480 must also not be ineligible to teach in a public school because  
 481 his or her educator certificate is suspended or revoked.

482 Section 14. Subsection (5) is added to section 1002.57,  
 483 Florida Statutes, to read:

484 1002.57 Prekindergarten director credential.--

485 (5) The department may authorize the Department of Children  
 486 and Family Services to issue a prekindergarten director  
 487 credential under this section.

488 Section 15. Subsection (5) of section 1002.61, Florida  
 489 Statutes, is amended to read:

490 1002.61 Summer prekindergarten program delivered by public  
 491 schools and private prekindergarten providers.--

492 (5) Each prekindergarten instructor employed by a public  
 493 school or private prekindergarten provider delivering the summer  
 494 prekindergarten program must be of good moral character, ~~must be~~  
 495 ~~screened, using the level 2 screening standards in s. 435.04~~  
 496 ~~before employment and rescreened at least once every 5 years, and~~  
 497 ~~must be denied employment or terminated as if required in s.~~  
 498 ~~402.3057. The prekindergarten instructor under s. 435.06, and~~  
 499 must also not be ineligible to teach in a public school because  
 500 his or her educator certificate is suspended or revoked. This  
 501 subsection does not supersede employment requirements for  
 502 instructional personnel in public schools which are more  
 503 stringent than the requirements of this subsection.

504 Section 16. Subsection (6) of section 1002.63, Florida  
 505 Statutes, is amended to read:

BILL

ORIGINAL

2007

506 1002.63 School-year prekindergarten program delivered by  
507 public schools.--

508 (6) Each prekindergarten instructor employed by a public  
509 school delivering the school-year prekindergarten program must be  
510 of good moral character, ~~must be screened, using the level 2~~  
511 ~~screening standards in s. 435.04 before employment and rescreened~~  
512 ~~at least once every 5 years, and must be denied employment or~~  
513 ~~terminated as if required in s. 402.3057. The prekindergarten~~  
514 ~~instructor under s. 435.06, and must also not be ineligible to~~  
515 teach in a public school because his or her educator certificate  
516 is suspended or revoked. This subsection does not supersede  
517 employment requirements for instructional personnel in public  
518 schools which are more stringent than the requirements of this  
519 subsection.

520 Section 17. Paragraph (d) is added to subsection (2) of  
521 section 1002.67, Florida Statutes, to read:

522 1002.67 Performance standards; curricula and  
523 accountability.--

524 (2)

525 (d) A private prekindergarten provider or public school is  
526 encouraged to select or design a curriculum that includes  
527 instruction in English and the language predominately spoken by  
528 families in the program.

529 Section 18. Subsections (6), (8), and (9) of section  
530 1002.71, Florida Statutes, are amended to read:

531 1002.71 Funding; financial and attendance reporting.--

532 (6)~~(a)~~ A ~~Each~~ parent enrolling his or her child in the  
533 Voluntary Prekindergarten Education Program must agree to comply  
534 with the attendance policy of the private prekindergarten  
535 provider or district school board, as applicable. Upon enrollment

BILL

ORIGINAL

2007

536 of the child, the private prekindergarten provider or public  
 537 school, as applicable, must provide the child's parent with a  
 538 copy of the provider's or school district's attendance policy, as  
 539 applicable.

540 ~~(b)1. Each private prekindergarten provider's and district~~  
 541 ~~school board's attendance policy must require the parent of each~~  
 542 ~~student in the Voluntary Prekindergarten Education Program to~~  
 543 ~~verify, each month, the student's attendance on the prior month's~~  
 544 ~~certified student attendance.~~

545 ~~2. The parent must submit the verification of the student's~~  
 546 ~~attendance to the private prekindergarten provider or public~~  
 547 ~~school on forms prescribed by the Agency for Workforce~~  
 548 ~~Innovation. The forms must include, in addition to the~~  
 549 ~~verification of the student's attendance, a certification, in~~  
 550 ~~substantially the following form, that the parent continues to~~  
 551 ~~choose the private prekindergarten provider or public school in~~  
 552 ~~accordance with s. 1002.53 and directs that payments for the~~  
 553 ~~program be made to the provider or school:~~

554  
 555 ~~VERIFICATION OF STUDENT'S ATTENDANCE~~  
 556 ~~AND CERTIFICATION OF PARENTAL CHOICE~~

557  
 558 ~~I, (Name of Parent), swear (or affirm) that my child, (Name~~  
 559 ~~of Student), attended the Voluntary Prekindergarten Education~~  
 560 ~~Program on the days listed above and certify that I continue to~~  
 561 ~~choose (Name of Provider or School) to deliver the program~~  
 562 ~~for my child and direct that program funds be paid to the~~  
 563 ~~provider or school for my child.~~

564 ~~(Signature of Parent)~~

565 ~~(Date)~~

BILL

ORIGINAL

2007

566

567 ~~3. The private prekindergarten provider or public school~~  
568 ~~must keep each original signed form for at least 2 years. Each~~  
569 ~~private prekindergarten provider must permit the early learning~~  
570 ~~coalition, and each public school must permit the school~~  
571 ~~district, to inspect the original signed forms during normal~~  
572 ~~business hours. The Agency for Workforce Innovation shall adopt~~  
573 ~~procedures for early learning coalitions and school districts to~~  
574 ~~review the original signed forms against the certified student~~  
575 ~~attendance. The review procedures shall provide for the use of~~  
576 ~~selective inspection techniques, including, but not limited to,~~  
577 ~~random sampling. Each early learning coalition and school~~  
578 ~~district must comply with the review procedures.~~

579

(b) ~~(e)~~ A private prekindergarten provider or school  
580 district, as applicable, may dismiss a student who does not  
581 comply with the provider's or district's attendance policy. A  
582 student dismissed under this paragraph is not removed from the  
583 Voluntary Prekindergarten Education Program and may continue in  
584 the program through reenrollment with another private  
585 prekindergarten provider or public school. Notwithstanding s.  
586 1002.53(6)(b), a school district is not required to provide for  
587 the admission of a student dismissed under this paragraph.

588

(c) ~~(d)~~ The Agency for Workforce Innovation shall adopt, for  
589 funding purposes, a uniform attendance policy for the Voluntary  
590 Prekindergarten Education Program. The attendance policy must  
591 apply statewide and apply equally to all private prekindergarten  
592 providers and public schools. The attendance policy must  
593 establish a minimum requirement for student attendance and  
594 include the following provisions:

BILL

ORIGINAL

2007

595 1. A student who meets the minimum requirement may be  
 596 reported as a full-time equivalent student for funding purposes.

597 2. A student who does not meet the minimum requirement may  
 598 be reported only as a fractional part of a full-time equivalent  
 599 student, reduced pro rata based on the student's attendance.

600 3. A student who does not meet the minimum requirement may  
 601 be reported as a full-time equivalent student if the student is  
 602 absent for good cause in accordance with exceptions specified in  
 603 the uniform attendance policy.

604  
 605 The uniform attendance policy shall be used only for funding  
 606 purposes and does not prohibit a private prekindergarten provider  
 607 or public school from adopting and enforcing its attendance  
 608 policy under paragraphs (a) and (c).

609 (8) Except as otherwise expressly authorized by law, a  
 610 private prekindergarten provider or public school may not:

611 (a) Require payment of a fee or charge for services  
 612 provided for a child enrolled in the Voluntary Prekindergarten  
 613 Education Program during a period reported for funding purposes;  
 614 or

615 (b) Require a child to enroll for, or require the payment  
 616 of any fee or charge for, full-day, extended-day, or other  
 617 additional ~~supplemental~~ services as a condition of admitting a  
 618 child for enrollment, or allowing the child to remain enrolled,  
 619 in the Voluntary Prekindergarten Education Program.

620 (9) (a) A parent is responsible for the transportation of  
 621 his or her child to and from the Voluntary Prekindergarten  
 622 Education Program, regardless of whether the program is delivered  
 623 by a private prekindergarten provider or a public school.  
 624 However, a provider or school may use part of the funds it is

BILL

ORIGINAL

2007

625 | paid under paragraph (5)(b) for transporting students to and from  
 626 | the program. A student enrolled in the Voluntary Prekindergarten  
 627 | Education Program may not be reported under s. 1011.68 for  
 628 | student transportation funds.

629 |       (b) An early learning coalition or school district is  
 630 | encouraged to establish and coordinate a system for transporting  
 631 | children to and from the Voluntary Prekindergarten Education  
 632 | Program using funds provided by private prekindergarten providers  
 633 | and public schools who voluntarily choose to participate in the  
 634 | transportation system. An early learning coalition or school  
 635 | district establishing a transportation system shall, to the  
 636 | maximum extent practicable, encourage the participation of  
 637 | private prekindergarten providers and public schools in a rural  
 638 | community or an urban community with a concentrated population of  
 639 | low-income families.

640 |       Section 19. Subsection (1) of section 1002.77, Florida  
 641 | Statutes, is amended to read:

642 |       1002.77 Florida Early Learning Advisory Council.--

643 |       (1) There is created the Florida Early Learning Advisory  
 644 | Council within the Agency for Workforce Innovation. The purpose  
 645 | of the advisory council is to submit recommendations to the  
 646 | Chancellor of Early Learning, the department, and the Agency for  
 647 | Workforce Innovation on the early learning policy of this state,  
 648 | including recommendations relating to administration of the  
 649 | Voluntary Prekindergarten Education Program under this part and  
 650 | the school readiness programs under s. 411.01.

651 |       Section 20. Early Learning Information System.--

652 |       (1) The Agency for Workforce Innovation shall establish the  
 653 | Early Learning Information System to replace the current  
 654 | information system used by the agency and early learning



655 coalitions to administer the Voluntary Prekindergarten Education  
 656 Program, school readiness programs, and child care resource and  
 657 referral. The Early Learning Information System shall, at a  
 658 minimum, provide the following:

659 (a) A centralized database and a data warehouse that  
 660 maintains historical information about early learning programs;

661 (b) Continuation of core functions of the current  
 662 information system, including, but not limited to, processing  
 663 payments to providers of early learning programs and child care  
 664 resource and referral;

665 (c) Collection of child, staff, and financial data required  
 666 to produce robust analyses of the developmental and academic  
 667 growth of children and the state's return on investment for early  
 668 learning programs. The data may include, but is not limited to,  
 669 child attendance and performance data, staff demographics and  
 670 credentialing data, and financial data adequate to evaluate the  
 671 state's return on investment;

672 (d) An overall conceptual design that integrates compatible  
 673 data elements from databases among the Agency for Workforce  
 674 Innovation, Department of Education, and Department of Children  
 675 and Family Services;

676 (d) A system that allows the Agency for Workforce  
 677 Innovation and Department of Education to jointly conduct  
 678 longitudinal tracking of child performance through the third  
 679 grade, which compares the performance of children participating  
 680 in the Voluntary Prekindergarten Education Program or school  
 681 readiness programs with the performance of children not  
 682 participating in the programs;

683 (e) A system for recording the results of developmental  
 684 screenings and child assessments administered to a child

BILL

ORIGINAL

2007

685 participating in an early learning program and transferring the  
686 results to the child's kindergarten program or school; and

687 (f) A system for measuring the educational impact and  
688 overall quality of early learning programs and publishing the  
689 information on an Internet website for parents.

690 (2) The Agency for Workforce Innovation shall establish a  
691 project timeline that requires the Early Learning Information  
692 System to be fully operational by July 1, 2010. The Agency for  
693 Workforce Innovation shall submit quarterly reports to the  
694 Governor, the President of the Senate, the Speaker of the House  
695 of Representatives, the Chancellor of Early Learning, the  
696 Technology Review Workgroup, and the State Technology Office  
697 describing the agency's progress in meeting the project timeline  
698 and, if the agency revises the project timeline, specifying the  
699 reasons for revising the timeline.

700 Section 21. (1) The Office of Program Policy Analysis and  
701 Government Accountability, by December 31, 2007, shall submit a  
702 report to the Governor, the President of the Senate, the Speaker  
703 of the House of Representatives, and the Chancellor of Early  
704 Learning evaluating the administrative expenditures of the  
705 Voluntary Prekindergarten Education Program. The report shall:

706 (a) Analyze and compare the administrative expenditures of  
707 early learning coalitions for the Voluntary Prekindergarten  
708 Education Program and school readiness programs, including  
709 expenditures for nondirect services; and

710 (b) Based on the analysis and comparison, recommend a  
711 methodology for establishing appropriate limits on expenditures  
712 for administration and nondirect services for the Voluntary  
713 Prekindergarten Education Program.

BILL

ORIGINAL

2007

714        (2) As used in this section, the term "nondirect services"  
 715 includes, but is not limited to, enrolling and determining the  
 716 eligibility of children, registering and determining the  
 717 eligibility of providers, onsite inspections and verification of  
 718 provider compliance with program requirements, advertising and  
 719 other outreach to parents and providers, and training and  
 720 technical assistance for providers.

721        Section 22. The sum of \$                    is provided from the  
 722 General Revenue Fund to, and            positions are authorized for, the  
 723 Executive Office of the Governor for the 2007-2008 fiscal year to  
 724 implement section 14.204, Florida Statutes.

725        Section 23. This act shall take effect July 1, 2007.



**Summary of Recommended Language for a Proposed Council Bill to Implement  
Idea Nos. 1, 2, 3, 4, 7, 8, 17, 19, 23, 32, & 33**

***Idea No. 1: Enhance the value of the Florida Comprehensive Assessment Test (FCAT) by raising the curricular standards it measures and using its results to reward high performance.***

- Align FCAT to World Class Education Standards.—FCAT must be aligned to the content knowledge and skills required by the World Class Education Standards, which replace the Sunshine State Standards (*see Idea No. 2*). Commissioner of Education is required to expedite alignment of the FCAT to the World Class Education Standards as the new standards are adopted. The commissioner is required to report barriers to the expedited revision of the FCAT to the Governor and Legislature. [*Lines 875-903*]
- Distinguished Honors.—Requires a student’s standard diploma and high school transcript to include a notation of distinguished honors if the student earns a score on the grade 10 FCAT which represents superior academic achievement. [*Lines 611-634*]
- Early Admission and Dual Enrollment.—A student is exempt from the College Placement Test and required grade point average, which are required for early-admission and dual-enrollment programs, if a certain score is earned on grade 10 FCAT. [*Lines 781-819*]
- Proficiency in Subject Area.—A student earns the designation of “proficient” in a subject area upon earning a certain score on the grade 10 FCAT. [*Lines 999-1004*]
- College Placement Test.—A student is exempt from the College Placement Test for postsecondary admission if a certain score is earned on the grade 10 FCAT. [*Lines 1197-1207*]
- Florida Bright Futures Scholarship Program.—Allows a student to substitute earning a certain score on the grade 10 FCAT for similar passing scores on other tests listed in law to meet eligibility criteria for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. [*Lines 1232-1318*]

***Idea No. 2: Systematically and sequentially replace the Sunshine State Standards with a new, world-class curriculum comparable to those found in the leading education systems in the world.***

- World Class Education Standards.—The Sunshine State Standards are systematically replaced by World Class Education Standards through an expedited review process. The new standards must:

- Establish the essential content knowledge and skills by grade level;
- Identify the general content knowledge necessary for reading proficiency;
- Identify the specific content knowledge and skills for each subject area by grade level; and
- Provide for the sequential development of content knowledge and skills grade-by-grade for each subject area.  
[Lines 104-297, 312-381, 400-610, 697-780, 820-1021, 1026-1196, 1208-1231, 1319-1439, 1477-1494]
- World Class Education Standards Adoption Process.—
  - *Expedited Adoption Timelines.*—Requires the State Board of Education by January 31, 2008, to adopt an expedited timeline for adoption and periodic revision of the World Class Education Standards. [Lines 123-129]
  - *Review by Experts.*—Requires the State Board of Education to consult with national and international curricular experts on education standards, review the recommendations of the World Class Education Standards Advisory Council, and submit proposed standards to national organizations with expertise in curriculum before adopting the World Class Education Standards. [Lines 134-148, 163-177]
  - *Annual Report.*—Requires the State Board of Education to submit annual report by January 1 to the Governor and Legislature on the status of adoption of, and subsequent revisions to, the World Class Education Standards. [Lines 129-133]
- World Class Education Standards Advisory Council.—Creates the advisory council within DOE:
  - *Members.*—The advisory council is composed of 12 outstanding teachers: two appointed by the Governor, two appointed by the President of the Senate, two appointed by the Speaker of the House of Representatives, and six appointed by the State Board of Education. [Lines 180-187]
  - *Hearings and Report.*—The advisory council is required to conduct at least 5 public hearings across the state and report to the Governor and Legislature by November 1, 2007, on approaches to expedite the adoption of the World Class Education Standards, including the process for aligning instructional materials, professional development, and reliable assessments to the new standards. The advisory council is abolished upon submitting its report [Lines 188-212].
  - *Subsequent Reports.*—Requires the Commissioner of Education to review the advisory council report and submit a report to the State Board of Education by December 31, 2007. Also requires the State Board of Education to submit a report to the Governor and Legislature by January 31, 2008. [Lines 213-221]
- Appropriation.—An appropriation and additional positions are provided to the Department of Education to fund the per diem and travel expenses of the World

Class Education Standards Advisory Council and DOE's other responsibilities. [Lines 1774-1777]

- Rulemaking Authority of State Board of Education.—Clarifies that the State Board of Education has authority to adopt rules to implement laws conferring duties upon the state board, the Commissioner of Education, or DOE. [Lines 298-311]

***Idea No. 3: Ensure student mastery of the appropriate knowledge at each grade level by developing statewide end-of-course examinations to match new, more challenging standards.***

- Legislative Intent.—Expresses intent of Legislature to establish high-quality statewide end-of-course examinations. [Lines 1650-1653]
- OPPAGA Study.—Directs OPPAGA to submit report to Governor and Legislature on end-of-course examinations, including examinations used in Florida school districts and other states, benefits and challenges to requiring the examinations statewide, and other implementation issues. [Lines 1654-1672]
- Study by Commissioner of Education.—Requires Commissioner of Education to study cost and student achievement impact of secondary end-of-course assessments. [Lines 1022-1025]

***Idea No. 4: Begin administering the FCAT as late in the school year as possible with results still returned before the end of the school year.***

- Expedited alignment of FCAT to World Class Education Standards.—Commissioner of Education is required to expedite alignment of the FCAT to the World Class Education Standards as the new standards are adopted (*see Idea Nos. 1 & 2*). The commissioner is required to report barriers to the expedited revision of the FCAT to the Governor and Legislature. [Lines 875-903]

***Idea No. 7: Provide strong incentives to identify gifted elementary school children and require our elementary schools to allow these children to work at a suitably challenging academic level.***

- Accelerated Learning Opportunities.—Requires the State Board of Education to adopt a model policy for accelerated learning, including whole-grade acceleration, subject-matter acceleration, virtual-education acceleration, and early postsecondary enrollment; and, to include a professional training plan. Also requires school districts to adopt the model policy or a substantially similar policy. [Lines 667-696]

***Idea No. 8: Provide our elementary school children with the advantages of learning a second language by encouraging and incentivizing a foreign language curriculum in all elementary schools.***

- World-Language Curriculum for Elementary Schools.—Requires the State Board of Education to establish content standards for elementary school foreign language instruction and provide flexibility in certification of foreign language teachers. Also requires school districts and K-8 virtual schools to develop plans for articulated elementary school world-language curricula and allows the districts to use up to 10 percent of instructional-materials funds to purchase materials for elementary school world-language instruction which are not on the state-adopted list. [Lines 635-666]

***Idea No. 17: Require the statewide development and delivery of improved professional development courses for teachers and principals—offered online, through virtual means, or by satellite/cable—that emphasize new curricular standards and have measurable outcomes based on both student assessment and teacher statewide competency tests.***

- Professional Development on World Class Education Standards.—
  - *Standardized Delivery.*—Requires the State Board of Education to provide for the statewide standardized delivery of professional development programs for teachers on the World Class Education Standards and requires the state board to align the professional development to the World Class Education Standards. Professional development on the World Class Education Standards must be evaluated based on measurable outcomes for teachers and students. [Lines 1604-1619]
  - *Inservice Points on World Class Education Standards.*—Requires teachers to complete 30 inservice points in professional development on the content and instruction of the World Class Education Standards within 18 months after the standards are adopted or substantially revised. [Lines 1574-1585]
  - *Competency Examination.*—Requires teachers to pass a competency examination on the professional development for the World Class Education Standards as a condition of earning the inservice points (*see Idea No. 19*). Competency examination must be approved by the Commissioner of Education. [Lines 1580-1585]
  - *Credit for Inservice Points.*—Allows inservice points earned by teachers for professional development on the World Class Education Standards to apply toward certification and specialization requirements. [Lines 1440-1476]
  - *Inventory and Funding.*—Requires school districts to submit an inventory of professional development programs to DOE. Also requires 2008-2009 funding



for professional development to give first priority to programs on the World Class Education Standards with measurable outcomes. [Lines 1628-1648]

- Professional Development on FCAT.—Requires the State Board of Education to provide for the statewide standardized delivery of professional development programs for teachers on the FCAT. [Lines 1604-1627]

***Idea No. 19: Create statewide competency tests based on new curricular standards for both new and veteran teachers at each grade level and subject area.***

- Align Subject Area Examinations to World Class Education Standards.—Requires the State Board of Education to align subject area examinations of the Florida Teacher Certification Examinations to the World Class Education Standards as professional development for teachers is aligned (*see Idea No. 2*). [Lines 1357-1363]
- Competency Examination on World Class Education Standards.—Requires teachers to pass a competency examination on the professional development for the World Class Education Standards as a condition of earning the inservice points (*see Idea No. 17*). Competency examinations must be approved by the Commissioner of Education. [Lines 1580-1585]

***Idea No. 23: Consider piloting student-based funding programs.***

- Site-Based Management.—Requires academically high-performing school districts, based on criteria adopted by the State Board of Education, to select high-performing principals and give those principals significant decisionmaking and budget authority over their schools. [Lines 384-399]

***Idea No. 32: Provide incentives to create innovative public-private partnerships that will expand after-school programs.***

- OPPAGA Study.—Directs OPPAGA to submit a report to the Governor and Legislature on after-school programs, including types of public and private programs, identification of accountability measures, review of existing research, incentives to create public-private partnerships to expand programs; and options for correcting deficiencies in obtaining federal funding. [Lines 1673-1703]

***Idea No. 33: Pursue public-private partnerships to provide classroom construction, leasing, maintenance, and school services.***

- Public-Private Partnering Task Force.—Creates the task force within the Department of Management Services (DMS) to study public-private partnering for school construction, including the identification of methodologies for greater efficiency and reduction in construction time, design standards for safety and

functionality, construction standards, protocols for maintenance and renovations, and transportation services. The task force is composed as follows:

- Secretary of DMS or designee;
- Chair of State Board of Education or designee;
- One member appointed by Governor;
- Two members appointed by the President of the Senate; and
- Two members appointed by the Speaker of the House of Representatives.

The task force must submit its report to the Governor and Legislature by February 1, 2008, and is abolished upon reporting. An appropriation is provided to DMS to fund per diem and travel expenses of task force members. [*Lines 1716-1773, 1778-1781*]

- OPPAGA Study.—Directs OPPAGA to submit report to the Governor and Legislature on facilities construction by school districts, including amount of sales taxes paid by contractors from building school facilities, estimated impact on sales taxes of construction costs, and mechanisms for the state to provide tax exemptions for contractors building school facilities. [*Lines 1704-1715*]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Draft Recommendation -  
Related to Education

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill:K-12  
2 Representative Vana offered the following:

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

5 Remove line(s) 658 through 666.

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

8 Remove line(s) 38 - 39 and insert:  
9 curriculum; creating s. 1003.59,

3-19-07  
12:30 pm

BILL

ORIGINAL

2007

1 A bill to be entitled  
 2 An act relating to education; amending s. 1001.03, F.S.;  
 3 requiring the State Board of Education to review and  
 4 replace the Sunshine State Standards with World Class  
 5 Education Standards; establishing requirements for the  
 6 standards; requiring reports; providing for contracting  
 7 and allowing funding for contracts to extend across fiscal  
 8 years; creating the World Class Education Standards  
 9 Advisory Council within the Department of Education;  
 10 providing for appointment of the advisory council;  
 11 requiring the advisory council to conduct hearings and  
 12 submit a report; providing for the future abolishment of  
 13 the advisory council; requiring the Commissioner of  
 14 Education and State Board of Education to submit reports;  
 15 providing for per diem and travel expenses for advisory  
 16 council members; amending ss. 39.0016, 445.049, F.S.;  
 17 conforming provisions; amending s. 1002.21, F.S.; revising  
 18 a systemwide definition; conforming provisions; amending  
 19 s. 1001.02, F.S.; revising provisions authorizing the  
 20 State Board of Education to adopt rules; amending ss.  
 21 1001.215, 1001.41, 1001.42, F.S.; conforming provisions;  
 22 creating s. 1001.55, F.S.; requiring the State Board of  
 23 Education to designate academically high-performing school  
 24 districts; requiring the districts to submit plans and  
 25 give certain authority to specified school principals;  
 26 requiring annual reports; amending ss. 1002.33, 1002.415,  
 27 F.S.; conforming provisions; amending s. 1003.41, F.S.;  
 28 revising requirements for World Class Education Standards;  
 29 amending s. 1003.428, F.S.; requiring school districts to  
 30 include certain notations on diplomas and academic

BILL

ORIGINAL

2007

31 transcripts under specified conditions; creating s.  
 32 1003.451, F.S.; providing legislative intent; requiring  
 33 the State Board of Education to adopt standards for  
 34 foreign language instruction and provide flexibility in  
 35 foreign language teacher certification; requiring school  
 36 districts and certain schools to submit plans; providing  
 37 for instructional materials for elementary world-language  
 38 curriculum; revising standards and authorizing use of  
 39 funds for instructional materials; creating s. 1003.59,  
 40 F.S.; requiring the State Board of Education to adopt a  
 41 model policy for accelerated learning opportunities for  
 42 certain students; requiring schools districts to implement  
 43 an accelerated learning policy; amending s. 1004.04, F.S.;  
 44 conforming provisions; amending s. 1007.271, F.S.;  
 45 providing exemptions from certain qualifications for early  
 46 admission and dual enrollment programs based on student  
 47 scores on the Florida Comprehensive Assessment Test;  
 48 amending s. 1007.35, F.S.; conforming provisions; amending  
 49 s. 1008.22, F.S., requiring the content knowledge and  
 50 skills of the statewide assessment program and Florida  
 51 Comprehensive Assessment Test to align to the World Class  
 52 Education Standards; providing for the expedited revision  
 53 of the Florida Comprehensive Assessment Test; requiring  
 54 the Commissioner of Education to submit reports;  
 55 establishing a proficiency designation in a subject area  
 56 based on students scores on the Florida Comprehensive  
 57 Assessment Test; amending s. 1008.25, F.S.; conforming  
 58 provisions; amending s. 1008.30, F.S; exempting a student  
 59 from taking the common placement test under specified  
 60 conditions; amending s. 1008.385, F.S.; conforming

BILL

ORIGINAL

2007

61 provisions; amending ss. 1009.534, 1009.535, 1009.536,  
 62 F.S.; exempting a student from certain eligibility  
 63 requirements of the Florida Bright Futures Scholarship  
 64 Program based on scores on the Florida Comprehensive  
 65 Assessment Test; amending s. 1012.05, F.S.; conforming  
 66 provisions; amending s. 1012.56, F.S.; requiring the State  
 67 Board of Education to align subject area examinations to  
 68 the World Class Education Standards; amending ss. 1012.28,  
 69 1012.52, 1012.56, F.S.; conforming provisions; amending s.  
 70 1012.585, F.S.; revising requirements for the renewal of  
 71 educator professional certificates; applying certain  
 72 inservice points toward renewal of a specialization area;  
 73 amending s. 1012.72, F.S.; conforming provisions; amending  
 74 s. 1012.98, F.S.; providing that an individual  
 75 professional development plan requires instructional  
 76 employees to complete specified inservice activities;  
 77 requiring passage of a competency examination for  
 78 completion of certain inservice points; requiring  
 79 statewide standardization of certain professional  
 80 development for educators; requiring alignment of  
 81 professional development to the World Class Education  
 82 Standards; requiring outcome measurement of professional  
 83 development programs; requiring school districts to  
 84 inventory professional development programs; directing the  
 85 Department of Education to submit inventory to Governor  
 86 and Legislature; establishing priority for use of  
 87 professional development funds; requiring schools  
 88 districts to submit a report; providing legislative  
 89 intent; requiring the Office of Program Policy Analysis  
 90 and Government Accountability to submit reports; creating

BILL

ORIGINAL

2007

91 the Public-Private Partnering Task Force within the  
 92 Department of Management Services; providing for  
 93 appointment of the task force members; providing for per  
 94 diem and travel expenses for task force members; requiring  
 95 the task force to submit a report to the Governor and  
 96 Legislature; providing for the future abolishment of the  
 97 task force; providing appropriations; providing an  
 98 effective date.

99

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

101

102 Section 1. Subsection (1) of section 1001.03, Florida  
 103 Statutes, is amended to read:

104 1001.03 Specific powers of State Board of Education.--

105 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--

106 (a) The State Board of Education shall review and  
 107 systematically replace ~~approve the student performance standards~~  
 108 ~~known as~~ the Sunshine State Standards by adopting World Class  
 109 Education Standards that prepare Florida's students to compete  
 110 globally with students around the world. The World Class  
 111 Education Standards shall, at a minimum:

112 1. Establish the essential content knowledge and skills, by  
 113 each in key academic subject areas and grade level, which are  
 114 necessary for student academic achievement; ~~levels~~

115 2. Identify the general content knowledge that a student is  
 116 expected to know for reading proficiency;

117 3. Identify the specific content knowledge and skills that  
 118 a student is expected to know and be able to demonstrate for each  
 119 subject area listed in s. 1003.41 by grade level; and

120 4. Provide for the sequential development of a student's

BILL

ORIGINAL

2007

121 content knowledge and skills grade by grade for each subject  
 122 area.

123 (b) By January 31, 2008, the State Board of Education shall  
 124 establish an expedited a schedule for to facilitate the adoption  
 125 periodic review of the World Class Education Standards, and for  
 126 the periodic review and revision of the standards, to ensure  
 127 superior adequate rigor, relevance, logical student progression,  
 128 and integration of reading, writing, and mathematics across all  
 129 subject areas. Effective January 1, 2009, the state board shall,  
 130 by January 1 of each year, submit a report to the Governor, the  
 131 President of the Senate, and the Speaker of the House of  
 132 Representatives detailing the status of the adoption and  
 133 subsequent revisions of the World Class Education Standards.

134 (c) The State Board of Education, before adopting the World  
 135 Class Education Standards, shall consider the recommendations of  
 136 the World Class Education Standards Advisory Council and, to  
 137 expedite adoption of the standards, shall consider student  
 138 performance standards implemented by other states or nations  
 139 which are regarded to be exceptionally rigorous by national or  
 140 international curricular experts in each subject area.

141 (d) The State Board of Education shall consult national or  
 142 international curricular experts in each subject area before  
 143 adoption or revision of the World Class Education the Standards.  
 144 The state board shall also review by subject area must include  
 145 participation of curriculum leaders in other content areas,  
 146 including the arts, to ensure valid content area integration and  
 147 to address the instructional requirements of different learning  
 148 styles.

149 (e) The process for adoption and revision of the World  
 150 Class Education Standards review and proposed revisions must



BILL

ORIGINAL

2007

151 include leadership and input from the state's classroom teachers,  
 152 school administrators, and community colleges and universities,  
 153 and from representatives from business and industry who are  
 154 identified by local education foundations.

155 (f) The Department of Education may contract for the  
 156 development of the World Class Education Standards and the  
 157 identification of appropriate curricula aligned to the standards.  
 158 The department has flexibility to enter into multiple contracts  
 159 and may expand the contracts to include training. Contracts may  
 160 be initiated in 1 fiscal year and continue into the next fiscal  
 161 year and may be paid from the appropriations of either or both  
 162 fiscal years.

163 (g) The State Board of Education, before adopting or  
 164 revising the World Class Education Standards for a subject area,  
 165 shall submit the proposed standards for evaluation by one or more  
 166 nationally respected foundations, institutes, organizations, or  
 167 boards with expertise in performance standards for K-12  
 168 curricula. The state board shall submit the results of the  
 169 evaluations to the Governor, President of the Senate, and Speaker  
 170 of the House of Representatives before adopting the proposed  
 171 standards ~~a report including proposed revisions must be submitted~~  
 172 ~~to the Governor, the President of the Senate, and the Speaker of~~  
 173 ~~the House of Representatives annually to coincide with the~~  
 174 ~~established review schedule. The review schedule and an annual~~  
 175 ~~status report must be submitted to the Governor, the President of~~  
 176 ~~the Senate, and the Speaker of the House of Representatives~~  
 177 ~~annually not later than January 1.~~

178 Section 2. World Class Education Standards Advisory  
 179 Council.--

180 (1) (a) The World Class Education Standards Advisory Council

BILL

ORIGINAL

2007

181 is created within the Department of Education. The advisory  
 182 council is composed of 12 outstanding teachers appointed as  
 183 follows: two members appointed by the Governor, two members  
 184 appointed by the Speaker of the House of Representatives, two  
 185 members appointed by the President of the Senate, and six members  
 186 appointed by the State Board of Education. Members of the  
 187 advisory council shall be appointed by July 1, 2007.

188 (b) The advisory council must publicly notice and conduct  
 189 at least five public hearings throughout the state. In addition,  
 190 the advisory council, by November 1, 2007, shall submit a report  
 191 to the Commissioner of Education. The report shall include  
 192 recommendations that identify innovative and unique methods to  
 193 expedite the timeline for replacing the Sunshine State Standards  
 194 with the World Class Education Standards. Each recommendation  
 195 must include a fiscal impact statement and the added value of the  
 196 expedited process or procedure. The advisory council's  
 197 recommendations shall include, at a minimum, realistic and  
 198 practical solutions that result in:

199 1. An efficient and effective process for adoption of  
 200 instructional materials;

201 2. Strategies for timely and appropriate deployment of  
 202 professional development;

203 3. The integration of technology;

204 4. Attaining instructional validity through student access  
 205 to instruction on the World Class Education Standards;

206 5. Options for expediting the implementation of valid and  
 207 reliable assessments; and

208 6. Options for designating curriculum leaders for the World  
 209 Class Education Standards who will be available to all schools.

210

BILL

ORIGINAL

2007

211 The advisory council is abolished upon submission of its report  
 212 and recommendations.

213 (b) By December 31, 2007, the Commissioner of Education  
 214 shall submit a report and recommendations to the State Board of  
 215 Education which incorporate recommendations from the advisory  
 216 council and other education stakeholder groups. The State Board  
 217 of Education, by January 31, 2008, shall submit its findings and  
 218 recommendations to the Governor, the President of the Senate, the  
 219 Speaker of the House of Representatives, and the chairs of the  
 220 education committees of the Senate and the House of  
 221 Representatives.

222 (c) Members of the advisory council shall serve without  
 223 compensation but are entitled to per diem and reimbursement of  
 224 travel expenses under section 112.061, Florida Statutes.

225 Section 3. Paragraphs (b) and (d) of subsection (4) of  
 226 section 39.0016, Florida Statutes, is amended to read:

227 39.0016 Education of abused, neglected, and abandoned  
 228 children.--

229 (4) The department shall enter into agreements with  
 230 district school boards or other local educational entities  
 231 regarding education and related services for children known to  
 232 the department who are of school age and children known to the  
 233 department who are younger than school age but who would  
 234 otherwise qualify for services from the district school board.  
 235 Such agreements shall include, but are not limited to:

236 (b) A requirement that the district school board shall:

237 1. Provide the department with a general listing of the  
 238 services and information available from the district school  
 239 board, including, but not limited to, the World Class Education  
 240 ~~current Sunshine State Standards~~, the Surrogate Parent Training

BILL

ORIGINAL

2007

241 Manual, and other resources accessible through the Department of  
 242 Education or local school districts to facilitate educational  
 243 access for a child known to the department.

244 2. Identify all educational and other services provided by  
 245 the school and school district which the school district believes  
 246 are reasonably necessary to meet the educational needs of a child  
 247 known to the department.

248 3. Determine whether transportation is available for a  
 249 child known to the department when such transportation will avoid  
 250 a change in school assignment due to a change in residential  
 251 placement. Recognizing that continued enrollment in the same  
 252 school throughout the time the child known to the department is  
 253 in out-of-home care is preferable unless enrollment in the same  
 254 school would be unsafe or otherwise impractical, the department,  
 255 the district school board, and the Department of Education shall  
 256 assess the availability of federal, charitable, or grant funding  
 257 for such transportation.

258 4. Provide individualized student intervention or an  
 259 individual educational plan when a determination has been made  
 260 through legally appropriate criteria that intervention services  
 261 are required. The intervention or individual educational plan  
 262 must include strategies to enable the child known to the  
 263 department to maximize the attainment of educational goals.

264 (d) Training of caseworkers regarding the services and  
 265 information available through the Department of Education and  
 266 local school districts, including, but not limited to, the World  
 267 Class Education ~~current Sunshine State~~ Standards, the Surrogate  
 268 Parent Training Manual, and other resources accessible through  
 269 the Department of Education or local school districts to  
 270 facilitate educational access for a child known to the

BILL

ORIGINAL

2007

271 department.

272 Section 4. Paragraph (g) of subsection (7) of section  
273 445.049, Florida Statutes, is amended to read:

274 445.049 Digital Divide Council.--

275 (7) PROGRAM OBJECTIVES AND GOALS.--The programs authorized  
276 by this section shall have the following objectives and goals:

277 (g) Using information technology to facilitate achievement  
278 of the World Class Education Sunshine State Standards by all  
279 children enrolled in the state's K-12 school system who are  
280 members of at-risk families.

281 Section 5. Subsection (7) of section 1000.21, Florida  
282 Statutes, is amended to read:

283 1000.21 Systemwide definitions.--As used in the Florida K-  
284 20 Education Code:

285 (7) "World Class Education Sunshine State Standards" means  
286 the student content are standards, as described in ss. 1001.03(1)  
287 and 1003.41, which that identify what public school students are  
288 expected to should know and be able to demonstrate do. The term  
289 includes the Sunshine State Standards for a subject area until  
290 the standards are replaced under s. 1003.01(3) by the World Class  
291 Education Standards for the subject area. These standards  
292 delineate the academic achievement of students for which the  
293 state will hold its public schools accountable in grades K 2, 3-  
294 5, 6-8, and 9-12, in the subjects of language arts, mathematics,  
295 science, social studies, the arts, health and physical education,  
296 foreign languages, reading, writing, history, government,  
297 geography, economics, and computer literacy.

298 Section 6. Subsection (1) of section 1001.02, Florida  
299 Statutes, is amended to read:

300 1001.02 General powers of State Board of Education.--

BILL

ORIGINAL

2007

301 (1) The State Board of Education is the chief implementing  
 302 and coordinating body of public education in Florida, and it  
 303 shall focus on high-level policy decisions. The state board ~~it~~  
 304 has authority to adopt rules under ~~pursuant to~~ ss. 120.536(1) and  
 305 120.54 to implement the provisions of law conferring duties upon  
 306 the State Board of Education, the Commissioner of Education, and  
 307 the Department of Education ~~it for the improvement of the state~~  
 308 ~~system of K-20 public education~~. Except as otherwise provided by  
 309 law herein, the State Board of Education ~~it~~ may, as it finds  
 310 appropriate, delegate its general powers to the Commissioner of  
 311 Education or the directors of the divisions of the department.

312 Section 7. Subsection (8) of section 1001.215, Florida  
 313 Statutes, is amended to read:

314 1001.215 Just Read, Florida! Office.--There is created in  
 315 the Department of Education the Just Read, Florida! Office. The  
 316 office shall be fully accountable to the Commissioner of  
 317 Education and shall:

318 (8) Periodically review the World Class Education Sunshine  
 319 ~~State~~ Standards for reading at all grade levels.

320 Section 8. Subsection (3) of section 1001.41, Florida  
 321 Statutes, is amended to read:

322 1001.41 General powers of district school board.--The  
 323 district school board, after considering recommendations  
 324 submitted by the district school superintendent, shall exercise  
 325 the following general powers:

326 (3) Prescribe and adopt standards and policies to provide  
 327 each student the opportunity to receive a complete education  
 328 program, including language arts, mathematics, science, social  
 329 studies, health, physical education, foreign languages, and the  
 330 arts, as defined by the World Class Education Sunshine State

BILL

ORIGINAL

2007

331 Standards. The standards and policies must emphasize integration  
 332 and reinforcement of reading, writing, and mathematics skills  
 333 across all subjects, including career awareness, career  
 334 exploration, and career and technical education.

335 Section 9. Paragraph (a) of subsection (16) of section  
 336 1001.42, Florida Statutes, is amended to read:

337 1001.42 Powers and duties of district school board.--The  
 338 district school board, acting as a board, shall exercise all  
 339 powers and perform all duties listed below:

340 (16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--  
 341 Maintain a system of school improvement and education  
 342 accountability as provided by statute and State Board of  
 343 Education rule. This system of school improvement and education  
 344 accountability shall be consistent with, and implemented through,  
 345 the district's continuing system of planning and budgeting  
 346 required by this section and ss. 1008.385, 1010.01, and 1011.01.  
 347 This system of school improvement and education accountability  
 348 shall include, but is not limited to, the following:

349 (a) School improvement plans.--Annually approve and require  
 350 implementation of a new, amended, or continuation school  
 351 improvement plan for each school in the district. A district  
 352 school board may establish a district school improvement plan  
 353 that includes all schools in the district operating for the  
 354 purpose of providing educational services to youth in Department  
 355 of Juvenile Justice programs. The school improvement plan shall  
 356 be designed to achieve the state education priorities pursuant to  
 357 s. 1000.03(5) and student proficiency on the World Class  
 358 Education Sunshine State Standards under pursuant to s. 1003.41.  
 359 Each plan shall address student achievement goals and strategies  
 360 based on state and school district proficiency standards. The

BILL

ORIGINAL

2007

361 plan may also address issues relative to other academic-related  
 362 matters, as determined by district school board policy, and shall  
 363 include an accurate, data-based analysis of student achievement  
 364 and other school performance data. Beginning with plans approved  
 365 for implementation in the 2007-2008 school year, each secondary  
 366 school plan must include a redesign component based on the  
 367 principles established in s. 1003.413. For each school in the  
 368 district that earns a school grade of "C" or below, or is  
 369 required to have a school improvement plan under federal law, the  
 370 school improvement plan shall, at a minimum, also include:

371 1. Professional development that supports enhanced and  
 372 differentiated instructional strategies to improve teaching and  
 373 learning.

374 2. Continuous use of disaggregated student achievement data  
 375 to determine effectiveness of instructional strategies.

376 3. Ongoing informal and formal assessments to monitor  
 377 individual student progress, including progress toward mastery of  
 378 the World Class Education Sunshine State Standards, and to  
 379 redesign instruction if needed.

380 4. Alternative instructional delivery methods to support  
 381 remediation, acceleration, and enrichment strategies.

382 Section 10. Section 1001.55, Florida Statutes, is created  
 383 to read:

384 1001.55 Site-based management.--The State Board of  
 385 Education, based on criteria established by the state board,  
 386 including, but not limited to, annual gains in student academic  
 387 performance, shall designate academically high-performing school  
 388 districts. A school district designated as an academically high-  
 389 performing school district shall submit a plan to the state  
 390 board, and implement the plan, which gives the district's



BILL

ORIGINAL

2007

391 highest-performing principals significant decisionmaking and  
 392 budgetary authority over their respective schools. The school  
 393 district shall annually audit, monitor, and report to the state  
 394 board on the implementation of this section at each school site.  
 395 The State Board of Education shall submit a statewide annual  
 396 report to the Governor, President of the Senate, and Speaker of  
 397 the House of Representatives on the implementation of this  
 398 section. The state board may adopt rules under ss. 120.536(1) and  
 399 120.54 to administer this section.

400 Section 11. Paragraph (a) of subsection (6) and paragraph  
 401 (a) of subsection (7) of section 1002.33, Florida Statutes, are  
 402 amended to read:

403 1002.33 Charter schools.--

404 (6) APPLICATION PROCESS AND REVIEW.--Charter school  
 405 applications are subject to the following requirements:

406 (a) A person or entity wishing to open a charter school  
 407 shall prepare an application that:

408 1. Demonstrates how the school will use the guiding  
 409 principles and meet the statutorily defined purpose of a charter  
 410 school.

411 2. Provides a detailed curriculum plan that illustrates how  
 412 students will be provided services to attain the World Class  
 413 Education Sunshine State Standards.

414 3. Contains goals and objectives for improving student  
 415 learning and measuring that improvement. These goals and  
 416 objectives must indicate how much academic improvement students  
 417 are expected to show each year, how success will be evaluated,  
 418 and the specific results to be attained through instruction.

419 4. Describes the reading curriculum and differentiated  
 420 strategies that will be used for students reading at grade level

BILL

ORIGINAL

2007

421 or higher and a separate curriculum and strategies for students  
 422 who are reading below grade level. A sponsor shall deny a charter  
 423 if the school does not propose a reading curriculum that is  
 424 consistent with effective teaching strategies that are grounded  
 425 in scientifically based reading research.

426 5. Contains an annual financial plan for each year  
 427 requested by the charter for operation of the school for up to 5  
 428 years. This plan must contain anticipated fund balances based on  
 429 revenue projections, a spending plan based on projected revenues  
 430 and expenses, and a description of controls that will safeguard  
 431 finances and projected enrollment trends.

432 (7) CHARTER.--The major issues involving the operation of a  
 433 charter school shall be considered in advance and written into  
 434 the charter. The charter shall be signed by the governing body of  
 435 the charter school and the sponsor, following a public hearing to  
 436 ensure community input.

437 (a) The charter shall address, and criteria for approval of  
 438 the charter shall be based on:

439 1. The school's mission, the students to be served, and the  
 440 ages and grades to be included.

441 2. The focus of the curriculum, the instructional methods  
 442 to be used, any distinctive instructional techniques to be  
 443 employed, and identification and acquisition of appropriate  
 444 technologies needed to improve educational and administrative  
 445 performance which include a means for promoting safe, ethical,  
 446 and appropriate uses of technology which comply with legal and  
 447 professional standards. The charter shall ensure that reading is  
 448 a primary focus of the curriculum and that resources are provided  
 449 to identify and provide specialized instruction for students who  
 450 are reading below grade level. The curriculum and instructional

BILL

ORIGINAL

2007

451 strategies for reading must be consistent with the World Class  
 452 Education Sunshine ~~State~~ Standards and grounded in scientifically  
 453 based reading research.

454 3. The current incoming baseline standard of student  
 455 academic achievement, the outcomes to be achieved, and the method  
 456 of measurement that will be used. The criteria listed in this  
 457 subparagraph shall include a detailed description for each of the  
 458 following:

459 a. How the baseline student academic achievement levels and  
 460 prior rates of academic progress will be established.

461 b. How these baseline rates will be compared to rates of  
 462 academic progress achieved by these same students while attending  
 463 the charter school.

464 c. To the extent possible, how these rates of progress will  
 465 be evaluated and compared with rates of progress of other closely  
 466 comparable student populations.

467  
 468 The district school board is required to provide academic student  
 469 performance data to charter schools for each of their students  
 470 coming from the district school system, as well as rates of  
 471 academic progress of comparable student populations in the  
 472 district school system.

473 4. The methods used to identify the educational strengths  
 474 and needs of students and how well educational goals and  
 475 performance standards are met by students attending the charter  
 476 school. Included in the methods is a means for the charter school  
 477 to ensure accountability to its constituents by analyzing student  
 478 performance data and by evaluating the effectiveness and  
 479 efficiency of its major educational programs. Students in charter  
 480 schools shall, at a minimum, participate in the statewide

BILL

ORIGINAL

2007

481 assessment program created under s. 1008.22.

482 5. In secondary charter schools, a method for determining  
 483 that a student has satisfied the requirements for graduation in  
 484 s. 1003.43.

485 6. A method for resolving conflicts between the governing  
 486 body of the charter school and the sponsor.

487 7. The admissions procedures and dismissal procedures,  
 488 including the school's code of student conduct.

489 8. The ways by which the school will achieve a  
 490 racial/ethnic balance reflective of the community it serves or  
 491 within the racial/ethnic range of other public schools in the  
 492 same school district.

493 9. The financial and administrative management of the  
 494 school, including a reasonable demonstration of the professional  
 495 experience or competence of those individuals or organizations  
 496 applying to operate the charter school or those hired or retained  
 497 to perform such professional services and the description of  
 498 clearly delineated responsibilities and the policies and  
 499 practices needed to effectively manage the charter school. A  
 500 description of internal audit procedures and establishment of  
 501 controls to ensure that financial resources are properly managed  
 502 must be included. Both public sector and private sector  
 503 professional experience shall be equally valid in such a  
 504 consideration.

505 10. The asset and liability projections required in the  
 506 application which are incorporated into the charter and which  
 507 shall be compared with information provided in the annual report  
 508 of the charter school. The charter shall ensure that, if a  
 509 charter school internal audit or annual financial audit reveals a  
 510 state of financial emergency as defined in s. 218.503 or deficit

BILL

ORIGINAL

2007

511 financial position, the auditors are required to notify the  
 512 charter school governing board, the sponsor, and the Department  
 513 of Education. The internal auditor shall report such findings in  
 514 the form of an exit interview to the principal or the principal  
 515 administrator of the charter school and the chair of the  
 516 governing board within 7 working days after finding the state of  
 517 financial emergency or deficit position. A final report shall be  
 518 provided to the entire governing board, the sponsor, and the  
 519 Department of Education within 14 working days after the exit  
 520 interview. When a charter school is in a state of financial  
 521 emergency, the charter school shall file a detailed financial  
 522 recovery plan with the sponsor. The department, with the  
 523 involvement of both sponsors and charter schools, shall establish  
 524 guidelines for developing such plans.

525 11. A description of procedures that identify various risks  
 526 and provide for a comprehensive approach to reduce the impact of  
 527 losses; plans to ensure the safety and security of students and  
 528 staff; plans to identify, minimize, and protect others from  
 529 violent or disruptive student behavior; and the manner in which  
 530 the school will be insured, including whether or not the school  
 531 will be required to have liability insurance, and, if so, the  
 532 terms and conditions thereof and the amounts of coverage.

533 12. The term of the charter which shall provide for  
 534 cancellation of the charter if insufficient progress has been  
 535 made in attaining the student achievement objectives of the  
 536 charter and if it is not likely that such objectives can be  
 537 achieved before expiration of the charter. The initial term of a  
 538 charter shall be for 4 or 5 years. In order to facilitate access  
 539 to long-term financial resources for charter school construction,  
 540 charter schools that are operated by a municipality or other

BILL

ORIGINAL

2007

541 public entity as provided by law are eligible for up to a 15-year  
 542 charter, subject to approval by the district school board. A  
 543 charter lab school is eligible for a charter for a term of up to  
 544 15 years. In addition, to facilitate access to long-term  
 545 financial resources for charter school construction, charter  
 546 schools that are operated by a private, not-for-profit, s.  
 547 501(c)(3) status corporation are eligible for up to a 15-year  
 548 charter, subject to approval by the district school board. Such  
 549 long-term charters remain subject to annual review and may be  
 550 terminated during the term of the charter, but only according to  
 551 the provisions set forth in subsection (8).

552 13. The facilities to be used and their location.

553 14. The qualifications to be required of the teachers and  
 554 the potential strategies used to recruit, hire, train, and retain  
 555 qualified staff to achieve best value.

556 15. The governance structure of the school, including the  
 557 status of the charter school as a public or private employer as  
 558 required in paragraph (12)(i).

559 16. A timetable for implementing the charter which  
 560 addresses the implementation of each element thereof and the date  
 561 by which the charter shall be awarded in order to meet this  
 562 timetable.

563 17. In the case of an existing public school being  
 564 converted to charter status, alternative arrangements for current  
 565 students who choose not to attend the charter school and for  
 566 current teachers who choose not to teach in the charter school  
 567 after conversion in accordance with the existing collective  
 568 bargaining agreement or district school board rule in the absence  
 569 of a collective bargaining agreement. However, alternative  
 570 arrangements shall not be required for current teachers who

BILL

ORIGINAL

2007

571 choose not to teach in a charter lab school, except as authorized  
 572 by the employment policies of the state university which grants  
 573 the charter to the lab school.

574 Section 12. Paragraph (b) of subsection (2) of section  
 575 1002.415, Florida Statutes, is amended to read:

576 1002.415 K-8 Virtual School Program.--Subject to annual  
 577 legislative appropriation, a kindergarten through grade 8 virtual  
 578 school program is established within the Department of Education  
 579 for the purpose of making academic instruction available to full-  
 580 time students in kindergarten through grade 8 using on-line and  
 581 distance learning technology. The department shall use an  
 582 application process to select schools to deliver program  
 583 instruction.

584 (2) APPLICATION.--

585 (b) In addition to a completed application form, each  
 586 applicant must provide the department with:

587 1. A detailed plan describing how the school curriculum and  
 588 course content will conform to the World Class Education Sunshine  
 589 State Standards; and

590 2. An annual financial plan for each year of operation of  
 591 the school for a minimum of 3 years. The plan must contain  
 592 anticipated fund balances based on revenue projections, a  
 593 spending plan based on projected revenues and expenses, and a  
 594 description of controls that will safeguard finances and  
 595 projected enrollment trends.

596 Section 13. Section 1003.41, Florida Statutes, is amended  
 597 to read:

598 1003.41 World Class Education Sunshine State Standards.--  
 599 Public K-12 educational instruction in Florida is based on the  
 600 "World Class Education Sunshine State Standards." The These

BILL

ORIGINAL

2007

601 standards are ~~have been~~ adopted by the State Board of Education  
 602 and delineate the academic achievement of students, for which the  
 603 state holds ~~will hold~~ schools accountable, in each K-12 grade  
 604 level ~~grades K-2, 3-5, 6-8, and 9-12~~ in, at a minimum, the  
 605 subject areas ~~subjects~~ of language arts, mathematics, science,  
 606 social studies, the arts, health and physical education, and  
 607 foreign languages. The World Class Education Standards shall ~~They~~  
 608 include standards for problem-solving and higher-order skills and  
 609 standards for ~~in~~ reading, writing, history, government,  
 610 geography, economics, and computer literacy.

611 Section 14. Subsection (7) of section 1003.428, Florida  
 612 Statutes, is amended to read:

613 1003.428 General requirements for high school graduation;  
 614 revised.--

615 (7)(a) A student who meets all requirements prescribed in  
 616 subsections (1), (2), (3), and (4) shall be awarded a standard  
 617 diploma in a form prescribed by the State Board of Education.

618 (b) The standard diploma awarded to a student, and the  
 619 student's high school academic transcript, shall include a  
 620 notation of distinguished honors if the student earns a score  
 621 demonstrating superior academic achievement, as determined by the  
 622 Commissioner of Education, on the grade 10 administration of the  
 623 Florida Comprehensive Assessment Test.

624 (c) ~~(b)~~ A student who completes the minimum number of  
 625 credits and other requirements prescribed by subsections (1),  
 626 (2), and (3), but who is unable to meet the standards of  
 627 paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be  
 628 awarded a certificate of completion in a form prescribed by the  
 629 State Board of Education. However, any student who is otherwise  
 630 entitled to a certificate of completion may elect to remain in



BILL

ORIGINAL

2007

631 the secondary school either as a full-time student or a part-time  
 632 student for up to 1 additional year and receive special  
 633 instruction designed to remedy his or her identified  
 634 deficiencies.

635 Section 15. Section 1003.451, Florida Statutes, is created  
 636 to read:

637 1003.451 World-language curriculum for elementary  
 638 schools.--

639 (1) It is the intent of the Legislature that the state  
 640 shall move toward the goal of establishing a world-language focus  
 641 that begins in elementary school and continues through the middle  
 642 and high school grades.

643 (2) The State Board of Education shall:

644 (a) Establish content standards for foreign language  
 645 instruction and encourage course offerings in a wide variety of  
 646 world languages; and

647 (b) Provide for flexibility in foreign-language teacher  
 648 certification, so that Florida schools can take advantage of the  
 649 many Floridians who are fluent in native languages from around  
 650 the world.

651 (3) By December 1, 2007, each district school board, and  
 652 each school in the K-8 Virtual School Program, shall develop and  
 653 submit to the Commissioner of Education a plan for an articulated  
 654 elementary world-language curriculum for students performing at  
 655 or above grade level beginning by grade 4. The plan may include  
 656 the use of video conferencing, technology devices with digital  
 657 content, or online technology.

658 (4) Notwithstanding chapter 1006, instructional materials  
 659 used to implement an elementary world-language curriculum may  
 660 include video conferencing technologies, technology devices with

BILL

ORIGINAL

2007

661 digital content, and online content. The Commissioner of  
 662 Education shall prescribe uniform standards for technologies that  
 663 facilitate the sharing of content among school districts.  
 664 District school boards may use up to 10 percent of instructional  
 665 materials funds available for the purchase of materials not on  
 666 the state-adopted list to purchase these materials.

667 Section 16. Section 1003.59, Florida Statutes, is created  
 668 to read:

669 1003.59 Accelerated learning opportunities for academically  
 670 talented students.--

671 (1) By June 30, 2008, the State Board of Education shall  
 672 adopt a model policy for the accelerated learning of academically  
 673 talented students in grades K-12, regardless of whether the  
 674 students are classified as gifted. The model policy shall  
 675 address, but not be limited to, whole grade acceleration,  
 676 continuous progress exceeding chronological-age peers, subject-  
 677 matter acceleration, virtual-education acceleration, and early  
 678 postsecondary enrollment. The model policy shall include a plan  
 679 for:

680 (a) Providing teachers and guidance counselors with  
 681 professional training that addresses effective implementation of  
 682 the policy, providing strategies for identifying gifted and  
 683 academically talented students in the elementary grades, and  
 684 identifying methods for placing the students in programming that  
 685 allows them to work at suitably challenging academic levels; and

686 (b) Assisting school district interactions with students  
 687 and parents to help guide them in making the most appropriate  
 688 choice for each student.

689 (2) Each district school board shall implement an  
 690 academically talented student acceleration policy effective

BILL

ORIGINAL

2007

691 beginning with the 2008-2009 school year. The policy shall either  
 692 be the model policy adopted by the State Board of Education or a  
 693 substantially similar policy adopted by the school board. The  
 694 school board shall widely publicize and disseminate the policy so  
 695 that teachers, students, and parents are aware of the  
 696 opportunities.

697 Section 17. Paragraph (b) of subsection (2), paragraph (b)  
 698 of subsection (3), paragraph (e) of subsection (5), and paragraph  
 699 (c) of subsection (6) of section 1004.04, Florida Statutes, are  
 700 amended to read:

701 1004.04 Public accountability and state approval for  
 702 teacher preparation programs.--

703 (2) UNIFORM CORE CURRICULA.--

704 (b) The rules to establish uniform core curricula for each  
 705 state-approved teacher preparation program must include, but are  
 706 not limited to, a State Board of Education identified foundation  
 707 in scientifically researched, knowledge-based reading literacy  
 708 and computational skills acquisition; classroom management;  
 709 school safety; professional ethics; educational law; human  
 710 development and learning; and understanding of the World Class  
 711 Education Sunshine State Standards content measured by state  
 712 achievement tests, reading and interpretation of data, and use of  
 713 data to improve student achievement.

714 (3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A system  
 715 developed by the Department of Education in collaboration with  
 716 postsecondary educational institutions shall assist departments  
 717 and colleges of education in the restructuring of their programs  
 718 in accordance with this section to meet the need for producing  
 719 quality teachers now and in the future.

720 (b) Departments and colleges of education shall emphasize

BILL

ORIGINAL

2007

721 the state system of school improvement and education  
 722 accountability concepts and standards, including World Class  
 723 Education Sunshine ~~State~~ Standards.

724 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding subsection  
 725 (4), failure by a public or nonpublic teacher preparation program  
 726 to meet the criteria for continued program approval shall result  
 727 in loss of program approval. The Department of Education, in  
 728 collaboration with the departments and colleges of education,  
 729 shall develop procedures for continued program approval that  
 730 document the continuous improvement of program processes and  
 731 graduates' performance.

732 (e) Continued approval of teacher preparation programs is  
 733 contingent upon compliance with the student admission  
 734 requirements of subsection (4) and upon the receipt of at least a  
 735 satisfactory rating from public schools and private schools that  
 736 employ graduates of the program. Each teacher preparation program  
 737 shall guarantee the high quality of its graduates during the  
 738 first 2 years immediately following graduation from the program  
 739 or following initial certification, whichever occurs first. Any  
 740 educator in a Florida school who fails to demonstrate the  
 741 essential skills specified in subparagraphs 1.-5. shall be  
 742 provided additional training by the teacher preparation program  
 743 at no expense to the educator or the employer. Such training must  
 744 consist of an individualized plan agreed upon by the school  
 745 district and the postsecondary educational institution that  
 746 includes specific learning outcomes. The postsecondary  
 747 educational institution assumes no responsibility for the  
 748 educator's employment contract with the employer. Employer  
 749 satisfaction shall be determined by an annually administered  
 750 survey instrument approved by the Department of Education that,

BILL

ORIGINAL

2007

751 at a minimum, must include employer satisfaction of the  
 752 graduates' ability to do the following:

753 1. Write and speak in a logical and understandable style  
 754 with appropriate grammar.

755 2. Recognize signs of students' difficulty with the reading  
 756 and computational process and apply appropriate measures to  
 757 improve students' reading and computational performance.

758 3. Use and integrate appropriate technology in teaching and  
 759 learning processes.

760 4. Demonstrate knowledge and understanding of the World  
 761 Class Education Sunshine State Standards.

762 5. Maintain an orderly and disciplined classroom conducive  
 763 to student learning.

764 (6) PRESERVICE FIELD EXPERIENCE.--All postsecondary  
 765 instructors, school district personnel and instructional  
 766 personnel, and school sites preparing instructional personnel  
 767 through preservice field experience courses and internships shall  
 768 meet special requirements. District school boards are authorized  
 769 to pay student teachers during their internships.

770 (c) Preservice field experience programs must provide  
 771 specific guidance and demonstration of effective classroom  
 772 management strategies, strategies for incorporating technology  
 773 into classroom instruction, strategies for incorporating  
 774 scientifically researched, knowledge-based reading literacy and  
 775 computational skills acquisition into classroom instruction, and  
 776 ways to link instructional plans to the World Class Education  
 777 Sunshine State Standards, as appropriate. The length of  
 778 structured field experiences may be extended to ensure that  
 779 candidates achieve the competencies needed to meet certification  
 780 requirements.

BILL

ORIGINAL

2007

781 Section 18. Subsection (3) of section 1007.271, Florida  
 782 Statutes, is amended to read:

783 1007.271 Dual enrollment programs.--

784 (3) (a) The Department of Education shall adopt guidelines  
 785 designed to achieve comparability across school districts of both  
 786 student qualifications and teacher qualifications for dual  
 787 enrollment courses.

788 (b) Student qualifications must demonstrate readiness for  
 789 college-level coursework if the student is to be enrolled in  
 790 college courses. Student qualifications must demonstrate  
 791 readiness for career-level coursework if the student is to be  
 792 enrolled in career courses. In addition to the common placement  
 793 examination, student qualifications for enrollment in college  
 794 credit dual enrollment courses must include a 3.0 unweighted  
 795 grade point average, and student qualifications for enrollment in  
 796 career certificate dual enrollment courses must include a 2.0  
 797 unweighted grade point average.

798 (c) Exceptions to the required grade point averages may be  
 799 granted if the educational entities agree and the terms of the  
 800 agreement are contained within the dual enrollment  
 801 interinstitutional articulation agreement.

802 (d) Community college boards of trustees may establish  
 803 additional admissions criteria, which shall be included in the  
 804 district interinstitutional articulation agreement developed  
 805 according to s. 1007.235, to ensure student readiness for  
 806 postsecondary instruction. Additional requirements included in  
 807 the agreement shall not arbitrarily prohibit students who have  
 808 demonstrated the ability to master advanced courses from  
 809 participating in dual enrollment courses. District school boards  
 810 may not refuse to enter into an agreement with a local community

BILL

ORIGINAL

2007

811 college if that community college has the capacity to offer dual  
812 enrollment courses.

813 (e) Student qualifications for early admission and dual  
814 enrollment programs shall exempt a student from the common  
815 placement examination and required grade point averages if the  
816 student earns a score on the grade 10 administration of the  
817 Florida Comprehensive Assessment Test which is linked, as  
818 determined by the Commissioner of Education, with a passing score  
819 on the common placement examination.

820 Section 19. Paragraph (c) of subsection (6) of section  
821 1007.35, Florida Statutes, is amended to read:

822 1007.35 Florida Partnership for Minority and  
823 Underrepresented Student Achievement.--

824 (6) The partnership shall:

825 (c) Provide teacher training and materials that are aligned  
826 with the World Class Education ~~Sunshine State~~ Standards and are  
827 consistent with best theory and practice regarding multiple  
828 learning styles and research on learning, instructional  
829 strategies, instructional design, and classroom assessment.  
830 Curriculum materials must be based on current, accepted, and  
831 essential academic knowledge. Materials for prerequisite courses  
832 should, at a minimum, address the skills assessed on the Florida  
833 Comprehensive Assessment Test (FCAT).

834 Section 20. Paragraphs (a) of subsection (1), and  
835 paragraphs (a), (c), and (g) of subsection (3), of section  
836 1008.22, Florida Statutes, are amended to read:

837 1008.22 Student assessment program for public schools.--

838 (1) PURPOSE.--The primary purposes of the student  
839 assessment program are to provide information needed to improve  
840 the public schools by enhancing the learning gains of all

BILL

ORIGINAL

2007

841 students and to inform parents of the educational progress of  
 842 their public school children. The program must be designed to:

843 (a) Assess the annual learning gains of each student toward  
 844 achieving the World Class Education Sunshine State Standards  
 845 appropriate for the student's grade level.

846 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
 847 design and implement a statewide program of educational  
 848 assessment that provides information for the improvement of the  
 849 operation and management of the public schools, including schools  
 850 operating for the purpose of providing educational services to  
 851 youth in Department of Juvenile Justice programs. The  
 852 commissioner may enter into contracts for the continued  
 853 administration of the assessment, testing, and evaluation  
 854 programs authorized and funded by the Legislature. Contracts may  
 855 be initiated in 1 fiscal year and continue into the next and may  
 856 be paid from the appropriations of either or both fiscal years.  
 857 The commissioner is authorized to negotiate for the sale or lease  
 858 of tests, scoring protocols, test scoring services, and related  
 859 materials developed pursuant to law. Pursuant to the statewide  
 860 assessment program, the commissioner shall:

861 (a) Submit to the State Board of Education the content  
 862 knowledge and a list that specifies student skills expected of a  
 863 student by and competencies to which the goals for education  
 864 specified in the state plan apply, including, but not limited to,  
 865 reading, writing, science, and mathematics. The skills and  
 866 competencies must include problem solving and higher order skills  
 867 as appropriate and shall be known as the World Class Education  
 868 Sunshine State Standards as defined in s. 1000.21. The  
 869 commissioner shall select such skills and competencies after  
 870 receiving recommendations from educators, citizens, and members



BILL

ORIGINAL

2007

871 ~~of the business community. The commissioner shall submit to the~~  
 872 ~~State Board of Education revisions to the list of student skills~~  
 873 ~~and competencies in order to maintain continuous progress toward~~  
 874 ~~improvements in student proficiency.~~

875 (c) Develop and implement a student achievement testing  
 876 program known as the Florida Comprehensive Assessment Test (FCAT)  
 877 as part of the statewide assessment program to measure reading,  
 878 writing, science, and mathematics. Other content areas may be  
 879 included as directed by the commissioner. The assessment of  
 880 reading and mathematics shall be administered annually in grades  
 881 3 through 10. The assessment of writing and science shall be  
 882 administered at least once at the elementary, middle, and high  
 883 school levels. The content knowledge and skills assessed by the  
 884 Florida Comprehensive Assessment Test must be aligned to the  
 885 content knowledge and skills expected of a student by the World  
 886 Class Education Standards. As the Sunshine State Standards are  
 887 replaced by the World Class Education Standards under s.  
 888 1003.01(1), the commissioner, to the maximum extent practicable,  
 889 shall expedite revision of the Florida Comprehensive Assessment  
 890 Test for alignment to the standards. The commissioner shall  
 891 report any barriers to expedited alignment, including, but not  
 892 limited to, funding and staff support, to the State Board of  
 893 Education, the Governor, the President of the Senate, and the  
 894 Speaker of the House of Representatives. The state board shall  
 895 consider the use of other validated assessments, including, but  
 896 not limited to, assessments administered by other states, to  
 897 expedite alignment of the Florida Comprehensive Assessment Test  
 898 to the World Class Education Standards. The commissioner must  
 899 document the procedures used to ensure that the versions of the  
 900 FCAT which are taken by students retaking the grade 10 FCAT are

BILL

ORIGINAL

2007

901 | equally as challenging and difficult as the tests taken by  
 902 | students in grade 10 which contain performance tasks. The testing  
 903 | program must be designed so that:

904 |       1. The tests measure student content knowledge and skills  
 905 | ~~and competencies~~ adopted by the State Board of Education as  
 906 | specified in paragraph (a). The tests must measure and report  
 907 | student proficiency levels of all students assessed in reading,  
 908 | writing, mathematics, and science. The commissioner shall provide  
 909 | for the tests to be developed or obtained, as appropriate,  
 910 | through contracts and project agreements with private vendors,  
 911 | public vendors, public agencies, postsecondary educational  
 912 | institutions, or school districts. The commissioner shall obtain  
 913 | input for ~~with respect to~~ the design and implementation of the  
 914 | testing program from state educators, assistive technology  
 915 | experts, and the public.

916 |       2. The testing program will include a combination of norm-  
 917 | referenced and criterion-referenced tests and include, to the  
 918 | extent determined by the commissioner, questions that require the  
 919 | student to produce information or perform tasks in such a manner  
 920 | in which the content knowledge and way that the skills used by  
 921 | the student ~~and competencies he or she uses~~ can be measured.

922 |       3. Each testing program, whether at the elementary, middle,  
 923 | or high school level, includes a test of writing in which  
 924 | students are required to produce writings that are then scored by  
 925 | appropriate and timely methods.

926 |       4. A score is designated for each subject area tested,  
 927 | below which score a student's performance is deemed inadequate.  
 928 | The school districts shall provide appropriate remedial  
 929 | instruction to students who score below these levels.

930 |       5. Except as provided in s. 1003.428(8)(b) or s.

BILL

ORIGINAL

2007

931 1003.43(11)(b), students must earn a passing score on the grade  
 932 10 assessment test described in this paragraph or attain  
 933 concordant scores as described in subsection (9) in reading,  
 934 writing, and mathematics to qualify for a standard high school  
 935 diploma. The State Board of Education shall designate a passing  
 936 score for each part of the grade 10 assessment test. In  
 937 establishing passing scores, the state board shall consider any  
 938 possible negative impact of the test on minority students. The  
 939 State Board of Education shall adopt rules which specify the  
 940 passing scores for the grade 10 FCAT. Any such rules, which have  
 941 the effect of raising the required passing scores, shall only  
 942 apply to students taking the grade 10 FCAT for the first time  
 943 after such rules are adopted by the State Board of Education.

944 6. Participation in the testing program is mandatory for  
 945 all students attending public school, including students served  
 946 in Department of Juvenile Justice programs, except as otherwise  
 947 prescribed by the commissioner. If a student does not participate  
 948 in the statewide assessment, the district must notify the  
 949 student's parent and provide the parent with information  
 950 regarding the implications of such nonparticipation. A parent  
 951 must provide signed consent for a student to receive classroom  
 952 instructional accommodations that would not be available or  
 953 permitted on the statewide assessments and must acknowledge in  
 954 writing that he or she understands the implications of such  
 955 instructional accommodations. The State Board of Education shall  
 956 adopt rules, based upon recommendations of the commissioner, for  
 957 the provision of test accommodations for students in exceptional  
 958 education programs and for students who have limited English  
 959 proficiency. Accommodations that negate the validity of a  
 960 statewide assessment are not allowable in the administration of

BILL

ORIGINAL

2007

961 the FCAT. However, instructional accommodations are allowable in  
 962 the classroom if included in a student's individual education  
 963 plan. Students using instructional accommodations in the  
 964 classroom that are not allowable as accommodations on the FCAT  
 965 may have the FCAT requirement waived pursuant to the requirements  
 966 of s. 1003.428(8)(b) or s. 1003.43(11)(b).

967 7. A student seeking an adult high school diploma must meet  
 968 the same testing requirements that a regular high school student  
 969 must meet.

970 8. District school boards must provide instruction to  
 971 prepare students to demonstrate proficiency in the content  
 972 knowledge and skills ~~and competencies~~ necessary for successful  
 973 grade-to-grade progression and high school graduation. If a  
 974 student is provided with instructional accommodations in the  
 975 classroom that are not allowable as accommodations in the  
 976 statewide assessment program, as described in the test manuals,  
 977 the district must inform the parent in writing and must provide  
 978 the parent with information regarding the impact on the student's  
 979 ability to meet expected proficiency levels in reading, writing,  
 980 and math. The commissioner shall conduct studies as necessary to  
 981 verify that the required content knowledge and skills ~~and~~  
 982 ~~competencies~~ are part of the district instructional programs.

983 9. District school boards must provide opportunities for  
 984 students to demonstrate an acceptable level of performance on an  
 985 alternative standardized assessment approved by the State Board  
 986 of Education following enrollment in summer academies.

987 10. The Department of Education must develop, or select,  
 988 and implement a common battery of assessment tools that will be  
 989 used in all juvenile justice programs in the state. These tools  
 990 must accurately measure the content knowledge and skills ~~and~~

BILL

ORIGINAL

2007

991 ~~competencies~~ established in the World Class Education Sunshine  
 992 State Standards.

993 11. For students seeking a special diploma under pursuant  
 994 ~~to~~ s. 1003.438, the Department of Education must develop or  
 995 select and implement an alternate assessment tool that accurately  
 996 measures the content knowledge and skills ~~and competencies~~  
 997 established in the World Class Education Sunshine State Standards  
 998 for students with disabilities under s. 1003.438.

999 12. A student earns the designation of "proficient" in a  
 1000 subject area if the student earns a score, as determined by the  
 1001 commissioner, on the Florida Comprehensive Assessment Test which  
 1002 demonstrates proficiency in the subject area. The commissioner  
 1003 shall determine scores demonstrating proficiency in each grade  
 1004 and subject area of the Florida Comprehensive Assessment Test.

1005  
 1006 The commissioner may, based on collaboration and input from  
 1007 school districts, design and implement student testing programs,  
 1008 for any grade level and subject area, necessary to effectively  
 1009 monitor educational achievement in the state, including the  
 1010 measurement of educational achievement of the World Class  
 1011 Education Sunshine State Standards for students with  
 1012 disabilities. Development and refinement of assessments shall  
 1013 include universal design principles and accessibility standards  
 1014 that will prevent any unintended obstacles for students with  
 1015 disabilities while ensuring the validity and reliability of the  
 1016 test. These principles should be applicable to all technology  
 1017 platforms and assistive devices available for the assessments.  
 1018 The field testing process and psychometric analyses for the  
 1019 statewide assessment program must include an appropriate  
 1020 percentage of students with disabilities and an evaluation or

BILL

ORIGINAL

2007

1021 determination of the effect of test items on such students.

1022 (g) Study the cost and student achievement impact of  
 1023 secondary end-of-course assessments, including web-based and  
 1024 performance formats, and report to the Legislature by December 1,  
 1025 2007 ~~prior to implementation.~~

1026 Section 21. Paragraph (b) of subsection (6) and paragraph  
 1027 (b) of subsection (7) of section 1008.25, Florida Statutes, are  
 1028 amended to read:

1029 1008.25 Public school student progression; remedial  
 1030 instruction; reporting requirements.--

1031 (6) ELIMINATION OF SOCIAL PROMOTION.--

1032 (b) The district school board may only exempt students from  
 1033 mandatory retention, as provided in paragraph (5)(b), for good  
 1034 cause. Good cause exemptions shall be limited to the following:

1035 1. Limited English proficient students who have had less  
 1036 than 2 years of instruction in an English for Speakers of Other  
 1037 Languages program.

1038 2. Students with disabilities whose individual education  
 1039 plan indicates that participation in the statewide assessment  
 1040 program is not appropriate, consistent with the requirements of  
 1041 State Board of Education rule.

1042 3. Students who demonstrate an acceptable level of  
 1043 performance on an alternative standardized reading assessment  
 1044 approved by the State Board of Education.

1045 4. Students who demonstrate, through a student portfolio,  
 1046 that the student is reading on grade level as evidenced by  
 1047 demonstration of mastery of the World Class Education Sunshine  
 1048 State Standards in reading equal to at least a Level 2  
 1049 performance on the FCAT.

1050 5. Students with disabilities who participate in the FCAT

BILL

ORIGINAL

2007

1051 and who have an individual education plan or a Section 504 plan  
 1052 that reflects that the student has received intensive remediation  
 1053 in reading for more than 2 years but still demonstrates a  
 1054 deficiency in reading and was previously retained in  
 1055 kindergarten, grade 1, grade 2, or grade 3.

1056 6. Students who have received intensive remediation in  
 1057 reading for 2 or more years but still demonstrate a deficiency in  
 1058 reading and who were previously retained in kindergarten, grade  
 1059 1, grade 2, or grade 3 for a total of 2 years. Intensive reading  
 1060 instruction for students so promoted must include an altered  
 1061 instructional day that includes specialized diagnostic  
 1062 information and specific reading strategies for each student. The  
 1063 district school board shall assist schools and teachers to  
 1064 implement reading strategies that research has shown to be  
 1065 successful in improving reading among low-performing readers.

1066 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

1067 (b) Beginning with the 2004-2005 school year, each school  
 1068 district shall:

1069 1. Conduct a review of student progress monitoring plans  
 1070 for all students who did not score above Level 1 on the reading  
 1071 portion of the FCAT and did not meet the criteria for one of the  
 1072 good cause exemptions in paragraph (6)(b). The review shall  
 1073 address additional supports and services, as described in this  
 1074 subsection, needed to remediate the identified areas of reading  
 1075 deficiency. The school district shall require a student portfolio  
 1076 to be completed for each such student.

1077 2. Provide students who are retained under the provisions  
 1078 of paragraph (5)(b) with intensive instructional services and  
 1079 supports to remediate the identified areas of reading deficiency,  
 1080 including a minimum of 90 minutes of daily, uninterrupted,

BILL

ORIGINAL

2007

1081 scientifically research-based reading instruction and other  
 1082 strategies prescribed by the school district, which may include,  
 1083 but are not limited to:

- 1084 a. Small group instruction.
- 1085 b. Reduced teacher-student ratios.
- 1086 c. More frequent progress monitoring.
- 1087 d. Tutoring or mentoring.
- 1088 e. Transition classes containing 3rd and 4th grade  
 1089 students.

- 1090 f. Extended school day, week, or year.
- 1091 g. Summer reading camps.

1092 3. Provide written notification to the parent of any  
 1093 student who is retained under the provisions of paragraph (5)(b)  
 1094 that his or her child has not met the proficiency level required  
 1095 for promotion and the reasons the child is not eligible for a  
 1096 good cause exemption as provided in paragraph (6)(b). The  
 1097 notification must comply with the provisions of s. 1002.20(15)  
 1098 and must include a description of proposed interventions and  
 1099 supports that will be provided to the child to remediate the  
 1100 identified areas of reading deficiency.

1101 4. Implement a policy for the midyear promotion of any  
 1102 student retained under the provisions of paragraph (5)(b) who can  
 1103 demonstrate that he or she is a successful and independent  
 1104 reader, reading at or above grade level, and ready to be promoted  
 1105 to grade 4. Tools that school districts may use in reevaluating  
 1106 any student retained may include subsequent assessments,  
 1107 alternative assessments, and portfolio reviews, in accordance  
 1108 with rules of the State Board of Education. Students promoted  
 1109 during the school year after November 1 must demonstrate  
 1110 proficiency above that required to score at Level 2 on the grade



BILL

ORIGINAL

2007

1111 3 FCAT, as determined by the State Board of Education. The State  
 1112 Board of Education shall adopt standards that provide a  
 1113 reasonable expectation that the student's progress is sufficient  
 1114 to master appropriate 4th grade level reading skills.

1115 5. Provide students who are retained under the provisions  
 1116 of paragraph (5)(b) with a high-performing teacher as determined  
 1117 by student performance data and above-satisfactory performance  
 1118 appraisals.

1119 6. In addition to required reading enhancement and  
 1120 acceleration strategies, provide parents of students to be  
 1121 retained with at least one of the following instructional  
 1122 options:

1123 a. Supplemental tutoring in scientifically research-based  
 1124 reading services in addition to the regular reading block,  
 1125 including tutoring before and/or after school.

1126 b. A "Read at Home" plan outlined in a parental contract,  
 1127 including participation in "Families Building Better Readers  
 1128 Workshops" and regular parent-guided home reading.

1129 c. A mentor or tutor with specialized reading training.

1130 7. Establish a Reading Enhancement and Acceleration  
 1131 Development (READ) Initiative. The focus of the READ Initiative  
 1132 shall be to prevent the retention of grade 3 students and to  
 1133 offer intensive accelerated reading instruction to grade 3  
 1134 students who failed to meet standards for promotion to grade 4  
 1135 and to each K-3 student who is assessed as exhibiting a reading  
 1136 deficiency. The READ Initiative shall:

1137 a. Be provided to all K-3 students at risk of retention as  
 1138 identified by the statewide assessment system used in Reading  
 1139 First schools. The assessment must measure phonemic awareness,  
 1140 phonics, fluency, vocabulary, and comprehension.

BILL

ORIGINAL

2007

1141           b. Be provided during regular school hours in addition to  
1142 the regular reading instruction.

1143           c. Provide a state-identified reading curriculum that has  
1144 been reviewed by the Florida Center for Reading Research at  
1145 Florida State University and meets, at a minimum, the following  
1146 specifications:

1147           (I) Assists students assessed as exhibiting a reading  
1148 deficiency in developing the ability to read at grade level.

1149           (II) Provides skill development in phonemic awareness,  
1150 phonics, fluency, vocabulary, and comprehension.

1151           (III) Provides scientifically based and reliable  
1152 assessment.

1153           (IV) Provides initial and ongoing analysis of each  
1154 student's reading progress.

1155           (V) Is implemented during regular school hours.

1156           (VI) Provides a curriculum in core academic subjects to  
1157 assist the student in maintaining or meeting proficiency levels  
1158 for the appropriate grade in all academic subjects.

1159           8. Establish at each school, where applicable, an Intensive  
1160 Acceleration Class for retained grade 3 students who subsequently  
1161 score at Level 1 on the reading portion of the FCAT. The focus of  
1162 the Intensive Acceleration Class shall be to increase a child's  
1163 reading level at least two grade levels in 1 school year. The  
1164 Intensive Acceleration Class shall:

1165           a. Be provided to any student in grade 3 who scores at  
1166 Level 1 on the reading portion of the FCAT and who was retained  
1167 in grade 3 the prior year because of scoring at Level 1 on the  
1168 reading portion of the FCAT.

1169           b. Have a reduced teacher-student ratio.

1170           c. Provide uninterrupted reading instruction for the

BILL

ORIGINAL

2007

1171 majority of student contact time each day and incorporate  
 1172 opportunities to master the World Class Education Standards for  
 1173 grade 4 ~~Sunshine State Standards~~ in other core subject areas.

1174       d. Use a reading program that is scientifically research-  
 1175 based and has proven results in accelerating student reading  
 1176 achievement within the same school year.

1177       e. Provide intensive language and vocabulary instruction  
 1178 using a scientifically research-based program, including use of a  
 1179 speech-language therapist.

1180       f. Include weekly progress monitoring measures to ensure  
 1181 progress is being made.

1182       g. Report to the Department of Education, in the manner  
 1183 described by the department, the progress of students in the  
 1184 class at the end of the first semester.

1185       9. Report to the State Board of Education, as requested, on  
 1186 the specific intensive reading interventions and supports  
 1187 implemented at the school district level. The Commissioner of  
 1188 Education shall annually prescribe the required components of  
 1189 requested reports.

1190       10. Provide a student who has been retained in grade 3 and  
 1191 has received intensive instructional services but is still not  
 1192 ready for grade promotion, as determined by the school district,  
 1193 the option of being placed in a transitional instructional  
 1194 setting. Such setting shall specifically be designed to produce  
 1195 learning gains sufficient to meet grade 4 performance standards  
 1196 while continuing to remediate the areas of reading deficiency.

1197       Section 22. Subsection (6) is added to section 1008.30,  
 1198 Florida Statutes, to read:

1199       1008.30 Common placement testing for public postsecondary  
 1200 education.--

BILL

ORIGINAL

2007

1201       (6) Upon alignment of the grade 10 administration of the  
 1202 Florida Comprehensive Assessment Test to the World Class  
 1203 Education Standards, a student is exempt from taking the common  
 1204 placement test if the student earns a score on the grade 10  
 1205 administration of the Florida Comprehensive Assessment Test which  
 1206 is linked, as determined by the Commissioner of Education, with a  
 1207 passing score on the common placement test.

1208           Section 23. Paragraph (b) of subsection (1) of section  
 1209 1008.385, Florida Statutes, is amended to read:

1210           1008.385 Educational planning and information systems.--

1211           (1) EDUCATIONAL PLANNING.--

1212           (b) Each district school board shall maintain a continuing  
 1213 system of planning and budgeting designed to aid in identifying  
 1214 and meeting the educational needs of students and the public.  
 1215 Provision shall be made for coordination between district school  
 1216 boards and community college boards of trustees concerning the  
 1217 planning for career education and adult educational programs. The  
 1218 major emphasis of the system shall be upon locally determined  
 1219 goals and objectives, the state plan for education, and the World  
 1220 Class Education Sunshine State Standards developed by the  
 1221 Department of Education and adopted by the State Board of  
 1222 Education. The district planning and budgeting system must  
 1223 include consideration of student achievement data obtained  
 1224 pursuant to ss. 1008.22 and 1008.34. The system shall be  
 1225 structured to meet the specific management needs of the district  
 1226 and to align the budget adopted by the district school board with  
 1227 the plan the board has also adopted. Each district school board  
 1228 shall utilize its system of planning and budgeting to emphasize a  
 1229 system of school-based management in which individual school  
 1230 centers become the principal planning units and to integrate

BILL

ORIGINAL

2007

1231 | planning and budgeting at the school level.

1232 |       Section 24. Subsection (1) of section 1009.534, Florida  
1233 | Statutes, is amended to read:

1234 |       1009.534 Florida Academic Scholars award.--

1235 |       (1) A student is eligible for a Florida Academic Scholars  
1236 | award if the student meets the general eligibility requirements  
1237 | for the Florida Bright Futures Scholarship Program and the  
1238 | student:

1239 |       (a) Has achieved a 3.5 weighted grade point average as  
1240 | calculated under ~~pursuant to~~ s. 1009.531, or its equivalent, in  
1241 | high school courses ~~that are~~ designated by the State Board of  
1242 | Education as college-preparatory academic courses; and has  
1243 | attained at least the score identified by rules of the State  
1244 | Board of Education on the combined verbal and quantitative parts  
1245 | of the Scholastic Aptitude Test, the Scholastic Assessment Test,  
1246 | or the recentered Scholastic Assessment Test of the College  
1247 | Entrance Examination, ~~or~~ an equivalent score on the ACT  
1248 | Assessment Program, or a concordant score on the grade 10  
1249 | administration of the Florida Comprehensive Assessment Test; or

1250 |       (b) Has attended a home education program according to s.  
1251 | 1002.41 during grades 11 and 12 or has completed the  
1252 | International Baccalaureate curriculum but failed to earn the  
1253 | International Baccalaureate Diploma or has completed the Advanced  
1254 | International Certificate of Education curriculum but failed to  
1255 | earn the Advanced International Certificate of Education Diploma,  
1256 | and has attained at least the score identified by rules of the  
1257 | State Board of Education on the combined verbal and quantitative  
1258 | parts of the Scholastic Aptitude Test, the Scholastic Assessment  
1259 | Test, or the recentered Scholastic Assessment Test of the College  
1260 | Entrance Examination, or an equivalent score on the ACT

BILL

ORIGINAL

2007

1261 Assessment Program; or  
 1262 (c) Has been awarded an International Baccalaureate Diploma  
 1263 from the International Baccalaureate Office or an Advanced  
 1264 International Certificate of Education Diploma from the  
 1265 University of Cambridge International Examinations Office; or  
 1266 (d) Has been recognized by the merit or achievement  
 1267 programs of the National Merit Scholarship Corporation as a  
 1268 scholar or finalist; or  
 1269 (e) Has been recognized by the National Hispanic  
 1270 Recognition Program as a scholar recipient.  
 1271  
 1272 A student must complete a program of community service work, as  
 1273 approved by the district school board or the administrators of a  
 1274 nonpublic school, which shall include a minimum of 75 hours of  
 1275 service work and require the student to identify a social problem  
 1276 that interests him or her, develop a plan for his or her personal  
 1277 involvement in addressing the problem, and, through papers or  
 1278 other presentations, evaluate and reflect upon his or her  
 1279 experience.  
 1280 Section 25. Paragraph (a) of subsection (1) of section  
 1281 1009.535, Florida Statutes, is amended to read:  
 1282 1009.535 Florida Medallion Scholars award.--  
 1283 (1) A student is eligible for a Florida Medallion Scholars  
 1284 award if the student meets the general eligibility requirements  
 1285 for the Florida Bright Futures Scholarship Program and the  
 1286 student:  
 1287 (a) Has achieved a weighted grade point average of 3.0 as  
 1288 calculated under ~~pursuant to~~ s. 1009.531, or the equivalent, in  
 1289 high school courses ~~that are~~ designated by the State Board of  
 1290 Education as college-preparatory academic courses; and has

BILL

ORIGINAL

2007

1291 attained at least the score identified by rules of the State  
 1292 Board of Education on the combined verbal and quantitative parts  
 1293 of the Scholastic Aptitude Test, the Scholastic Assessment Test,  
 1294 or the recentered Scholastic Assessment Test of the College  
 1295 Entrance Examination, ~~or~~ an equivalent score on the ACT  
 1296 Assessment Program, or a concordant score on the grade 10  
 1297 administration of the Florida Comprehensive Assessment Test; or

1298 Section 26. Paragraph (b) of subsection (1) of section  
 1299 1009.536, Florida Statutes, is amended to read:

1300 1009.536 Florida Gold Seal Vocational Scholars award.--The  
 1301 Florida Gold Seal Vocational Scholars award is created within the  
 1302 Florida Bright Futures Scholarship Program to recognize and  
 1303 reward academic achievement and career preparation by high school  
 1304 students who wish to continue their education.

1305 (1) A student is eligible for a Florida Gold Seal  
 1306 Vocational Scholars award if the student meets the general  
 1307 eligibility requirements for the Florida Bright Futures  
 1308 Scholarship Program and the student:

1309 (b) Demonstrates readiness for postsecondary education by:

1310 1. Earning a passing score on the Florida College Entry  
 1311 Level Placement Test or its equivalent as identified by the  
 1312 Department of Education; or

1313 2. Earning a score on the grade 10 administration of the  
 1314 Florida Comprehensive Assessment Test, which is linked to a  
 1315 passing score on the Florida College Entry Level Test, as  
 1316 determined by the Commissioner of Education upon alignment of the  
 1317 Florida Comprehensive Assessment Test to the World Class  
 1318 Education Standards.

1319 Section 27. Paragraph (o) of subsection (2) of section  
 1320 1012.05, Florida Statutes, is amended to read:

BILL

ORIGINAL

2007

1321 1012.05 Teacher recruitment and retention.--  
 1322 (2) The Department of Education shall:  
 1323 (o) Develop and implement an online Teacher Toolkit that  
 1324 contains a menu of resources, based on the World Class Education  
 1325 ~~Sunshine State~~ Standards, that all teachers can use to enhance  
 1326 classroom instruction and increase teacher effectiveness, thus  
 1327 resulting in improved student achievement.  
 1328 Section 28. Subsection (4) of section 1012.56, Florida  
 1329 Statutes, is amended to read:  
 1330 1012.56 Educator certification requirements.--  
 1331 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means of  
 1332 demonstrating mastery of subject area knowledge are:  
 1333 (a) Achievement of passing scores on subject area  
 1334 examinations required by state board rule;  
 1335 (b) Completion of the subject area specialization  
 1336 requirements specified in state board rule and verification of  
 1337 the attainment of the essential subject matter competencies by  
 1338 the district school superintendent of the employing school  
 1339 district or chief administrative officer of the employing state-  
 1340 supported or private school for a subject area for which a  
 1341 subject area examination has not been developed and required by  
 1342 state board rule;  
 1343 (c) Completion of the subject area specialization  
 1344 requirements specified in state board rule for a subject coverage  
 1345 requiring a master's or higher degree and achievement of a  
 1346 passing score on the subject area examination specified in state  
 1347 board rule;  
 1348 (d) A valid professional standard teaching certificate  
 1349 issued by another state; or  
 1350 (e) A valid certificate issued by the National Board for



BILL

ORIGINAL

2007

1351 Professional Teaching Standards or a national educator  
 1352 credentialing board approved by the State Board of Education.

1353  
 1354 School districts are encouraged to provide mechanisms for those  
 1355 middle school teachers holding only a K-6 teaching certificate to  
 1356 obtain a subject area coverage for middle grades through  
 1357 postsecondary coursework or district add-on certification. As the  
 1358 Sunshine State Standards are replaced by the World Class  
 1359 Education Standards under s. 1001.03(1), and professional  
 1360 development for educators is aligned to the World Class Education  
 1361 Standards under s. 1012.98(12)(a), the State Board of Education  
 1362 shall align the subject area examinations to the World Class  
 1363 Education Standards.

1364 Section 29. Subsection (5) of section 1012.28, Florida  
 1365 Statutes, is amended to read:

1366 1012.28 Public school personnel; duties of school  
 1367 principals.--

1368 (5) Each school principal shall perform such duties as may  
 1369 be assigned by the district school superintendent, pursuant to  
 1370 the rules of the district school board. Such rules shall include,  
 1371 but are not limited to, rules relating to administrative  
 1372 responsibility, instructional leadership in implementing the  
 1373 World Class Education ~~Sunshine State~~ Standards and the overall  
 1374 educational program of the school to which the school principal  
 1375 is assigned, submission of personnel recommendations to the  
 1376 district school superintendent, administrative responsibility for  
 1377 records and reports, administration of corporal punishment, and  
 1378 student suspension.

1379 Section 30. Subsection (1) of section 1012.52, Florida  
 1380 Statutes, is amended to read:

BILL

ORIGINAL

2007

1381 1012.52 Teacher quality; legislative findings.--

1382 (1) The Legislature intends to implement a comprehensive  
 1383 approach to increase students' academic achievement and improve  
 1384 teaching quality. The Legislature recognizes that professional  
 1385 educators play an important role in shaping the future of this  
 1386 state and the nation by developing the knowledge and skills of  
 1387 our future workforce and laying the foundation for good  
 1388 citizenship and full participation in community and civic life.  
 1389 The Legislature also recognizes its role in meeting the state's  
 1390 educational priorities so as to provide opportunity for all  
 1391 students to achieve at the levels set by the World Class  
 1392 Education Sunshine State Standards.

1393 Section 31. Paragraph (a) of subsection (7) of section  
 1394 1012.56, Florida Statutes, is amended to read:

1395 1012.56 Educator certification requirements.--

1396 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION AND  
 1397 EDUCATION COMPETENCY PROGRAM.--

1398 (a) The Department of Education shall develop and each  
 1399 school district must provide a cohesive competency-based  
 1400 professional preparation alternative certification program by  
 1401 which members of a school district's instructional staff may  
 1402 satisfy the mastery of professional preparation and education  
 1403 competence requirements specified in this subsection and rules of  
 1404 the State Board of Education. Participants must hold a state-  
 1405 issued temporary certificate. A school district shall provide a  
 1406 competency-based alternative certification preparation program  
 1407 developed by the Department of Education or developed by the  
 1408 district and approved by the Department of Education. The program  
 1409 shall include the following components:

1410 1. A minimum period of initial preparation prior to

BILL

ORIGINAL

2007

1411 assuming duties as the teacher of record.  
 1412 2. An option for collaboration between school districts and  
 1413 other supporting agencies for implementation.  
 1414 3. Experienced peer mentors.  
 1415 4. An assessment that provides for:  
 1416 a. An initial evaluation of each educator's competencies to  
 1417 determine an appropriate individualized professional development  
 1418 plan.  
 1419 b. A postevaluation to assure successful completion of the  
 1420 program.  
 1421 5. Professional education preparation content knowledge  
 1422 that includes, but is not limited to, the following:  
 1423 a. Requirements specified in state board rule for  
 1424 professional preparation.  
 1425 b. The educator-accomplished practices approved by the  
 1426 state board.  
 1427 c. A variety of data indicators for student progress.  
 1428 d. Methodologies, including technology-based methodologies,  
 1429 for teaching subject content that supports the World Class  
 1430 Education Sunshine State Standards for students.  
 1431 e. Techniques for effective classroom management.  
 1432 f. Techniques and strategies for operationalizing the role  
 1433 of the teacher in assuring a safe learning environment for  
 1434 students.  
 1435 g. Methodologies for assuring the ability of all students  
 1436 to read, write, and compute.  
 1437 6. Required achievement of passing scores on the  
 1438 professional education competency examination required by state  
 1439 board rule.  
 1440 Section 32. Paragraph (c) of subsection (3) of section

BILL

ORIGINAL

2007

1441 1012.585, Florida Statutes, is amended to read:  
 1442 1012.585 Process for renewal of professional  
 1443 certificates.--  
 1444 (3) For the renewal of a professional certificate, the  
 1445 following requirements must be met:  
 1446 (a) The applicant must earn a minimum of 6 college credits  
 1447 or 120 inservice points or a combination thereof. For each area  
 1448 of specialization to be retained on a certificate, the applicant  
 1449 must earn at least 3 of the required credit hours or equivalent  
 1450 inservice points in the specialization area. Education in  
 1451 "clinical educator" training under ~~pursuant to~~ s. 1004.04(6)(b)  
 1452 and credits or points that provide training in the area of  
 1453 scientifically researched, knowledge-based reading literacy and  
 1454 computational skills acquisition, exceptional student education,  
 1455 normal child development, and the disorders of development may be  
 1456 applied toward any specialization area. Credits or points that  
 1457 provide training in the areas of drug abuse, child abuse and  
 1458 neglect, strategies in teaching students having limited  
 1459 proficiency in English, or dropout prevention, or training in  
 1460 areas identified in the educational goals and performance  
 1461 standards adopted under ~~pursuant to~~ ss. 1000.03(5) and 1008.345  
 1462 may be applied toward any specialization area. Credits or points  
 1463 earned through approved summer institutes may be applied toward  
 1464 the fulfillment of these requirements. Inservice points earned  
 1465 under s. 1012.98(4)(b)5.c. for professional development on the  
 1466 content and instruction of the World Class Education Standards  
 1467 may be applied toward any specialization area. Inservice points  
 1468 may also be earned by participation in professional growth  
 1469 components approved by the State Board of Education and specified  
 1470 under ~~pursuant to~~ s. 1012.98 in the district's approved master

BILL

ORIGINAL

2007

1471 plan for inservice educational training, including, but not  
 1472 limited to, serving as a trainer in an approved teacher training  
 1473 activity, serving on an instructional materials committee or a  
 1474 state board or commission that deals with educational issues, or  
 1475 serving on an advisory council created under ~~pursuant to~~ s.  
 1476 1001.452.

1477 Section 33. Subsection (1) of section 1012.72, Florida  
 1478 Statutes, is amended to read:

1479 1012.72 Dale Hickam Excellent Teaching Program.--

1480 (1) The Legislature recognizes that teachers play a  
 1481 critical role in preparing students to achieve the high levels of  
 1482 academic performance expected by the World Class Education  
 1483 ~~Sunshine State~~ Standards. The Legislature further recognizes the  
 1484 importance of identifying and rewarding teaching excellence and  
 1485 of encouraging good teachers to become excellent teachers. The  
 1486 Legislature finds that the National Board of Professional  
 1487 Teaching Standards (NBPTS) has established high and rigorous  
 1488 standards for accomplished teaching and has developed a national  
 1489 voluntary system for assessing and certifying teachers who  
 1490 demonstrate teaching excellence by meeting those standards. It is  
 1491 therefore the Legislature's intent to provide incentives for  
 1492 teachers to seek NBPTS certification and to reward teachers who  
 1493 demonstrate teaching excellence by attaining NBPTS certification  
 1494 and sharing their expertise with other teachers.

1495 Section 34. Subsection (1) and paragraph (b) of subsection  
 1496 (4) of section 1012.98, Florida Statutes, are amended, and  
 1497 subsections (12) and (13) are added to that section, to read:

1498 1012.98 School Community Professional Development Act.--

1499 (1) The Department of Education, public postsecondary  
 1500 educational institutions, public school districts, public

BILL

ORIGINAL

2007

1501 schools, state education foundations, consortia, and professional  
 1502 organizations in this state shall work collaboratively to  
 1503 establish a coordinated system of professional development. The  
 1504 purpose of the professional development system is to increase  
 1505 student achievement, enhance classroom instructional strategies  
 1506 that promote rigor and relevance throughout the curriculum, and  
 1507 prepare students for continuing education and the workforce. The  
 1508 system of professional development must align to the World Class  
 1509 Education Standards ~~adopted by the state~~ and support the  
 1510 framework for standards adopted by the National Staff Development  
 1511 Council.

1512 (4) The Department of Education, school districts, schools,  
 1513 community colleges, and state universities share the  
 1514 responsibilities described in this section. These  
 1515 responsibilities include the following:

1516 (b) Each school district shall develop a professional  
 1517 development system as specified in subsection (3). The system  
 1518 shall be developed in consultation with teachers, teacher-  
 1519 educators of community colleges and state universities, business  
 1520 and community representatives, and local education foundations,  
 1521 consortia, and professional organizations. The professional  
 1522 development system must:

1523 1. Be approved by the department. All substantial revisions  
 1524 to the system must ~~shall~~ be submitted to the department for  
 1525 review for continued approval.

1526 2. Be based on analyses of student achievement data and  
 1527 instructional strategies and methods that support rigorous,  
 1528 relevant, and challenging curricula for all students. Schools and  
 1529 districts, in developing and refining the professional  
 1530 development system, shall also review and monitor school

BILL

ORIGINAL

2007

1531 discipline data; school environment surveys; assessments of  
 1532 parental satisfaction; performance appraisal data of teachers,  
 1533 managers, and administrative personnel; and other performance  
 1534 indicators to identify school and student needs that can be met  
 1535 by improved professional performance.

1536 3. Provide inservice activities coupled with followup  
 1537 support appropriate to accomplish district-level and school-level  
 1538 improvement goals and standards. The inservice activities for  
 1539 instructional personnel shall focus on analysis of student  
 1540 achievement data, ongoing formal and informal assessments of  
 1541 student achievement, identification and use of enhanced and  
 1542 differentiated instructional strategies that emphasize rigor,  
 1543 relevance, and reading in the content areas, enhancement of  
 1544 subject content expertise, integrated use of classroom technology  
 1545 that enhances teaching and learning, classroom management, parent  
 1546 involvement, and school safety.

1547 4. Include a master plan for inservice activities, in  
 1548 accordance with ~~pursuant to~~ rules of the State Board of  
 1549 Education, for all district employees from all fund sources. The  
 1550 master plan shall be updated annually by September 1, must be  
 1551 based on input from teachers and district and school  
 1552 instructional leaders, and must use the latest available student  
 1553 achievement data and research to enhance rigor and relevance in  
 1554 the classroom. Each district inservice plan must be aligned to  
 1555 and support the school-based inservice plans and school  
 1556 improvement plans under ~~pursuant to~~ s. 1001.42(16). District  
 1557 plans must be approved by the district school board annually in  
 1558 order to ensure compliance with subsection (1) and to allow for  
 1559 dissemination of research-based best practices to other  
 1560 districts. District school boards must submit verification of

BILL

ORIGINAL

2007

1561 their approval to the Commissioner of Education by no later than  
 1562 October 1 of each year,~~annually.~~

1563 5. Require each school principal to establish and maintain  
 1564 an individual professional development plan for each  
 1565 instructional employee assigned to the school as a seamless  
 1566 component to the school improvement plans developed under  
 1567 ~~pursuant to~~ s. 1001.42(16). The individual professional  
 1568 development plan must:

1569 a. Be related to specific performance data for the students  
 1570 to whom the teacher is assigned.

1571 b. Define the inservice objectives and specific measurable  
 1572 improvements expected in student performance as a result of the  
 1573 inservice activity.

1574 c. Require the instructional employee to successfully  
 1575 complete 30 inservice points in professional development on the  
 1576 content and instruction of the World Class Education Standards  
 1577 within 18 months after the standards are adopted under s.  
 1578 1001.03, and, subsequently, within 18 months after the World  
 1579 Class Education Standards are substantially revised, as  
 1580 determined by the Commissioner of Education. Successful  
 1581 completion of inservice points under this sub-subparagraph is  
 1582 conditioned upon the employee's passage of a professional  
 1583 development competency examination approved by the Commissioner  
 1584 of Education which evaluates the employee's comprehension of the  
 1585 content and instruction of the World Class Education Standards.

1586 d.e. Include an evaluation component that determines the  
 1587 effectiveness of the professional development plan.

1588 6. Include inservice activities for school administrative  
 1589 personnel that address updated skills necessary for instructional  
 1590 leadership and effective school management under ~~pursuant to~~ s.



BILL

ORIGINAL

2007

1591 1012.986.

1592 7. Provide for systematic consultation with regional and  
 1593 state personnel designated to provide technical assistance and  
 1594 evaluation of local professional development programs.

1595 8. Provide for delivery of professional development by  
 1596 distance learning and other technology-based delivery systems to  
 1597 reach more educators at lower costs.

1598 9. Provide for the continuous evaluation of the quality and  
 1599 effectiveness of professional development programs in order to  
 1600 eliminate ineffective programs and strategies and to expand  
 1601 effective ones. Evaluations must consider the impact of such  
 1602 activities on the performance of participating educators and  
 1603 their students' achievement and behavior.

1604 (12)(a) The State Board of Education shall require the  
 1605 statewide standardized delivery of professional development for  
 1606 Florida educators on the content and instruction of the World  
 1607 Class Education Standards. As the Sunshine State Standards are  
 1608 replaced by the World Class Education Standards under s.  
 1609 1001.03(1), the Department of Education shall align the  
 1610 professional development to the World Class Education Standards.

1611 (b) The professional development delivered under this  
 1612 subsection must be measurable for the outcomes of both an  
 1613 educator and the educator's students. The Department of Education  
 1614 shall use the professional development competency examinations  
 1615 required under sub-subparagraph (4)(b)5.c., aligned to  
 1616 professional development for the World Class Education Standards,  
 1617 as the primary outcome measure for an educator. The department  
 1618 shall use annual gains in student academic performance as the  
 1619 primary outcome measure for the educator's students.

1620 (13) The State Board of Education shall require the

BILL

ORIGINAL

2007

1621 statewide standardized delivery of professional development for  
1622 Florida educators on the Florida Comprehensive Assessment Test,  
1623 including, at a minimum, how the test is developed and scored,  
1624 what information is available to parents and students about the  
1625 test, how to use the test specifications and other resources for  
1626 teaching students, the ethics of testing, and the process used in  
1627 grading schools for the state's accountability system.

1628 Section 35. Funding for professional development.--

1629 (1) By January 15, 2008, a school district shall submit to  
1630 the Department of Education, in the format prescribed by the  
1631 department, an inventory of all professional development programs  
1632 offered by the district during the 2006-2007 fiscal year. The  
1633 department shall compile a statewide inventory of the programs  
1634 using the information submitted by each district.

1635 (2) (a) The Department of Education and school districts  
1636 shall give priority in the allocation and use of professional  
1637 development funds provided for the 2008-2009 fiscal year to  
1638 professional development programs on the World Class Education  
1639 Standards which have measurable outcomes, with an emphasis on  
1640 programs delivered through the use of information technology.

1641 (b) By December 31, 2009, a school district shall submit to  
1642 the Department of Education, in the format prescribed by the  
1643 department, a report detailing the district's use of professional  
1644 development funds during the 2008-2009 fiscal year. The report,  
1645 at a minimum, shall identify each program within the district  
1646 which is provided state funds, the portion of the program devoted  
1647 professional development on the World Class Education Standards,  
1648 and, the measurable outcomes of the program.

1649 Section 36. Statewide end-of-course examinations.--

1650 (1) It is the intent of the Legislature that, to enhance

BILL

ORIGINAL

2007

1651 the goal of student mastery of the essential content knowledge  
 1652 expected by the World Class Education Standards, the state shall  
 1653 establish high-quality statewide end-of-course examinations.

1654 (2) The Office of Program Policy Analysis and Government  
 1655 Accountability shall, by December 1, 2007, submit a report to the  
 1656 Governor, the President of the Senate, and the Speaker of the  
 1657 House of Representatives on statewide end-of-course examinations.

1658 The report shall:

1659 (a) Review the use by other states of statewide end-of-  
 1660 course examinations;

1661 (b) Identify the benefits and challenges of implementing  
 1662 statewide end-of-course examinations in this state;

1663 (c) Identify school districts in this state which currently  
 1664 administer end-of-course examinations and describe the districts'  
 1665 implementation framework, including, but not limited to, how the  
 1666 districts use the examination results; the use of technology in  
 1667 administering the examinations; the districts' strategies for  
 1668 ensuring the rigor of the examinations, test security, and  
 1669 updating of the examinations; and the implementation issues  
 1670 confronted by the districts;

1671 (d) Identify implementation issues that Florida confronts  
 1672 in administering statewide end-of-course examinations.

1673 Section 37. After-school programs.--

1674 (1) The Office of Program Policy Analysis and Government  
 1675 Accountability, by January 1, 2008, shall submit a report to the  
 1676 Governor, the President of the Senate, and the Speaker of the  
 1677 House of Representatives on after-school programs. The report  
 1678 shall:

1679 (a) Review different types of public and private after-  
 1680 school programs available for families;

BILL

ORIGINAL

2007

1681 (b) Identify strong accountability measures, including  
 1682 outcomes, which could be used to measure the success of after-  
 1683 school programs;

1684 (c) Review existing research that analyzes the types of  
 1685 after-school programs which provide important educational  
 1686 benefits for students and families;

1687 (d) Provide options for providing incentives to create  
 1688 public-private partnerships to expand after-school programs;

1689 (e) Review how Florida could maximize federal funding of  
 1690 after-school programs, including, but not limited to, an  
 1691 examination of current methods for obtaining funding from the  
 1692 Federal Government, including grants, and other methods to obtain  
 1693 federal funding; and

1694 (f) Options for correcting the state's deficiencies in  
 1695 obtaining federal funding for after-school programs, if the  
 1696 report finds any deficiencies, and the projected cost of  
 1697 implementing the options.

1698 (2) The Office of Program Policy Analysis and Government  
 1699 Accountability, in conducting research for the report, shall  
 1700 consult with the Department of Education, the Department of  
 1701 Children and Family Services, and other interested entities that  
 1702 may offer unique experiences and perspectives on after-school  
 1703 programs.

1704 Section 38. Public-private partnering.--The Office of  
 1705 Program Policy Analysis and Government Accountability, by  
 1706 December 1, 2007, shall submit a report to the Governor, the  
 1707 President of the Senate, and the Speaker of the House of  
 1708 Representatives on facilities construction by school districts.  
 1709 The report shall:

1710 (1) Review the amount of sales tax paid by contractors when

BILL

ORIGINAL

2007

1711 building public school facilities;  
 1712 (2) Review the estimated impact on sales taxes of  
 1713 construction costs; and  
 1714 (3) Identify mechanisms that the state could use to provide  
 1715 tax exemptions for contractors building public school facilities.  
 1716 Section 39. Public-Private Partnering Task Force.--  
 1717 (1) There is created the Public-Private Partnering Task  
 1718 Force. The task force is composed of the following members: the  
 1719 Secretary of Management Services or the secretary's designee, who  
 1720 shall serve as chair; the chair of the State Board of Education  
 1721 or the chair's designee, who shall serve as vice chair; and five  
 1722 members who are not members of the Legislature or school district  
 1723 officers or employees and who have a broad variety of business  
 1724 experience in public-private partnering. The public-private  
 1725 partnering members shall be appointed as follows: one member  
 1726 appointed by the Governor, two members appointed by the President  
 1727 of the Senate, and two members appointed by Speaker of the House  
 1728 of Representatives.  
 1729 (2) The members of the task force shall be appointed by  
 1730 July 1, 2007, and shall convene the initial meeting of the task  
 1731 force by August 1, 2007.  
 1732 (3) The task force is assigned to the Department of  
 1733 Management Services for administrative purposes. Members of the  
 1734 task force are entitled to per diem and travel expenses under  
 1735 section 112.061, Florida Statutes, and are subject to the Code of  
 1736 Ethics for Public Officers and Employees under part III of  
 1737 chapter 112, Florida Statutes.  
 1738 (4) The task force shall make recommendations to the  
 1739 Governor and the Legislature by February 1, 2008. The  
 1740 recommendations must include, but are not limited to, the

BILL

ORIGINAL

2007

- 1741 following:
- 1742 (a) Public-private partnering for school construction,
- 1743 leasing, and maintenance:
- 1744 1. The feasibility and advisability of, and possible
- 1745 methodologies for, achieving greater facilities construction and
- 1746 maintenance cost efficiencies and reducing construction times
- 1747 through public-private partnering.
- 1748 2. Optimal design and performance standards for safe and
- 1749 functional school facilities that are space efficient and
- 1750 technologically advanced.
- 1751 3. Optimal construction standards that ensure appropriate
- 1752 industry standards and optimal life cycles, including, but not
- 1753 limited to, standards for optimal size of core facility space,
- 1754 design-build performance contracting, energy efficiency, and
- 1755 life-cycle systems costing.
- 1756 4. Maintenance, repair, renovation, remodeling, and site
- 1757 acquisition standards, guidelines, and protocols.
- 1758 5. Optimal use of permanent versus relocatable facilities
- 1759 and protocols for decisionmaking regarding both facility options.
- 1760 6. Protocols for regular assessments of facility capacity
- 1761 to ensure maximization of space utilization.
- 1762 7. Energy performance contracting with guaranteed annual
- 1763 energy savings.
- 1764 (b) Public-private partnering for school transportation
- 1765 services:
- 1766 1. Fuel and bus efficiencies.
- 1767 2. Route planning, times, and design efficiencies.
- 1768 (c) Public-private partnering for school food services:
- 1769 1. Relevant federal law and implications.
- 1770 2. Potential liability issues.

BILL

ORIGINAL

2007

1771        3. Quality control.  
 1772        (5) Upon delivery of its final report and recommendations,  
 1773 the task force is abolished.  
 1774        Section 40. (1) The sum of \$                    is provided from the  
 1775 General Revenue Fund to, and            positions are authorized for, the  
 1776 Department of Education for the 2007-2008 fiscal year for  
 1777 purposes of implementing this act.  
 1778        (2) The sum of \$                    is provided from the General  
 1779 Revenue Fund to the Department of Management Services for the  
 1780 2007-2008 fiscal year for purposes of implementing section 39 of  
 1781 this act.  
 1782        Section 41. This act shall take effect July 1, 2007.