



K – 20 Competitiveness Subcommittee

Wednesday, March 23, 2011

8:00 AM – 11:00 AM

17 - HOB

Meeting Packet

**Dean Cannon
Speaker**

**Erik Fresen
Chair**



AGENDA

K-20 Competitiveness Subcommittee

March 23, 2011

8:00 a.m. – 11:00 a.m.

Morris Hall – 17 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - HB 395 University of Florida J. Hillis Miller Health Center by Rep. O'Toole
 - HB 481 Student Safety by Rep. Kiar
 - HB 797 Interscholastic and Intrасhoolastic Sports by Rep. Perry
- IV. Consideration of the following proposed committee substitute:
 - PCS for HB 1255 by Rep. Adkins
- V. Closing Remarks and Adjournment

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 395 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: K-20 Competitiveness
2 Subcommittee
3 Representative O'Toole offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 1004.41, Florida Statutes, is amended
8 to read:

9 1004.41 University of Florida; J. Hillis Miller Health
10 Center.—

11 (1) There is established the J. Hillis Miller Health
12 Center at the University of Florida, including campuses at
13 Gainesville and Jacksonville and affiliated teaching hospitals,
14 which shall include the following colleges:

- 15 (a) College of Dentistry.
16 (b) College of Public Health and Health Professions.
17 (c) College of Medicine.
18 (d) College of Nursing.
19 (e) College of Pharmacy.

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20 (f) College of Veterinary Medicine and related teaching
21 hospitals.

22 (2) Each college of the health center shall be so
23 maintained and operated as to comply with the standards approved
24 by a nationally recognized association for accreditation.

25 (3)(a) The University of Florida Health Center Operations
26 and Maintenance Trust Fund shall be administered by the
27 University of Florida Board of Trustees. Funds shall be credited
28 to the trust fund from the sale of goods and services performed
29 by the University of Florida Veterinary Medicine Teaching
30 Hospital. The purpose of the trust fund is to support the
31 instruction, research, and service missions of the University of
32 Florida College of Veterinary Medicine.

33 (b) Notwithstanding the provisions of s. 216.301, and
34 pursuant to s. 216.351, any balance in the trust fund at the end
35 of any fiscal year shall remain in the trust fund and shall be
36 available for carrying out the purposes of the trust fund.

37 (4)(a) The University of Florida Board of Trustees shall
38 lease the hospital facilities of the health center known as the
39 Shands Teaching Hospital and Clinics on the Gainesville campus
40 of the University of Florida and all furnishings, equipment, and
41 other chattels or choses in action used in the operation of
42 Shands Teaching Hospital and Clinics ~~the hospital,~~ to Shands
43 Teaching Hospital and Clinics, Inc., a private not-for-profit
44 corporation organized solely for the primary purpose of
45 supporting the University of Florida Board of Trustees' health
46 affairs mission of community service and patient care, education
47 and training of health professionals, and clinical research. In

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48 furtherance of that primary purpose, Shands Teaching Hospital
49 and Clinics, Inc., shall operate Shands Teaching Hospital and
50 Clinics ~~operating the hospital~~ and ancillary health care
51 facilities as deemed of the health center and other health care
52 ~~facilities and programs determined to be necessary~~ by the board
53 of Shands Teaching Hospital and Clinics, Inc. ~~the nonprofit~~
54 ~~corporation~~. The rental for Shands Teaching Hospital and Clinics
55 ~~the hospital facilities~~ shall be an amount equal to the debt
56 service on bonds or revenue certificates issued solely for
57 capital improvements to the hospital facilities or as otherwise
58 provided by law.

59 (b) The University of Florida Board of Trustees shall
60 provide in the lease or by separate contract or agreement with
61 Shands Teaching Hospital and Clinics, Inc., ~~the not-for-profit~~
62 ~~corporation~~ for the following:

63 1. Approval of the articles of incorporation of Shands
64 Teaching Hospital and Clinics, Inc., ~~the not-for-profit~~
65 ~~corporation~~ by the University of Florida Board of Trustees.

66 2. ~~and the~~ Governance of Shands Teaching Hospital and
67 Clinics, Inc., ~~the not-for-profit corporation~~ by a board of
68 directors appointed, subject to removal, and chaired by the
69 President of the University of Florida, or his or her designee,
70 and vice chaired by the Vice President for Health Affairs of the
71 University of Florida or his or her designee.

72 ~~3.2.~~ The Use of hospital facilities and personnel in
73 support of community service and patient care, ~~the~~ research
74 programs, ~~and of the teaching roles~~ role of Shands Teaching
75 Hospital and Clinics ~~the health center.~~

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76 ~~4.3.~~ The Continued recognition of the collective
77 bargaining units and collective bargaining agreements as
78 currently composed and recognition of the certified labor
79 organizations representing those units and agreements.

80 ~~5.4.~~ The Use of hospital facilities and personnel in
81 connection with research programs conducted by Shands Teaching
82 Hospital and Clinics ~~the health center~~.

83 ~~6.5.~~ Reimbursement to Shands Teaching Hospital and
84 Clinics, Inc., ~~the hospital~~ for indigent patients, state-
85 mandated programs, underfunded state programs, and costs to
86 Shands Teaching Hospital and Clinics, Inc., ~~the hospital~~ for
87 support of the teaching and research programs of the health
88 center. Such reimbursement shall be appropriated to either the
89 health center or Shands Teaching Hospital and Clinics, Inc., ~~the~~
90 ~~hospital~~ each year by the Legislature after review and approval
91 of the request for funds.

92 7. Audit of the financial statements of Shands Teaching
93 Hospital and Clinics, Inc., in accordance with generally
94 accepted accounting principles as prescribed by the Governmental
95 Accounting Standards Board for a separate corporation affiliated
96 with a government entity that holds a voting majority interest
97 of the affiliated corporation's governing board. The financial
98 statements shall be provided to the University of Florida Board
99 of Trustees for attachment to its audited financial statement
100 which is provided to the Auditor General. The University of
101 Florida may obtain additional financial information from Shands
102 Teaching Hospital and Clinics, Inc., upon request by the Auditor
103 General.

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104 (c) The University of Florida Board of Trustees may, with
105 the approval of the Legislature, increase the Shands Teaching
106 Hospital and Clinics ~~hospital~~ facilities or remodel or renovate
107 them ~~if, provided that~~ the rental paid by Shands Teaching
108 Hospital and Clinics, Inc., ~~the hospital~~ for such new,
109 remodeled, or renovated facilities is sufficient to amortize the
110 costs thereof over a reasonable period of time or fund the debt
111 service for any bonds or revenue certificates issued to finance
112 such improvements.

113 (d) The University of Florida Board of Trustees ~~may is~~
114 ~~authorized to~~ provide to Shands Teaching Hospital and Clinics,
115 Inc., ~~the not-for-profit corporation leasing the hospital~~
116 ~~facilities~~ and its not-for-profit subsidiaries and affiliates,
117 comprehensive general liability insurance, including
118 professional liability, from a self-insurance trust program
119 established pursuant to s. 1004.24.

120 (e) Shands Teaching Hospital and Clinics, Inc., in support
121 of the health affairs mission of the University of Florida Board
122 of Trustees and with the board's prior approval, may create or
123 have created either for-profit or not-for-profit subsidiaries
124 and affiliates, or both. The University of Florida Board of
125 Trustees, which may act through the president of the university
126 or his or her designee, may control Shands Teaching Hospital and
127 Clinics, Inc. For purposes of sovereign immunity pursuant to s.
128 768.28(2), Shands Teaching Hospital and Clinics, Inc., shall be
129 conclusively deemed a corporation primarily acting as an
130 instrumentality of the state.

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131 ~~(f)(e)~~ In the event that the lease of Shands Teaching
132 Hospital and Clinics ~~the hospital facilities~~ to Shands Teaching
133 Hospital and Clinics, Inc., ~~the not-for-profit corporation~~ is
134 terminated for any reason, the University of Florida Board of
135 Trustees shall resume management and operation of Shands
136 Teaching Hospital and Clinics ~~the hospital facilities~~. In such
137 event, the University of Florida Board of Trustees may use ~~is~~
138 ~~authorized to utilize~~ revenues generated from the operation of
139 Shands Teaching Hospital and Clinics ~~the hospital facilities~~ to
140 pay the costs and expenses of operating the hospital facility
141 for the remainder of the fiscal year in which such termination
142 occurs.

143 (5)(a) Shands Jacksonville Medical Center, Inc., and its
144 parent, Shands Jacksonville Healthcare, Inc., are private not-
145 for-profit corporations organized primarily to support the
146 health affairs mission of the University of Florida Board of
147 Trustees in community service and patient care, education and
148 training of health affairs professionals, and clinical research.
149 Shands Jacksonville Medical Center, Inc., is a teaching hospital
150 affiliated with the University of Florida Board of Trustees and
151 is located, in part, on the Jacksonville Campus of the
152 University of Florida. Shands Jacksonville Medical Center, Inc.,
153 and Shands Jacksonville Healthcare, Inc., in support of the
154 health affairs mission of the University of Florida Board of
155 Trustees and with its prior approval, may create or have created
156 either for-profit or not-for-profit subsidiaries or affiliates,
157 or both.

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158 (b) The University of Florida Board of Trustees shall
159 provide by contract or other agreement with Shands Jacksonville
160 Medical Center, Inc., and Shands Jacksonville Healthcare, Inc.,
161 for the following:

162 1. Approval of the articles of incorporation of Shands
163 Jacksonville Medical Center, Inc., and of Shands Jacksonville
164 Healthcare, Inc., by the University of Florida Board of
165 Trustees, which may act through the president of the university
166 or his or her designee. In approving the articles of
167 incorporation of Shands Jacksonville Medical Center, Inc., and
168 of Shands Jacksonville Healthcare, Inc., the President of the
169 University of Florida, or his or her designee, may act as the
170 chair of the board of directors or the president of the
171 university or his or her designee or members of the University
172 of Florida Board of Trustees may act as members of the board of
173 directors of Shands Jacksonville Medical Center, Inc., or Shands
174 Jacksonville Healthcare, Inc.

175 2. Governance of Shands Jacksonville Medical Center, Inc.,
176 and of Shands Jacksonville Healthcare, Inc., by boards of
177 directors appointed, subject to removal, and chaired by the
178 President of the University of Florida, or his or her designee.
179 One director of each board may be so appointed after being
180 nominated by the mayor of the City of Jacksonville subject to
181 the applicable standards for directors of such board. If there
182 is a vice chair of the board of directors of Shands Jacksonville
183 Medical Center, Inc., or Shands Jacksonville Healthcare, Inc.,
184 the Vice President for Health Affairs of the University of

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185 Florida or his or her designee or the designee of the president
186 of the university shall hold that position.

187 3. Use of the Shands Jacksonville Medical Center, Inc.,
188 hospital facilities and personnel in support of community
189 service and patient care, research programs, and the teaching
190 roles of the health center of the University of Florida Board of
191 Trustees.

192 4. Reimbursement to Shands Jacksonville Medical Center,
193 Inc., for indigent patients, state-mandated programs,
194 underfunded state programs, and costs to the not-for-profit
195 corporation for support of the teaching and research programs of
196 the health center. Such reimbursement shall be appropriated to
197 either the health center or the not-for-profit corporation each
198 year by the Legislature after review and approval of the request
199 for funds.

200 5. Audit of the financial statements of Shands
201 Jacksonville Medical Center, Inc., and Shands Jacksonville
202 Healthcare, Inc., in accordance with generally accepted
203 accounting principles as prescribed by the Governmental
204 Accounting Standards Board for a separate corporation affiliated
205 with a government entity that holds a voting majority interest
206 of the affiliated corporation's governing board. The financial
207 statements shall be provided to the University of Florida Board
208 of Trustees for attachment to its audited financial statement
209 which is provided to the Auditor General. The University of
210 Florida may obtain additional financial information from Shands
211 Jacksonville Medical Center, Inc., and Shands Jacksonville
212 Healthcare, Inc., upon request by the Auditor General.

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213 (c) The University of Florida Board of Trustees, which may
214 act through the president of the university or his or her
215 designee, may control Shands Jacksonville Medical Center, Inc.,
216 and Shands Jacksonville Healthcare, Inc.

217 (d) For purposes of sovereign immunity pursuant to s.
218 768.28(2), Shands Jacksonville Medical Center, Inc., and Shands
219 Jacksonville Healthcare, Inc., shall be conclusively deemed
220 corporations primarily acting as instrumentalities of the state.

221 (e)-(f) The University of Florida Board of Trustees may is
222 authorized to provide to Shands Jacksonville Healthcare, Inc.,
223 and Shands Jacksonville Medical Center, Inc., and any of their
224 its not-for-profit subsidiaries and affiliates and any successor
225 corporation that acts in support of the board of trustees,
226 comprehensive general liability coverage, including professional
227 liability, from the self-insurance programs established pursuant
228 to s. 1004.24.

229 Section 2. This act shall take effect July 1, 2011.
230

231 -----
232 **T I T L E A M E N D M E N T**

233 Remove the entire title and insert:

234 A bill to be entitled
235 An act relating to the University of Florida J. Hillis Miller
236 Health Center; amending s. 1004.41, F.S.; correcting the name of
237 one of the health center's colleges; specifying that the
238 University of Florida Board of Trustees shall lease Shands
239 Teaching Hospital and Clinics on the Gainesville campus to
240 Shands Teaching Hospital and Clinics, Inc.; specifying the

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241 primary purpose of Shands Teaching Hospital and Clinics, Inc.;

242 providing requirements for lease, contract, or agreement between

243 the University of Florida Board of Trustees and Shands Teaching

244 Hospital and Clinics, Inc.; authorizing the creation of

245 corporate subsidiaries and affiliates; providing the right of

246 control; providing for sovereign immunity; providing that Shands

247 Jacksonville Medical Center, Inc., and its parent, Shands

248 Jacksonville Healthcare, Inc., are private not-for-profit

249 corporations organized primarily to support the health affairs

250 mission of the University of Florida Board of Trustees;

251 providing requirements for contract or agreement between the

252 University of Florida Board of Trustees and the corporations;

253 authorizing the creation of corporate subsidiaries and

254 affiliates; providing the right of control; providing for

255 sovereign immunity; providing an effective date.

1 A bill to be entitled
 2 An act relating to the University of Florida J. Hillis
 3 Miller Health Center; amending s. 1004.41, F.S.;
 4 correcting the name of one of the health center's
 5 colleges; specifying that the University of Florida Board
 6 of Trustees shall lease the hospital facilities of the
 7 Shands Teaching Hospital and Clinics on the Gainesville
 8 campus to Shands Teaching Hospital and Clinics, Inc.;
 9 specifying the primary purpose of Shands Teaching Hospital
 10 and Clinics, Inc.; providing requirements for the lease,
 11 contract, or agreement; authorizing the creation of
 12 corporate subsidiaries and affiliates; providing the right
 13 of control; providing requirements relating to sovereign
 14 immunity; providing that Shands Jacksonville Medical
 15 Center, Inc., and its parent, Shands Jacksonville
 16 Healthcare, Inc., are private not-for-profit corporations
 17 organized primarily to support the health affairs mission
 18 of the University of Florida Board of Trustees;
 19 authorizing the creation of corporate subsidiaries and
 20 affiliates; providing the right of control; providing
 21 requirements relating to sovereign immunity; providing an
 22 effective date.

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

25
 26 Section 1. Section 1004.41, Florida Statutes, is amended
 27 to read:

28 1004.41 University of Florida; J. Hillis Miller Health

29 Center.—

30 (1) There is established the J. Hillis Miller Health
 31 Center at the University of Florida, including campuses at
 32 Gainesville and Jacksonville and affiliated teaching hospitals,
 33 which shall include the following colleges:

- 34 (a) College of Dentistry.
- 35 (b) College of Public Health and Health Professions.
- 36 (c) College of Medicine.
- 37 (d) College of Nursing.
- 38 (e) College of Pharmacy.
- 39 (f) College of Veterinary Medicine and related teaching
 40 hospitals.

41 (2) Each college of the health center shall be so
 42 maintained and operated as to comply with the standards approved
 43 by a nationally recognized association for accreditation.

44 (3) (a) The University of Florida Health Center Operations
 45 and Maintenance Trust Fund shall be administered by the
 46 University of Florida Board of Trustees. Funds shall be credited
 47 to the trust fund from the sale of goods and services performed
 48 by the University of Florida Veterinary Medicine Teaching
 49 Hospital. The purpose of the trust fund is to support the
 50 instruction, research, and service missions of the University of
 51 Florida College of Veterinary Medicine.

52 (b) Notwithstanding the provisions of s. 216.301, and
 53 pursuant to s. 216.351, any balance in the trust fund at the end
 54 of any fiscal year shall remain in the trust fund and shall be
 55 available for carrying out the purposes of the trust fund.

56 (4) (a) The University of Florida Board of Trustees shall

57 | lease the hospital facilities of the health center known as the
 58 | Shands Teaching Hospital and Clinics on the Gainesville campus
 59 | of the University of Florida, and all furnishings, equipment,
 60 | and other chattels or choses in action used in the operation of
 61 | the hospital, to Shands Teaching Hospital and Clinics, Inc., a
 62 | private not-for-profit corporation organized ~~solely~~ for the
 63 | primary purpose of supporting the University of Florida Board of
 64 | Trustees' health affairs mission of community service and
 65 | patient care, education and training of health professionals,
 66 | and clinical research. In furtherance of that primary purpose,
 67 | Shands Teaching Hospital and Clinics, Inc., shall operate
 68 | ~~operating~~ the hospital and ancillary health care facilities as
 69 | deemed of the health center and other health care facilities and
 70 | ~~programs determined to be necessary~~ by the board of the Shands
 71 | Teaching Hospital and Clinics, Inc. ~~nonprofit corporation~~. The
 72 | rental for the hospital facilities shall be an amount equal to
 73 | the debt service on bonds or revenue certificates issued solely
 74 | for capital improvements to the hospital facilities or as
 75 | otherwise provided by law.

76 | (b) The University of Florida Board of Trustees shall
 77 | provide in the lease or by separate contract or agreement with
 78 | Shands Teaching Hospital and Clinics, Inc., ~~the not-for-profit~~
 79 | ~~corporation~~ for the following:

80 | 1. Approval of the articles of incorporation of Shands
 81 | Teaching Hospital and Clinics, Inc., ~~the not-for-profit~~
 82 | ~~corporation~~ by the University of Florida Board of Trustees and
 83 | the governance of that ~~the~~ not-for-profit corporation by a board
 84 | of directors appointed, subject to removal, and chaired by the

85 | President of the University of Florida, or his or her designee,
 86 | and vice chaired by the Vice President for Health Affairs of the
 87 | University of Florida or his or her designee.

88 | 2. The use of hospital facilities and personnel in support
 89 | of community service and patient care, ~~the~~ research programs,
 90 | and ~~of~~ the teaching role of the health center.

91 | 3. The continued recognition of the collective bargaining
 92 | units and collective bargaining agreements as currently composed
 93 | and recognition of the certified labor organizations
 94 | representing those units and agreements.

95 | 4. The use of hospital facilities and personnel in
 96 | connection with research programs conducted by the health
 97 | center.

98 | 5. Reimbursement to the hospital for indigent patients,
 99 | state-mandated programs, underfunded state programs, and costs
 100 | to the hospital for support of the teaching and research
 101 | programs of the health center. Such reimbursement shall be
 102 | appropriated to either the health center or the hospital each
 103 | year by the Legislature after review and approval of the request
 104 | for funds.

105 | (c) The University of Florida Board of Trustees may, with
 106 | the approval of the Legislature, increase the hospital
 107 | facilities or remodel or renovate them, provided that the rental
 108 | paid by the hospital for such new, remodeled, or renovated
 109 | facilities is sufficient to amortize the costs thereof over a
 110 | reasonable period of time or fund the debt service for any bonds
 111 | or revenue certificates issued to finance such improvements.

112 | (d) The University of Florida Board of Trustees is

113 authorized to provide to Shands Teaching Hospital and Clinics,
 114 Inc., the not-for-profit corporation leasing the hospital
 115 facilities, and its not-for-profit subsidiaries and affiliates,
 116 comprehensive general liability insurance, including
 117 professional liability, from a self-insurance trust program
 118 established pursuant to s. 1004.24.

119 (e) Shands Teaching Hospital and Clinics, Inc., may, in
 120 support of the health affairs mission of the University of
 121 Florida Board of Trustees and with its prior approval, create
 122 either for-profit or not-for-profit corporate subsidiaries and
 123 affiliates, or both. The University of Florida Board of
 124 Trustees, which may act through the President of the University
 125 of Florida or his or her designee, has the right to control
 126 Shands Teaching Hospital and Clinics, Inc. Shands Teaching
 127 Hospital and Clinics, Inc., and any not-for-profit subsidiary
 128 shall be conclusively deemed corporations primarily acting as
 129 instrumentalities of the state, pursuant to s. 768.28(2), for
 130 purposes of sovereign immunity.

131 (f)-(e) In the event that the lease of the hospital
 132 facilities to Shands Teaching Hospital and Clinics, Inc., ~~the~~
 133 ~~not-for-profit corporation~~ is terminated for any reason, the
 134 University of Florida Board of Trustees shall resume management
 135 and operation of the hospital facilities. In such event, the
 136 University of Florida Board of Trustees is authorized to utilize
 137 revenues generated from the operation of the hospital facilities
 138 to pay the costs and expenses of operating the hospital facility
 139 for the remainder of the fiscal year in which such termination
 140 occurs.

141 (5) (a) Shands Jacksonville Medical Center, Inc., and its
142 parent, Shands Jacksonville Healthcare, Inc., are private not-
143 for-profit corporations organized primarily to support the
144 health affairs mission of the University of Florida Board of
145 Trustees in community service and patient care, education and
146 training of health affairs professionals, and clinical research.
147 Shands Jacksonville Medical Center, Inc., is a teaching hospital
148 affiliated with the University of Florida Board of Trustees,
149 located on the Jacksonville campus of the University of Florida.
150 Shands Jacksonville Medical Center, Inc., and Shands
151 Jacksonville Healthcare, Inc., may, in support of the health
152 affairs mission of the University of Florida Board of Trustees
153 and with its prior approval, create either for-profit or not-
154 for-profit corporate subsidiaries and affiliates, or both. The
155 University of Florida Board of Trustees, which may act through
156 the President of the University of Florida or his or her
157 designee, has the right to control Shands Jacksonville Medical
158 Center, Inc., and Shands Jacksonville Healthcare, Inc. Shands
159 Jacksonville Medical Center, Inc., Shands Jacksonville
160 Healthcare, Inc., and any not-for-profit subsidiary of Shands
161 Jacksonville Medical Center, Inc., shall be conclusively deemed
162 corporations primarily acting as instrumentalities of the state,
163 pursuant to s. 768.28(2), for purposes of sovereign immunity.

164 (b) ~~(f)~~ The University of Florida Board of Trustees is
165 authorized to provide to Shands Jacksonville Healthcare, Inc.,
166 and its not-for-profit subsidiaries and affiliates and any
167 successor corporation that acts in support of the board of
168 trustees, comprehensive general liability coverage, including

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
169 professional liability, from a ~~the~~ self-insurance program
170 ~~programs~~ established pursuant to s. 1004.24.
171 Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 395 University of Florida J. Hillis Miller Health Center

SPONSOR(S): O'Toole and others

TIED BILLS: IDEN./SIM. **BILLS:** SB 626

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee		Fudge 	Ahearn 
2) Appropriations Committee			
3) Education Committee			

SUMMARY ANALYSIS

The bill provides that Shands Teaching Hospital and Clinics, Inc., and any not-for-profit subsidiary, "shall be conclusively deemed corporations primarily acting as instrumentalities of the state" for purposes of sovereign immunity. Likewise, Shands Medical Center, Inc.; Shands Jacksonville HealthCare, Inc.; and any not-for-profit subsidiary of Shands Jacksonville Medical Center, Inc., are conclusively deemed corporations primarily acting as instrumentalities of the state for purposes of sovereign immunity.

The bill authorizes the University of Florida (UF) Board of Trustees, acting through the President of the University or his or her designee, to control Shands Jacksonville Medical Center, Inc.; Shands Jacksonville HealthCare, Inc.; and Shands Teaching Hospital and Clinics, Inc. The purpose of this provision is to establish the degree of control the state has over the corporation. When the corporation is significantly controlled by the state, it is considered an instrumentality of the state, but when the corporation acts with significant autonomy, it is not. It is unclear whether a conclusory statement declaring control meets this standard.

The bill also identifies the not-for-profit corporations that operate the teaching hospitals at Gainesville and Jacksonville: Shands Teaching Hospital and Clinics, Inc.; Shands Jacksonville Medical Center, Inc.; and Shands Jacksonville HealthCare, Inc., and establishes that the primary purpose of Shands Teaching Hospital and Clinic, Inc., is to support the University of Florida Board of Trustees' health affairs mission.

Shands UF and Shands Jacksonville Medical Center, Inc., are the established University of Florida teaching hospitals and are affiliated with the University's colleges in the J. Hillis Miller Health Science Center. Shands Jacksonville HealthCare, Inc., is the not-for-profit parent corporation of Shands Jacksonville Medical Center, Inc. The University of Florida Board of Trustees is authorized to lease the hospital facilities of the health center known as the Shands Teaching Hospital and Clinics on the campus of the University of Florida to a private not-for-profit corporation.

See the Fiscal Comments section of this bill analysis.

The bill is effective July 1, 2011.

See DRAFTING ISSUES OR OTHER COMMENTS section of this bill analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

History of Shands Teaching Hospital and Clinics

Shands Teaching Hospital was opened in 1958 in Gainesville to serve the needs of the University of Florida's School of Medicine. Over the next 21 years, the hospital operated as part of the university.¹

In 1978, a study was conducted to determine how to make Shands Teaching Hospital more self-sufficient and fiscally independent. The study recommended that by leasing Shands Teaching Hospital to a not-for-profit corporation Shands Teaching Hospital would receive "local autonomy, and flexibility in responding to dynamic changes in the health care industry."²

In 1979, the Legislature expressly required the University of Florida Board of Trustees (UFBOT) to lease Shands Teaching Hospital and ancillary health care facilities, which are known as Shands Teaching Hospital and Clinics, to a private not-for-profit corporation organized solely for the purpose of operating the hospital and ancillary health care facilities and other health care facilities and programs determined to be necessary by the board of the not-for-profit.³ The agreement between the UFBOT and the not-for-profit corporation was to provide for:

- Approval of the articles of incorporation by the UFBOT.
- Governance of the not-for-profit corporation by a board of directors appointed and chaired by the President of UFBOT and vice chaired by the Vice President for Health Affairs of the University of Florida.
- Use of the hospital and facilities and personnel.
- Continued recognition of the collective bargaining units and agreements.
- Use of hospital facilities and personnel in connection with research programs.
- Reimbursement to the hospital for care of indigent patients and implementation of state-mandated programs and "underfunded state programs" subject to appropriations by the Legislature.⁴

Shands Teaching Hospital and Clinics, Inc., was created in 1980 as the not-for-profit corporation responsible for operating, maintaining, and insuring Shands Teaching Hospital and Clinics. Shands Teaching Hospital and Clinics, Inc., entered into an agreement with the UFBOT. The agreement transferred all assets and liabilities of the hospital facilities to Shands Teaching Hospital and Clinics, Inc.; provided reversion of the net assets at termination of the contractual agreement; provided that the legal title to all buildings and improvements remained with the State of Florida; and provided that the State Board of Education could only terminate the agreement if Shands Teaching Hospital and Clinics, Inc., declared bankruptcy.⁵

Recent Litigation

In 1985, a medical malpractice action was brought against the Board of Regents⁶ and Shands Teaching Hospital & Clinics, Inc.⁷ Based on the legislative history discussed above, the court found

¹ History of Shands HealthCare, available at <http://www.shands.org/about/history.asp> (last visited March 17, 2011).

² *Shands Teaching Hospital & Clinics, Inc. v. Lee*, 478 So. 2d 77, 79 (Fla. 1st DCA 1985), citing *Recommendations of a Feasibility Study for a Change of Governance of Shands Teaching Hospital*, A Report to the Florida Legislature, 12 (Jan. 1979).

³ Chapter 79-248, s. 1, *Laws of Florida*, codified at s. 1004.41, F.S.

⁴ Section 1004.41(4)(b)5., F.S.

⁵ Section 1004.41(4)(e), F.S.

⁶ The Board of Regents was created in 1965, as the governing body of the State University System. Chs. 63-204 and 65-138, Laws of Florida. The Board of Regents was abolished in 2001. Section 229.003(5)(a), F.S. (2001).

that "the intent of the legislature was to treat Shands as an autonomous and self-sufficient entity, one not primarily acting as an instrumentality on behalf of the state."⁸ The court also noted that "[t]he plain meaning of section [1004.41] reflects that Shands' day-to-day operations are not under direct state control."⁹

In 1987, a newspaper alleged that Shands Teaching Hospital and Clinics, Inc., was in violation of the sunshine law and the public records law.¹⁰ The court, in *Campus Communications, Inc. v. Shands Teaching Hospital and Clinics, Inc.*,¹¹ stated that the Sunshine Law only applies to a "state agency or authority"¹² and that the public records law only applies to a "unit of government" or private entity "acting on behalf of any public agency."¹³ The court concluded, based on the rationale in *Shands Teaching Hospital & Clinics, Inc. v. Lee*,¹⁴ that "Shands is not a state agency or authority for purposes of the Sunshine Law and that Shands is not a unit of government or private entity acting on behalf of any public agency for purposes of the Public Records Law."¹⁵

Sovereign Immunity

The term "sovereign immunity" originally referred to the English common law concept that the government may not be sued because "the King can do no wrong." Sovereign immunity bars lawsuits against the government or its political subdivisions for the torts¹⁶ of officers or agents of such governments unless such immunity is expressly waived. "The legislative purpose in enacting sovereign immunity statutes is to protect the public from 'profligate encroachments on the public treasury.'"¹⁷ However, one of the concerns regarding sovereign immunity is that it allows the governmental entity to avoid accountability for its actions.

Article X, s. 13 of the Florida Constitution recognizes the concept of sovereign immunity and gives the Legislature the right to waive the state's immunity in part or in full by general law. The Legislature did in fact establish a limited waiver of sovereign immunity for liability for tort. More particularly, the law provides:

Actions at law against the state or any of its agencies or subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment under circumstances in which the state or such agency or subdivision, if a private person, would be liable to the claimant, in accordance with the general laws of this state, may be prosecuted subject to the limitations specified in this act.¹⁸

The waiver of sovereign immunity limits the recovery of any one person in a tort action against the state to \$100,000 for any one person for one incident and limits all recovery related to one incident to a total

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Campus Communications, Inc. v. Shands Teaching Hospital and Clinics, Inc.*, 512 So.2d 999 (Fla. 1st DCA 1987).

¹¹ *Id.*

¹² Section 286.011(1), F.S.

¹³ Section 119.011(2), F.S.

¹⁴ *See Lee*, 478 So.2d at 79.

¹⁵ *Campus Communications*, 512 So.2d at 1000.

¹⁶ "A 'tort' is a civil wrong for which a remedy may be obtained, usually in the form of damages, the commission or omission of an act by one, without right, whereby another receives some injury, directly or indirectly, to his or her person, property, or reputation. A tort is a wrong that the law redresses, and not a mere infraction of good morals." 55 Fla. Jur 2d Torts § 1.

¹⁷ *Jaar v. University of Miami*, 474 So.2d 239, 246 (Fla. 3rd DCA 1985)(holding that because the University of Miami is a private educational institution any liability it incurs for the negligence of its agents has no effect on the public treasury).

¹⁸ Section 768.28(1), F.S.

of \$200,000.¹⁹ When the state's sovereign immunity applies, the officers, employees, and agents of the state that were involved in the commission of the tort are not personally liable to an injured party.²⁰

The term "state" means "state agencies or subdivisions" which includes the executive departments, the Legislature, the judicial branch, and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities.²¹

Instrumentalities of the State

The Legislature has created corporations and authorized subsidiary corporations.²² Whether those corporations enjoy sovereign immunity is based upon whether those corporations are considered "instrumentalities of the state." Determining whether such corporations are instrumentalities of the state is dependent upon the degree of control the state has over the corporation. When the corporation is significantly controlled by the state, it is considered an instrumentality of the state,²³ but when the corporation acts with significant autonomy, it is not.²⁴

In *Prison Rehabilitative Industries & Diversified Enterprises v. Betterson*,²⁵ the court examined whether Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE) was an instrumentality of the state. The court noted, that while "the actual extent of control is ordinarily a question of fact to be proved by the evidence, here the proof of control rests entirely on statutory provisions, which leaves the issue to be decided as a matter of law."²⁶ Even though "PRIDE was accorded substantial independence in the running of the work programs, its essential operations nevertheless remained subject to a number of legislatively mandated constraints over its day-to-day operations."²⁷ For example, PRIDE is only permitted to sell its goods to private entities upon approval of the Governor, required to annually provide the Governor and the Legislature with an independently audited financial statement and an in-depth status report concerning the operation of the correctional work programs, subjected to both financial and performance audits by the Auditor General, restricted to nonprofit status, and required to have the articles of incorporation approved by the Governor. "These statutory constraints cumulatively constitute sufficient governmental control over PRIDE's daily operations to require the conclusion as a matter of law that PRIDE has, from its inception, acted primarily as an instrumentality of the state."²⁸

Moffitt Cancer Center

The Legislature created the H. Lee Moffitt Cancer Center and Research Institute (Moffitt), and expressly provided that Moffitt and its not-for-profit subsidiaries are "conclusively deemed instrumentalities of the state" for purposes of sovereign immunity. To support its designation as an instrumentality of the state the Legislature enacted provisions to demonstrate sufficient governmental control over Moffitt and its not-for-profit subsidiaries by identifying the composition of the board of the not-for-profit corporation;²⁹ requiring the agreement between Moffitt and the Board of Governors to

¹⁹ Section 768.28(5), F.S.

²⁰ Section 768.28(9), F.S.

²¹ Section 768.28(2), F.S.

²² See e.g., s. 1004.43, F.S., creating the H. Lee Moffitt Center and Research Institute and establishing sovereign immunity; s. 1004.447, F.S., creating the Florida Institute for Human and Machine Cognition, Inc., and establishing sovereign immunity.

²³ *Pagan v. Sarasota County Hospital Board*, 884 So.2d 257 (Fla. 2nd DCA 2004); *Prison Rehabilitative Industries & Diversified Enterprises v. Betterson*, 648 So.2d 778 (Fla. 1st DCA 1994).

²⁴ See *Lee*, 478 So.2d at 79, (holding that the nonprofit corporation to which the State Board of Education leased the Shands Teaching Hospital was not entitled to the benefit of sovereign immunity because the corporate entity was determined to be "an autonomous and self-sufficient entity, one not primarily acting as an instrumentality on behalf of the state").

²⁵ 648 So.2d 778, 781 (Fla. 1st DCA 1995).

²⁶ *Id.* at 781 n3.

²⁷ *Id.*

²⁸ *Betterson*, 648 So.2d at 780.

²⁹ Section 1004.43(1), F.S.

provide for an annual financial audit;³⁰ authorizing the Board of Governors, the Auditor General, and the Office of Program Policy Analysis and Government Accountability to require and receive any detail or supplemental data relative to the operation of Moffitt;³¹ clarifying that Moffitt is not an “agency” within the executive branch;³² clearly stating that the records of Moffitt and its subsidiaries are public records unless made confidential or exempt by law;³³ identifying the documents that are exempted from public disclosure law;³⁴ and providing that meetings of Moffitt and its subsidiaries at which the expenditure of appropriated dollars are discussed remain open to the public unless made confidential or exempt by law.³⁵

Florida Institute for Human and Machine Cognition, Inc.

The Legislature created the Florida Institute for Human and Machine Cognition, Inc., (Institute), a not-for-profit corporation established at the University of West Florida, and designated the Institute as an instrumentality of the state for purposes of sovereign immunity. To support the Institute’s designation as an instrumentality of the state, the Legislature enacted provisions to demonstrate state control over the Institute and approved subsidiaries by making the officers, directors, and employees of the Institute and any not-for-profit corporate subsidiary subject to the code of ethics for public officers and employees;³⁶ clearly stating that the Institute and any authorized and approved subsidiary are subject to the public records and meetings requirement;³⁷ and requiring that the Institute’s articles of incorporation be approved by the Board of Governors; and providing that the members of the board of directors of the Institute are responsible for the prudent use of all public and private funds and that they will ensure that the use of the funds is in accordance with all applicable law, bylaws, and contractual requirements.³⁸

Effect of Proposed Changes

The bill provides that Shands Teaching Hospital and Clinics, Inc., and any not-for-profit subsidiary, “shall be conclusively deemed corporations primarily acting as instrumentalities of the state” for purposes of sovereign immunity. Likewise, Shands Jacksonville Medical Center, Inc.; Shands Jacksonville HealthCare, Inc.; and any not-for-profit subsidiary of Shands Jacksonville Medical Center, Inc., are conclusively deemed corporations primarily acting as instrumentalities of the state for purposes of sovereign immunity.

The bill amends current law to identify the not-for-profit corporations that operate the teaching hospitals at Gainesville and Jacksonville: Shands Teaching Hospital and Clinics, Inc.; Shands Jacksonville Medical Center, Inc.; and Shands Jacksonville HealthCare, Inc. The bill also recognizes that the primary role of Shands Teaching Hospital and Clinics, Inc., is to support the UFBOT health affairs mission and authorizes the corporation to operate the hospital and ancillary health care facilities as deemed necessary by the board of the corporation.

The bill also states that Shands Jacksonville Medical Center, Inc., and its parent Shands Jacksonville HealthCare, Inc., are private not-for-profit corporations organized primarily to support the health affairs and mission of the UFBOT. In addition to the oversight provided by current law,³⁹ the bill provides that the UFBOT acting through the President of UF or his or her designee has the right to control Shands Jacksonville Medical Center, Inc.; Shands Jacksonville HealthCare, Inc.; and Shands Teaching Hospital and Clinics, Inc.

³⁰ Section 1004.43(2)(d), F.S.

³¹ *Id.*

³² Section 1004.43(7), F.S., citing s. 20.03(11), F.S., defining “agency.”

³³ Section 1004.43(8)(a), F.S.

³⁴ Section 1004.43(8)(b), F.S.

³⁵ Section 1004.43(9), F.S.

³⁶ Section 1004.447(3), F.S.

³⁷ Section 1004.447(4)(b), F.S.

³⁸ Section 1004.447(4)(c), F.S.

³⁹ See *supra* text accompanying note 4. But see *Lee*, 478 So.2d at 79 (holding that “[t]he plain meaning of section [1004.41] reflects that Shands’ day-to-day operations are not under direct state control.”).

Proponents of the bill contend that without sovereign immunity it costs UF, Shands Teaching Hospitals and Clinics, Inc., and Shands Jacksonville HealthCare, Inc., approximately \$12 million each year for liability insurance. It is undisputed that “[i]t is [] more economic to run any business or profession if one has limited liability. It is easier to compete with other businesses or professionals if one can avoid the costs and liabilities that the competitor cannot avoid.”⁴⁰

Reducing liability insurance costs may help defray the cost of care provided to indigent and Medicaid patients. For example, in fiscal year 2010, 8 percent of the patients discharged by Shands at the University of Florida and 14 percent of the patients discharged by Shands Jacksonville Medical Center, Inc., were uninsured patients. That year, Shands at the University of Florida wrote off \$49.5 million and Shands Jacksonville Medical Center, Inc., wrote off \$57.1 million. In addition, 27 percent of the patients discharged by Shands at the University of Florida and 35 percent of the patients discharged by Shands Jacksonville Medical Center, Inc., were Medicaid patients.⁴¹ However, the bill authorizes the UFBOT to provide general and professional liability insurance to affiliates of Shands Teaching Hospital and Clinics, Inc. It is unclear what effect this may have on any potential costs savings.

Sunshine Law and Public Records Law

As stated above, *Campus Communications* held that Shands Teaching Hospital and Clinics, Inc., was not a “state agency or authority” or a private entity “acting on behalf of any public agency” within the meaning of the Public Records Law or Sunshine Law, because of an earlier determination that Shands was not a state agency or corporation primarily acting as an instrumentality or agency of the state.⁴²

The bill, by designating certain not-for-profit corporations and subsidiaries as instrumentalities of the state,⁴³ will subject those entities to the Public Records Law and the Sunshine Law. Proponents of the bill suggest that the affected corporations and subsidiaries are already covered by an existing public records and meetings exemption created in s. 395.3036, F.S. It is unclear whether the not-for-profit corporations and subsidiaries would qualify for these exemptions.⁴⁴

B. SECTION DIRECTORY:

Section 1: Amends s. 1004.41, F.S., to clarify the purpose of Shands Teaching Hospital and Clinics, Inc.; Shands Jacksonville Medical Center, Inc.; and Shands Jacksonville HealthCare, Inc.; and requires that those entities as well as certain not-for-profit subsidiaries be considered corporations primarily acting as instrumentalities of the state for purposes of sovereign immunity.

Section 2: Provides an effective date of July 1, 2011.

⁴⁰ *University of Florida Board of Trustees v. Morris*, 975 So.2d 493, (Fla. 2d DCA 2007)(Altenbernd, J., concurring)(stating that “the idea that government can now enter into favorable leases and contracts based at least in part on the government’s ability to expand its umbrella of sovereign immunity to favor some private enterprises over others is an idea that warrants very close scrutiny.”).

⁴¹ Correspondence with representatives of Shands Teaching Hospitals and Clinics, Inc., on file with staff of the House Education Committee.

⁴² *Campus Communications*, 512 So.2d at 1000.

⁴³ Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc., as well as any not-for-profit subsidiaries of Shands Teaching Hospital and Clinics, Inc., and Shands Jacksonville Medical Center, Inc.

⁴⁴ Section 395.3036, F.S., creates a public records and public meetings exemption for all records and all meetings of a private corporation that leases a public hospital or other public health care facility. The private lessee must meet specified criteria, including the finance an accountability provisions of s. 155.40(5), F.S., which provides that if a hospital operator [which would include a private lessee] receives more than \$100,000 annually from the county, district, or municipality that owns the hospital, then the revenues must either be made subject to annual appropriations or, if there is a contract which provides for revenues longer than 12 months, the public owner must be able to modify the contract upon 12 months notice.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT.

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A recovery in a tort action by an injured plaintiff against any of the entities granted sovereign immunity by this bill will be limited to \$100,000 for any one person for one incident and all recovery related to one incident is limited to a total of \$200,000. (Effective October 1, 2011, the limits change from \$100,000 to \$200,000 and \$200,000 to \$300,000.) Section 768.28(5), F.S.; see *also* note 1 to s. 768.28, F.S.

D. FISCAL COMMENTS:

Currently, if an entity has sovereign immunity and a plaintiff succeeds in adjudicating the matter in court, and the court determines that the damages exceed \$200,000, then the plaintiff may ask members of the Legislature to file a "claim bill" on the plaintiff's behalf. The Speaker of the House of Representatives may appoint a Special Master to review a claim bill or conduct a hearing, if necessary.⁴⁵ If a (non-local) claim bill is passed, then the funds used to pay the claim will either come from that entity's budget or additional General Revenue Funds may be appropriated to that entity to cover some or all of the claim.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds.

The bill does not reduce the authority that counties or municipalities have to raise revenue in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

⁴⁵ Rule 5.6 – Claim Bills, The Rules, Florida House of Representatives, 2010-2012. Most recently an \$18.2 million claim bill was signed into law; the defendant was the Florida Department of Children and Family Services.
http://www.southfloridainjurylawyerblog.com/2008/05/florida_claims_bill_grants_9ye.html.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not clearly delineate among the hospital, the health center, and Shands Teaching Hospital and Clinics, Inc.

The bill, by designating certain not-for-profit corporations and subsidiaries as instrumentalities of the state, will subject those entities to the Public Records Law and the Sunshine Law. It is unclear whether those corporations and subsidiaries would qualify for the public records and meetings exemptions provided under s. 395.3036, F.S.

Neither the limited state oversight provided by current law,⁴⁶ nor the right "to control" provided to the UFBOT by the bill apply to the not-for-profit subsidiaries that also receive sovereign immunity.

The bill designates certain not-for-profit corporations and subsidiaries as instrumentalities of the state. Whether such corporations are instrumentalities of the state is dependent upon the degree of control over the corporation or subsidiary. While interpreting PRIDE's statutory requirements, the court noted that "the actual extent of control is ordinarily a question of fact to be proved by the evidence, here the proof of control rests entirely on statutory provisions, which leaves the issue to be decided as a matter of law."⁴⁷ The extent of control provided in the bill is not as comprehensive as other statutes.⁴⁸ Consequently, the actual extent of control may still be a question of fact. The bill sponsor may want to consider additional provisions that would enable a court to determine the level of control as a matter of law.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

⁴⁶ See *Lee*, 478 So.2d at 79.

⁴⁷ *Betterson*, 648 So.2d at 781 n.3.

⁴⁸ See e.g., s. 1004.43, F.S., (governing the H. Lee Moffitt Cancer Center); s. 1004.447, F.S., (governing the Florida Institute for Human and Machine Cognition).

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: K-20 Competitiveness
 2 Subcommittee

3 Representative Kiar offered the following:

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

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (4) of section 1006.07, Florida Statutes,
 8 is amended to read:

9 1006.07 District school board duties relating to student
 10 discipline and school safety.—The district school board shall
 11 provide for the proper accounting for all students, for the
 12 attendance and control of students at school, and for proper
 13 attention to health, safety, and other matters relating to the
 14 welfare of students, including:

15 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

16 (a) Formulate and prescribe policies and procedures for
 17 emergency drills and for actual emergencies, including, but not
 18 limited to, fires, natural disasters, and bomb threats, for all
 19 the public schools of the district which comprise grades K-12.

Amendment No. 1

20 District school board policies shall include commonly used alarm
21 system responses for specific types of emergencies and
22 verification by each school that drills have been provided as
23 required by law and fire protection codes. The emergency
24 response agency which is responsible for notifying the school
25 district for each type of emergency must be listed in the
26 district's emergency response policy.

27 (b) ~~The district school board shall~~ Establish model
28 emergency management and emergency preparedness procedures,
29 including emergency notifications pursuant to paragraph (a), for
30 the following life-threatening emergencies:

- 31 1. Weapon-use and hostage situations.
- 32 2. Hazardous materials or toxic chemical spills.
- 33 3. Weather emergencies, including hurricanes, tornadoes,
34 and severe storms.
- 35 4. Exposure as a result of a manmade emergency.

36 Section 2. Subsection (16) is added to section 1002.42,
37 Florida Statutes, to read:

38 1002.42 Private schools.—

39 (16) EMERGENCY PROCEDURES.—The emergency response agencies
40 identified in a district school board's policy under s.
41 1006.07(4) which are responsible for notifying the school
42 district of an occurrence that threatens student safety shall
43 also notify private schools in the district which request such
44 notification by opting into a district school board's emergency
45 notification procedures.

46 Section 3. This act shall take effect July 1, 2011.
47

Amendment No. 1

48

49

50

51

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

52

Remove lines 3-6 and insert:

53

F.S.; requiring district school boards to list the emergency

54

response agency that is responsible for notifying the school

55

district in emergency policies and procedures; amending

1 A bill to be entitled
 2 An act relating to student safety; amending s. 1006.07,
 3 F.S.; requiring district school board policies that
 4 specify emergency procedures to identify the agency that
 5 is responsible for notifying the school district of an
 6 occurrence that threatens the safety of students; amending
 7 s. 1002.42, F.S.; requiring the agency to notify private
 8 schools in the school district; providing an effective
 9 date.

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

12
 13 Section 1. Subsection (4) of section 1006.07, Florida
 14 Statutes, is amended to read:

15 1006.07 District school board duties relating to student
 16 discipline and school safety.—The district school board shall
 17 provide for the proper accounting for all students, for the
 18 attendance and control of students at school, and for proper
 19 attention to health, safety, and other matters relating to the
 20 welfare of students, including:

21 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

22 (a) Formulate and prescribe policies and procedures for
 23 emergency drills and for actual emergencies, including, but not
 24 limited to, fires, natural disasters, and bomb threats, for all
 25 the public schools of the district which comprise grades K-12.
 26 District school board policies shall include commonly used alarm
 27 system responses for specific types of emergencies and
 28 verification by each school that drills have been provided as

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29 | required by law and fire protection codes. District school board
 30 | policies shall identify the agency that is responsible for
 31 | notifying the school district of an occurrence that threatens
 32 | the safety of students in the district.

33 | (b) ~~The district school board shall~~ Establish model
 34 | emergency management and emergency preparedness procedures,
 35 | including agency notification pursuant to paragraph (a), for the
 36 | following life-threatening emergencies:

- 37 | 1. Weapon-use and hostage situations.
- 38 | 2. Hazardous materials or toxic chemical spills.
- 39 | 3. Weather emergencies, including hurricanes, tornadoes,
 40 | and severe storms.
- 41 | 4. Exposure as a result of a manmade emergency.

42 | Section 2. Subsection (16) is added to section 1002.42,
 43 | Florida Statutes, to read:


44 | 1002.42 Private schools.—

45 | (16) EMERGENCY PROCEDURES.—The agency identified in
 46 | district school board policy which is responsible for notifying
 47 | the school district of an occurrence that threatens the safety
 48 | of students in the district, pursuant to s. 1006.07(4), shall
 49 | notify private schools in the district which request
 50 | notification by opting into the school district's notification
 51 | procedures.

52 | Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 481 Student Safety
SPONSOR(S): Kiar and others
TIED BILLS: IDEN./SIM. BILLS: SB 588

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee		Beagle GB	Ahearn 
2) Community & Military Affairs Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill requires each district school board to identify in its emergency response policy the emergency response agency responsible for notifying the school district of an occurrence that threatens student safety. District model emergency management and preparedness procedures for weather emergencies and other situations must also identify the agency with notification responsibilities. The bill requires the emergency response agency identified in a district school board's emergency policies and procedures to notify private schools in the district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's notification procedures.

Florida law requires each district school board to establish emergency response policies and model emergency management and preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Model emergency management and preparedness procedures must address life-threatening emergencies, such as weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies; and exposure resulting from manmade emergencies. Florida law does not expressly require that district school board emergency response policies and procedures identify the agency responsible for notifying the school district regarding occurrences that threaten student safety.

Private school emergency policies are not regulated by the state. Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Florida law does not expressly authorize private schools to opt into school district emergency notification procedures for the purpose of receiving emergency notifications.

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

See Drafting Issues or Other Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law requires each district school board to establish emergency response policies and model emergency management and preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Commonly used alarm system responses for specific types of emergencies must be incorporated into such policies.¹ Additionally, district school boards must establish model emergency management and preparedness procedures for weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure resulting from manmade emergencies.²

Florida law does not expressly require that school district emergency response policies and model emergency management and preparedness procedures identify the agency responsible for notifying the school district regarding emergencies that threaten student safety. However, this concept is incorporated into the *Safety and Security Best Practices*, a self-assessment tool that each school district must use to annually assess the effectiveness of district emergency response policies. Among other "best practices," the self-assessment suggests that school districts:

- Make arrangements to work with local emergency officials, including, without limitation, law enforcement; fire department; emergency management; hospital, mental health, health, and social services agencies; and court officials.
- Share comprehensive school safety plans and emergency procedures with appropriate emergency response agencies.
- Implement procedures for contacting all district schools simultaneously regarding an emergency.³

Private school emergency policies are not regulated by the state.⁴ Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Despite such arrangements, private schools do not always receive notification.⁵ Florida law does not expressly authorize private schools to opt into district school board emergency notification procedures for the purpose of receiving notification of emergencies from an emergency response agency.⁶

Effect of Proposed Changes

The bill requires each district school board to identify in its emergency response policy the emergency response agency responsible for notifying the school district of an occurrence that threatens student safety. Model emergency management and preparedness procedures for weather emergencies and other situations must also identify the agency responsible for notifying the school district. The bill requires the emergency response agency identified in a district school board's emergency policies and

¹ Section 1006.07(4)(a), F.S.

² Section 1006.07(4)(b), F.S. The Best Practices are developed by the Office of Program Policy Analysis and Government Accountability. *Id.*

³ Section 1006.07(6), F.S.; Florida Department of Education, *District Safety and Security Best Practices*, <http://www.fldoe.org/EM/security-practices.asp> (last visited March 10, 2011). Each district school superintendent must make recommendations to the school board for improving emergency response policies based upon the self-assessment results. The self-assessment results and superintendent's recommendations must be addressed in a publicly noticed school board meeting. The results of the self-assessment and any school board action on the superintendent's recommendations must be reported to the commissioner within 30 days after the school board meeting. Section 1006.07(6), F.S.

⁴ Telephone interview with Bureau Chief, Emergency Management, Florida Department of Education (March 17, 2011).

⁵ Telephone interview with Executive Director, Florida Council of Independent Schools (March 11, 2011).

⁶ See s. 1002.42, F.S.

procedures to notify private schools in the district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's notification procedures. This will enable a private school to receive emergency notifications on the same basis as district public schools.

B. SECTION DIRECTORY:

Section 1. Amending s. 1006.07, F.S., relating to district school board duties regarding student discipline and school safety; requiring school boards to identify in emergency policies and procedures the agency responsible for notifying the school district regarding emergencies.

Section 2. Amending s. 1002.42, F.S., relating to private schools; requiring an emergency response agency to notify private schools of emergencies that threaten student safety; authorizing private schools to request such notification by opting into school board notification procedures.

Section 3. Providing an effective date of July 1, 2011.

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:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

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

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 29-32: The bill could be construed to require a district school board to select which emergency response agency will be responsible for notifying the school district regarding emergencies. The intended meaning is to require the school board to list in its emergency response policy each agency that notifies the district of emergencies. The sponsor has filed a clarifying amendment to address this issue.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to interscholastic and intrascholastic
 3 sports; amending s. 1006.15, F.S.; removing certain
 4 provisions relating to a pilot program in which a middle
 5 school student or a high school student in a private
 6 school may participate in athletics at a public school;
 7 providing for statewide implementation of the program;
 8 requiring that the athletic director of each public school
 9 maintain the records of students participating in the
 10 program; requiring that any private school that is not a
 11 member of the Florida High School Athletic Association
 12 make the records of participating students available to
 13 the association upon request; requiring that a student
 14 apply to participate in the program through the
 15 appropriate application process; limiting participation in
 16 the program to students who are enrolled in non-FHSAA
 17 member private schools consisting of a maximum number of
 18 students; providing an effective date.

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

21
 22 Section 1. Subsection (8) of section 1006.15, Florida
 23 Statutes, is amended to read:

24 1006.15 Student standards for participation in
 25 interscholastic and intrascholastic extracurricular student
 26 activities; regulation.—

27 (8) (a) The Florida High School Athletic Association
 28 (FHSAA), in cooperation with each ~~the~~ district school board

29 ~~boards of Bradford County, Duval County, and Nassau County,~~
 30 shall facilitate a ~~2-year pilot program during the 2008-2009 and~~
 31 ~~2009-2010 academic years~~ in which a middle school or high school
 32 student who attends a private school shall be eligible to
 33 participate in an interscholastic or intrascholastic sport at a
 34 public high school, a public middle school, or a 6-12 public
 35 school that is zoned for the physical address at which the
 36 student resides if:

37 1. The private school in which the student is enrolled is
 38 not a member of the FHSAA and does not offer an interscholastic
 39 or intrascholastic athletic program.

40 2. The private school student meets the guidelines for the
 41 conduct of the ~~pilot~~ program established by the FHSAA's board of
 42 directors and the ~~participating~~ district school board ~~boards~~. At
 43 a minimum, such guidelines shall provide:

44 a. A deadline for each sport by which the private school
 45 student's parents must register with the public school in
 46 writing their intent for their child to participate at that
 47 school in the sport.

48 b. Requirements for a private school student to
 49 participate, including, but not limited to, meeting the same
 50 standards of eligibility, acceptance, behavior, educational
 51 progress, and performance which ~~that~~ apply to other students
 52 participating in interscholastic or intrascholastic sports at a
 53 public school or FHSAA member private school.

54 (b) The parents of a private school student participating
 55 in a public school sport under this subsection are responsible
 56 for transporting their child to and from the public school at

57 | which the student participates. The private school the student
 58 | attends, the public school at which the student participates in
 59 | a sport, the district school board, and the FHSAA are exempt
 60 | from civil liability arising from any injury that occurs to the
 61 | student during such transportation.

62 | (c) For each academic year, a private school student may
 63 | only participate at the public school in which the student is
 64 | first registered under sub-subparagraph (a)2.a. or makes himself
 65 | or herself a candidate for an athletic team by engaging in a
 66 | practice.

67 | (d) The athletic director of each participating FHSAA
 68 | member public school shall maintain the student records
 69 | necessary for eligibility, compliance, and participation in the
 70 | program.

71 | (e) Any non-FHSAA member private school that has a student
 72 | who wishes to participate in this program must make all student
 73 | records, including, but not limited to, academic, financial,
 74 | disciplinary, and attendance records, available upon request of
 75 | the FHSAA.

76 | (f) A student must apply to participate in this program
 77 | through the FHSAA program application process.

78 | (g) Only students who are enrolled in non-FHSAA member
 79 | private schools consisting of 125 students or fewer are eligible
 80 | to participate in the program in any given academic year.

81 | ~~(d) The FHSAA and participating district school boards~~
 82 | ~~shall submit to the Governor, the President of the Senate, and~~
 83 | ~~the Speaker of the House of Representatives:~~

84 | ~~1. A copy of the guidelines established under subparagraph~~

85 ~~(a)2. for the pilot program no later than August 1, 2008.~~
 86 ~~2. A report on the progress of the pilot program no later~~
 87 ~~than January 1, 2010. The report shall include the number of~~
 88 ~~students registered under sub-subparagraph (a)2.a., the number~~
 89 ~~of students found eligible to participate in the pilot program,~~
 90 ~~the number of students who transfer to the public schools at~~
 91 ~~which the students participated under the pilot program,~~
 92 ~~implementation issues experienced with the pilot program, and~~
 93 ~~recommendations on how the pilot program may be improved and~~
 94 ~~expanded to include other counties.~~
 95 ~~(c) This subsection shall stand repealed on June 30, 2010,~~
 96 ~~unless reviewed and reenacted by the Legislature.~~
 97 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 797 Interscholastic and Intrascholastic Sports

SPONSOR(S): Perry and others

TIED BILLS: IDEN./SIM. **BILLS:** SB 1000

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee		Graf <i>[Signature]</i>	Ahearn <i>[Signature]</i>
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill allows a student attending a private middle school or high school to participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school does not offer an athletic program and is not a member of the Florida High School Athletic Association (FHSAA). The bill limits participation in the athletic program to students from non-FHSAA member private schools that have 125 or fewer students in any given year.

Current law only allows eligible home school and charter school students to participate in interscholastic extracurricular student activities at assigned public schools pursuant to district controlled open-enrollment policies. These students are subject to the same eligibility requirements as other public school students.

A student attending a private school that is not a member of the FHSAA must meet the same standards of eligibility, code of conduct, and academic performance that apply to other students participating in interscholastic or intrascholastic sports at a public school or a FHSAA member private school.

The bill also requires the athletic director at each participating FHSAA member public school to maintain student records on eligibility, compliance, and participation for the participating students in the program. The bill provides authority to the FHSAA to request all student-level data from the participating private schools that are not members of their association.

The bill repeals a two-year pilot program involving Bradford County, Duval County, and Nassau County school districts. This program allowed private middle school and high school students to participate in interscholastic or intrascholastic sports at a public school zoned for the address of the participating student if that private school was not a member of the FHSAA, and did not offer an interscholastic or intrascholastic athletic program. The pilot program expired at the end of the 2009-2010 academic year.

The fiscal impact on school districts is indeterminate, but, insignificant. See Fiscal Comments.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Interscholastic Athletics

Eligible home school and charter school students may participate in interscholastic extracurricular activities at assigned public schools pursuant to district controlled open-enrollment policies.¹ A student from a charter school may be eligible to participate in these activities at the public school to which the student is assigned according to district school board attendance area policies if such activity is not offered by that charter school.² Both home school and charter school students must register with the public school their intent to participate in interscholastic extracurricular activities, and are subject to the same eligibility requirements as other public school students.³

To be eligible to participate in interscholastic extracurricular activities, a student must maintain a 2.0 grade point average (GPA) in the semester prior to participation, or a 2.0 cumulative GPA in specified high school courses. If a student's cumulative GPA falls below 2.0 in the specified courses, the student must execute an academic performance contract with the district school board, the Florida High School Athletic Association (FHSAA), and the student's parents. At a minimum, the contract must require the student to attend summer school to improve his or her GPA.⁴ A student must also maintain good conduct to remain eligible to participate in interscholastic extracurricular activities. The district school board policy governs the eligibility of a student to participate in these activities if he or she is found to be involved in a felony or delinquent act.⁵

Florida High School Athletic Association (FHSAA)

The FHSAA is a non-profit organization that governs interscholastic athletic programs in Florida's schools from grades 6 through 12. The organizational structure and governing authority for the FHSAA were established in law in 1997. Unless specifically provided for in law, the FHSAA may adopt bylaws governing athletic participation of member schools and individual student athletes.⁶ FHSAA is required to adopt bylaws that include student eligibility, residence, transfer, and recruitment.⁷

Pilot Program

In 2008, the Legislature identified Bradford County, Duval County, and Nassau County school districts to participate in a two-year pilot program in cooperation with the FHSAA. Middle school and high school students attending a private school were allowed to participate in interscholastic or intrascholastic sports at the public school zoned for the address of the participating student if that private school was not a member of the FHSAA, and did not offer an interscholastic or intrascholastic athletic program. The pilot program was conducted during the 2008-2009 and 2009-2010 academic years.⁸ The FHSAA

¹ Sections 1002.41(4) and 1006.15(3)(c) and (d), F.S. "Interscholastic activities" are limited to high school athletic competitions. Section 1006.20(1), F.S. The Florida High School Athletic Association defines interscholastic contest as "any competition between organized teams of different schools in a sport recognized or sanctioned" by the FHSAA. Florida High School Athletic Association, *Interscholastic Contests*, available at, <http://www.fhsaa.org/about> (last visited March 17, 2011). "Extracurricular" activities include any school-authorized or education-related activity occurring during or outside the regular instructional school day. Section 1006.15(2), F.S.

² Section 1006.15(3)(d), F.S.

³ Section 1006.15(3), F.S.

⁴ Sections 1006.15(3)(a)(1) and (2) and 1003.43(1), F.S.

⁵ Section 1006.15(3)(a)4., F.S.

⁶ Section 1006.20(1), F.S.; see also Florida High School Athletic Association, *About the FHSAA*, available at, <http://www.fhsaa.org/about> (last visited March 15, 2011).

⁷ Section 1006.20(2), F.S.

⁸ Section 1006.15(8)(a), F.S.

reported that 23 students participated in the pilot program. None of the three school districts that participated reported any problems with the implementation of the program.⁹

Current law does not allow a student attending a private school that is not a member of the FHSAA to participate in interscholastic extracurricular activities at a public school.

Effect of Proposed Changes

The bill allows a student attending a private middle school or high school to participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA, and does not offer an interscholastic or intrascholastic athletic program. The bill limits participation in the athletic program to students from non-FHSAA member private schools that have 125 or fewer students in any given year. Schools with more than 125 students typically become members of the FHSAA.¹⁰

In order to participate in an interscholastic or intrascholastic athletic program, parents of a student attending a private school that is not a member of the FHSAA must register with the assigned public school in writing affirming their intent for their child to participate in a specific sport through the FHSAA program application process. The parents must also be responsible for transporting their child to and from the public school at which the student participates.

A student from a non-FHSAA member school participating in the athletic program must meet the same standards of eligibility, code of conduct, and academic performance that apply to other students participating in interscholastic or intrascholastic sports at a public school or a FHSAA member private school.¹¹ In addition, the bill requires these students to remain enrolled at the public school that they first registered to maintain their eligibility for continued participation in the interscholastic or intrascholastic athletic program during each academic year.

The bill also requires the athletic director at each participating FHSAA member public school to maintain student records on eligibility, compliance, and participation for the participating students in the program. A participating private school that is not a member of the FHSAA must provide all student-level data to FHSAA upon request.

Finally, the bill repeals the two-year pilot program that concluded in 2010.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.15(8)(a), F.S.; to expand participation in interscholastic or intrascholastic sports to students attending non-FHSAA member private schools; and repeals the two-year pilot program in Bradford County, Duval County, and Nassau County.

Section 2. Provides that the bill shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁹ Letter, Report on the progress of the pilot program pursuant to s. 1006.15, F.S., Florida High School Athletic Association (Dec. 15, 2009).

¹⁰ Telephone interview with staff from the Florida High School Athletic Association (March 18, 2011).

¹¹ E-mail, Florida High School Athletic Association (March 14, 2011). The FHSAA reported that 218 private schools are currently members of their association. The actual number of non-FHSAA member private middle schools and high schools that do not offer an athletic program, and the number of students who will participate in this program, are unknown.

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 administrative workload associated with the bill is indeterminate but, is not expected to have a significant fiscal impact on the school districts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

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

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Student Athlete Participation: The bill allows a student attending a non-FHSAA member private school that does not offer an athletic program to participate in interscholastic sports at a public school. Current law already allows home school and charter school students to participate in the program.¹² The FHSAA has established bylaws allowing participation by home school and charter school students in the program.¹³ The FHSAA bylaws will need to be amended to reflect the provisions for students attending non-FHSAA member private schools.

Student Athlete Transfer: The bill restricts student eligibility to participation in a middle school or high school athletic competition in the school he or she first enrolls each year or practices as a candidate for

¹² Sections 1002.41(4) and 1006.15(3)(c) and (d), F.S.

¹³ Section 3.2.2, Types of Member Schools, *FHSAA Bylaws*, 2010-11 FHSAA Handbook, available at, <http://www.fhsaa.org/rules/fhsaa-handbook>.

an athletic team before enrolling in a FHSAA-member school. To the contrary, the FHSAA bylaws governing student transfer allow for exceptions to the transfer regulations. A transfer student may continue to remain eligible to participate in interscholastic athletics if the student moves with a parent or guardian with whom he or she lives to a different attendance area than the school that the student first enrolled in a given year.¹⁴ Irrespective of the FHSAA bylaws, the bill's provisions govern.

Enforcement of Bylaws: The FHSAA member schools must comply with all FHSAA bylaws and other rules of the association.¹⁵ The bill provides the FHSAA with authority to request student-level data including, but not limited to, academic, financial, disciplinary, and attendance records from the non-FHSAA member private schools.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

¹⁴ Section 9.3, Transfer Regulations, *FHSAA Bylaws*, 2010-11 FHSAA Handbook, available at, <http://www.fhsaa.org/rules/fhsaa-handbook>.

¹⁵ Section 3.5.2, Compliance with Rules, *FHSAA Bylaws*, 2010-11 FHSAA Handbook, available at, <http://www.fhsaa.org/rules/fhsaa-handbook>.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 1255 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: K-20 Competitiveness
2 Subcommittee
3 Representative(s) Adkins offered the following:

4
5 **Amendment**
6 Remove lines 635-636 and insert:
7 Florida Ready to Work Certification pursuant to s. 1004.99.

1 A bill to be entitled
 2 An act relating to education accountability; amending s.
 3 1001.20, F.S.; deleting a provision that requires the
 4 Florida Virtual School to be administratively housed
 5 within the Office of Technology and Information Services
 6 within the Department of Education; amending s. 1001.42,
 7 F.S.; revising the powers and duties of district school
 8 boards to require that students be provided with access to
 9 Florida Virtual School courses; creating s. 1001.421,
 10 F.S.; prohibiting district school board members from
 11 accepting gifts from vendors; amending s. 1002.37, F.S.;
 12 conforming provisions to changes made by the act; amending
 13 s. 1002.38, F.S.; revising provisions relating to the
 14 Opportunity Scholarship Program to provide that school
 15 grades for all schools be based on statewide assessments;
 16 amending s. 1002.45, F.S.; revising qualification
 17 requirements for virtual instruction program providers;
 18 providing that an approved provider retain its approved
 19 status for 3 school years after approval; amending s.
 20 1002.67, F.S.; requiring that the State Board of Education
 21 periodically review and revise the performance standards
 22 for the statewide kindergarten screening and align to
 23 student performance standards for statewide assessments;
 24 amending s. 1002.69, F.S.; amending s. 1003.4156, F.S.;
 25 revising the general requirements for middle grades
 26 promotion; providing that a student with a disability may
 27 have his or her end-of-course assessment results waived
 28 under certain circumstances; providing that a middle

29 grades student is exempt from the reading remediation
 30 requirements under certain circumstances; creating s.
 31 1003.4203, F.S.; requiring each district school board to
 32 develop and implement a digital curriculum for students in
 33 grades 5 through 12; specifying certain components of a
 34 digital curriculum; requiring curriculum standards and
 35 measures to assess student content knowledge and skills
 36 and learning gains; authorizing the Department of
 37 Education to develop a model to serve as a guide for
 38 school districts; requiring that the department and the
 39 Commissioner of Education establish procedures for
 40 statewide recognition of school districts and individual
 41 students; authorizing partnerships with private businesses
 42 and consultants; amending s. 1003.428, F.S.; revising
 43 provisions relating to the general requirements for high
 44 school graduation; providing that a high school student
 45 may be exempt from intensive reading under certain
 46 circumstances; amending s. 1003.493, F.S.; revising
 47 provisions relating to career and professional academies
 48 to include middle schools; requiring that students who are
 49 completing a middle school career and professional academy
 50 program have an opportunity to earn an industry
 51 certification, high school credit, and participate in
 52 career planning, job shadowing, and leadership development
 53 opportunities; requiring that middle school career and
 54 professional academies align with high school career and
 55 professional academies; providing for partnerships with
 56 high schools, businesses, industry, employers, economic

57 development organizations, and other local community
58 partners; amending s. 1003.575, F.S.; revising provisions
59 relating to assistive technology devices for young persons
60 with disabilities to require that any school having an
61 individualized education plan team arrange to complete an
62 assistive technology assessment within a specified number
63 of days after receiving a request for such assessment;
64 amending s. 1008.22, F.S.; revising provisions relating to
65 the student assessment program for public schools;
66 requiring that the Commissioner of Education direct school
67 districts to participate in the administration of the
68 National Assessment of Educational Progress or similar
69 national or international assessment program; authorizing
70 the school principal to exempt certain students from the
71 end-of-course assessment in civics education; amending s.
72 1008.33, F.S.; revising provisions relating to public
73 school improvement; requiring that the Department of
74 Education categorize public schools based on the portion
75 of a school's grade that relies on statewide assessments;
76 revising the categorization of the lowest-performing
77 schools; amending s. 1008.34, F.S.; revising provisions
78 relating to the designation of school grades to conform to
79 changes made by the act; providing for assigning
80 achievement scores and learning gains for students who are
81 hospital or homebound; requiring that a school that does
82 not meet minimal proficiency standards established by the
83 State Board of Education receive a school grade of "F";
84 amending s. 1011.01, F.S.; revising provisions relating to

85 the annual operating budgets of district school boards and
 86 community college boards of trustees; amending s. 1011.03,
 87 F.S.; revising provisions relating to tentative and final
 88 district school board budgets; requiring that an adopted
 89 budget be transmitted to the Department of Education;
 90 creating 1011.035, F.S.; requiring each school district to
 91 post budgetary information its website; amending s.
 92 1012.39, F.S.; revising provisions relating to the
 93 employment of nondegreed teachers of career education;
 94 requiring that qualifications be established for
 95 nondegreed teachers of career and technical education
 96 courses for state-recognized program clusters; providing
 97 effective dates.

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

101 Section 1. Paragraph (a) of subsection (4) of section
 102 1001.20, Florida Statutes, is amended to read:

103 1001.20 Department under direction of state board.—

104 (4) The Department of Education shall establish the
 105 following offices within the Office of the Commissioner of
 106 Education which shall coordinate their activities with all other
 107 divisions and offices:

108 (a) *Office of Technology and Information Services.*—

109 Responsible for developing a systemwide technology plan, making
 110 budget recommendations to the commissioner, providing data
 111 collection and management for the system, assisting school
 112 districts in securing Internet access and telecommunications

113 services, including those eligible for funding under the Schools
 114 and Libraries Program of the federal Universal Service Fund, and
 115 coordinating services with other state, local, and private
 116 agencies. The office shall develop a method to address the need
 117 for a statewide approach to planning and operations of library
 118 and information services to achieve a single K-20 education
 119 system library information portal and a unified higher education
 120 library management system. ~~The Florida Virtual School shall be~~
 121 ~~administratively housed within the office.~~

122 Section 2. Subsection (23) of section 1001.42, Florida
 123 Statutes, is amended to read:

124 1001.42 Powers and duties of district school board.—The
 125 district school board, acting as a board, shall exercise all
 126 powers and perform all duties listed below:

127 (23) FLORIDA VIRTUAL SCHOOL.—Provide students with access
 128 to ~~enroll in~~ courses available through the Florida Virtual
 129 School and award credit for successful completion of such
 130 courses. Access shall be available to students during and ~~or~~
 131 after the normal school day and through summer school
 132 enrollment.

133 Section 3. Section 1001.421, Florida Statutes, is created
 134 to read:

135 1001.421 Gifts.—Notwithstanding ss. 112.3148 and 112.3149,
 136 or any other provision of law to the contrary, school board
 137 members and their relatives as that term is defined in s.
 138 112.312(21), shall not solicit or accept, directly or
 139 indirectly, any gift as that term is defined in s. 112.312(12),

140 from any person, vendor, potential vendor, or other entity doing
 141 business with the school district.

142 Section 4. Paragraph (a) of subsection (1) of section
 143 1002.37, Florida Statutes, is amended to read:

144 1002.37 The Florida Virtual School.—

145 (1) (a) The Florida Virtual School is established for the
 146 development and delivery of online and distance learning
 147 education and ~~shall be administratively housed within the~~
 148 ~~Commissioner of Education's Office of Technology and Information~~
 149 ~~Services.~~ The Commissioner of Education shall monitor the
 150 school's performance and report its performance to the State
 151 Board of Education and the Legislature.

152
 153 The board of trustees of the Florida Virtual School shall
 154 identify appropriate performance measures and standards based on
 155 student achievement that reflect the school's statutory mission
 156 and priorities, and shall implement an accountability system for
 157 the school that includes assessment of its effectiveness and
 158 efficiency in providing quality services that encourage high
 159 student achievement, seamless articulation, and maximum access.

160 Section 5. Paragraph (f) is added to subsection (3) of
 161 section 1002.38, Florida Statutes, to read:

162 1002.38 Opportunity Scholarship Program.—

163 (3) SCHOOL DISTRICT OBLIGATIONS.—

164 (f) For purposes of this subsection, school grades for all
 165 schools shall be based upon statewide assessments administered
 166 pursuant to s. 1008.22.

167 Section 6. Paragraph (b) of subsection (2) of section

168 1002.45, Florida Statutes, is amended to read:

169 1002.45 School district virtual instruction programs.—

170 (2) PROVIDER QUALIFICATIONS.—

171 (b) An approved provider shall retain its approved status
 172 during the 3 school years ~~for a period of 3 years~~ after the date
 173 of the department's approval under paragraph (a) as long as the
 174 provider continues to comply with all requirements of this
 175 section.

176 Section 7. Subsection (1) and paragraph (c) of subsection
 177 (3) of section 1002.67, Florida Statutes, are amended to read:

178 1002.67 Performance standards; curricula and
 179 accountability.—

180 (1) By April 1, 2005, the department shall develop and
 181 adopt performance standards for students in the Voluntary
 182 Prekindergarten Education Program. The performance standards
 183 must address the age-appropriate progress of students in the
 184 development of:

185 (a) The capabilities, capacities, and skills required
 186 under s. 1(b), Art. IX of the State Constitution; and

187 (b) Emergent literacy skills, including oral
 188 communication, knowledge of print and letters, phonemic and
 189 phonological awareness, and vocabulary and comprehension
 190 development.

191 (c) The State Board of Education shall periodically review
 192 and revise the performance standards for the statewide
 193 kindergarten screening administered under s. 1002.69 and align
 194 the standards to the standards established by the board for the
 195 expectations of student performance on the statewide assessments

196 administered pursuant to s. 1008.22.

197 (3)

198 (c)1. If the kindergarten readiness rate of a private
 199 prekindergarten provider or public school falls below the
 200 minimum rate adopted by the State Board of Education as
 201 satisfactory under s. 1002.69(6), the early learning coalition
 202 or school district, as applicable, shall require the provider or
 203 school to submit an improvement plan for approval by the
 204 coalition or school district, as applicable, and to implement
 205 the plan.

206 2. If a private prekindergarten provider or public school
 207 fails to meet the minimum rate adopted by the State Board of
 208 Education as satisfactory under s. 1002.69(6) ~~for 2 consecutive~~
 209 ~~years~~, the early learning coalition or school district, as
 210 applicable, shall place the provider or school on probation and
 211 must require the provider or school to take certain corrective
 212 actions, including the use of a curriculum approved by the
 213 department under paragraph (2)(c).

214 3. A private prekindergarten provider or public school
 215 that is placed on probation must continue the corrective actions
 216 required under subparagraph 2., including the use of a
 217 curriculum approved by the department, until the provider or
 218 school meets the minimum rate adopted by the State Board of
 219 Education as satisfactory under s. 1002.69(6).

220 4. If a private prekindergarten provider or public school
 221 remains on probation for 2 consecutive years and fails to meet
 222 the minimum rate adopted by the State Board of Education as
 223 satisfactory under s. 1002.69(6) and is not granted a good cause

224 exemption by the department pursuant to s. 1002.69(7), the
 225 Agency for Workforce Innovation shall require the early learning
 226 coalition or the Department of Education shall require the
 227 school district to remove, as applicable, the provider or school
 228 from eligibility to deliver the Voluntary Prekindergarten
 229 Education Program and receive state funds for the program.

230 Section 8. Subsections (6) and paragraphs (b) and (c) of
 231 subsection (7) of section 1002.69, Florida Statutes, are amended
 232 to read:

233 1002.69 Statewide kindergarten screening; kindergarten
 234 readiness rates.—

235 (6) ~~(a)~~ The State Board of Education shall periodically
 236 adopt a minimum kindergarten readiness rate that, if achieved by
 237 a private prekindergarten provider or public school, would
 238 demonstrate the provider's or school's satisfactory delivery of
 239 the Voluntary Prekindergarten Education Program.

240 ~~(b) The minimum rate must not exceed the rate at which~~
 241 ~~more than 15 percent of the kindergarten readiness rates of all~~
 242 ~~private prekindergarten providers and public schools delivering~~
 243 ~~the Voluntary Prekindergarten Education Program in the state~~
 244 ~~would fall below the minimum rate.~~

245 (7)

246 (b) A private prekindergarten provider's or public
 247 school's request for a good cause exemption, or renewal of such
 248 an exemption, must be submitted to the state board in the manner
 249 and within the timeframes prescribed by the state board and must
 250 include the following:

251 1. Submission of data by the private prekindergarten

252 provider or public school which documents ~~on a standardized~~
 253 ~~assessment~~ the achievement and progress of the children served
 254 as measured by a standardized pre and post assessment approved
 255 by the department pursuant to paragraph (c)1.

256 2. Submission and review of data available from the
 257 respective early learning coalition or district school board,
 258 the Department of Children and Family Services, local licensing
 259 authority, or an accrediting association, as applicable,
 260 relating to the private prekindergarten provider's or public
 261 school's compliance with state and local health and safety
 262 standards.

263 3. Submission and review of data available to the
 264 department on the performance of the children served and the
 265 calculation of the private prekindergarten provider's or public
 266 school's kindergarten readiness rate.

267 (c) The State Board of Education shall adopt criteria for
 268 granting good cause exemptions. Such criteria shall include, but
 269 are not limited to:

270 1. Learning gains of children served in the Voluntary
 271 Prekindergarten Education Program by the private prekindergarten
 272 provider or public school. A provider seeking a good cause
 273 exemption shall have either the Early Learning Coalition or a
 274 department-approved second party administer a department-
 275 approved standardized assessment to each child in the
 276 prekindergarten provider's program within the first 30 days of
 277 each school year for which a good cause exemption is sought, and
 278 the provider shall administer a follow up assessment utilizing
 279 an approved standardized assessment to measure learning gains

280 for the year or summer, as appropriate. All data must be
 281 submitted to the department within 30 days of the administration
 282 of each assessment.

283 ~~2. Verification that the private prekindergarten provider~~
 284 ~~or public school serves at least twice the statewide percentage~~
 285 ~~of children with disabilities as defined in s. 1003.01(3)(a) or~~
 286 ~~children identified as limited English proficient as defined in~~
 287 ~~s. 1003.56.~~

288 ~~2.3.~~ Verification that local and state health and safety
 289 requirements are met.

290 Section 9. Subsection (1) of section 1003.4156, Florida
 291 Statutes, is amended to read:

292 1003.4156 General requirements for middle grades
 293 promotion.-

294 (1) ~~Beginning with students entering grade 6 in the 2006-~~
 295 ~~2007 school year,~~ Promotion from a school composed of middle
 296 grades 6, 7, and 8 requires that:

297 (a) The student must successfully complete academic
 298 courses as follows:

299 1. Three middle school or higher courses in English. These
 300 courses shall emphasize literature, composition, and technical
 301 text.

302 2. Three middle school or higher courses in mathematics.
 303 Each middle school must offer at least one high school level
 304 mathematics course for which students may earn high school
 305 credit. Successful completion of a high school level Algebra I
 306 or geometry course is not contingent upon the student's
 307 performance on the end-of-course assessment required under s.

308 | 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
 309 | school year, to earn high school credit for an Algebra I course,
 310 | a middle school student must pass the Algebra I end-of-course
 311 | assessment, and beginning with the 2012-2013 school year, to
 312 | earn high school credit for a geometry course, a middle school
 313 | student must pass the geometry end-of-course assessment.

314 | 3. Three middle school or higher courses in social
 315 | studies, one semester of which must include the study of state
 316 | and federal government and civics education. Beginning with
 317 | students entering grade 6 in the 2012-2013 school year, one of
 318 | these courses must be at least a one-semester civics education
 319 | course that a student successfully completes in accordance with
 320 | s. 1008.22(3)(c) and that includes the roles and
 321 | responsibilities of federal, state, and local governments; the
 322 | structures and functions of the legislative, executive, and
 323 | judicial branches of government; and the meaning and
 324 | significance of historic documents, such as the Articles of
 325 | Confederation, the Declaration of Independence, and the
 326 | Constitution of the United States.

327 | 4. Three middle school or higher courses in science.
 328 | Successful completion of a high school level Biology I course is
 329 | not contingent upon the student's performance on the end-of-
 330 | course assessment required under s. 1008.22(3)(c)2.a.(II).
 331 | However, beginning with the 2012-2013 school year, to earn high
 332 | school credit for a Biology I course, a middle school student
 333 | must pass the Biology I end-of-course assessment.

334 | 5. One course in career and education planning to be
 335 | completed in 7th or 8th grade. The course may be taught by any

336 member of the instructional staff; must include career
337 exploration using Florida CHOICES or a comparable cost-effective
338 program; must include educational planning using the online
339 student advising system known as Florida Academic Counseling and
340 Tracking for Students at the Internet website FACTS.org; and
341 shall result in the completion of a personalized academic and
342 career plan. The required personalized academic and career plan
343 must inform students of high school graduation requirements,
344 high school assessment and college entrance test requirements,
345 Florida Bright Futures Scholarship Program requirements, state
346 university and Florida college admission requirements, and
347 programs through which a high school student can earn college
348 credit, including Advanced Placement, International
349 Baccalaureate, Advanced International Certificate of Education,
350 dual enrollment, career academy opportunities, and courses that
351 lead to national industry certification.

352

353 A student with a disability, as defined in s. 1007.02(2), for
354 whom the individual education plan committee determines that the
355 end-of-course assessment cannot accurately measure the student's
356 abilities, taking into consideration all allowable
357 accommodations, shall have the end-of-course assessment results
358 waived for purposes of determining the student's course grade
359 and completing the requirements for middle grades promotion.

360 Each school must hold a parent meeting either in the evening or
361 on a weekend to inform parents about the course curriculum and
362 activities. Each student shall complete an electronic personal
363 education plan that must be signed by the student; the student's

364 instructor, guidance counselor, or academic advisor; and the
 365 student's parent. The Department of Education shall develop
 366 course frameworks and professional development materials for the
 367 career exploration and education planning course. The course may
 368 be implemented as a stand-alone course or integrated into
 369 another course or courses. The Commissioner of Education shall
 370 collect longitudinal high school course enrollment data by
 371 student ethnicity in order to analyze course-taking patterns.

372 (b) For each year in which a student scores at Level 1 on
 373 FCAT Reading, the student must be enrolled in and complete an
 374 intensive reading course the following year. Placement of Level
 375 2 readers in either an intensive reading course or a content
 376 area course in which reading strategies are delivered shall be
 377 determined by diagnosis of reading needs. The department shall
 378 provide guidance on appropriate strategies for diagnosing and
 379 meeting the varying instructional needs of students reading
 380 below grade level. Reading courses shall be designed and offered
 381 pursuant to the comprehensive reading plan required by s.
 382 1011.62(9). A middle grades student who scores at Level 1 or
 383 Level 2 on FCAT Reading, but who did not score below Level 3 in
 384 the previous 3 years may be granted an exemption from the
 385 reading remediation requirements. A student may be granted a 1-
 386 year exemption from intensive reading; however, the student must
 387 have an approved academic improvement plan already in place and
 388 signed by the appropriate school staff and a parent or guardian
 389 for the year that the exemption is granted.

390 (c) For each year in which a student scores at Level 1 or
 391 Level 2 on FCAT Mathematics, the student must receive

392 remediation the following year, which may be integrated into the
393 student's required mathematics course.

394 Section 10. Section 1003.4203, Florida Statutes, is
395 created to read:

396 1003.4203 Digital curriculum.—

397 (1) Each district school board, in consultation with the
398 district school superintendent, may develop and implement a
399 digital curriculum for students in grades 6 through 12 to enable
400 students to attain competencies in web communications and web
401 design. A digital curriculum may include web-based skills, web-
402 based core technologies, web design, use of digital technologies
403 and markup language to evidence competency in computer skills,
404 and use of web-based core technologies to design creative,
405 informational, and content standards for web-based digital
406 products that demonstrate proficiency in creating, publishing,
407 testing, monitoring, and maintaining a website.

408 (2) The digital curriculum instruction may be integrated
409 into middle school and high school subject area curricula or
410 offered as a separate course subject to available funding.

411 (3) The Department of Education shall develop a model
412 digital curriculum to serve as a guide for district school
413 boards in the development of a digital curriculum.

414 (4) A district school board may seek partnerships with
415 private businesses and consultants to offer classes and
416 instruction to teachers and students to assist the school
417 district in providing digital curriculum instruction.

418 Section 11. Subsection (2) of section 1003.428, Florida
419 Statutes, is amended to read:

420 1003.428 General requirements for high school graduation;
 421 revised.—

422 (2) The 24 credits may be earned through applied,
 423 integrated, and combined courses approved by the Department of
 424 Education. The 24 credits shall be distributed as follows:

425 (a) Sixteen core curriculum credits:

426 1. Four credits in English, with major concentration in
 427 composition, reading for information, and literature.

428 2. Four credits in mathematics, one of which must be
 429 Algebra I, a series of courses equivalent to Algebra I, or a
 430 higher-level mathematics course. Beginning with students
 431 entering grade 9 in the 2010-2011 school year, in addition to
 432 the Algebra I credit requirement, one of the four credits in
 433 mathematics must be geometry or a series of courses equivalent
 434 to geometry as approved by the State Board of Education.
 435 Beginning with students entering grade 9 in the 2010-2011 school
 436 year, the end-of-course assessment requirements under s.

437 1008.22(3)(c)2.a.(I) must be met in order for a student to earn
 438 the required credit in Algebra I. Beginning with students
 439 entering grade 9 in the 2011-2012 school year, the end-of-course
 440 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be
 441 met in order for a student to earn the required credit in
 442 geometry. Beginning with students entering grade 9 in the 2012-
 443 2013 school year, in addition to the Algebra I and geometry
 444 credit requirements, one of the four credits in mathematics must
 445 be Algebra II or a series of courses equivalent to Algebra II as
 446 approved by the State Board of Education.

447 3. Three credits in science, two of which must have a

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448 laboratory component. Beginning with students entering grade 9
449 in the 2011-2012 school year, one of the three credits in
450 science must be Biology I or a series of courses equivalent to
451 Biology I as approved by the State Board of Education. Beginning
452 with students entering grade 9 in the 2011-2012 school year, the
453 end-of-course assessment requirements under s.

454 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
455 the required credit in Biology I. Beginning with students
456 entering grade 9 in the 2013-2014 school year, one of the three
457 credits must be Biology I or a series of courses equivalent to
458 Biology I as approved by the State Board of Education, one
459 credit must be chemistry or physics or a series of courses
460 equivalent to chemistry or physics as approved by the State
461 Board of Education, and one credit must be an equally rigorous
462 course, as determined by the State Board of Education.

463 4. Three credits in social studies as follows: one credit
464 in United States history; one credit in world history; one-half
465 credit in economics; and one-half credit in United States
466 government.

467 5. One credit in fine or performing arts, speech and
468 debate, or a practical arts course that incorporates artistic
469 content and techniques of creativity, interpretation, and
470 imagination. Eligible practical arts courses shall be identified
471 through the Course Code Directory.

472 6. One credit in physical education to include integration
473 of health. Participation in an interscholastic sport at the
474 junior varsity or varsity level for two full seasons shall
475 satisfy the one-credit requirement in physical education if the

476 student passes a competency test on personal fitness with a
477 score of "C" or better. The competency test on personal fitness
478 must be developed by the Department of Education. A district
479 school board may not require that the one credit in physical
480 education be taken during the 9th grade year. Completion of one
481 semester with a grade of "C" or better in a marching band class,
482 in a physical activity class that requires participation in
483 marching band activities as an extracurricular activity, or in a
484 dance class shall satisfy one-half credit in physical education
485 or one-half credit in performing arts. This credit may not be
486 used to satisfy the personal fitness requirement or the
487 requirement for adaptive physical education under an individual
488 education plan (IEP) or 504 plan. Completion of 2 years in a
489 Reserve Officer Training Corps (R.O.T.C.) class, a significant
490 component of which is drills, shall satisfy the one-credit
491 requirement in physical education and the one-credit requirement
492 in performing arts. This credit may not be used to satisfy the
493 personal fitness requirement or the requirement for adaptive
494 physical education under an individual education plan (IEP) or
495 504 plan.

496 (b) Eight credits in electives.

497 1. For each year in which a student scores at Level 1 on
498 FCAT Reading, the student must be enrolled in and complete an
499 intensive reading course the following year. Placement of Level
500 2 readers in either an intensive reading course or a content
501 area course in which reading strategies are delivered shall be
502 determined by diagnosis of reading needs. The department shall
503 provide guidance on appropriate strategies for diagnosing and

504 meeting the varying instructional needs of students reading
 505 below grade level. Reading courses shall be designed and offered
 506 pursuant to the comprehensive reading plan required by s.
 507 1011.62(9).

508 2. For each year in which a student scores at Level 1 or
 509 Level 2 on FCAT Mathematics, the student must receive
 510 remediation the following year. These courses may be taught
 511 through applied, integrated, or combined courses and are subject
 512 to approval by the department for inclusion in the Course Code
 513 Directory.

514
 515 A high school student who scores at Level 1 or Level 2 on FCAT
 516 Reading but who did not score below Level 3 in the previous 3
 517 years may be granted an exemption from the intensive reading
 518 requirement. A student may be granted a 1-year exemption from
 519 intensive reading; however, the student must have an approved
 520 academic improvement plan already in place and signed by the
 521 school and a parent or guardian for the year the exemption is
 522 granted.

523 Section 12. Section 1003.493, Florida Statutes, is amended
 524 to read:

525 1003.493 Career and professional academies.—

526 (1) A "career and professional academy" is a research-
 527 based program that integrates a rigorous academic curriculum
 528 with an industry-specific curriculum aligned directly to
 529 priority workforce needs established by the regional workforce
 530 board. High school career and professional academies shall, and
 531 middle school career and professional academies may be offered

532 by public schools and school districts. The Florida Virtual
 533 School is encouraged to develop and offer rigorous career and
 534 professional courses as appropriate. Students completing high
 535 school career and professional academy programs must receive a
 536 standard high school diploma, the highest available industry
 537 certification, and opportunities to earn postsecondary credit if
 538 the academy partners with a postsecondary institution approved
 539 to operate in the state. Students completing a middle school
 540 career and professional academy program must have the
 541 opportunity to earn an industry certification, earn high school
 542 credit, and participate in career planning, job shadowing, and
 543 leadership-development opportunities.

544 (2) The goals of a career and professional academy are to:

545 (a) Increase student academic achievement and graduation
 546 rates through integrated academic and career curricula.

547 (b) Prepare graduating high school students to make
 548 appropriate choices relative to employment and future
 549 educational experiences.

550 (c) Focus on career preparation through rigorous academics
 551 and industry certification.

552 (d) Raise student aspiration and commitment to academic
 553 achievement and work ethics through relevant coursework.

554 (e) Support graduation requirements pursuant to s.
 555 1003.428 by providing creative, applied major areas of interest.

556 (f) Promote acceleration mechanisms, such as dual
 557 enrollment, articulated credit, or occupational completion
 558 points, so that students may earn postsecondary credit while in
 559 high school.

560 (g) Support the state's economy by meeting industry needs
561 for skilled employees in high-demand occupations.

562 (3) Existing career education courses may serve as a
563 foundation for the creation of a career and professional
564 academy. A career and professional academy may be offered as one
565 of the following small learning communities:

566 (a) A school-within-a-school career academy, as part of an
567 existing middle school or high school, that provides courses in
568 one occupational cluster. Students in the middle school or high
569 school are not required to be students in the academy.

570 (b) A total school configuration providing multiple
571 academies, each structured around an occupational cluster. Every
572 student in the school is in an academy.

573 (4) Each middle school or high school career and
574 professional academy must:

575 ~~(a)~~ provide a rigorous standards-based academic curriculum
576 integrated with a career curriculum. The curriculum must take
577 into consideration multiple styles of student learning; promote
578 learning by doing through application and adaptation; maximize
579 relevance of the subject matter; enhance each student's capacity
580 to excel; and include an emphasis on work habits and work
581 ethics.

582 (5) ~~(b)~~ Each middle school or high school career and
583 professional academy must include one or more partnerships with
584 postsecondary institutions, businesses, industry, employers,
585 economic development organizations, or other appropriate
586 partners from the local community. Such partnerships shall be
587 delineated in articulation agreements to provide for career-

588 based courses that earn postsecondary credit. Such agreements
 589 may include articulation between the academy and public or
 590 private 2-year and 4-year postsecondary institutions and
 591 technical centers. The Department of Education, in consultation
 592 with the Board of Governors, shall establish a mechanism to
 593 ensure articulation and transfer of credits to postsecondary
 594 institutions in this state. Such partnerships must provide
 595 opportunities for:

596 (a)1- Instruction from highly skilled professionals who
 597 possess industry-certification credentials for courses they are
 598 teaching.

599 (b)2- Internships, externships, and on-the-job training.

600 (c)3- A postsecondary degree, diploma, or certificate.

601 (d)4- The highest available level of industry
 602 certification.

603 (e)5- Maximum articulation of credits pursuant to s.
 604 1007.23 upon program completion.

605 (6)-(e) Each middle school or high school career and
 606 professional academy must:

607 (a) Provide shared, maximum use of private sector
 608 facilities and personnel.

609 (b)-(d) Provide personalized student advisement, including
 610 a parent-participation component, and coordination with middle
 611 schools to promote and support career exploration and education
 612 planning as required under s. 1003.4156. Coordination with
 613 middle schools must provide information to middle school
 614 students about secondary and postsecondary career education
 615 programs and academies.

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616 (c)~~(e)~~ Promote and provide opportunities for career and
617 professional academy students to attain, at minimum, the Florida
618 Gold Seal Vocational Scholars award pursuant to s. 1009.536.

619 (d)~~(f)~~ Provide instruction in careers designated as high
620 growth, high demand, and high pay by the local workforce
621 development board, the chamber of commerce, or the Agency for
622 Workforce Innovation.

623 (e)~~(g)~~ Deliver academic content through instruction
624 relevant to the career, including intensive reading and
625 mathematics intervention required by s. 1003.428, with an
626 emphasis on strengthening reading for information skills.

627 (f)~~(h)~~ Offer applied courses that combine academic content
628 with technical skills.

629 (g)~~(i)~~ Provide instruction resulting in competency,
630 certification, or credentials in workplace skills, including,
631 but not limited to, communication skills, interpersonal skills,
632 decisionmaking skills, the importance of attendance and
633 timeliness in the work environment, and work ethics.

634 (h)~~(j)~~ Provide opportunities for students to obtain the
635 Florida Ready to Work Certification pursuant to s. 1004.99, if
636 available.

637 (i)~~(k)~~ Include an evaluation plan developed jointly with
638 the Department of Education and the local workforce board. The
639 evaluation plan must include an assessment tool based on
640 national industry standards, such as the Career Academy National
641 Standards of Practice, and outcome measures, including, but not
642 limited to, achievement of national industry certifications
643 identified in the Industry Certification Funding List, pursuant

644 to rules adopted by the State Board of Education, graduation
 645 rates, enrollment in postsecondary education, business and
 646 industry satisfaction, employment and earnings, awards of
 647 postsecondary credit and scholarships, and student achievement
 648 levels and learning gains on statewide assessments administered
 649 under s. 1008.22(3)(c). The Department of Education shall use
 650 Workforce Florida, Inc., and Enterprise Florida, Inc., in
 651 identifying industry experts to participate in developing and
 652 implementing such assessments.

653 (j)~~(1)~~ Include a plan to sustain career and professional
 654 academies.

655 (k)~~(m)~~ Redirect appropriated career funding to career and
 656 professional academies.

657 (7)~~(5)~~ All high school career courses offered in a career
 658 and professional academy must lead to industry certification or
 659 college credit linked directly to the career theme of the
 660 course. Fifty ~~At least 50~~ percent of students enrolled in a
 661 career course must achieve industry certifications or college
 662 credits during the second year the course is offered in order
 663 for the course to be offered a third year. At least 66 percent
 664 of students enrolled in such a course must achieve industry
 665 certifications or college credits during the third year the
 666 course is offered in order for it to be offered a fourth year
 667 and thereafter.

668 (8) Each middle school career and professional academy's
 669 curriculum and coursework must be aligned with that of high
 670 school career and professional academies in the school district
 671 and include one or more partnerships with high schools,

672 businesses, industry, employers, economic development
673 organizations, or other appropriate partners from the local
674 community. Such partnerships must provide opportunities for:
675 (a) Instruction from highly skilled professionals who
676 possess industry-certification credentials for courses they are
677 teaching.
678 (b) Internships and externships.
679 (c) Maximum articulation of high school dual enrollment
680 credits upon program completion.
681 (d) Personalized student advisement, including a parent-
682 participation component, and coordination with high schools to
683 promote accelerated course credit
684 (e) Instruction in careers designated as high growth, high
685 demand, and high pay by the local workforce development board,
686 the chamber of commerce, or the Agency for Workforce Innovation.
687 (f) The delivery of academic content through instruction
688 that is relevant to a career, including intensive reading and
689 mathematics intervention required by s. 1003.428, along with an
690 emphasis on strengthening reading for information skills.
691 (g) Applied courses that combine academic content with
692 technical skills.
693 (h) Instruction resulting in competency, including, but
694 not limited to, communication skills, interpersonal skills,
695 decisionmaking skills, the importance of attendance and
696 timeliness in the work environment, and work ethics.
697 (i) An evaluation plan developed jointly with the
698 Department of Education and the local workforce board. The
699 Department of Education shall use Workforce Florida, Inc., and

700 Enterprise Florida, Inc., in identifying industry experts to
 701 participate in developing and implementing such assessments.

702 ~~(6) The Okaloosa County School District CHOICE Institutes~~
 703 ~~shall serve in an advisory role and shall offer technical~~
 704 ~~assistance in the development of newly established career and~~
 705 ~~professional academies for a 3-year period beginning July 1,~~
 706 ~~2007.~~

707 Section 13. Section 1003.575, Florida Statutes, is amended
 708 to read:

709 1003.575 Assistive technology devices; findings;
 710 interagency agreements.—Accessibility, utilization, and
 711 coordination of appropriate assistive technology devices and
 712 services are essential as a young person with disabilities moves
 713 from early intervention to preschool, from preschool to school,
 714 from one school to another, and from school to employment or
 715 independent living. Within 60 days of receiving a request for an
 716 assistive technology assessment, any school that has an
 717 individualized education plan team shall arrange to complete the
 718 assessment. To ensure that an assistive technology device issued
 719 to a young person as part of his or her individualized family
 720 support plan, individual support plan, or an individual
 721 education plan remains with the individual through such
 722 transitions, the following agencies shall enter into interagency
 723 agreements, as appropriate, to ensure the transaction of
 724 assistive technology devices:

725 (1) The Florida Infants and Toddlers Early Intervention
 726 Program in the Division of Children's Medical Services of the
 727 Department of Health.

728 (2) The Division of Blind Services, the Bureau of
 729 Exceptional Education and Student Services, and the Division of
 730 Vocational Rehabilitation of the Department of Education.

731 (3) The Voluntary Prekindergarten Education Program
 732 administered by the Department of Education and the Agency for
 733 Workforce Innovation.

734
 735 Interagency agreements entered into pursuant to this section
 736 shall provide a framework for ensuring that young persons with
 737 disabilities and their families, educators, and employers are
 738 informed about the utilization and coordination of assistive
 739 technology devices and services that may assist in meeting
 740 transition needs, and shall establish a mechanism by which a
 741 young person or his or her parent may request that an assistive
 742 technology device remain with the young person as he or she
 743 moves through the continuum from home to school to postschool.

744 Section 14. Effective upon this act becoming a law,
 745 subsection (2) and paragraph (c) of subsection (3) of section
 746 1008.22, Florida Statutes, are amended to read:

747 1008.22 Student assessment program for public schools.—

748 (2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—It
 749 is Florida's intent to participate in the measurement of
 750 national educational goals. The Commissioner of Education shall
 751 direct Florida school districts to participate in the
 752 administration of the National Assessment of Educational
 753 Progress, or a similar national or international assessment
 754 program, both for the national sample and for any state-by-state
 755 comparison programs which may be initiated. The assessments must

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756 be conducted using the data collection procedures, the student
757 surveys, the educator surveys, and other instruments included in
758 the National Assessment of Educational Progress or similar
759 national or international program being administered in Florida.
760 The results of these assessments shall be included in the annual
761 report of the Commissioner of Education specified in this
762 section, as applicable. The administration of the National
763 Assessment of Educational Progress or similar national or
764 international program shall be in addition to and separate from
765 the administration of the statewide assessment program.

766 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
767 design and implement a statewide program of educational
768 assessment that provides information for the improvement of the
769 operation and management of the public schools, including
770 schools operating for the purpose of providing educational
771 services to youth in Department of Juvenile Justice programs.
772 The commissioner may enter into contracts for the continued
773 administration of the assessment, testing, and evaluation
774 programs authorized and funded by the Legislature. Contracts may
775 be initiated in 1 fiscal year and continue into the next and may
776 be paid from the appropriations of either or both fiscal years.
777 The commissioner is authorized to negotiate for the sale or
778 lease of tests, scoring protocols, test scoring services, and
779 related materials developed pursuant to law. Pursuant to the
780 statewide assessment program, the commissioner shall:

781 (c) Develop and implement a student achievement testing
782 program as follows:

783 1. The Florida Comprehensive Assessment Test (FCAT)

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784 | measures a student's content knowledge and skills in reading,
785 | writing, science, and mathematics. The content knowledge and
786 | skills assessed by the FCAT must be aligned to the core
787 | curricular content established in the Next Generation Sunshine
788 | State Standards. Other content areas may be included as directed
789 | by the commissioner. Comprehensive assessments of reading and
790 | mathematics shall be administered annually in grades 3 through
791 | 10 except, beginning with the 2010-2011 school year, the
792 | administration of grade 9 FCAT Mathematics shall be
793 | discontinued, and beginning with the 2011-2012 school year, the
794 | administration of grade 10 FCAT Mathematics shall be
795 | discontinued, except as required for students who have not
796 | attained minimum performance expectations for graduation as
797 | provided in paragraph (9)(c). FCAT Writing and FCAT Science
798 | shall be administered at least once at the elementary, middle,
799 | and high school levels except, beginning with the 2011-2012
800 | school year, the administration of FCAT Science at the high
801 | school level shall be discontinued.

802 | 2.a. End-of-course assessments for a subject shall be
803 | administered in addition to the comprehensive assessments
804 | required under subparagraph 1. End-of-course assessments must be
805 | rigorous, statewide, standardized, and developed or approved by
806 | the department. The content knowledge and skills assessed by
807 | end-of-course assessments must be aligned to the core curricular
808 | content established in the Next Generation Sunshine State
809 | Standards.

810 | (I) Statewide, standardized end-of-course assessments in
811 | mathematics shall be administered according to this sub-sub-

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812 | subparagraph. Beginning with the 2010-2011 school year, all
813 | students enrolled in Algebra I or an equivalent course must take
814 | the Algebra I end-of-course assessment. ~~Students who earned high~~
815 | ~~school credit in Algebra I while in grades 6 through 8 during~~
816 | ~~the 2007-2008 through 2009-2010 school years and who have not~~
817 | ~~taken Grade 10 FCAT Mathematics must take the Algebra I end-of-~~
818 | ~~course assessment during the 2010-2011 school year.~~ For students
819 | entering grade 9 during the 2010-2011 school year and who are
820 | enrolled in Algebra I or an equivalent, each student's
821 | performance on the end-of-course assessment in Algebra I shall
822 | constitute 30 percent of the student's final course grade.
823 | Beginning with students entering grade 9 in the 2011-2012 school
824 | year, a student who is enrolled in Algebra I or an equivalent
825 | must earn a passing score on the end-of-course assessment in
826 | Algebra I or attain an equivalent score as described in
827 | subsection (11) in order to earn course credit. Beginning with
828 | the 2011-2012 school year, all students enrolled in geometry or
829 | an equivalent course must take the geometry end-of-course
830 | assessment. For students entering grade 9 during the 2011-2012
831 | school year, each student's performance on the end-of-course
832 | assessment in geometry shall constitute 30 percent of the
833 | student's final course grade. Beginning with students entering
834 | grade 9 during the 2012-2013 school year, a student must earn a
835 | passing score on the end-of-course assessment in geometry or
836 | attain an equivalent score as described in subsection (11) in
837 | order to earn course credit.

838 | (II) Statewide, standardized end-of-course assessments in
839 | science shall be administered according to this sub-sub-

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840 subparagraph. Beginning with the 2011-2012 school year, all
841 students enrolled in Biology I or an equivalent course must take
842 the Biology I end-of-course assessment. For the 2011-2012 school
843 year, each student's performance on the end-of-course assessment
844 in Biology I shall constitute 30 percent of the student's final
845 course grade. Beginning with students entering grade 9 during
846 the 2012-2013 school year, a student must earn a passing score
847 on the end-of-course assessment in Biology I in order to earn
848 course credit.

849 b. During the 2012-2013 school year, an end-of-course
850 assessment in civics education shall be administered as a field
851 test at the middle school level. During the 2013-2014 school
852 year, each student's performance on the statewide, standardized
853 end-of-course assessment in civics education shall constitute 30
854 percent of the student's final course grade. Beginning with the
855 2014-2015 school year, a student must earn a passing score on
856 the end-of-course assessment in civics education in order to
857 pass the course and be promoted from the middle grades ~~receive~~
858 ~~course credit.~~ The school principal of a middle school shall
859 determine, in accordance with State Board of Education rule,
860 whether a student who transfers to the middle school and who has
861 successfully completed a civics education course at the
862 student's previous school must take an end-of-course assessment
863 in civics education.

864 c. The commissioner may select one or more nationally
865 developed comprehensive examinations, which may include, but
866 need not be limited to, examinations for a College Board
867 Advanced Placement course, International Baccalaureate course,

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868 or Advanced International Certificate of Education course, or
869 industry-approved examinations to earn national industry
870 certifications identified in the Industry Certification Funding
871 List, pursuant to rules adopted by the State Board of Education,
872 for use as end-of-course assessments under this paragraph, if
873 the commissioner determines that the content knowledge and
874 skills assessed by the examinations meet or exceed the grade
875 level expectations for the core curricular content established
876 for the course in the Next Generation Sunshine State Standards.
877 The commissioner may collaborate with the American Diploma
878 Project in the adoption or development of rigorous end-of-course
879 assessments that are aligned to the Next Generation Sunshine
880 State Standards.

881 d. Contingent upon funding provided in the General
882 Appropriations Act, including the appropriation of funds
883 received through federal grants, the Commissioner of Education
884 shall establish an implementation schedule for the development
885 and administration of additional statewide, standardized end-of-
886 course assessments in English/Language Arts II, Algebra II,
887 chemistry, physics, earth/space science, United States history,
888 and world history. Priority shall be given to the development of
889 end-of-course assessments in English/Language Arts II. The
890 Commissioner of Education shall evaluate the feasibility and
891 effect of transitioning from the grade 9 and grade 10 FCAT
892 Reading and high school level FCAT Writing to an end-of-course
893 assessment in English/Language Arts II. The commissioner shall
894 report the results of the evaluation to the President of the
895 Senate and the Speaker of the House of Representatives no later

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896 than July 1, 2011.

897 3. The testing program shall measure student content
898 knowledge and skills adopted by the State Board of Education as
899 specified in paragraph (a) and measure and report student
900 performance levels of all students assessed in reading, writing,
901 mathematics, and science. The commissioner shall provide for the
902 tests to be developed or obtained, as appropriate, through
903 contracts and project agreements with private vendors, public
904 vendors, public agencies, postsecondary educational
905 institutions, or school districts. The commissioner shall obtain
906 input with respect to the design and implementation of the
907 testing program from state educators, assistive technology
908 experts, and the public.

909 4. The testing program shall be composed of criterion-
910 referenced tests that shall, to the extent determined by the
911 commissioner, include test items that require the student to
912 produce information or perform tasks in such a way that the core
913 content knowledge and skills he or she uses can be measured.

914 5. FCAT Reading, Mathematics, and Science and all
915 statewide, standardized end-of-course assessments shall measure
916 the content knowledge and skills a student has attained on the
917 assessment by the use of scaled scores and achievement levels.
918 Achievement levels shall range from 1 through 5, with level 1
919 being the lowest achievement level, level 5 being the highest
920 achievement level, and level 3 indicating satisfactory
921 performance on an assessment. For purposes of FCAT Writing,
922 student achievement shall be scored using a scale of 1 through 6
923 and the score earned shall be used in calculating school grades.

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924 A score shall be designated for each subject area tested, below
925 which score a student's performance is deemed inadequate. The
926 school districts shall provide appropriate remedial instruction
927 to students who score below these levels.

928 6. The State Board of Education shall, by rule, designate
929 a passing score for each part of the grade 10 assessment test
930 and end-of-course assessments. Any rule that has the effect of
931 raising the required passing scores may apply only to students
932 taking the assessment for the first time after the rule is
933 adopted by the State Board of Education. Except as otherwise
934 provided in this subparagraph and as provided in s.
935 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
936 passing score on grade 10 FCAT Reading and grade 10 FCAT
937 Mathematics or attain concordant scores as described in
938 subsection (10) in order to qualify for a standard high school
939 diploma.

940 7. In addition to designating a passing score under
941 subparagraph 6., the State Board of Education shall also
942 designate, by rule, a score for each statewide, standardized
943 end-of-course assessment which indicates that a student is high
944 achieving and has the potential to meet college-readiness
945 standards by the time the student graduates from high school.

946 8. Participation in the testing program is mandatory for
947 all students attending public school, including students served
948 in Department of Juvenile Justice programs, except as otherwise
949 prescribed by the commissioner. A student who has not earned
950 passing scores on the grade 10 FCAT as provided in subparagraph
951 6. must participate in each retake of the assessment until the

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952 student earns passing scores or achieves scores on a
953 standardized assessment which are concordant with passing scores
954 pursuant to subsection (10). If a student does not participate
955 in the statewide assessment, the district must notify the
956 student's parent and provide the parent with information
957 regarding the implications of such nonparticipation. A parent
958 must provide signed consent for a student to receive classroom
959 instructional accommodations that would not be available or
960 permitted on the statewide assessments and must acknowledge in
961 writing that he or she understands the implications of such
962 instructional accommodations. The State Board of Education shall
963 adopt rules, based upon recommendations of the commissioner, for
964 the provision of test accommodations for students in exceptional
965 education programs and for students who have limited English
966 proficiency. Accommodations that negate the validity of a
967 statewide assessment are not allowable in the administration of
968 the FCAT or an end-of-course assessment. However, instructional
969 accommodations are allowable in the classroom if included in a
970 student's individual education plan. Students using
971 instructional accommodations in the classroom that are not
972 allowable as accommodations on the FCAT or an end-of-course
973 assessment may have the FCAT or an end-of-course assessment
974 requirement waived pursuant to the requirements of s.
975 1003.428(8)(b) or s. 1003.43(11)(b).

976 9. A student seeking an adult high school diploma must
977 meet the same testing requirements that a regular high school
978 student must meet.

979 10. District school boards must provide instruction to

980 prepare students in the core curricular content established in
 981 the Next Generation Sunshine State Standards adopted under s.
 982 1003.41, including the core content knowledge and skills
 983 necessary for successful grade-to-grade progression and high
 984 school graduation. If a student is provided with instructional
 985 accommodations in the classroom that are not allowable as
 986 accommodations in the statewide assessment program, as described
 987 in the test manuals, the district must inform the parent in
 988 writing and must provide the parent with information regarding
 989 the impact on the student's ability to meet expected performance
 990 levels in reading, writing, mathematics, and science. The
 991 commissioner shall conduct studies as necessary to verify that
 992 the required core curricular content is part of the district
 993 instructional programs.

994 11. District school boards must provide opportunities for
 995 students to demonstrate an acceptable performance level on an
 996 alternative standardized assessment approved by the State Board
 997 of Education following enrollment in summer academies.

998 12. The Department of Education must develop, or select,
 999 and implement a common battery of assessment tools that will be
 1000 used in all juvenile justice programs in the state. These tools
 1001 must accurately measure the core curricular content established
 1002 in the Next Generation Sunshine State Standards.

1003 13. For students seeking a special diploma pursuant to s.
 1004 1003.438, the Department of Education must develop or select and
 1005 implement an alternate assessment tool that accurately measures
 1006 the core curricular content established in the Next Generation
 1007 Sunshine State Standards for students with disabilities under s.

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1003.438.

14. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. When establishing the schedules for the administration of statewide assessments, the commissioner shall consider the observance of religious and school holidays. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results for the FCAT must be made available no later than the week of June 8. Student results for end-of-course assessments must be provided no later than 1 week after the school district completes testing for each course. The commissioner may extend the reporting schedule under exigent circumstances.

b. ~~Beginning with the 2010-2011 school year,~~ FCAT Writing may ~~is~~ not be administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject may ~~is~~ not be administered earlier than the week of April 15.

c. A statewide, standardized end-of-course assessment is administered during a 3-week period at the end of the course.

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1036 The commissioner shall select a 3-week administration period for
 1037 assessments that meets the intent of end-of-course assessments
 1038 and provides student results prior to the end of the course.
 1039 School districts shall select 1 testing week within the 3-week
 1040 administration period for each end-of-course assessment. For an
 1041 end-of-course assessment administered at the end of the first
 1042 semester, the commissioner shall determine the most appropriate
 1043 testing dates based on a school district's academic calendar.

1044
 1045 The commissioner may, based on collaboration and input from
 1046 school districts, design and implement student testing programs,
 1047 for any grade level and subject area, necessary to effectively
 1048 monitor educational achievement in the state, including the
 1049 measurement of educational achievement of the Next Generation
 1050 Sunshine State Standards for students with disabilities.
 1051 Development and refinement of assessments shall include
 1052 universal design principles and accessibility standards that
 1053 will prevent any unintended obstacles for students with
 1054 disabilities while ensuring the validity and reliability of the
 1055 test. These principles should be applicable to all technology
 1056 platforms and assistive devices available for the assessments.
 1057 The field testing process and psychometric analyses for the
 1058 statewide assessment program must include an appropriate
 1059 percentage of students with disabilities and an evaluation or
 1060 determination of the effect of test items on such students.

1061 Section 15. Paragraph (b) of subsection (3) and subsection
 1062 (4) of section 1008.33, Florida Statutes, are amended to read:
 1063 1008.33 Authority to enforce public school improvement.-

1064 (3)
 1065 (b) For the purpose of determining whether a public school
 1066 requires action to achieve a sufficient level of school
 1067 improvement, the Department of Education shall annually
 1068 categorize a public school in one of six categories based on the
 1069 following:

1070 1. The portion of a school's grade based upon statewide
 1071 assessments administered pursuant to s. 1008.22; and

1072 2. school's grade, pursuant to s. 1008.34, and The level
 1073 and rate of change in student performance in the areas of
 1074 reading and mathematics, disaggregated into student subgroups as
 1075 described in the federal Elementary and Secondary Education Act,
 1076 20 U.S.C. s. 6311(b) (2) (C) (v) (II).

1077 (4) The Department of Education shall create a matrix that
 1078 reflects intervention and support strategies to address the
 1079 particular needs of schools in each category. For purposes of
 1080 this subsection, a school's grade shall be calculated in
 1081 accordance with paragraph (3) (b).

1082 (a) Intervention and support strategies shall be applied
 1083 to schools based upon the school categorization. The Department
 1084 of Education shall apply the most intense intervention
 1085 strategies to the lowest-performing schools. For all but the
 1086 lowest category and "F" schools in the second lowest category,
 1087 the intervention and support strategies shall be administered
 1088 solely by the districts and the schools.

1089 (b) Beginning with the school grades calculated in
 1090 accordance with paragraph (3) (b) for the 2010-2011 school year,
 1091 the lowest-performing schools are schools that have received:

1092 1. A grade of "F" in the most recent school year and in 4
 1093 of the last 6 years; or

1094 2. A grade of "D" or "F" in the most recent school year
 1095 and meet at least three of the following criteria:

1096 a. The percentage of students who are not proficient in
 1097 reading has increased when compared to measurements taken 5
 1098 years previously;

1099 b. The percentage of students who are not proficient in
 1100 mathematics has increased when compared to measurements taken 5
 1101 years previously;

1102 c. At least 65 percent of the school's students are not
 1103 proficient in reading; or

1104 d. At least 65 percent of the school's students are not
 1105 proficient in mathematics.

1106 Section 16. Subsection (3) of section 1008.34, Florida
 1107 Statutes, is amended to read:

1108 1008.34 School grading system; school report cards;
 1109 district grade.—

1110 (3) DESIGNATION OF SCHOOL GRADES.—

1111 (a) Each school that has students who are tested and
 1112 included in the school grading system shall receive a school
 1113 grade, except as follows:

1114 1. A school shall not receive a school grade if the number
 1115 of its students tested and included in the school grading system
 1116 is less than the minimum sample size necessary, based on
 1117 accepted professional practice, for statistical reliability and
 1118 prevention of the unlawful release of personally identifiable
 1119 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

1120 2. An alternative school may choose to receive a school
 1121 grade under this section or a school improvement rating under s.
 1122 1008.341. For charter schools that meet the definition of an
 1123 alternative school pursuant to State Board of Education rule,
 1124 the decision to receive a school grade is the decision of the
 1125 charter school governing board.

1126 3. A school that serves any combination of students in
 1127 kindergarten through grade 3 which does not receive a school
 1128 grade because its students are not tested and included in the
 1129 school grading system shall receive the school grade designation
 1130 of a K-3 feeder pattern school identified by the Department of
 1131 Education and verified by the school district. A school feeder
 1132 pattern exists if at least 60 percent of the students in the
 1133 school serving a combination of students in kindergarten through
 1134 grade 3 are scheduled to be assigned to the graded school.

1135 (b)1. A school's grade shall be based on a combination of:

1136 a. Student achievement scores, including achievement on
 1137 all FCAT assessments administered under s. 1008.22(3)(c)1., end-
 1138 of-course assessments administered under s. 1008.22(3)(c)2.a.,
 1139 and achievement scores for students seeking a special diploma.

1140 b. Student learning gains in reading and mathematics as
 1141 measured by FCAT and end-of-course assessments, as described in
 1142 s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking
 1143 a special diploma, as measured by an alternate assessment tool,
 1144 shall be included not later than the 2009-2010 school year.

1145 c. Improvement of the lowest 25th percentile of students
 1146 in the school in reading and mathematics on the FCAT or end-of-
 1147 course assessments described in s. 1008.22(3)(c)2.a., unless

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1148 these students are exhibiting satisfactory performance.

1149 2. Beginning with the 2011-2012 school year, for schools
1150 comprised of middle school grades 6 through 8 or grades 7 and 8,
1151 the schools' grade shall include the performance and
1152 participation of its students enrolled in high school level
1153 courses with end-of-course assessments administered under s.
1154 1008.22(3)(c)2.a. Performance and participation must be weighted
1155 equally.

1156 ~~3.2.~~ Beginning with the 2009-2010 school year for schools
1157 comprised of high school grades 9, 10, 11, and 12, or grades 10,
1158 11, and 12, 50 percent of the school grade shall be based on a
1159 combination of the factors listed in sub-subparagraphs 1.a.-c.
1160 and the remaining 50 percent on the following factors:

1161 a. The high school graduation rate of the school;
1162 b. As valid data becomes available, the performance and
1163 participation of the school's students in College Board Advanced
1164 Placement courses, International Baccalaureate courses, dual
1165 enrollment courses, and Advanced International Certificate of
1166 Education courses; and the students' achievement of national
1167 industry certification identified in the Industry Certification
1168 Funding List, pursuant to rules adopted by the State Board of
1169 Education;

1170 c. Postsecondary readiness of the school's students as
1171 measured by the SAT, ACT, or the common placement test;

1172 d. The high school graduation rate of at-risk students who
1173 scored at Level 2 or lower on the grade 8 FCAT Reading and
1174 Mathematics examinations;

1175 e. As valid data becomes available, the performance of the

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1176 school's students on statewide standardized end-of-course
1177 assessments administered under s. 1008.22(3)(c)2.b. and c.; and
1178 f. The growth or decline in the components listed in sub-
1179 subparagraphs a.-e. from year to year.

1180 (c) Student assessment data used in determining school
1181 grades shall include:

1182 1. The aggregate scores of all eligible students enrolled
1183 in the school who have been assessed on the FCAT and statewide,
1184 standardized end-of-course assessments in courses required for
1185 high school graduation, including, beginning with the 2010-2011
1186 school year, the end-of-course assessment in Algebra I; and
1187 beginning with the 2011-2012 school year, the end-of-course
1188 assessments in geometry and Biology; and beginning with the
1189 2013-2014 school year, on the statewide, standardized end-of-
1190 course assessment in civics education at the middle school
1191 level.

1192 2. The aggregate scores of all eligible students enrolled
1193 in the school who have been assessed on the FCAT and end-of-
1194 course assessments as described in s. 1008.22(3)(c)2.a., and who
1195 have scored at or in the lowest 25th percentile of students in
1196 the school in reading and mathematics, unless these students are
1197 exhibiting satisfactory performance.

1198 3. The achievement scores and learning gains of eligible
1199 students attending alternative schools that provide dropout
1200 prevention and academic intervention services pursuant to s.
1201 1003.53. The term "eligible students" in this subparagraph does
1202 not include students attending an alternative school who are
1203 subject to district school board policies for expulsion for

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1204 repeated or serious offenses, who are in dropout retrieval
1205 programs serving students who have officially been designated as
1206 dropouts, or who are in programs operated or contracted by the
1207 Department of Juvenile Justice. The student performance data for
1208 eligible students identified in this subparagraph shall be
1209 included in the calculation of the home school's grade. As used
1210 in this subparagraph ~~section~~ and s. 1008.341, the term "home
1211 school" means the school to which the student would be assigned
1212 if the student were not assigned to an alternative school. If an
1213 alternative school chooses to be graded under this section,
1214 student performance data for eligible students identified in
1215 this subparagraph shall not be included in the home school's
1216 grade but shall be included only in the calculation of the
1217 alternative school's grade. A school district that fails to
1218 assign the FCAT and end-of-course assessment as described in s.
1219 1008.22(3)(c)2.a. scores of each of its students to his or her
1220 home school or to the alternative school that receives a grade
1221 shall forfeit Florida School Recognition Program funds for 1
1222 fiscal year. School districts must require collaboration between
1223 the home school and the alternative school in order to promote
1224 student success. This collaboration must include an annual
1225 discussion between the principal of the alternative school and
1226 the principal of each student's home school concerning the most
1227 appropriate school assignment of the student.

1228 4. The achievement scores and learning gains of students
1229 designated as hospital or homebound. Student assessment data for
1230 students designated as hospital or homebound shall be assigned
1231 to their home school for the purposes of school grades. As used

1232 in this subparagraph, the term "home school" means the school to
 1233 which a student would be assigned if the student were not
 1234 assigned to a hospital or homebound program.

1235 ~~5.4.~~ For schools comprised of high school grades 9, 10,
 1236 11, and 12, or grades 10, 11, and 12, the data listed in
 1237 subparagraphs 1.-3. and the following data as the Department of
 1238 Education determines such data are valid and available:

1239 a. The high school graduation rate of the school as
 1240 calculated by the Department of Education;

1241 b. The participation rate of all eligible students
 1242 enrolled in the school and enrolled in College Board Advanced
 1243 Placement courses; International Baccalaureate courses; dual
 1244 enrollment courses; Advanced International Certificate of
 1245 Education courses; and courses or sequence of courses leading to
 1246 national industry certification identified in the Industry
 1247 Certification Funding List, pursuant to rules adopted by the
 1248 State Board of Education;

1249 c. The aggregate scores of all eligible students enrolled
 1250 in the school in College Board Advanced Placement courses,
 1251 International Baccalaureate courses, and Advanced International
 1252 Certificate of Education courses;

1253 d. Earning of college credit by all eligible students
 1254 enrolled in the school in dual enrollment programs under s.
 1255 1007.271;

1256 e. Earning of a national industry certification identified
 1257 in the Industry Certification Funding List, pursuant to rules
 1258 adopted by the State Board of Education;

1259 f. The aggregate scores of all eligible students enrolled

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1260 in the school in reading, mathematics, and other subjects as
1261 measured by the SAT, the ACT, and the common placement test for
1262 postsecondary readiness;

1263 g. The high school graduation rate of all eligible at-risk
1264 students enrolled in the school who scored at Level 2 or lower
1265 on the grade 8 FCAT Reading and Mathematics examinations;

1266 h. The performance of the school's students on statewide
1267 standardized end-of-course assessments administered under s.
1268 1008.22(3)(c)2.b. and c.; and

1269 i. The growth or decline in the data components listed in
1270 sub-subparagraphs a.-h. from year to year.

1271 (d) Notwithstanding the requirements in paragraphs (b) and
1272 (c), beginning with the 2011-2012 school year, a school that
1273 does not meet the minimum percentage of students proficient in
1274 reading, established by rule of the State Board of Education
1275 pursuant to s. 120.54, shall receive a school grade of "F,"
1276 unless granted an exception by the department based upon
1277 significant gains in reading proficiency from the prior year, as
1278 defined by rule. The State Board of Education shall adopt rules
1279 pursuant to s. 120.54 to establish the minimum percentage and
1280 define the exception.

1281
1282 The State Board of Education shall adopt appropriate criteria
1283 for each school grade. The criteria must also give added weight
1284 to student achievement in reading. Schools designated with a
1285 grade of "C," making satisfactory progress, shall be required to
1286 demonstrate that adequate progress has been made by students in
1287 the school who are in the lowest 25th percentile in reading and

1288 mathematics on the FCAT and end-of-course assessments as
 1289 described in s. 1008.22(3)(c)2.a., unless these students are
 1290 exhibiting satisfactory performance. Beginning with the 2009-
 1291 2010 school year for schools comprised of high school grades 9,
 1292 10, 11, and 12, or grades 10, 11, and 12, the criteria for
 1293 school grades must also give added weight to the graduation rate
 1294 of all eligible at-risk students, as defined in this paragraph.
 1295 Beginning in the 2009-2010 school year, in order for a high
 1296 school to be designated as having a grade of "A," making
 1297 excellent progress, the school must demonstrate that at-risk
 1298 students, as defined in this paragraph, in the school are making
 1299 adequate progress.

1300 Section 17. Paragraph (a) of subsection (3) of section
 1301 1011.01, Florida Statutes, is amended to read:

1302 1011.01 Budget system established.—

1303 (3)(a) Each district school board and each community
 1304 college board of trustees shall prepare, adopt, and submit to
 1305 the Commissioner of Education ~~for review~~ an annual operating
 1306 budget. Operating budgets shall be prepared and submitted in
 1307 accordance with the provisions of law, rules of the State Board
 1308 of Education, the General Appropriations Act, and for district
 1309 school boards in accordance with the provisions of ss. 200.065
 1310 and 1011.64.

1311 Section 18. Subsection (4) of section 1011.03, Florida
 1312 Statutes, is amended to read:

1313 1011.03 Public hearings; budget to be submitted to
 1314 Department of Education.—

1315 (4) The board shall hold public hearings to adopt

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1316 tentative and final budgets pursuant to s. 200.065. The hearings
1317 shall be primarily for the purpose of hearing requests and
1318 complaints from the public regarding the budgets and the
1319 proposed tax levies and for explaining the budget and proposed
1320 or adopted amendments thereto, if any. The district school board
1321 shall then require the superintendent to transmit forthwith two
1322 copies of the adopted budget to the Department of Education ~~for~~
1323 ~~approval~~ as prescribed by law and rules of the State Board of
1324 Education.

1325 Section 19. Section 1011.035, Florida Statutes, is created
1326 to read:

1327 1011.035—School district budget transparency.—

1328 (1) It is important for school districts to provide
1329 budgetary transparency to enable taxpayers, parents, and
1330 education advocates to obtain school district budget and related
1331 information in a manner that is simply explained and easily
1332 understandable. Financial transparency leads to more responsible
1333 spending, more citizen involvement, and improved accountability.
1334 A budget that is not transparent, accessible, and accurate
1335 cannot be properly analyzed, its implementation thoroughly
1336 monitored, or its outcomes evaluated.

1337 (2) Each district school board shall post on its website
1338 its plain language version of each proposed, tentative, and
1339 official budget that describes each budget item in terms that
1340 are easily understandable to the public. This information must
1341 be prominently posted on the school district's website in a
1342 manner that is readily accessible to the public.

1343 (3) Each district school board is encouraged to post the

1344 following information on its website:

1345 (a) Timely information as to when a budget hearing will be

1346 conducted.

1347 (b) Each contract between the district school board and

1348 the teachers' union.

1349 (c) Each contract between the district school board and

1350 noninstructional staff.

1351 (d) Each contract exceeding \$35,000 between the school

1352 board and a vendor of services, supplies, or programs; or a

1353 contract for the purchase or lease of lands, facilities, or

1354 properties.

1355 (e) Each contract over \$35,000 that was an emergency

1356 procurement or a contract with a single source as authorized

1357 under s. 287.057(3).

1358 (f) Recommendations of the citizens' budget advisory

1359 committee.

1360 (g) Current and archived video recordings of each district

1361 school board meeting and workshop.

1362 (4) The website should contain links:

1363 (a) To help explain or provide background information on

1364 various budget items that are required by state or federal law.

1365 (b) To allow users to navigate to related sites to view

1366 supporting detail.

1367 (c) To enable taxpayers, parents, and education advocates

1368 to send e-mails asking questions about the budget and to enable

1369 others to see the questions and responses.

1370 Section 20. Subsection (1) of section 1012.39, Florida

1371 Statutes, is amended to read:

1372 1012.39 Employment of substitute teachers, teachers of
 1373 adult education, nondegreed teachers of career education, and
 1374 career specialists; students performing clinical field
 1375 experience.—

1376 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
 1377 1012.57, or any other provision of law or rule to the contrary,
 1378 each district school board shall establish the minimal
 1379 qualifications for:

1380 (a) Substitute teachers to be employed pursuant to s.
 1381 1012.35. The qualifications shall require the filing of a
 1382 complete set of fingerprints in the same manner as required by
 1383 s. 1012.32; documentation of a minimum education level of a high
 1384 school diploma or equivalent; and completion of an initial
 1385 orientation and training program in district policies and
 1386 procedures addressing school safety and security procedures,
 1387 educational liability laws, professional responsibilities, and
 1388 ethics.

1389 (b) Part-time and full-time teachers in adult education
 1390 programs. The qualifications shall require the filing of a
 1391 complete set of fingerprints in the same manner as required by
 1392 s. 1012.32. Faculty employed solely to conduct postsecondary
 1393 instruction may be exempted from this requirement.

1394 (c) Part-time and full-time nondegreed teachers of career
 1395 programs. Qualifications shall be established for nondegreed
 1396 teachers of career and technical education courses for program
 1397 clusters that are recognized in the state and agriculture,
 1398 business, health occupations, family and consumer sciences,
 1399 industrial, marketing, career specialist, and public service

1400 ~~education teachers,~~ based primarily on successful occupational
 1401 experience rather than academic training. The qualifications for
 1402 such teachers shall require:

1403 1. The filing of a complete set of fingerprints in the
 1404 same manner as required by s. 1012.32. Faculty employed solely
 1405 to conduct postsecondary instruction may be exempted from this
 1406 requirement.

1407 2. Documentation of education and successful occupational
 1408 experience including documentation of:

1409 a. A high school diploma or the equivalent.

1410 b. Completion of 6 years of full-time successful
 1411 occupational experience or the equivalent of part-time
 1412 experience in the teaching specialization area. Alternate means
 1413 of determining successful occupational experience may be
 1414 established by the district school board.

1415 c. Completion of career education training conducted
 1416 through the local school district inservice master plan.

1417 d. For full-time teachers, completion of professional
 1418 education training in teaching methods, course construction,
 1419 lesson planning and evaluation, and teaching special needs
 1420 students. This training may be completed through coursework from
 1421 an accredited or approved institution or an approved district
 1422 teacher education program.

1423 e. Demonstration of successful teaching performance.

1424 f. Documentation of industry certification when state or
 1425 national industry certifications are available and applicable.

1426 Section 21. Except as otherwise expressly provided in this
 1427 act and except for this section, which shall take effect upon

PCS FOR HB 1255

ORIGINAL

2011

1428 | becoming a law, this act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1255
SPONSOR(S): K-20 Competitiveness Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Competitiveness Subcommittee		Valenstein <i>JBV</i>	Ahearn <i>JA</i>

SUMMARY ANALYSIS

This bill amends various provisions of the Florida School Code related to public school accountability. More specifically the bill:

- Amends the good cause exemption for voluntary prekindergarten program providers.
- Expands access to virtual education by requiring school districts to provide access both during and after school, rather than one or the other.
- Authorizes the Commissioner of Education to require school districts to participate in the administration of international assessments.
- Provides the Commissioner of Education limited flexibility to extend the schedule for reporting student results on statewide assessments.
- Eliminates the requirement that certain students take the Algebra I end-of-course assessment.
- Establishes a limited exemption from the intensive reading course requirement for certain students.
- Amends the formula for calculating school grades to include end-of-course assessments taken by middle school students and the achievement score and learning gains of students in a hospital homebound program.
- Establishes, by State Board of Education rule, a minimum percentage of students that must be proficient in reading in order not to receive a school grade of "F," with exception.
- Amends how school grades are determined for purposes of differentiated accountability and eligibility for the Opportunity Scholarship Program.
- Establishes a waiver from the results of end-of-course assessments for certain students.
- Authorizes a middle school principal to determine if a transfer student who has already successfully completed a civics education course needs to take the civics end-of-course assessment.
- Authorizes school districts to provide digital curriculum for students in grades 6 through 12.
- Authorizes the establishment of middle school Career and Professional Academies.
- Requires industry certification, when available, for certain career and technical education teachers.
- Requires individualized education plan teams to arrange to complete an assistive technology assessment within 60 days.
- Eliminates the requirement that the Commissioner of Education review the budgets for school districts and Florida College System institutions.
- Eliminates the requirement for Department of Education approval of the budgets for district school boards.
- Establishes budget transparency by requiring school districts to post each proposed, tentative, and official budget on their websites and encouraging school districts to provide additional information on their websites.
- Establishes a gift ban for school board members.

This bill does not appear to have a fiscal impact.

This bill provides an effective date of July 1, 2011, except as otherwise expressly provided.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

This bill amends various provisions of the Florida School Code related to public school accountability, described below in further detail.

Voluntary Prekindergarten Education Program

Current Law

In 2002, the Florida voters amended the State Constitution to require the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year. In 2004, the Legislature established the Voluntary Prekindergarten Education (VPK) Program. The VPK program is a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.¹ A child must be a Florida resident and attain four years of age on or before September 1 of the academic year to be eligible for the VPK program. Parents may choose either a school year or summer program offered by either a private or public school provider. The child remains eligible for the VPK program until he or she is eligible for kindergarten in a public school or is admitted to kindergarten, whichever occurs first.² A child may not attend the summer VPK program earlier than the summer immediately before the academic year in which the child becomes eligible for kindergarten.³

Within the first 30 days of an academic year, school districts must screen each kindergarten student to determine his or her readiness for kindergarten. From the results of this screening, the kindergarten readiness rate is calculated for each VPK provider. The kindergarten readiness rate is the percentage of students that participated in the provider's VPK program that are deemed ready for kindergarten. Currently, the readiness rate may not be set higher than a rate below which 15 percent of the VPK providers would fall.⁴

If a provider falls below the minimum readiness rate the provider must submit and implement an improvement plan. If the provider then falls below the minimum readiness rate for two consecutive years, the provider is placed on probation and is required to take certain corrective actions, including using curriculum approved by the Department of Education (DOE).⁵ If a provider remains on probation for two consecutive years without receiving a good cause exemption, the provider loses eligibility to deliver the VPK program and may no longer receive state funds for the program.⁶

A good cause exemption may be granted for a provider that meets certain criteria established by the State Board of Education (SBE). A provider may receive an exemption if it can show learning gains of children served in the VPK program, if the provider has served at least twice the statewide percentage of children with disabilities or children identified as limited English proficient, and if the provider shows that local and state health and safety requirements are met. A provider must still implement its improvement plan and continue necessary corrective actions after receiving a good cause exemption.⁷

¹ Section 1, ch. 2004-484, L.O.F., part V, ch. 1002, F.S., s. 1(b) and (c), Art. IX of the State Constitution.

² Section 1002.53, F.S.

³ Section 1002.61(2)(c), F.S.

⁴ Section 1002.69(6)(b), F.S.

⁵ Section 1002.67(3)(c), F.S.

⁶ Section 1002.69(7), F.S.

⁷ Section 1002.69(7)(b), F.S.

Effect of Bill

The bill requires the SBE to periodically review and revise the performance standards for statewide kindergarten screening. The SBE must align these standards to the standards for the expectations of student performance on statewide assessments.

The bill requires a VPK provider to be placed on probation if it fails to meet the minimum kindergarten readiness rate established by the State Board of Education. Previously, a provider had to fail to meet the standards for two consecutive years. This will require providers to begin corrective actions sooner and will thus improve the quality of VPK providers.

The bill eliminates the restrictions placed on increasing the kindergarten readiness rates and the requirement that no more than 15 percent of the VPK providers can fall below the minimum readiness rate. The readiness rates may now be increased regardless of how many public and private VPK providers will fail to meet them.

The bill amends the criteria the SBE may use to grant good cause exemptions for public and private VPK providers by eliminating the exemption for providers serving at least twice the statewide percentage of children with disabilities or children identified as limited English proficient. However, the bill establishes a good cause exemption to a provider if the provider submits data, in accordance with the criteria established by the SBE, which documents the achievement and progress of the children served, as measured by a standardized pre and post assessment approved by the DOE. The pre assessment must be administered by either the Early Learning Coalition or a second party approved by the DOE. The assessment must be approved by the DOE and administered within the first 30 days of each school year for which a good cause exemption is sought. The provider must also administer a post assessment to measure learning gains for the year or the summer, as appropriate. Providers must submit this data to the DOE within 30 days of the administration of each assessment. This change shifts the emphasis for a good cause exemption from simply what types of students a provider has (inputs) to how much student learning has occurred (outputs).

Virtual Education

Current Law

The Florida Virtual School (FLVS) is a public online school providing students with virtual education options, offering over 100 courses in core subjects, world languages, electives, honors, and Advanced Placement.⁸ The FLVS offers individual course enrollments to all Florida students in grades 6 through 12, including public school, private school, and home education students.⁹ School districts are required to provide students with access to enroll in courses available through the FLVS during or after the normal school day and through summer school enrollment.

The FLVS is currently required to be administratively housed within the Office of Technology and Information Services (OTIS) within the DOE. The OTIS is responsible for developing a systemwide technology plan and assisting school districts in securing Internet access and telecommunications services, among other things.¹⁰ A board of trustees appointed by the governor governs the FLVS. The performance of FLVS is monitored by the Commissioner of Education and reported to the State Board of Education (SBE) and the Legislature.¹¹

Virtual education is also provided through school district virtual instruction programs. These programs of instruction provide an interactive learning environment created through technology in which students

⁸ See s. 1002.37, F.S.; see also Florida Department of Education, Florida Public Virtual Schools, *FLVS FAQ*, <http://www.fldoe.org/Schools/virtual-schools/faqs.asp> (last visited March 17, 2011).

⁹ *Id.*

¹⁰ Sections 1001.02 and 1002.37, F.S.

¹¹ Section 1002.37(1) and (2), F.S.

are separated from their teachers by time or space, or both.¹² Each school district is required to provide a full-time virtual instruction program for students in kindergarten through grade 12 and a full-time or part-time virtual instruction program for students in grades 9 through 12 enrolled in dropout prevention and academic intervention programs, Department of Juvenile Justice programs, core-curricula courses to meet class size requirements, or community colleges offering a school district virtual instruction program.¹³

In order to provide the required virtual instruction program a school district may contract with the FLVS or establish a franchise of the FLVS; contract with a provider approved by the DOE; contract with a Florida College System institution; or enter into an agreement with another school district to allow its students to participate in a virtual instruction program provided by the other school district.

A provider approved by the DOE is required to be nonsectarian, comply with antidiscrimination provisions, require all instructional staff to be Florida-certified teachers, conduct background screenings for all employees or contracted personnel, have prior successful experience offering online courses to K-12 students, and be accredited by a specified accrediting agency. Once a provider is approved, it retains its approved status for a period of three years after the date of the DOE's approval as long as the provider continues to comply with program requirements.¹⁴

Effect of Bill

The bill eliminates the requirement that the FLVS be administratively housed in the OTIS within the DOE.

The bill also changes the requirement that a school district provide students access to enroll in FLVS courses during or after the school day by requiring school districts to provide students access to FLVS courses during and after the normal school day. This change increases a student's access to the FLVS.

The bill amends the length of time a virtual instruction provider maintains its approved provider status. Virtual instruction providers approved by DOE are currently approved for a period of 3 years from the date of approval. The bill changes that to "3 school years" after the date of approval. Since providers are currently approved in February, changing the length of approved provider status to correlate with the school year will prevent the loss of approved provider status in the middle of a school year.

Assessments

Current Law

The Commissioner of Education is required to direct Florida school districts to participate in the administration of the National Assessment of Educational Progress (NAEP), or a similar national assessment program.¹⁵

The commissioner is also required to design and implement a statewide program of educational assessment. As part of this responsibility, the commissioner is required to establish schedules for the administration of the assessments and the reporting of student test results. The commissioner is required to consider religious and school holidays when establishing the schedules. Currently, the schedule for reporting student test results on the FCAT is no later than the week of June 8 and for end-of-course assessment results no later than a week after the school district completes testing for each course.

¹² Section 1002.45(1)(a), F.S.

¹³ Section 1002.45(1)(b)2., F.S.

¹⁴ Section 1002.45(2), F.S.

¹⁵ Section 1008.22(2), F.S.

Effect of Bill

The bill authorizes the commissioner to direct school districts to participate in the administration of an international assessment in addition to the administration of the NAEP. This will authorize the commissioner to direct school districts to participate in assessments like the Program for International Student Assessment and the Trends in International Mathematics and Science Study assessment.

The bill provides the commissioner limited flexibility with the reporting schedule of student test results by authorizing the commissioner to extend the reporting schedule under exigent circumstances.

Algebra I End of Course Assessment Exemption

Current Law

Beginning in the 2011-12 school year, entering ninth grade students must take and pass the statewide end-course-assessment (EOC) for Algebra I, to earn course credit.¹⁶ Although students have been required to take and pass Algebra I to earn high school credit, students were not previously required to take and pass an EOC associated with the course.¹⁷

Beginning in the 2010-11 school year, there will no longer be a ninth grade Mathematics FCAT and beginning in the 2011-12 school year, there will no longer be a tenth grade Mathematics FCAT.¹⁸ Federal law requires that all public school students be tested in reading and mathematics at least once at the elementary, middle, and high school level.¹⁹ To comply with the federal law, a high school student who earned high school credit for Algebra I while in middle school in the 2007-08 through 2009-10 school years and who would not be able to take the tenth grade Mathematics FCAT because of its discontinuance are required to take the Algebra I EOC.²⁰ This provision was enacted to satisfy the federal testing requirements. The DOE estimates that approximately 39,600 students completed Algebra I in the middle grades, and will not take the 10th grade Mathematics FCAT; therefore they would be required to take the Algebra I EOC in May 2010.²¹

Although students who take high school level courses in the middle grades will, most likely, enroll in sequentially more rigorous courses, some school districts raised concerns that the lapse in time between taking the course in middle school and sitting for the EOC assessment in high school would be unfair. In addition, these students will have already earned their course credit in Algebra I and do not need to pass the EOC assessment to earn course credit or graduate from high school. Accordingly, there were concerns that these students had no reason to perform well, yet their test results would be included in the school's grade. As a result, the Department of Education submitted a request to the U.S. Department of Education for a waiver from the federal law for the specific cohort of students who are affected. The waiver was granted on January 19, 2011.²²

Effect of Bill

This bill eliminates the requirement that all students who took Algebra I in middle school during the 2007-08 through 2009-10 school years take the EOC assessment in the 2010-11 school year. These students are no longer required to take the EOC assessment because the DOE obtained a waiver from the U.S. Department of Education. Without removing this requirement, approximately 39,600 students will unnecessarily be required to take the Algebra I EOC assessment in May.

¹⁶ s. 1008.22(3)(c) 2.a.(I), F.S.

¹⁷ s. 1008.22(3)(c)2.a.(I), F.S.

¹⁸ s. 1008.22(3)(c)1., F.S.

¹⁹ See s. 1111(b)(3)(C)(v)(I)(cc) of the Elementary and Secondary Education Act (ESEA), available at, <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html>.

²⁰ s. 1008.22(3)(c)2.a.(I), F.S.

²¹ Email, Florida Department of Education, on file with the committee.

²² Letter to Commissioner of Education Eric Smith from the Assistant Secretary of the U.S. Department of Education, on file with the committee.

This provision will take effect upon becoming law.

Intensive Reading Course Exemption

Current Law

Students in grades 6 through 12 who score a Level 1 on FCAT Reading must be enrolled in and complete an intensive reading course the following year. The reading needs of a student that scores a Level II on FCAT Reading must be assessed to determine whether the student needs to be placed in an intensive reading course or a content area course in which reading strategies are delivered.

Effect of Bill

The bill provides an exemption for a student who scores a Level 1 or 2 on FCAT Reading from the intensive reading requirement, so long as the student has not scored below Level 3 on FCAT Reading in the previous three years. The bill requires the student to have an approved academic improvement plan already in place and signed by the school and a parent or guardian for the year the exemption is granted. This change allows a student to avoid taking an intensive reading course when one test result is out of the ordinary.

School Grades

Current Law

School grades for public schools in Florida are determined each year based upon a point system. The school's points are based upon student achievement and annual learning gains.²³ Middle school grades are currently based upon student scores on the FCAT in Reading, Mathematics, Science, and Writing. Beginning in the 2013-14 school year, middle school grades will also include the aggregate scores of all eligible students enrolled in the school who have been assessed on the civics education end-of-course (EOC) examination.

Beginning in the 2009-10 school year, the calculation for high school grades incorporated other factors in addition to student achievement and annual learning gains. These factors include a high school's graduation rate; a high school's graduation rate of certain at-risk students; and student performance and participation in Advanced Placement, International Baccalaureate, dual enrollment, and Advanced International Certificate of Education courses.²⁴

The school grading formula does not include, for the "home school"²⁵ student achievement and annual learning gains for its students attending a hospital homebound program. The assessment data is assigned to the hospital homebound program, not the home school to which the student is assigned.

The grade a school receives is used to determine categories of differentiated accountability and eligibility for the Opportunity Scholarship Program (OSP). Differentiated accountability is a system of categorizing schools based upon student achievement and determining appropriate interventions. Each category is based upon the school's grade, progress towards adequate yearly progress under the federal No Child Left Behind requirements, and changes in student performance. School grades are also used to determine if a child is eligible for an Opportunity Scholarship. The OSP provides parents whose children are assigned to a school that has received an "F" twice in a four-year period the opportunity to send their children to a higher performing school.

²³ Section 1008.34, F.S.; rule 6A-1.09981, F.A.C.

²⁴ Section 1008.34

²⁵ Home school refers to the school where the student is zoned.

Effect of Bill

The bill requires the school grade for schools comprised of middle school grades 6 through 8 or grades 7 and 8, to include the performance and participation of its students enrolled in high school level courses with end-of-course assessments. The performance and participation of students in these courses must be weighted equally in the calculation of school grades.

The bill also requires the achievement score and learning gains of a student designated as hospital or homebound to be assigned to that student's home school. A home school is defined as the school the student would be assigned if the student were not assigned to a hospital or homebound program.

The bill requires a school to receive a school grade of "F," unless it meets a minimum percentage of students proficient in reading. In addition, the bill allows the DOE to grant an exception if the school made significant gains in reading proficiency from the prior year. The SBE must establish the minimum percentage required to receive an exception.

The bill changes how school grades are determined for purposes of differentiated accountability. The bill requires high school grades to be based solely upon the portion of school's grade derived from statewide assessments, including the FCAT and end-of-course assessments, and the level and rate of change in student performance in the areas of reading and mathematics. The formula for calculating high school grades changed in the 2009-10 school year to incorporate other factors, including high school graduation rates and student participation and performance in certain accelerated courses. Because of the additional factors included in the high school grading formula, the DOE will not be able to categorize schools until after the following school year begins. Accordingly, by changing the law to focus on statewide assessment results, which are provided before the end of the school year, a school may be more quickly categorized. This allows the DOE, school districts, and schools to more timely provide the necessary type and intensity of intervention for schools in need of improvement.

The bill changes how school grades are determined for purposes of the OSP. The bill requires high school grades to be based solely upon student achievement and annual learning gains to determine eligibility for the OSP. Because incorporating the additional factors into the high school grading formula takes more time, a parent must wait until as late as November to determine if their child is eligible to participate in the OSP. Changing how the school grades are calculated for the OSP will allow parents to decide if they want their child to participate in the OSP before the school year begins.

Middle Grades Promotion

Current Law

In order for students to be promoted to high school, the student must successfully complete three middle school or higher courses in English, mathematics, science, and social studies, including one semester of state and federal government and civics education, and one course in career and education planning to be completed in grades 7 or 8.²⁶ Beginning in the 2012-13 school year, the required civics course must include an end-of-course assessment. By the 2014-15 school year, all students must pass the civics EOC assessment to pass the course and receive course credit.²⁷

Effect of Bill

The bill authorizes the individual education plan (IEP) committee to waive the EOC assessment results for students with disabilities.²⁸ The IEP committee must determine that the EOC assessment cannot

²⁶ Section 1003.4156, F.S.

²⁷ Section 1008.22(3)(c), F.S.

²⁸ To be eligible for this waiver, a student must be documented as having an intellectual disability, a hearing impairment, including deafness, a speech or language impairment, a visual impairment, including blindness, an emotional or behavioral disability, an orthopedic or other health impairment, an autism spectrum disorder, a traumatic brain injury, or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia, s. 1007.02(2), F.S.

accurately measure the student's abilities even after considering all allowable accommodations. This exemption will allow middle grade students with disabilities the opportunity to pass a course and receive course credit without passing the EOC assessment; however, the student is still required to take the assessment. The waiver only exempts the student from passing the EOC assessment, not taking the EOC assessment.

The bill also authorizes middle school principals to determine whether a student that transfers to the middle school and has already completed a civics education course prior to transfer must take the civics education EOC assessment. The middle school principal must make this determination in accordance with SBE rules. Allowing a principal to make this determination will allow civics education course credit to transfer with a student.

Digital Curriculum

Current Law

School boards are not currently required or specifically authorized to provide digital curriculum; however, school boards are not prohibited from providing this type of instruction. In fact, many schools currently offer courses in computer programming, web design, and in other information technology areas. Computer and other digital curriculum are included under the Fine Arts subject area of the Sunshine State Standards and the Next Generation Sunshine State Standards. These standards establish the core content of the curricula to be taught and specify the core content knowledge and skills that K-12 public school students are expected to acquire.²⁹

Effect of Bill

The bill authorizes district school boards to develop and implement a digital curriculum for students in grades 6 through 12. The curriculum will enable students to attain competencies in web communications and web design and may include web-based skills, web-based core technologies, web design, use of digital technologies and markup language to evidence competency in computer skills. The curriculum should use web-based core technologies to design creative, informational, and content standards for web-based digital products that demonstrate proficiency in creating, publishing, testing, monitoring, and maintaining a website. The digital curriculum may be integrated into another subject area or may be offered as a separate course, subject to available funding.

The DOE is required to develop a model digital curriculum to provide school boards a guide in the development of a digital curriculum. To provide school boards additional guidance on providing digital curriculum instruction, school boards are authorized to seek partnerships with private businesses and consultants to offer classes and instruction to both teachers and students.

Career and Professional Academies

Current Law

A career and professional academy (academy) is a public high school career and technical education program that leads to a high school diploma, industry certification, and opportunities for students to simultaneously earn postsecondary credit. Each school board is required to operate at least one academy, which may be established as a school within an existing high school or as a total school configuration offering multiple academies. School boards are required to develop a five year strategic plan in partnership with local workforce boards, employers, and state-approved postsecondary institutions to better align academy programs with local workforce needs.³⁰

²⁹ See Florida Department of Education, *Sunshine State Standards*, <http://www.fldoe.org/bii/curriculum/sss> (last visited March 20, 2011).

³⁰ Sections 1003.491(1) and 1003.493(1) and (2), F.S.

Courses offered in an academy must lead to industry certification or postsecondary credit linked directly to the career theme of the course. At least 50 percent of students enrolled in an academy course must achieve industry certifications or college credits during the second year the course is offered in order for the course to be offered a third year and at least 66 percent in the third year for the course to be offered a fourth year.³¹

Effect of Bill

The bill authorizes, but does not require, the establishment of middle school career and professional academies (middle school academies). A middle school academy must provide students the opportunity to earn an industry certification, earn high school credit, and participate in career planning, job shadowing, and leadership-development opportunities. The curriculum for middle school academies must be aligned with high school career and professional academies (high school academies).

Middle school academies must include one or more partnerships with high schools, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. These partnerships must provide the opportunity for: instruction from highly-skilled professionals; internships and externships; maximum articulation of course credits; personalized student advisement; instruction in careers designated as high growth, high demand, and high pay; academic content that is delivered through instruction relevant to a career; courses that combine academic content with technical skills; instruction resulting in competency; and an evaluation plan.

The bill also deletes obsolete language regarding the Okaloosa County School District CHOICE Institutes. This provision expired July 1, 2010.

Career and Technical Education Teachers

Current Law

Qualifications for certain nondegreed teachers of career programs must be based primarily upon successful occupational experience rather than academic training. The qualifications for these teachers include filing a complete set of fingerprints and documentation of education and successful occupational experience. These qualifications apply to agriculture, business, health occupations, family and consumer sciences, industrial, marketing, career specialist, and public service education teachers.

Effect of Bill

The bill creates a new qualification for nondegreed teachers of career and technical education courses. In addition to the current qualifications, the bill requires documentation of industry certification, when state or national industry certifications are available and applicable. This qualification is for teachers teaching courses for program clusters that are recognized by the state. The bill eliminates the specific references to individual industry areas. Program clusters are not defined in law.

Assistive Technology Devices

Current Law

Currently, certain agencies are required to enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices in accordance with the student's individualized family support plan, individual support plan, or an IEP. The required agencies include the Florida Infants and Toddlers Early Intervention Program in the Division of Children's Medical Services of the Department of Health, the Division of Blind Services and the Division of Vocational Rehabilitation of the Department of Education, and the Voluntary Prekindergarten Education Program administered by the

³¹ Section 1003.493(5), F.S.

Department of Education and the Agency for Workforce Innovation.³² The interagency agreements provide the framework for ensuring that students with disabilities, their families, educators, and post-graduation support agencies coordinate services. These agreements also ensure that all agencies are informed about the needed assistive technology, the content of the transition plan, and the post-school support required to meet the student's transition goals.³³

Assistive technology devices are defined as manual and motorized wheelchairs, motorized scooters, voice-synthesized computer modules, optical scanners, talking software, Braille printers, environmental control devices for use by a person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to in effect speak, personal transfer systems, and specialty beds, including a demonstrator, that a consumer purchases or accepts transfer of in this state for use by a person with a disability.³⁴

Effect of Bill

The bill requires any school with an IEP team to arrange to complete an assistive technology assessment within 60 days of receiving a request. The assistive technology assessment is performed to determine what type of assistive technology is needed to maintain or improve the functional capabilities of the student and consequently provide greater benefit from the educational program.

Budget

Current Law

Currently, district school boards and Florida College System boards of trustees are required to prepare, adopt, and submit to the Commissioner of Education for review an annual operating budget.³⁵ The DOE is also required to approve budgets adopted by district school boards.³⁶

Effect of Bill

The bill removes the requirement that the commissioner review the annual operating budgets for district school boards and Florida College System institutions and also removes the requirement that the DOE approve the budgets of district school boards. Some school districts have attempted to hold the commissioner and the DOE accountable when problems existed with their budgets because the budgets had, in theory, been reviewed and approved. By removing the requirement to review and approve, the school districts will be fully accountable for their budgets.

Budget Transparency

Current Law

District school boards are currently required to post a summary of their tentative budget online and advertise it in a newspaper of general circulation in the district.³⁷

Effect of Bill

The bill requires district school boards to post on their websites their plain language version of each proposed, tentative, and official budget. The document posted on their websites must describe each

³² Section 1003.575, F.S.

³³ Florida Department of Education, Technical Assistance Paper, The Transfer of Assistive Technology to Home, Other Districts, Other Schools, and Other Agencies (Dec. 2005), available at <http://www.fldoe.org/ese/pdf/y2006-6.pdf>.

³⁴ Section 427.802, F.S.

³⁵ Section 1011.01(3)(a), F.S.

³⁶ Section 1011.03(4), F.S.

³⁷ Section 1011.03, F.S.

budget item in terms that are easily understandable to the public. This information must be prominently posted on the website in a manner that is readily accessible to the public.

The bill encourages district school boards to post timely information as to when a budget hearing will be conducted; each contract between the district school board and the teacher's union; each contract between the district school board and noninstructional staff; each contract exceeding \$35,000 between the school board and a vendor of service, supplies, or programs, or a contract for the purchase or lease of lands, facilities, or properties; each contract over \$35,000 that was an emergency procurement or a contract with a single source; recommendations of the citizens' budget advisory committee; and current and archived video recordings of each district school board meeting and workshop.³⁸

The website should also contain links to help explain or provide background information on various budget items that are required by state or federal law; to allow users to navigate to related sites to view supporting detail; and to enable taxpayers, parents, and education advocates to send e-mails asking questions about the budget and enable others to see the questions and responses.

Gift Ban

Current Law

Public officers, employees of agencies, local government attorneys, and candidates for nomination or election are not allowed to accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney or candidate would be influenced by the gift.³⁹ School board members, as elected officials, are included in the definition of public officers.⁴⁰ In addition, school board members, school superintendents, and any business organization in which a school board member or school superintendent has any financial interest are prohibited from contracting with a school district for materials, supplies, and services needed.⁴¹ School board members⁴² must also report any gifts that exceed \$100 in value, for which compensation was not "provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less."⁴³

Effect of Bill

The bill expands the current prohibition to include any gift to a school board member, regardless of whether the gift was accepted to influence a school board member's vote. The bill also expands the gift ban to apply to the relatives of school board members.⁴⁴ A gift is defined to include real property, personal property, preferential rate or terms on debt, forgiveness of indebtedness, transportation, food or beverage, membership dues, entrance fees, plants, flowers, or floral arrangements.

The bill prohibits school board members and their relatives from soliciting or accepting, directly or indirectly, any gift from any person, vendor, potential vendor, or other entity doing business with the

³⁸ These items are included to address some of the issues raised by the grand jury regarding the wasteful utilization of resources and contracts made by the Broward County School Board. *Final Report of the 19th Statewide Grand Jury in the Supreme Court of the State of Florida*, Case No: SC09-1910, at 3 and 24.

³⁹ Section 112.313, F.S.

⁴⁰ Section 112.313(1), F.S.

⁴¹ Section 1001.42(12)(i), F.S.

⁴² School board members are "reporting individuals" for purposes of filing full or limited public disclosure of their financial interests, s. 112.3148(2)(e), F.S.

⁴³ Section 112.3148(8)(a), F.S.

⁴⁴ Relative is defined to include: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the school board member, or any other natural person having the same legal residence as the school board member, s. 112.312(12), F.S.

school district. This change imposes stricter ethics requirements on school board members and their relatives.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.20, F.S., to delete a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Department of Education.

Section 2. Amends s. 1001.42, F.S., to revise the powers and duties of district school boards to require that students be provided with access to Florida Virtual School courses.

Section 3. Amends s. 1001.421, F.S., to prohibit district school board members from accepting gifts from vendors.

Section 4. Amends s. 1002.37, F.S., to conform provisions to changes made by the act.

Section 5. Amends s. 1002.38, F.S., to revise provisions relating to the Opportunity Scholarship Program to provide that school grades for all schools be based on statewide assessments.

Section 6. Amends s. 1002.45, F.S., to revise language regarding duration of approved status.

Section 7. Amends s. 1002.67, F.S., to require that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening and align to student performance standards for statewide assessments.

Section 8. Amends s. 1002.69, F.S., to eliminate the limitation on setting kindergarten readiness rates and to revise the good cause exemption requirements.

Section 9. Amends s. 1003.4156, F.S., to revise the general requirements for middle grades promotion; provide that a student with a disability may have his or her end-of-course assessment results waived under certain circumstances; and provide that a middle grades student is exempt from the reading remediation requirements under certain circumstances.

Section 10. Creates s. 1003.4203, F.S., to authorize each district school board to develop and implement a digital curriculum for students in grades 6 through 12; specify certain components of a digital curriculum; require the Department of Education to develop a model to serve as a guide for school districts; and authorize partnerships with private businesses and consultants.

Section 11. Amends s. 1003.428, F.S., to revise the general requirements for high school graduation and provide that a high school student is exempt from the reading remediation requirements under certain circumstances.

Section 12. Amends s. 1003.493, F.S., to revise provisions relating to career and professional academies to include middle schools; require that students who are completing a middle school career and professional academy program have an opportunity to earn an industry certification high school credit, and participate in career planning, job shadowing, and leadership development opportunities; require that middle school career and professional academies align with high school career and professional academies; and provide for partnerships with high schools, businesses, industry, employers, economic development organizations, and other local community partners.

Section 13. Amends s. 1003.575, F.S., to revise provisions relating to assistive technology devices for young persons with disabilities to require that any school having an individualized education plan team arrange to complete an assistive technology assessment within a specified number of days after receiving a request for such assessment.

Section 14. Amends s. 1008.22, F.S., to revise provisions relating to the student assessment program for public schools; require that the Commissioner of Education direct school districts to participate in the administration of the national Assessment of Educational Progress or similar national or international assessment program; authorize the school principal to exempt certain students from the end-of-course assessment in civics education.

Section 15. Amends s. 1008.33, F.S., to revise provisions relating to public school improvement; requiring that the Department of education categorize public schools based on the portion of a school's grade that relies on statewide assessments; revise the categorization of the lowest-performing schools.

Section 16. Amends s. 1008.34, F.S., to revise provisions relating to the designation of school grades to conform to changes made by the act, provide for assigning achievement scores and learning gains for students who are hospital or homebound, requiring that a school that does not meet minimal proficiency standards established by the State Board of Education receive a school grade of "F."

Section 17. Amends s. 1011.01, F.S., to revise provisions relating to the annual operating budgets of district school boards and community college boards of trustees.

Section 18. Amends s. 1011.03, F.S., to revise provisions relating to tentative and final district school board budgets, require that an adopted budget be transmitted to the Department of Education.

Section 19. Creates s. 1011.035, F.S., to require each school district to post certain budgetary information on its website.

Section 20. Amends s. 1012.39, F.S., to revise provisions relating to the employment of nondegreed teachers of career education, require that qualifications be established for nondegreed teachers of career and technical education courses for state-recognized program clusters.

Section 21. 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:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

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

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules:

- Establishing additional criteria for a voluntary prekindergarten provider seeking a good cause exemption.
- Establishing criteria for a principal to determine when a transfer student may be waived from the civics education end-of-course assessment.
- Establishing the minimum percentage of students proficient in reading and the criteria necessary to receive an exception from the minimum percentage for purposes of school grades.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.