



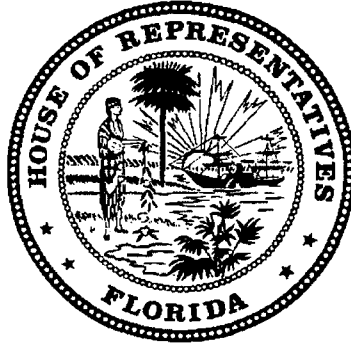
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**K - 12**  
**Subcommittee**  
**Wednesday, January 16, 2013**  
**3:30 PM – 5:30 PM**  
**17 HOB**

**Meeting Packet**

**Will Weatherford**  
Speaker

**Janet H. Adkins**  
Chair



## AGENDA

K-12 Subcommittee  
Wednesday, January 16, 2013  
3:30 p.m. – 5:30 p.m.  
17 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Presentations by the Department of Education regarding transition to common core standards and personnel training
- IV. Consideration of the following proposed committee bill(s):
  - PCB KTS 13-01 - Repeal of laws affecting educational institutions
  - PCB KTS 13-02 - Interstate Compact on Educational Opportunity for Military Children
- V. Closing Remarks and Adjournment





*Florida's Implementation of:*  
**COMMON CORE  
STANDARDS AND  
ASSESSMENTS**

House K-12 Subcommittee

January 16, 2013

Department of Education

Mary Jane Tappen, Deputy Chancellor for Curriculum Instruction  
and Student Services



# Strong Foundation

- The Next Generation Sunshine State Standards were analyzed and compared to the Common Core State Standards by the Fordham Institute in 2010, and the findings were that the similarities in rigor were “too close to call.”
- Therefore, the Next Generation Sunshine State Standards are a great stepping stone to the Common Core.
- We know that this will not be enough; teachers and students will need support through this transition, support in the forms of professional development and teaching and learning resources.

# What's Different –

## Instructional Shifts of the Common Core

- English language arts
  - Mathematics
1. Balancing Information & Literacy
  2. Knowledge in the Disciplines
  3. Staircase of Complexity
  4. Text-based Answers
  5. Writing from Sources
  6. Academic Vocabulary
1. Narrower Focus
  2. Coherence within and across grades
  3. Fluency
  4. Deep Understanding
  5. Application
  6. Dual Intensity – practicing and understanding

# Example – English Language Arts

1<sup>st</sup> Grade Standard: Ask and answer questions about key details in a text read aloud or information presented orally or through other media.

<http://youtu.be/N9khuQqG42c>

- Identify at least two excerpts from the text, *The Three Little Pigs*, that serve as supportive evidence for the statement: The third pig made a better decision regarding the material he built his house with.
- Explain why you chose this excerpt and remember to include evidence from the text in your response.

# Example - Mathematics

3<sup>rd</sup> Grade Standard: Compare fractions with the same numerator or the same denominator by reasoning about their size. Recognize that comparisons are valid only when the fractions refer to the same whole.

- Place these fractions in order from least to greatest

$$\frac{5}{12}, \frac{1}{12}, \frac{9}{12}, \frac{3}{12}, \frac{7}{12}$$

$$\frac{12}{5}, \frac{12}{1}, \frac{12}{9}, \frac{12}{3}, \frac{12}{7}$$





# Professional Development

For the 65 school districts participating in Race to the Top and receiving a portion of the \$350,000,000 based on Title I FTE, each had to:

- Ensure that professional development programs in all schools focus on the new common core state standards,
- Implement professional development programs at all schools that focus on the common core state standards,
- Provide research-based professional development in the form of lesson study, providing teachers time to plan and improve instruction together.



# Professional Development

- The Florida Department of Education has been providing professional development to teams from schools and districts based on the recommended Common Core State Standards Implementation Plan.
  - Implement the literacy standards in all grades and core content areas
  - Fully implement English language arts and mathematics standards in kindergarten in 2011-12, first grade 2012-13, all grades 2013-14).

# Recommended Common Core State Standard (CCSS) Implementation

Year/Grade Level	K	I	2	3 - 8	9-12
2011-2012	CC	L	L	L	L
2012-2013	CC	CC	L	L	L
2013-2014	CC	CC	CC	B L	B L
2014-2015	CC	CC	CC	CC	CC

**CC**- full implementation of CCSS

**L** - full implementation of CCSS Literacy Standards in History/Social Studies, Science, and Technical Subjects; Text complexity, quality and range in all subjects

**B** - blended implementation of CCSS and NGSSS assessed on FCAT 2.0



# Professional Development

- The Just Read! Florida Office has been providing professional development specific to the Common Core State Standards to districts and reading coaches beginning July 2011.
- Presentations provided at association meetings including:
  - Florida Council of Teachers of Mathematics
  - Florida School Board Association,
  - Florida Council of Teachers of English



# Professional Development (RTTT)

- 2011 Summer Regional Professional Development Meetings
  - Reading provided to over 800 Core Content teachers
  - Reading provided to over 150 Career and Technical Education teachers
  - English Language Arts and Mathematics for Kindergarten teachers
- 2011-2012
  - Regional and district workshops on CCSS Literacy Standards with a focus on text complexity, close reading, and the Comprehension Instructional Sequence (CIS)
  - Three school year follow-up meetings for Kindergarten CCSS: Fall, Winter, and Spring
- 2012 Common Core Summer Institutes
  - Over 7,500 educators and over 1,800 teams
  - Each participant received a copy of all Common Core State Standards documents
  - Each team was required to submit a standards implementation plan



# Professional Development (RTTT)

- 2012-2013 Fall and Spring Common Core Institutes focusing on (6-12) literacy
  - Teams included experts in each core content area, Career and Technical Education, Exceptional Student Education and English for Speakers of Other Languages
  - Fifty-four districts, 11 others representing education institutions participated with a total of 907 educators
- Planning 2013 Common Core Summer Regional Institutes
  - Teams should include experts in each content area and district and school based administrators. Focus on implementation of CCSS in all content areas including:
    - Planning for instruction
    - Integration across content areas
    - Monitoring student progress
    - Multi-tiered system of supports

# FLORIDA'S COMMON CORE RESOURCES (RTTT)

Focus Area	Products	Focus	Timeline
Common Core Standards	Updated CPALMS	<ul style="list-style-type: none"> <li>Teachers' Standards Database</li> <li>Common Core Course Descriptions</li> <li>3000 model lessons</li> <li>Test Item Specifications</li> </ul>	<ul style="list-style-type: none"> <li>Common Core added to database 2012</li> <li>Formative Assessments and Course Descriptions 2013</li> <li>Model Lessons and Test Item Specifications 2014</li> </ul>
Common Core Tutorials	Student Tutorial	Provide student tutorials on Common Core content	<ul style="list-style-type: none"> <li>2013: High School Courses</li> <li>2014: Elementary and Middle Courses</li> </ul>
Aligned, High-Quality Assessments	Formative Assessments <ul style="list-style-type: none"> <li>English language arts K-8 (Support for English language Acquisition)</li> <li>Mathematics K-8, Algebra and Geometry</li> </ul>	High-quality classroom tasks for quick feedback on learning	<ul style="list-style-type: none"> <li>Math K-3: 2013</li> <li>Math 4-8, Alg. &amp; Geom. 2014</li> <li>Reading K-5: 2013</li> <li>ELA K-8: 2014</li> </ul>
	Interim Assessment Item Bank & Platform	Test items, test builder, test delivery & scoring for district/school use	<ul style="list-style-type: none"> <li>2012-13: Test items available</li> <li>2013-14: Technology system available</li> </ul>
	Interim Assessments – reading and mathematics	Align FAIR; build FAIM (Florida Assessments for Instruction in Reading and Mathematics)	2013-14
	Summative Assessments – English/language arts & mathematics	PARCC assessments, including EOCs	<ul style="list-style-type: none"> <li>2013-14: Field Test</li> <li>2014-15: Operational</li> </ul>
Professional Development	Lesson Study Toolkits <ul style="list-style-type: none"> <li>Formative Assessment</li> <li>Teacher use of data</li> </ul>	Support educators' continuous improvement of instruction.	<ul style="list-style-type: none"> <li>Pilot in 2012-13</li> <li>Statewide availability in 2013-14</li> </ul>
	Reading and STEM Coaches	Support high quality instruction in low performing schools <ul style="list-style-type: none"> <li>Year 1 – Kindergarten and Reading</li> <li>Year 2 – School and District Teams, 6-12 Literacy</li> <li>Year 3 – Classroom Instruction</li> <li>Year 4 – Use of Teacher tools</li> </ul>	<ul style="list-style-type: none"> <li>Coaches hired in 2012</li> <li>(funding ends with RTTT)</li> </ul>
	State Level Conferences		Each summer, beginning summer of 2011, with school-year follow-up

# Teacher Tools (RTTT)

- **Teachers standards database (CPALMS)**
  - Includes the common core state standards
  - Includes the updated core area course descriptions with the literacy standards
  - Will include 3000 model lessons
  - Will include the new course descriptions for English language arts based on the Common Core prior to the end of the 2012-13 school year
  - Will include the new course descriptions for mathematics based on the Common Core prior to the end of the 2012-2013 school year
  - Will include test item specifications for PARCC 2014





# Teacher Tools (RTTT)

- K-8 English language arts formative assessments (instructional tasks for teachers to support differentiated instruction)
  - Teacher lesson study toolkits already available for grades K-5
  - Reading Foundation tasks already piloted by 78 teachers
  - Emphasis is on English language acquisition

# Teacher Tools (RTTT)

- K-8, Algebra and Geometry formative assessments (instructional tasks for teachers to support differentiated instruction)
  - These will be supported by teacher lesson study toolkits for the purpose of guiding the use of the assessment tasks in instruction



# Teacher Tools (RTTT)

- Lesson study toolkits for teachers to support use of student data to improve instruction

# Teacher Tools (RTTT)

- Item bank of test items for teacher and district use to build diagnostic and summative assessments in core content areas, Spanish, and hard-to-measure teaching areas
  - Including a new English language arts diagnostic to replace Florida Assessment in Reading (FAIR)
  - Including a mathematics diagnostic, Florida Assessment in Mathematics (FAIM)

# Teacher Tools

- Florida's instructional materials timeline was adjusted to ensure teachers have access to materials that teach the common core state standards.
  - Materials for grades K-5 in both English language arts and mathematics will be available to districts for instruction for the 2013-2014 school year.
  - Materials for grades 6-12 will be available to districts for instruction for the 2014-2015 school year.

# Teachers Leading Teachers (PARCC)

- Twenty-four Florida districts nominated teacher leaders to support teachers as we transition to the Common Core and the Common Core assessments.
  - These teachers represent all grade levels and all content areas.
  - They have already participated in professional development activities
  - Are available to support districts and teachers as we all work together through this transition.
- One of the resources that these cadre members are sharing across Florida are the released Common Core sample test items.



# Communications

- DOE Communications:
  - Weekly Common Core Tips of the Week
    - Sharing of general information on the content students need to learn at the elementary, middle, and high school levels.
    - These tips are to support teachers and parents, sent out to all teachers in the state as well as to parents who sign up for the information.



# Communications

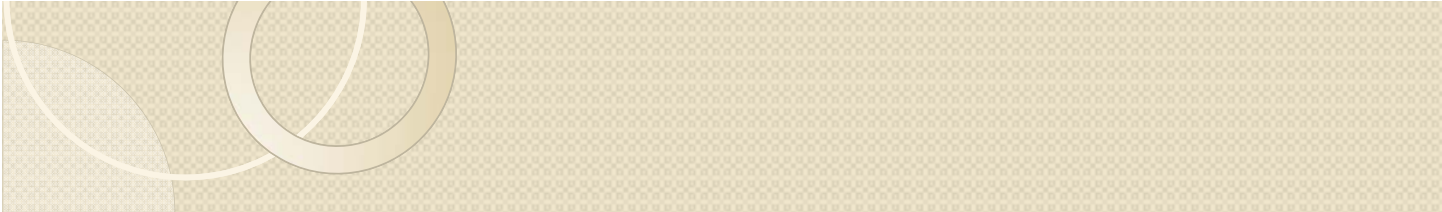
- Common Core State Standards web-site:
  - Florida is now working with a web-designer to strengthen
  - This company developed a strong site for the state of Tennessee.
  - While this is being developed, Florida's website includes links to both Tennessee's and New York's Common Core sites so that teachers can access the tools these states have available.





# Additional Support

- Member of the PARCC Consortium
- Member of the Consortium to build an English language acquisition assessment for the Common Core
- Member of the Measured Progress Consortium to build an assessment for students with significant cognitive disabilities



# Monitoring and Support for District Readiness

- Beginning this month each district will have to report their readiness to implement the Common Core State Standards
- <http://www.fligitalreadiness.org>



1 A bill to be entitled  
 2 An act relating to the repeal of education provisions;  
 3 amending s. 403.7032, F.S.; removing a requirement  
 4 that each K-12 public school annually report to the  
 5 county on recycled materials; repealing s. 1001.435,  
 6 F.S., relating to a K-12 foreign language curriculum  
 7 plan; repealing s. 1002.23(4), (6), and (9), F.S.,  
 8 relating to a parent-response center, submission of  
 9 family involvement and empowerment rules by district  
 10 school boards, and State Board of Education compliance  
 11 review and enforcement under the Family and School  
 12 Partnership for Student Achievement Act; repealing s.  
 13 1002.361, F.S., relating to a direct-support  
 14 organization for the Florida School for the Deaf and  
 15 the Blind; repealing s. 1002.375, F.S., relating to a  
 16 pilot project to award alternative credit for high  
 17 school courses; repealing s. 1003.4285(1), F.S.,  
 18 relating to a standard high school diploma designation  
 19 that indicates a student's major area of interest;  
 20 repealing s. 1003.43, F.S., relating to general  
 21 requirements for high school graduation; repealing s.  
 22 1003.453(2), F.S., relating to information on school  
 23 wellness and physical education policies posted on  
 24 Department of Education and school district websites;  
 25 repealing s. 1003.496, F.S., relating to the High  
 26 School to Business Career Enhancement Program;  
 27 repealing s. 1004.05, F.S., relating to substance  
 28 abuse training programs for specified public school

29 | personnel; repealing s. 1004.62, F.S., relating to  
 30 | incentives for state university student internships to  
 31 | study urban or socially and economically disadvantaged  
 32 | areas; repealing s. 1004.77, F.S., relating to centers  
 33 | of technology innovation; repealing s. 1006.02, F.S.,  
 34 | relating to provision of information to students and  
 35 | parents regarding school-to-work transition; repealing  
 36 | s. 1006.035, F.S., relating to a dropout reentry and  
 37 | mentor project; repealing s. 1006.051, F.S., relating  
 38 | to the Sunshine Workforce Solutions Grant Program;  
 39 | repealing s. 1006.09(1)(d), F.S., relating to duties  
 40 | of school principals with respect to annual reporting  
 41 | and analysis of student suspensions and expulsions;  
 42 | repealing ss. 1006.17 and 1006.70, F.S., relating to  
 43 | sponsorship of athletic activities similar to those  
 44 | for which scholarships are offered; repealing s.  
 45 | 1006.65, F.S., relating to safety issues in courses  
 46 | offered by public postsecondary educational  
 47 | institutions; repealing s. 1007.21, F.S., relating to  
 48 | readiness for postsecondary education and the  
 49 | workplace; repealing s. 1008.31(3)(d) and (e), F.S.,  
 50 | relating to review and reporting duties of the  
 51 | Commissioner of Education with respect to  
 52 | consolidating paperwork under Florida's K-20 education  
 53 | performance accountability system; repealing s.  
 54 | 1009.68, F.S., relating to the Florida Minority  
 55 | Medical Education Program; repealing s. 1012.58, F.S.,  
 56 | relating to the Transition to Teaching Program;

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57 |       repealing s. 1012.71(6), F.S., relating to a pilot  
58 |       program for establishing an electronic management  
59 |       system for the Florida Teachers Lead Program;  
60 |       repealing s. 1013.231, F.S., relating to Florida  
61 |       College System institution and state university energy  
62 |       consumption reduction; repealing s. 1013.32, F.S.,  
63 |       relating to exceptions to recommendations in  
64 |       educational plant surveys; repealing ss. 1013.42 and  
65 |       1013.72, F.S., relating to the School Infrastructure  
66 |       Thrift (SIT) Program; repealing ss. 1013.502 and  
67 |       1013.721, F.S., relating to A Business-Community (ABC)  
68 |       School Program; repealing s. 1013.64(7), F.S.,  
69 |       relating to exceptions from Special Facility  
70 |       Construction Account requirements; repealing s.  
71 |       1013.73, F.S., relating to effort index grants for  
72 |       school district facilities; amending ss. 120.81,  
73 |       250.115, 409.1451, 1001.11, 1002.20, 1002.33, 1002.34,  
74 |       1002.45, 1003.03, 1003.429, 1003.438, 1003.49,  
75 |       1004.70, 1004.71, 1006.025, 1006.15, 1007.263,  
76 |       1007.271, 1008.22, 1008.23, 1009.40, 1009.531,  
77 |       1009.94, 1011.61, 1013.35, 1013.356, 1013.41, 1013.64,  
78 |       1013.69, and 1013.738, F.S.; conforming provisions;  
79 |       providing an effective date.

80 |  
81 |       Be It Enacted by the Legislature of the State of Florida:  
82 |  
83 |       Section 1. Subsection (3) of section 403.7032, Florida  
84 |       Statutes, is amended to read:

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85 403.7032 Recycling.-

86 (3) Each state agency, ~~K-12 public school~~, public  
 87 institution of higher learning, community college, and state  
 88 university, including all buildings that are occupied by  
 89 municipal, county, or state employees and entities occupying  
 90 buildings managed by the Department of Management Services,  
 91 must, at a minimum, annually report all recycled materials to  
 92 the county using the department's designated reporting format.  
 93 Private businesses, other than certified recovered materials  
 94 dealers, that recycle paper, metals, glass, plastics, textiles,  
 95 rubber materials, and mulch, are encouraged to report the amount  
 96 of materials they recycle to the county annually beginning  
 97 January 1, 2011, using the department's designated reporting  
 98 format. Using the information provided, the department shall  
 99 recognize those private businesses that demonstrate outstanding  
 100 recycling efforts. Notwithstanding any other provision of state  
 101 or county law, private businesses, other than certified  
 102 recovered materials dealers, shall not be required to report  
 103 recycling rates. Cities with less than a population of 2,500 and  
 104 per capita taxable value less than \$48,000 and cities with a per  
 105 capita taxable value less than \$30,000 are exempt from the  
 106 reporting requirement specified in this subsection.

107 Section 2. Section 1001.435, Florida Statutes, is  
 108 repealed.

109 Section 3. Subsections (4), (6), and (9) of section  
 110 1002.23, Florida Statutes, are repealed.

111 Section 4. Section 1002.361, Florida Statutes, is  
 112 repealed.

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- 113 Section 5. Section 1002.375, Florida Statutes, is
- 114 repealed.
- 115 Section 6. Subsection (1) of section 1003.4285, Florida
- 116 Statutes, is repealed.
- 117 Section 7. Section 1003.43, Florida Statutes, is repealed.
- 118 Section 8. Subsection (2) of section 1003.453, Florida
- 119 Statutes, is repealed.
- 120 Section 9. Section 1003.496, Florida Statutes, is
- 121 repealed.
- 122 Section 10. Section 1004.05, Florida Statutes, is
- 123 repealed.
- 124 Section 11. Section 1004.62, Florida Statutes, is
- 125 repealed.
- 126 Section 12. Section 1004.77, Florida Statutes, is
- 127 repealed.
- 128 Section 13. Section 1006.02, Florida Statutes, is
- 129 repealed.
- 130 Section 14. Section 1006.035, Florida Statutes, is
- 131 repealed.
- 132 Section 15. Section 1006.051, Florida Statutes, is
- 133 repealed.
- 134 Section 16. Paragraph (d) of subsection (1) of section
- 135 1006.09, Florida Statutes, is repealed.
- 136 Section 17. Sections 1006.17 and 1006.70, Florida
- 137 Statutes, are repealed.
- 138 Section 18. Section 1006.65, Florida Statutes, is
- 139 repealed.
- 140 Section 19. Section 1007.21, Florida Statutes, is



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141 repealed.

142 Section 20. Paragraphs (d) and (e) of subsection (3) of

143 section 1008.31, Florida Statutes, are repealed.

144 Section 21. Section 1009.68, Florida Statutes, is

145 repealed.

146 Section 22. Section 1012.58, Florida Statutes, is

147 repealed.

148 Section 23. Subsection (6) of section 1012.71, Florida

149 Statutes, is repealed.

150 Section 24. Section 1013.231, Florida Statutes, is

151 repealed.

152 Section 25. Section 1013.32, Florida Statutes, is

153 repealed.

154 Section 26. Sections 1013.42 and 1013.72, Florida

155 Statutes, are repealed.

156 Section 27. Sections 1013.502 and 1013.721, Florida

157 Statutes, are repealed.

158 Section 28. Subsection (7) of section 1013.64, Florida

159 Statutes, is repealed.

160 Section 29. Section 1013.73, Florida Statutes, is

161 repealed.

162 Section 30. Paragraph (c) of subsection (1) of section

163 120.81, Florida Statutes, is amended to read:

164 120.81 Exceptions and special requirements; general

165 areas.—

166 (1) EDUCATIONAL UNITS.—

167 (c) Notwithstanding s. 120.52(16), any tests, test scoring

168 criteria, or testing procedures relating to student assessment

169 | which are developed or administered by the Department of  
 170 | Education pursuant to s. 1003.428 ~~1003.43~~, s. 1003.429, s.  
 171 | 1003.438, s. 1008.22, or s. 1008.25, or any other statewide  
 172 | educational tests required by law, are not rules.

173 |       Section 31. Subsection (5) of section 250.115, Florida  
 174 | Statutes, is amended to read:

175 |       250.115 Department of Military Affairs direct-support  
 176 | organization.—

177 |       (5) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement  
 178 | between the direct-support organization organized pursuant to  
 179 | this section and another direct-support organization ~~or center~~  
 180 | ~~of technology innovation designated under s. 1004.77~~ must be  
 181 | approved by the Department of Military Affairs.

182 |       Section 32. Paragraph (b) of subsection (5) of section  
 183 | 409.1451, Florida Statutes, is amended to read:

184 |       409.1451 Independent living transition services.—

185 |       (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—  
 186 | Based on the availability of funds, the department shall provide  
 187 | or arrange for the following services to young adults formerly  
 188 | in foster care who meet the prescribed conditions and are  
 189 | determined eligible by the department. The department, or a  
 190 | community-based care lead agency when the agency is under  
 191 | contract with the department to provide the services described  
 192 | under this subsection, shall develop a plan to implement those  
 193 | services. A plan shall be developed for each community-based  
 194 | care service area in the state. Each plan that is developed by a  
 195 | community-based care lead agency shall be submitted to the  
 196 | department. Each plan shall include the number of young adults

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197 to be served each month of the fiscal year and specify the  
198 number of young adults who will reach 18 years of age who will  
199 be eligible for the plan and the number of young adults who will  
200 reach 23 years of age and will be ineligible for the plan or who  
201 are otherwise ineligible during each month of the fiscal year;  
202 staffing requirements and all related costs to administer the  
203 services and program; expenditures to or on behalf of the  
204 eligible recipients; costs of services provided to young adults  
205 through an approved plan for housing, transportation, and  
206 employment; reconciliation of these expenses and any additional  
207 related costs with the funds allocated for these services; and  
208 an explanation of and a plan to resolve any shortages or  
209 surpluses in order to end the fiscal year with a balanced  
210 budget. The categories of services available to assist a young  
211 adult formerly in foster care to achieve independence are:

212 (b) Road-to-Independence Program.—

213 1. The Road-to-Independence Program is intended to help  
214 eligible students who are former foster children in this state  
215 to receive the educational and vocational training needed to  
216 achieve independence. The amount of the award shall be based on  
217 the living and educational needs of the young adult and may be  
218 up to, but may not exceed, the amount of earnings that the  
219 student would have been eligible to earn working a 40-hour-a-  
220 week federal minimum wage job.

221 2. A young adult who has earned a standard high school  
222 diploma or its equivalent as described in s. 1003.428, s.  
223 1003.429, ~~1003.43~~ or s. 1003.435, has earned a special diploma  
224 or special certificate of completion as described in s.

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225 | 1003.438, or has reached 18 years of age but is not yet 21 years  
 226 | of age is eligible for the initial award, and a young adult  
 227 | under 23 years of age is eligible for renewal awards, if he or  
 228 | she:

229 |       a. Was a dependent child, under chapter 39, and was living  
 230 | in licensed foster care or in subsidized independent living at  
 231 | the time of his or her 18th birthday or is currently living in  
 232 | licensed foster care or subsidized independent living, or, after  
 233 | reaching the age of 16, was adopted from foster care or placed  
 234 | with a court-approved dependency guardian and has spent a  
 235 | minimum of 6 months in foster care immediately preceding such  
 236 | placement or adoption;

237 |       b. Spent at least 6 months living in foster care before  
 238 | reaching his or her 18th birthday;

239 |       c. Is a resident of this state as defined in s. 1009.40;  
 240 | and

241 |       d. Meets one of the following qualifications:

242 |           (I) Has earned a standard high school diploma or its  
 243 | equivalent as described in s. 1003.428, s. 1003.429, ~~1003.43~~ or  
 244 | s. 1003.435, or has earned a special diploma or special  
 245 | certificate of completion as described in s. 1003.438, and has  
 246 | been admitted for full-time enrollment in an eligible  
 247 | postsecondary education institution as defined in s. 1009.533;

248 |           (II) Is enrolled full time in an accredited high school;  
 249 | or

250 |           (III) Is enrolled full time in an accredited adult  
 251 | education program designed to provide the student with a high  
 252 | school diploma or its equivalent.

253 |           3. A young adult applying for the Road-to-Independence  
 254 | Program must apply for any other grants and scholarships for  
 255 | which he or she may qualify. The department shall assist the  
 256 | young adult in the application process and may use the federal  
 257 | financial aid grant process to determine the funding needs of  
 258 | the young adult.

259 |           4. An award shall be available to a young adult who is  
 260 | considered a full-time student or its equivalent by the  
 261 | educational institution in which he or she is enrolled, unless  
 262 | that young adult has a recognized disability preventing full-  
 263 | time attendance. The amount of the award, whether it is being  
 264 | used by a young adult working toward completion of a high school  
 265 | diploma or its equivalent or working toward completion of a  
 266 | postsecondary education program, shall be determined based on an  
 267 | assessment of the funding needs of the young adult. This  
 268 | assessment must consider the young adult's living and  
 269 | educational costs and other grants, scholarships, waivers,  
 270 | earnings, and other income to be received by the young adult. An  
 271 | award shall be available only to the extent that other grants  
 272 | and scholarships are not sufficient to meet the living and  
 273 | educational needs of the young adult, but an award may not be  
 274 | less than \$25 in order to maintain Medicaid eligibility for the  
 275 | young adult as provided in s. 409.903.

276 |           5. The amount of the award may be disregarded for purposes  
 277 | of determining the eligibility for, or the amount of, any other  
 278 | federal or federally supported assistance.

279 |           6.a. The department must advertise the criteria,  
 280 | application procedures, and availability of the program to:

281 (I) Children and young adults in, leaving, or formerly in  
 282 foster care.

283 (II) Case managers.

284 (III) Guidance and family services counselors.

285 (IV) Principals or other relevant school administrators.

286 (V) Guardians ad litem.

287 (VI) Foster parents.

288 b. The department shall issue awards from the program for  
 289 each young adult who meets all the requirements of the program  
 290 to the extent funding is available.

291 c. An award shall be issued at the time the eligible  
 292 student reaches 18 years of age.

293 d. A young adult who is eligible for the Road-to-  
 294 Independence Program, transitional support services, or  
 295 aftercare services and who so desires shall be allowed to reside  
 296 with the licensed foster family or group care provider with whom  
 297 he or she was residing at the time of attaining his or her 18th  
 298 birthday or to reside in another licensed foster home or with a  
 299 group care provider arranged by the department.

300 e. If the award recipient transfers from one eligible  
 301 institution to another and continues to meet eligibility  
 302 requirements, the award must be transferred with the recipient.

303 f. Funds awarded to any eligible young adult under this  
 304 program are in addition to any other services or funds provided  
 305 to the young adult by the department through transitional  
 306 support services or aftercare services.

307 g. The department shall provide information concerning  
 308 young adults receiving funding through the Road-to-Independence

309 Program to the Department of Education for inclusion in the  
 310 student financial assistance database, as provided in s.  
 311 1009.94.

312 h. Funds are intended to help eligible young adults who  
 313 are former foster children in this state to receive the  
 314 educational and vocational training needed to become independent  
 315 and self-supporting. The funds shall be terminated when the  
 316 young adult has attained one of four postsecondary goals under  
 317 subsection (3) or reaches 23 years of age, whichever occurs  
 318 earlier. In order to initiate postsecondary education, to allow  
 319 for a change in career goal, or to obtain additional skills in  
 320 the same educational or vocational area, a young adult may earn  
 321 no more than two diplomas, certificates, or credentials. A young  
 322 adult attaining an associate of arts or associate of science  
 323 degree shall be permitted to work toward completion of a  
 324 bachelor of arts or a bachelor of science degree or an  
 325 equivalent undergraduate degree. Road-to-Independence Program  
 326 funds may not be used for education or training after a young  
 327 adult has attained a bachelor of arts or a bachelor of science  
 328 degree or an equivalent undergraduate degree.

329 i. The department shall evaluate and renew each award  
 330 annually during the 90-day period before the young adult's  
 331 birthday. In order to be eligible for a renewal award for the  
 332 subsequent year, the young adult must:

333 (I) Complete the number of hours, or the equivalent  
 334 considered full time by the educational institution, unless that  
 335 young adult has a recognized disability preventing full-time  
 336 attendance, in the last academic year in which the young adult

337 earned an award, except for a young adult who meets the  
 338 requirements of s. 1009.41.

339 (II) Maintain appropriate progress as required by the  
 340 educational institution, except that, if the young adult's  
 341 progress is insufficient to renew the award at any time during  
 342 the eligibility period, the young adult may restore eligibility  
 343 by improving his or her progress to the required level.

344 j. Funds may be terminated during the interim between an  
 345 award and the evaluation for a renewal award if the department  
 346 determines that the award recipient is no longer enrolled in an  
 347 educational institution as defined in sub-subparagraph 2.d., or  
 348 is no longer a state resident. The department shall notify a  
 349 recipient who is terminated and inform the recipient of his or  
 350 her right to appeal.

351 k. An award recipient who does not qualify for a renewal  
 352 award or who chooses not to renew the award may subsequently  
 353 apply for reinstatement. An application for reinstatement must  
 354 be made before the young adult reaches 23 years of age, and a  
 355 student may not apply for reinstatement more than once. In order  
 356 to be eligible for reinstatement, the young adult must meet the  
 357 eligibility criteria and the criteria for award renewal for the  
 358 program.

359 Section 33. Subsection (7) of section 1001.11, Florida  
 360 Statutes, is amended to read:

361 1001.11 Commissioner of Education; other duties.—

362 (7) The commissioner shall make prominently available on  
 363 the department's website the following: links to the Internet-  
 364 based clearinghouse for professional development regarding



365 physical education; the school wellness and physical education  
 366 policies and other resources required under s. 1003.453~~(1)~~ and  
 367 ~~(2)~~; and other Internet sites that provide professional  
 368 development for elementary teachers of physical education as  
 369 defined in s. 1003.01(16). These links must provide elementary  
 370 teachers with information concerning current physical education  
 371 and nutrition philosophy and best practices that result in  
 372 student participation in physical activities that promote  
 373 lifelong physical and mental well-being.

374 Section 34. Paragraph (f) of subsection (3) and subsection  
 375 (8) of section 1002.20, Florida Statutes, are amended to read:

376 1002.20 K-12 student and parent rights.—Parents of public  
 377 school students must receive accurate and timely information  
 378 regarding their child's academic progress and must be informed  
 379 of ways they can help their child to succeed in school. K-12  
 380 students and their parents are afforded numerous statutory  
 381 rights including, but not limited to, the following:

382 (3) HEALTH ISSUES.—

383 (f) Career education courses involving hazardous  
 384 substances.—High school students must be given plano safety  
 385 glasses or devices in career education courses involving the use  
 386 of hazardous substances likely to cause eye injury, ~~in~~  
 387 ~~accordance with the provisions of s. 1006.65.~~

388 (8) STUDENTS WITH DISABILITIES.—Parents of public school  
 389 students with disabilities and parents of public school students  
 390 in residential care facilities are entitled to notice and due  
 391 process in accordance with the provisions of ss. 1003.57 and  
 392 1003.58. Public school students with disabilities must be

393 provided the opportunity to meet the graduation requirements for  
 394 a standard high school diploma in accordance with the provisions  
 395 of s. 1003.428(3) ~~1003.43(4)~~. Certain public school students  
 396 with disabilities may be awarded a special diploma upon high  
 397 school graduation.

398 Section 35. Paragraph (a) of subsection (7) of section  
 399 1002.33, Florida Statutes, is amended to read:

400 1002.33 Charter schools.—

401 (7) CHARTER.—The major issues involving the operation of a  
 402 charter school shall be considered in advance and written into  
 403 the charter. The charter shall be signed by the governing board  
 404 of the charter school and the sponsor, following a public  
 405 hearing to ensure community input.

406 (a) The charter shall address and criteria for approval of  
 407 the charter shall be based on:

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

410 2. The focus of the curriculum, the instructional methods  
 411 to be used, any distinctive instructional techniques to be  
 412 employed, and identification and acquisition of appropriate  
 413 technologies needed to improve educational and administrative  
 414 performance which include a means for promoting safe, ethical,  
 415 and appropriate uses of technology which comply with legal and  
 416 professional standards.

417 a. The charter shall ensure that reading is a primary  
 418 focus of the curriculum and that resources are provided to  
 419 identify and provide specialized instruction for students who  
 420 are reading below grade level. The curriculum and instructional

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421 strategies for reading must be consistent with the Sunshine  
422 State Standards and grounded in scientifically based reading  
423 research.

424 b. In order to provide students with access to diverse  
425 instructional delivery models, to facilitate the integration of  
426 technology within traditional classroom instruction, and to  
427 provide students with the skills they need to compete in the  
428 21st century economy, the Legislature encourages instructional  
429 methods for blended learning courses consisting of both  
430 traditional classroom and online instructional techniques.  
431 Charter schools may implement blended learning courses which  
432 combine traditional classroom instruction and virtual  
433 instruction. Students in a blended learning course must be full-  
434 time students of the charter school and receive the online  
435 instruction in a classroom setting at the charter school.  
436 Instructional personnel certified pursuant to s. 1012.55 who  
437 provide virtual instruction for blended learning courses may be  
438 employees of the charter school or may be under contract to  
439 provide instructional services to charter school students. At a  
440 minimum, such instructional personnel must hold an active state  
441 or school district adjunct certification under s. 1012.57 for  
442 the subject area of the blended learning course. The funding and  
443 performance accountability requirements for blended learning  
444 courses are the same as those for traditional courses.

445 3. The current incoming baseline standard of student  
446 academic achievement, the outcomes to be achieved, and the  
447 method of measurement that will be used. The criteria listed in  
448 this subparagraph shall include a detailed description of:

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

451 b. How these baseline rates will be compared to rates of  
452 academic progress achieved by these same students while  
453 attending the charter school.

454 c. To the extent possible, how these rates of progress  
455 will be evaluated and compared with rates of progress of other  
456 closely comparable student populations.

457  
458 The district school board is required to provide academic  
459 student performance data to charter schools for each of their  
460 students coming from the district school system, as well as  
461 rates of academic progress of comparable student populations in  
462 the district school system.

463 4. The methods used to identify the educational strengths  
464 and needs of students and how well educational goals and  
465 performance standards are met by students attending the charter  
466 school. The methods shall provide a means for the charter school  
467 to ensure accountability to its constituents by analyzing  
468 student performance data and by evaluating the effectiveness and  
469 efficiency of its major educational programs. Students in  
470 charter schools shall, at a minimum, participate in the  
471 statewide assessment program created under s. 1008.22.

472 5. In secondary charter schools, a method for determining  
473 that a student has satisfied the requirements for graduation in  
474 s. 1003.428 or s. 1003.429, ~~or s. 1003.43.~~

475 6. A method for resolving conflicts between the governing  
476 board of the charter school and the sponsor.

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

479 8. The ways by which the school will achieve a  
 480 racial/ethnic balance reflective of the community it serves or  
 481 within the racial/ethnic range of other public schools in the  
 482 same school district.

483 9. The financial and administrative management of the  
 484 school, including a reasonable demonstration of the professional  
 485 experience or competence of those individuals or organizations  
 486 applying to operate the charter school or those hired or  
 487 retained to perform such professional services and the  
 488 description of clearly delineated responsibilities and the  
 489 policies and practices needed to effectively manage the charter  
 490 school. A description of internal audit procedures and  
 491 establishment of controls to ensure that financial resources are  
 492 properly managed must be included. Both public sector and  
 493 private sector professional experience shall be equally valid in  
 494 such a consideration.

495 10. The asset and liability projections required in the  
 496 application which are incorporated into the charter and shall be  
 497 compared with information provided in the annual report of the  
 498 charter school.

499 11. A description of procedures that identify various  
 500 risks and provide for a comprehensive approach to reduce the  
 501 impact of losses; plans to ensure the safety and security of  
 502 students and staff; plans to identify, minimize, and protect  
 503 others from violent or disruptive student behavior; and the  
 504 manner in which the school will be insured, including whether or

505 | not the school will be required to have liability insurance,  
 506 | and, if so, the terms and conditions thereof and the amounts of  
 507 | coverage.

508 |       12. The term of the charter which shall provide for  
 509 | cancellation of the charter if insufficient progress has been  
 510 | made in attaining the student achievement objectives of the  
 511 | charter and if it is not likely that such objectives can be  
 512 | achieved before expiration of the charter. The initial term of a  
 513 | charter shall be for 4 or 5 years. In order to facilitate access  
 514 | to long-term financial resources for charter school  
 515 | construction, charter schools that are operated by a  
 516 | municipality or other public entity as provided by law are  
 517 | eligible for up to a 15-year charter, subject to approval by the  
 518 | district school board. A charter lab school is eligible for a  
 519 | charter for a term of up to 15 years. In addition, to facilitate  
 520 | access to long-term financial resources for charter school  
 521 | construction, charter schools that are operated by a private,  
 522 | not-for-profit, s. 501(c)(3) status corporation are eligible for  
 523 | up to a 15-year charter, subject to approval by the district  
 524 | school board. Such long-term charters remain subject to annual  
 525 | review and may be terminated during the term of the charter, but  
 526 | only according to the provisions set forth in subsection (8).

527 |       13. The facilities to be used and their location.

528 |       14. The qualifications to be required of the teachers and  
 529 | the potential strategies used to recruit, hire, train, and  
 530 | retain qualified staff to achieve best value.

531 |       15. The governance structure of the school, including the  
 532 | status of the charter school as a public or private employer as

533 required in paragraph (12)(i).

534 16. A timetable for implementing the charter which  
 535 addresses the implementation of each element thereof and the  
 536 date by which the charter shall be awarded in order to meet this  
 537 timetable.

538 17. In the case of an existing public school that is being  
 539 converted to charter status, alternative arrangements for  
 540 current students who choose not to attend the charter school and  
 541 for current teachers who choose not to teach in the charter  
 542 school after conversion in accordance with the existing  
 543 collective bargaining agreement or district school board rule in  
 544 the absence of a collective bargaining agreement. However,  
 545 alternative arrangements shall not be required for current  
 546 teachers who choose not to teach in a charter lab school, except  
 547 as authorized by the employment policies of the state university  
 548 which grants the charter to the lab school.

549 18. Full disclosure of the identity of all relatives  
 550 employed by the charter school who are related to the charter  
 551 school owner, president, chairperson of the governing board of  
 552 directors, superintendent, governing board member, principal,  
 553 assistant principal, or any other person employed by the charter  
 554 school who has equivalent decisionmaking authority. For the  
 555 purpose of this subparagraph, the term "relative" means father,  
 556 mother, son, daughter, brother, sister, uncle, aunt, first  
 557 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 558 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 559 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 560 stepsister, half brother, or half sister.

561 19. Implementation of the activities authorized under s.  
 562 1002.331 by the charter school when it satisfies the eligibility  
 563 requirements for a high-performing charter school. A high-  
 564 performing charter school shall notify its sponsor in writing by  
 565 March 1 if it intends to increase enrollment or expand grade  
 566 levels the following school year. The written notice shall  
 567 specify the amount of the enrollment increase and the grade  
 568 levels that will be added, as applicable.

569 Section 36. Paragraph (g) of subsection (4) of section  
 570 1002.34, Florida Statutes, is amended to read:

571 1002.34 Charter technical career centers.—

572 (4) CHARTER.—A sponsor may designate centers as provided  
 573 in this section. An application to establish a center may be  
 574 submitted by a sponsor or another organization that is  
 575 determined, by rule of the State Board of Education, to be  
 576 appropriate. However, an independent school is not eligible for  
 577 status as a center. The charter must be signed by the governing  
 578 body of the center and the sponsor and must be approved by the  
 579 district school board and Florida College System institution  
 580 board of trustees in whose geographic region the facility is  
 581 located. If a charter technical career center is established by  
 582 the conversion to charter status of a public technical center  
 583 formerly governed by a district school board, the charter status  
 584 of that center takes precedence in any question of governance.  
 585 The governance of the center or of any program within the center  
 586 remains with its board of directors unless the board agrees to a  
 587 change in governance or its charter is revoked as provided in  
 588 subsection (15). Such a conversion charter technical career



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589 center is not affected by a change in the governance of public  
 590 technical centers or of programs within other centers that are  
 591 or have been governed by district school boards. A charter  
 592 technical career center, or any program within such a center,  
 593 that was governed by a district school board and transferred to  
 594 a Florida College System institution prior to the effective date  
 595 of this act is not affected by this provision. An applicant who  
 596 wishes to establish a center must submit to the district school  
 597 board or Florida College System institution board of trustees,  
 598 or a consortium of one or more of each, an application on a form  
 599 developed by the Department of Education which includes:

600 (g) A method for determining whether a student has  
 601 satisfied the requirements for graduation specified in s.  
 602 1003.428 or s. 1003.429 ~~1003.43~~ and for completion of a  
 603 postsecondary certificate or degree.

604  
 605 Students at a center must meet the same testing and academic  
 606 performance standards as those established by law and rule for  
 607 students at public schools and public technical centers. The  
 608 students must also meet any additional assessment indicators  
 609 that are included within the charter approved by the district  
 610 school board or Florida College System institution board of  
 611 trustees.

612 Section 37. Paragraph (b) of subsection (4) of section  
 613 1002.45, Florida Statutes, is amended to read:

614 1002.45 Virtual instruction programs.—

615 (4) CONTRACT REQUIREMENTS.—Each contract with an approved  
 616 provider must at minimum:

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617 (b) Provide a method for determining that a student has  
 618 satisfied the requirements for graduation in s. 1003.428 or s.  
 619 1003.429, ~~or s. 1003.43~~ if the contract is for the provision of  
 620 a full-time virtual instruction program to students in grades 9  
 621 through 12.

622 Section 38. Paragraph (e) of subsection (3) of section  
 623 1003.03, Florida Statutes, is amended to read:

624 1003.03 Maximum class size.—

625 (3) IMPLEMENTATION OPTIONS.—District school boards must  
 626 consider, but are not limited to, implementing the following  
 627 items in order to meet the constitutional class size maximums  
 628 described in subsection (1):

629 (e) Use innovative methods to reduce the cost of school  
 630 construction by using prototype school designs, using SMART  
 631 Schools designs, ~~participating in the School Infrastructure~~  
 632 ~~Thrift Program~~, or any other method not prohibited by law.

633 Section 39. Subsection (1), paragraph (c) of subsection  
 634 (7), and subsection (8) of section 1003.429, Florida Statutes,  
 635 are amended to read:

636 1003.429 Accelerated high school graduation options.—

637 (1) Students who enter grade 9 in the 2006-2007 school  
 638 year and thereafter may select, upon receipt of each consent  
 639 required by this section, one of the following three high school  
 640 graduation options:

641 (a) Completion of the general requirements for high school  
 642 graduation pursuant to s. 1003.428 ~~or s. 1003.43~~, as applicable;

643 (b) Completion of a 3-year standard college preparatory  
 644 program requiring successful completion of a minimum of 18

645 academic credits in grades 9 through 12. At least 6 of the 18  
 646 credits required for completion of this program must be received  
 647 in classes that are offered pursuant to the International  
 648 Baccalaureate Program, the Advanced Placement Program, dual  
 649 enrollment, Advanced International Certificate of Education, or  
 650 specifically listed or identified by the Department of Education  
 651 as rigorous pursuant to s. 1009.531(3). The 18 credits required  
 652 for completion of this program shall be primary requirements and  
 653 shall be distributed as follows:

654 1. Four credits in English, with major concentration in  
 655 composition and literature;

656 2. Three credits and, beginning with students entering  
 657 grade 9 in the 2010-2011 school year, four credits in  
 658 mathematics at the Algebra I level or higher from the list of  
 659 courses that qualify for state university admission. Beginning  
 660 with students entering grade 9 in the 2010-2011 school year, in  
 661 addition to the Algebra I credit requirement, one of the four  
 662 credits in mathematics must be geometry or a series of courses  
 663 equivalent to geometry as approved by the State Board of  
 664 Education. Beginning with students entering grade 9 in the 2010-  
 665 2011 school year, the end-of-course assessment requirements  
 666 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student  
 667 to earn the required credit in Algebra I. Beginning with  
 668 students entering grade 9 in the 2011-2012 school year, the end-  
 669 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)  
 670 must be met in order for a student to earn the required credit  
 671 in geometry. Beginning with students entering grade 9 in the  
 672 2012-2013 school year, in addition to the Algebra I and geometry

673 credit requirements, one of the four credits in mathematics must  
 674 be Algebra II or a series of courses equivalent to Algebra II as  
 675 approved by the State Board of Education;

676 3. Three credits in science, two of which must have a  
 677 laboratory component. Beginning with students entering grade 9  
 678 in the 2011-2012 school year, one of the three credits in  
 679 science must be Biology I or a series of courses equivalent to  
 680 Biology I as approved by the State Board of Education. Beginning  
 681 with students entering grade 9 in the 2011-2012 school year, the  
 682 end-of-course assessment requirements under s.

683 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
 684 the required credit in Biology I. Beginning with students  
 685 entering grade 9 in the 2013-2014 school year, one of the three  
 686 credits must be Biology I or a series of courses equivalent to  
 687 Biology I as approved by the State Board of Education, one  
 688 credit must be chemistry or physics or a series of courses  
 689 equivalent to chemistry or physics as approved by the State  
 690 Board of Education, and one credit must be an equally rigorous  
 691 course, as approved by the State Board of Education;

692 4. Three credits in social sciences, which must include  
 693 one credit in United States history, one credit in world  
 694 history, one-half credit in United States government, and one-  
 695 half credit in economics;

696 5. Two credits in the same second language unless the  
 697 student is a native speaker of or can otherwise demonstrate  
 698 competency in a language other than English. If the student  
 699 demonstrates competency in another language, the student may  
 700 replace the language requirement with two credits in other

701 academic courses; and

702 6. Three credits in electives and, beginning with students  
 703 entering grade 9 in the 2010-2011 school year, two credits in  
 704 electives; or

705 (c) Completion of a 3-year career preparatory program  
 706 requiring successful completion of a minimum of 18 academic  
 707 credits in grades 9 through 12. The 18 credits shall be primary  
 708 requirements and shall be distributed as follows:

709 1. Four credits in English, with major concentration in  
 710 composition and literature;

711 2. Three credits and, beginning with students entering  
 712 grade 9 in the 2010-2011 school year, four credits in  
 713 mathematics, one of which must be Algebra I. Beginning with  
 714 students entering grade 9 in the 2010-2011 school year, in  
 715 addition to the Algebra I credit requirement, one of the four  
 716 credits in mathematics must be geometry or a series of courses  
 717 equivalent to geometry as approved by the State Board of  
 718 Education. Beginning with students entering grade 9 in the 2010-  
 719 2011 school year, the end-of-course assessment requirements  
 720 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student  
 721 to earn the required credit in Algebra I. Beginning with  
 722 students entering grade 9 in the 2011-2012 school year, the end-  
 723 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)  
 724 must be met in order for a student to earn the required credit  
 725 in geometry. Beginning with students entering grade 9 in the  
 726 2012-2013 school year, in addition to the Algebra I and geometry  
 727 credit requirements, one of the four credits in mathematics must  
 728 be Algebra II or a series of courses equivalent to Algebra II as

729 approved by the State Board of Education;

730 3. Three credits in science, two of which must have a  
 731 laboratory component. Beginning with students entering grade 9  
 732 in the 2011-2012 school year, one of the three credits in  
 733 science must be Biology I or a series of courses equivalent to  
 734 Biology I as approved by the State Board of Education. Beginning  
 735 with students entering grade 9 in the 2011-2012 school year, the  
 736 end-of-course assessment requirements under s.

737 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
 738 the required credit in Biology I. Beginning with students  
 739 entering grade 9 in the 2013-2014 school year, one of the three  
 740 credits must be Biology I or a series of courses equivalent to  
 741 Biology I as approved by the State Board of Education, one  
 742 credit must be chemistry or physics or a series of courses  
 743 equivalent to chemistry or physics as approved by the State  
 744 Board of Education, and one credit must be an equally rigorous  
 745 course, as approved by the State Board of Education;

746 4. Three credits in social sciences, which must include  
 747 one credit in United States history, one credit in world  
 748 history, one-half credit in United States government, and one-  
 749 half credit in economics;

750 5. Three credits in a single vocational or career  
 751 education program, three credits in career and technical  
 752 certificate dual enrollment courses, or five credits in  
 753 vocational or career education courses; and

754 6. Two credits and, beginning with students entering grade  
 755 9 in the 2010-2011 school year, one credit in electives unless  
 756 five credits are earned pursuant to subparagraph 5.

757  
 758 Any student who selected an accelerated graduation program  
 759 before July 1, 2004, may continue that program, and all  
 760 statutory program requirements that were applicable when the  
 761 student made the program choice shall remain applicable to the  
 762 student as long as the student continues that program.

763 (7) If, at the end of each grade, a student is not on  
 764 track to meet the credit, assessment, or grade-point-average  
 765 requirements of the accelerated graduation option selected, the  
 766 school shall notify the student and parent of the following:

767 (c) The right of the student to change to the 4-year  
 768 program set forth in s. 1003.428 ~~or s. 1003.43, as applicable.~~

769 (8) A student who selected one of the accelerated 3-year  
 770 graduation options shall automatically move to the 4-year  
 771 program set forth in s. 1003.428 ~~or s. 1003.43, if applicable,~~  
 772 if the student:

773 (a) Exercises his or her right to change to the 4-year  
 774 program;

775 (b) Fails to earn 5 credits by the end of grade 9 or fails  
 776 to earn 11 credits by the end of grade 10;

777 (c) Does not achieve a score of 3 or higher on the grade  
 778 10 FCAT Writing assessment; or

779 (d) By the end of grade 11 does not meet the requirements  
 780 of subsections (1) and (6).

781 Section 40. Section 1003.438, Florida Statutes, is amended  
 782 to read:

783 1003.438 Special high school graduation requirements for  
 784 certain exceptional students.—A student who has been identified,

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785 | in accordance with rules established by the State Board of  
 786 | Education, as a student with disabilities who has an  
 787 | intellectual disability; an autism spectrum disorder; a language  
 788 | impairment; an orthopedic impairment; an other health  
 789 | impairment; a traumatic brain injury; an emotional or behavioral  
 790 | disability; a specific learning disability, including, but not  
 791 | limited to, dyslexia, dyscalculia, or developmental aphasia; or  
 792 | students who are deaf or hard of hearing or dual sensory  
 793 | impaired shall not be required to meet all requirements of ~~s.~~  
 794 | ~~1003.43~~ ~~or~~ s. 1003.428 or s. 1003.429 and shall, upon meeting  
 795 | all applicable requirements prescribed by the district school  
 796 | board pursuant to s. 1008.25, be awarded a special diploma in a  
 797 | form prescribed by the commissioner; however, such special  
 798 | graduation requirements prescribed by the district school board  
 799 | must include minimum graduation requirements as prescribed by  
 800 | the commissioner. Any such student who meets all special  
 801 | requirements of the district school board, but is unable to meet  
 802 | the appropriate special state minimum requirements, shall be  
 803 | awarded a special certificate of completion in a form prescribed  
 804 | by the commissioner. However, this section does not limit or  
 805 | restrict the right of an exceptional student solely to a special  
 806 | diploma or special certificate of completion. Any such student  
 807 | shall, upon proper request, be afforded the opportunity to fully  
 808 | meet all requirements of ~~s. 1003.43~~ ~~or~~ s. 1003.428 or s.  
 809 | 1003.429 through the standard procedures established therein and  
 810 | thereby to qualify for a standard diploma upon graduation.

811 |       Section 41. Subsection (1) of section 1003.49, Florida  
 812 | Statutes, is amended to read:



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813 1003.49 Graduation and promotion requirements for publicly  
 814 operated schools.—

815 (1) Each state or local public agency, including the  
 816 Department of Children and Family Services, the Department of  
 817 Corrections, the boards of trustees of universities and Florida  
 818 College System institutions, and the Board of Trustees of the  
 819 Florida School for the Deaf and the Blind, which agency is  
 820 authorized to operate educational programs for students at any  
 821 level of grades kindergarten through 12 shall be subject to all  
 822 applicable requirements of ss. 1003.428, 1003.429 ~~1003.43,~~  
 823 1008.23, and 1008.25. Within the content of these cited statutes  
 824 each such state or local public agency or entity shall be  
 825 considered a "district school board."

826 Section 42. Paragraph (c) of subsection (4) of section  
 827 1004.70, Florida Statutes, is amended to read:

828 1004.70 Florida College System institution direct-support  
 829 organizations.—

830 (4) ACTIVITIES; RESTRICTIONS.—

831 (c) Any transaction or agreement between one direct-  
 832 support organization and another direct-support organization ~~or~~  
 833 ~~between a direct support organization and a center of technology~~  
 834 ~~innovation designated under s. 1004.77~~ must be approved by the  
 835 board of trustees.

836 Section 43. Paragraph (b) of subsection (4) of section  
 837 1004.71, Florida Statutes, is amended to read:

838 1004.71 Statewide Florida College System institution  
 839 direct-support organizations.—

840 (4) RESTRICTIONS.—

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841 (b) Any transaction or agreement between a statewide,  
 842 direct-support organization and any other direct-support  
 843 organization ~~or between a statewide, direct support organization~~  
 844 ~~and a center of technology innovation designated under s.~~  
 845 ~~1004.77~~ must be approved by the State Board of Education.

846 Section 44. Paragraph (f) of subsection (2) of section  
 847 1006.025, Florida Statutes, is amended to read:

848 1006.025 Guidance services.—

849 (2) The guidance report shall include, but not be limited  
 850 to, the following:

851 ~~(f) Actions taken to provide information to students for~~  
 852 ~~the school to work transition pursuant to s. 1006.02.~~

853 Section 45. Paragraph (a) of subsection (3) of section  
 854 1006.15, Florida Statutes, is amended to read:

855 1006.15 Student standards for participation in  
 856 interscholastic and intrascholastic extracurricular student  
 857 activities; regulation.—

858 (3)(a) To be eligible to participate in interscholastic  
 859 extracurricular student activities, a student must:

860 1. Maintain a grade point average of 2.0 or above on a 4.0  
 861 scale, or its equivalent, in the previous semester or a  
 862 cumulative grade point average of 2.0 or above on a 4.0 scale,  
 863 or its equivalent, in the courses required by s. 1003.428 or s.  
 864 1003.429 ~~1003.43(1)~~.

865 2. Execute and fulfill the requirements of an academic  
 866 performance contract between the student, the district school  
 867 board, the appropriate governing association, and the student's  
 868 parents, if the student's cumulative grade point average falls

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869 below 2.0, or its equivalent, on a 4.0 scale in the courses  
 870 required by s. 1003.428 or s. 1003.429 ~~1003.43(1)~~ or, for  
 871 ~~students who entered the 9th grade prior to the 1997-1998 school~~  
 872 ~~year, if the student's cumulative grade point average falls~~  
 873 ~~below 2.0 on a 4.0 scale, or its equivalent, in the courses~~  
 874 ~~required by s. 1003.43(1) which are taken after July 1, 1997.~~ At  
 875 a minimum, the contract must require that the student attend  
 876 summer school, or its graded equivalent, between grades 9 and 10  
 877 or grades 10 and 11, as necessary.

878 3. Have a cumulative grade point average of 2.0 or above  
 879 on a 4.0 scale, or its equivalent, in the courses required by s.  
 880 1003.428 or s. 1003.429 ~~1003.43(1)~~ during his or her junior or  
 881 senior year.

882 4. Maintain satisfactory conduct, including adherence to  
 883 appropriate dress and other codes of student conduct policies  
 884 described in s. 1006.07(2). If a student is convicted of, or is  
 885 found to have committed, a felony or a delinquent act that would  
 886 have been a felony if committed by an adult, regardless of  
 887 whether adjudication is withheld, the student's participation in  
 888 interscholastic extracurricular activities is contingent upon  
 889 established and published district school board policy.

890 Section 46. Subsection (4) of section 1007.263, Florida  
 891 Statutes, is amended to read:

892 1007.263 Florida College System institutions; admissions  
 893 of students.—Each Florida College System institution board of  
 894 trustees is authorized to adopt rules governing admissions of  
 895 students subject to this section and rules of the State Board of  
 896 Education. These rules shall include the following:

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897 (4) A student who has been awarded a special diploma as  
 898 defined in s. 1003.438 or a certificate of completion as defined  
 899 in s. 1003.428(7)(b) ~~1003.43(10)~~ is eligible to enroll in  
 900 certificate career education programs.

901  
 902 Each board of trustees shall establish policies that notify  
 903 students about, and place students into, adult basic education,  
 904 adult secondary education, or other instructional programs that  
 905 provide students with alternatives to traditional college-  
 906 preparatory instruction, including private provider instruction.  
 907 A student is prohibited from enrolling in additional college-  
 908 level courses until the student scores above the cut-score on  
 909 all sections of the common placement test.

910 Section 47. Subsections (2) and (9) of section 1007.271,  
 911 Florida Statutes, are amended to read:

912 1007.271 Dual enrollment programs.—

913 (2) For the purpose of this section, an eligible secondary  
 914 student is a student who is enrolled in a Florida public  
 915 secondary school or in a Florida private secondary school which  
 916 is in compliance with s. 1002.42(2) and provides a secondary  
 917 curriculum pursuant to s. 1003.428 or, s. 1003.429, ~~or s.~~  
 918 ~~1003.43~~. Students who are eligible for dual enrollment pursuant  
 919 to this section may enroll in dual enrollment courses conducted  
 920 during school hours, after school hours, and during the summer  
 921 term. However, if the student is projected to graduate from high  
 922 school before the scheduled completion date of a postsecondary  
 923 course, the student may not register for that course through  
 924 dual enrollment. The student may apply to the postsecondary

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925 institution and pay the required registration, tuition, and fees  
 926 if the student meets the postsecondary institution's admissions  
 927 requirements under s. 1007.263. Instructional time for dual  
 928 enrollment may vary from 900 hours; however, the school district  
 929 may only report the student for a maximum of 1.0 FTE, as  
 930 provided in s. 1011.61(4). Any student enrolled as a dual  
 931 enrollment student is exempt from the payment of registration,  
 932 tuition, and laboratory fees. Vocational-preparatory  
 933 instruction, college-preparatory instruction, and other forms of  
 934 precollegiate instruction, as well as physical education courses  
 935 that focus on the physical execution of a skill rather than the  
 936 intellectual attributes of the activity, are ineligible for  
 937 inclusion in the dual enrollment program. Recreation and leisure  
 938 studies courses shall be evaluated individually in the same  
 939 manner as physical education courses for potential inclusion in  
 940 the program.

941 (9) The Commissioner of Education shall appoint faculty  
 942 committees representing public school, Florida College System  
 943 institution, and university faculties to identify postsecondary  
 944 courses that meet the high school graduation requirements of s.  
 945 1003.428 or s. 1003.429, ~~or s. 1003.43~~ and to establish the  
 946 number of postsecondary semester credit hours of instruction and  
 947 equivalent high school credits earned through dual enrollment  
 948 pursuant to this section that are necessary to meet high school  
 949 graduation requirements. Such equivalencies shall be determined  
 950 solely on comparable course content and not on seat time  
 951 traditionally allocated to such courses in high school. The  
 952 Commissioner of Education shall recommend to the State Board of

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953 Education those postsecondary courses identified to meet high  
 954 school graduation requirements, based on mastery of course  
 955 outcomes, by their course numbers, and all high schools shall  
 956 accept these postsecondary education courses toward meeting the  
 957 requirements of s. 1003.428 or s. 1003.429, ~~or s. 1003.43.~~

958 Section 48. Paragraph (c) of subsection (3) of section  
 959 1008.22, Florida Statutes, is amended to read:

960 1008.22 Student assessment program for public schools.-

961 (3) STATEWIDE ASSESSMENT PROGRAM.-The commissioner shall  
 962 design and implement a statewide program of educational  
 963 assessment that provides information for the improvement of the  
 964 operation and management of the public schools, including  
 965 schools operating for the purpose of providing educational  
 966 services to youth in Department of Juvenile Justice programs.  
 967 The commissioner may enter into contracts for the continued  
 968 administration of the assessment programs authorized and funded  
 969 by the Legislature. Contracts may be initiated in 1 fiscal year  
 970 and continue into the next and may be paid from the  
 971 appropriations of either or both fiscal years. The commissioner  
 972 is authorized to negotiate for the sale or lease of tests,  
 973 scoring protocols, test scoring services, and related materials  
 974 developed pursuant to law. Pursuant to the statewide assessment  
 975 program, the commissioner shall:

976 (c) Develop and implement a student achievement assessment  
 977 program as follows:

978 1. The Florida Comprehensive Assessment Test (FCAT)  
 979 measures a student's content knowledge and skills in reading,  
 980 writing, science, and mathematics. The content knowledge and

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981 skills assessed by the FCAT must be aligned to the core  
 982 curricular content established in the Next Generation Sunshine  
 983 State Standards. FCAT Reading and FCAT Mathematics shall be  
 984 administered annually in grades 3 through 10 except, beginning  
 985 with the 2010-2011 school year, the administration of grade 9  
 986 FCAT Mathematics shall be discontinued, and beginning with the  
 987 2011-2012 school year, the administration of grade 10 FCAT  
 988 Mathematics shall be discontinued, except as required for  
 989 students who have not attained minimum performance expectations  
 990 for graduation as provided in paragraph (9)(c). FCAT Writing and  
 991 FCAT Science shall be administered at least once at the  
 992 elementary, middle, and high school levels except, beginning  
 993 with the 2011-2012 school year, the administration of FCAT  
 994 Science at the high school level shall be discontinued. Students  
 995 enrolled in an Algebra I, geometry, or Biology I course or an  
 996 equivalent course with a statewide, standardized end-of-course  
 997 assessment are not required to take the corresponding grade-  
 998 level FCAT assessment.

999       2.a. End-of-course assessments must be rigorous,  
 1000 statewide, standardized, and developed or approved by the  
 1001 department. The content knowledge and skills assessed by end-of-  
 1002 course assessments must be aligned to the core curricular  
 1003 content established in the Next Generation Sunshine State  
 1004 Standards.

1005       (I) Statewide, standardized end-of-course assessments in  
 1006 mathematics shall be administered according to this sub-sub-  
 1007 subparagraph. Beginning with the 2010-2011 school year, all  
 1008 students enrolled in Algebra I or an equivalent course must take

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1009 the Algebra I end-of-course assessment. For students entering  
 1010 grade 9 during the 2010-2011 school year and who are enrolled in  
 1011 Algebra I or an equivalent, each student's performance on the  
 1012 end-of-course assessment in Algebra I shall constitute 30  
 1013 percent of the student's final course grade. Beginning with the  
 1014 2012-2013 school year, the end-of-course assessment in Algebra I  
 1015 shall be administered four times annually. Beginning with  
 1016 students entering grade 9 in the 2011-2012 school year, a  
 1017 student who is enrolled in Algebra I or an equivalent must earn  
 1018 a passing score on the end-of-course assessment in Algebra I or  
 1019 attain an equivalent score as described in subsection (11) in  
 1020 order to earn course credit. Beginning with the 2011-2012 school  
 1021 year, all students enrolled in geometry or an equivalent course  
 1022 must take the geometry end-of-course assessment. For students  
 1023 entering grade 9 during the 2011-2012 school year, each  
 1024 student's performance on the end-of-course assessment in  
 1025 geometry shall constitute 30 percent of the student's final  
 1026 course grade. Beginning with students entering grade 9 during  
 1027 the 2012-2013 school year, a student must earn a passing score  
 1028 on the end-of-course assessment in geometry or attain an  
 1029 equivalent score as described in subsection (11) in order to  
 1030 earn course credit.

1031 (II) Statewide, standardized end-of-course assessments in  
 1032 science shall be administered according to this sub-sub-  
 1033 subparagraph. Beginning with the 2011-2012 school year, all  
 1034 students enrolled in Biology I or an equivalent course must take  
 1035 the Biology I end-of-course assessment. For the 2011-2012 school  
 1036 year, each student's performance on the end-of-course assessment



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1037 | in Biology I shall constitute 30 percent of the student's final  
 1038 | course grade. Beginning with students entering grade 9 during  
 1039 | the 2012-2013 school year, a student must earn a passing score  
 1040 | on the end-of-course assessment in Biology I in order to earn  
 1041 | course credit.

1042 |       b. During the 2012-2013 school year, an end-of-course  
 1043 | assessment in civics education shall be administered as a field  
 1044 | test at the middle school level. During the 2013-2014 school  
 1045 | year, each student's performance on the statewide, standardized  
 1046 | end-of-course assessment in civics education shall constitute 30  
 1047 | percent of the student's final course grade. Beginning with the  
 1048 | 2014-2015 school year, a student must earn a passing score on  
 1049 | the end-of-course assessment in civics education in order to  
 1050 | pass the course and be promoted from the middle grades. The  
 1051 | school principal of a middle school shall determine, in  
 1052 | accordance with State Board of Education rule, whether a student  
 1053 | who transfers to the middle school and who has successfully  
 1054 | completed a civics education course at the student's previous  
 1055 | school must take an end-of-course assessment in civics  
 1056 | education.

1057 |       c. The commissioner may select one or more nationally  
 1058 | developed comprehensive examinations, which may include, but  
 1059 | need not be limited to, examinations for a College Board  
 1060 | Advanced Placement course, International Baccalaureate course,  
 1061 | or Advanced International Certificate of Education course, or  
 1062 | industry-approved examinations to earn national industry  
 1063 | certifications identified in the Industry Certification Funding  
 1064 | List, pursuant to rules adopted by the State Board of Education,

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1065 for use as end-of-course assessments under this paragraph, if  
 1066 the commissioner determines that the content knowledge and  
 1067 skills assessed by the examinations meet or exceed the grade  
 1068 level expectations for the core curricular content established  
 1069 for the course in the Next Generation Sunshine State Standards.  
 1070 The commissioner may collaborate with the American Diploma  
 1071 Project in the adoption or development of rigorous end-of-course  
 1072 assessments that are aligned to the Next Generation Sunshine  
 1073 State Standards.

1074 d. Contingent upon funding provided in the General  
 1075 Appropriations Act, including the appropriation of funds  
 1076 received through federal grants, the Commissioner of Education  
 1077 shall establish an implementation schedule for the development  
 1078 and administration of additional statewide, standardized end-of-  
 1079 course assessments in English/Language Arts II, Algebra II,  
 1080 chemistry, physics, earth/space science, United States history,  
 1081 and world history. Priority shall be given to the development of  
 1082 end-of-course assessments in English/Language Arts II. The  
 1083 Commissioner of Education shall evaluate the feasibility and  
 1084 effect of transitioning from the grade 9 and grade 10 FCAT  
 1085 Reading and high school level FCAT Writing to an end-of-course  
 1086 assessment in English/Language Arts II. The commissioner shall  
 1087 report the results of the evaluation to the President of the  
 1088 Senate and the Speaker of the House of Representatives no later  
 1089 than July 1, 2011.

1090 3. The assessment program shall measure student content  
 1091 knowledge and skills adopted by the State Board of Education as  
 1092 specified in paragraph (a) and measure and report student

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1093 performance levels of all students assessed in reading, writing,  
 1094 mathematics, and science. The commissioner shall provide for the  
 1095 tests to be developed or obtained, as appropriate, through  
 1096 contracts and project agreements with private vendors, public  
 1097 vendors, public agencies, postsecondary educational  
 1098 institutions, or school districts. The commissioner shall obtain  
 1099 input with respect to the design and implementation of the  
 1100 assessment program from state educators, assistive technology  
 1101 experts, and the public.

1102 4. The assessment program shall be composed of criterion-  
 1103 referenced tests that shall, to the extent determined by the  
 1104 commissioner, include test items that require the student to  
 1105 produce information or perform tasks in such a way that the core  
 1106 content knowledge and skills he or she uses can be measured.

1107 5. FCAT Reading, Mathematics, and Science and all  
 1108 statewide, standardized end-of-course assessments shall measure  
 1109 the content knowledge and skills a student has attained on the  
 1110 assessment by the use of scaled scores and achievement levels.  
 1111 Achievement levels shall range from 1 through 5, with level 1  
 1112 being the lowest achievement level, level 5 being the highest  
 1113 achievement level, and level 3 indicating satisfactory  
 1114 performance on an assessment. For purposes of FCAT Writing,  
 1115 student achievement shall be scored using a scale of 1 through 6  
 1116 and the score earned shall be used in calculating school grades.  
 1117 A score shall be designated for each subject area tested, below  
 1118 which score a student's performance is deemed inadequate. The  
 1119 school districts shall provide appropriate remedial instruction  
 1120 to students who score below these levels.

1121           6. The State Board of Education shall, by rule, designate  
 1122 a passing score for each part of the grade 10 assessment test  
 1123 and end-of-course assessments. Any rule that has the effect of  
 1124 raising the required passing scores may apply only to students  
 1125 taking the assessment for the first time after the rule is  
 1126 adopted by the State Board of Education. Except as otherwise  
 1127 provided in this subparagraph and as provided in s.  
 1128 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~, students must earn a  
 1129 passing score on grade 10 FCAT Reading and grade 10 FCAT  
 1130 Mathematics or attain concordant scores as described in  
 1131 subsection (10) in order to qualify for a standard high school  
 1132 diploma.

1133           7. In addition to designating a passing score under  
 1134 subparagraph 6., the State Board of Education shall also  
 1135 designate, by rule, a score for each statewide, standardized  
 1136 end-of-course assessment which indicates that a student is high  
 1137 achieving and has the potential to meet college-readiness  
 1138 standards by the time the student graduates from high school.

1139           8. Participation in the assessment program is mandatory  
 1140 for all students attending public school, including students  
 1141 served in Department of Juvenile Justice programs, except as  
 1142 otherwise prescribed by the commissioner. A student who has not  
 1143 earned passing scores on the grade 10 FCAT as provided in  
 1144 subparagraph 6. must participate in each retake of the  
 1145 assessment until the student earns passing scores or achieves  
 1146 scores on a standardized assessment which are concordant with  
 1147 passing scores pursuant to subsection (10). If a student does  
 1148 not participate in the statewide assessment, the district must

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1149 | notify the student's parent and provide the parent with  
1150 | information regarding the implications of such nonparticipation.  
1151 | A parent must provide signed consent for a student to receive  
1152 | classroom instructional accommodations that would not be  
1153 | available or permitted on the statewide assessments and must  
1154 | acknowledge in writing that he or she understands the  
1155 | implications of such instructional accommodations. The State  
1156 | Board of Education shall adopt rules, based upon recommendations  
1157 | of the commissioner, for the provision of test accommodations  
1158 | for students in exceptional education programs and for students  
1159 | who have limited English proficiency. Accommodations that negate  
1160 | the validity of a statewide assessment are not allowable in the  
1161 | administration of the FCAT or an end-of-course assessment.  
1162 | However, instructional accommodations are allowable in the  
1163 | classroom if included in a student's individual education plan.  
1164 | Students using instructional accommodations in the classroom  
1165 | that are not allowable as accommodations on the FCAT or an end-  
1166 | of-course assessment may have the FCAT or an end-of-course  
1167 | assessment requirement waived pursuant to the requirements of s.  
1168 | 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~.

1169 |       9. A student seeking an adult high school diploma must  
1170 | meet the same testing requirements that a regular high school  
1171 | student must meet.

1172 |       10. District school boards must provide instruction to  
1173 | prepare students in the core curricular content established in  
1174 | the Next Generation Sunshine State Standards adopted under s.  
1175 | 1003.41, including the core content knowledge and skills  
1176 | necessary for successful grade-to-grade progression and high

1177 school graduation. If a student is provided with instructional  
 1178 accommodations in the classroom that are not allowable as  
 1179 accommodations in the statewide assessment program, as described  
 1180 in the test manuals, the district must inform the parent in  
 1181 writing and must provide the parent with information regarding  
 1182 the impact on the student's ability to meet expected performance  
 1183 levels in reading, writing, mathematics, and science. The  
 1184 commissioner shall conduct studies as necessary to verify that  
 1185 the required core curricular content is part of the district  
 1186 instructional programs.

1187 11. District school boards must provide opportunities for  
 1188 students to demonstrate an acceptable performance level on an  
 1189 alternative standardized assessment approved by the State Board  
 1190 of Education following enrollment in summer academies.

1191 12. The Department of Education must develop, or select,  
 1192 and implement a common battery of assessment tools that will be  
 1193 used in all juvenile justice programs in the state. These tools  
 1194 must accurately measure the core curricular content established  
 1195 in the Next Generation Sunshine State Standards.

1196 13. For students seeking a special diploma pursuant to s.  
 1197 1003.438, the Department of Education must develop or select and  
 1198 implement an alternate assessment tool that accurately measures  
 1199 the core curricular content established in the Next Generation  
 1200 Sunshine State Standards for students with disabilities under s.  
 1201 1003.438.

1202 14. The Commissioner of Education shall establish  
 1203 schedules for the administration of statewide assessments and  
 1204 the reporting of student test results. When establishing the

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1205 | schedules for the administration of statewide assessments, the  
 1206 | commissioner shall consider the observance of religious and  
 1207 | school holidays. The commissioner shall, by August 1 of each  
 1208 | year, notify each school district in writing and publish on the  
 1209 | department's Internet website the testing and reporting  
 1210 | schedules for, at a minimum, the school year following the  
 1211 | upcoming school year. The testing and reporting schedules shall  
 1212 | require that:

1213 |       a. There is the latest possible administration of  
 1214 | statewide assessments and the earliest possible reporting to the  
 1215 | school districts of student test results which is feasible  
 1216 | within available technology and specific appropriations;  
 1217 | however, test results for the FCAT must be made available no  
 1218 | later than the week of June 8. Student results for end-of-course  
 1219 | assessments must be provided no later than 1 week after the  
 1220 | school district completes testing for each course. The  
 1221 | commissioner may extend the reporting schedule under exigent  
 1222 | circumstances.

1223 |       b. FCAT Writing may not be administered earlier than the  
 1224 | week of March 1, and a comprehensive statewide assessment of any  
 1225 | other subject may not be administered earlier than the week of  
 1226 | April 15.

1227 |       c. A statewide, standardized end-of-course assessment is  
 1228 | administered at the end of the course. The commissioner shall  
 1229 | select an administration period for assessments that meets the  
 1230 | intent of end-of-course assessments and provides student results  
 1231 | prior to the end of the course. School districts shall  
 1232 | administer tests in accordance with the schedule determined by

1233 the commissioner. For an end-of-course assessment administered  
 1234 at the end of the first semester, the commissioner shall  
 1235 determine the most appropriate testing dates based on a review  
 1236 of each school district's academic calendar.

1237  
 1238 The commissioner may, based on collaboration and input from  
 1239 school districts, design and implement student testing programs,  
 1240 for any grade level and subject area, necessary to effectively  
 1241 monitor educational achievement in the state, including the  
 1242 measurement of educational achievement of the Next Generation  
 1243 Sunshine State Standards for students with disabilities.  
 1244 Development and refinement of assessments shall include  
 1245 universal design principles and accessibility standards that  
 1246 will prevent any unintended obstacles for students with  
 1247 disabilities while ensuring the validity and reliability of the  
 1248 test. These principles should be applicable to all technology  
 1249 platforms and assistive devices available for the assessments.  
 1250 The field testing process and psychometric analyses for the  
 1251 statewide assessment program must include an appropriate  
 1252 percentage of students with disabilities and an evaluation or  
 1253 determination of the effect of test items on such students.

1254 Section 49. Section 1008.23, Florida Statutes, is amended  
 1255 to read:

1256 1008.23 Confidentiality of assessment instruments.—All  
 1257 examination and assessment instruments, including developmental  
 1258 materials and workpapers directly related thereto, which are  
 1259 prepared, prescribed, or administered pursuant to ss. ~~1003.43,~~  
 1260 ~~1008.22,~~ and 1008.25 shall be confidential and exempt from the



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1261 provisions of s. 119.07(1) and from s. 1001.52. Provisions  
 1262 governing access, maintenance, and destruction of such  
 1263 instruments and related materials shall be prescribed by rules  
 1264 of the State Board of Education.

1265 Section 50. Paragraph (a) of subsection (1) of section  
 1266 1009.40, Florida Statutes, is amended to read:

1267 1009.40 General requirements for student eligibility for  
 1268 state financial aid awards and tuition assistance grants.—

1269 (1)(a) The general requirements for eligibility of  
 1270 students for state financial aid awards and tuition assistance  
 1271 grants consist of the following:

1272 1. Achievement of the academic requirements of and  
 1273 acceptance at a state university or Florida College System  
 1274 institution; a nursing diploma school approved by the Florida  
 1275 Board of Nursing; a Florida college or university which is  
 1276 accredited by an accrediting agency recognized by the State  
 1277 Board of Education; any Florida institution the credits of which  
 1278 are acceptable for transfer to state universities; any career  
 1279 center; or any private career institution accredited by an  
 1280 accrediting agency recognized by the State Board of Education.

1281 2. Residency in this state for no less than 1 year  
 1282 preceding the award of aid or a tuition assistance grant for a  
 1283 program established pursuant to s. 1009.50, s. 1009.505, s.  
 1284 1009.51, s. 1009.52, s. 1009.53, s. 1009.56, s. 1009.60, s.  
 1285 1009.62, ~~s. 1009.68~~, s. 1009.72, s. 1009.73, s. 1009.77, s.  
 1286 1009.89, or s. 1009.891. Residency in this state must be for  
 1287 purposes other than to obtain an education. Resident status for  
 1288 purposes of receiving state financial aid awards shall be

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1289 determined in the same manner as resident status for tuition  
 1290 purposes pursuant to s. 1009.21.

1291 3. Submission of certification attesting to the accuracy,  
 1292 completeness, and correctness of information provided to  
 1293 demonstrate a student's eligibility to receive state financial  
 1294 aid awards or tuition assistance grants. Falsification of such  
 1295 information shall result in the denial of any pending  
 1296 application and revocation of any award or grant currently held  
 1297 to the extent that no further payments shall be made.  
 1298 Additionally, students who knowingly make false statements in  
 1299 order to receive state financial aid awards or tuition  
 1300 assistance grants commit a misdemeanor of the second degree  
 1301 subject to the provisions of s. 837.06 and shall be required to  
 1302 return all state financial aid awards or tuition assistance  
 1303 grants wrongfully obtained.

1304 Section 51. Paragraph (b) of subsection (1) of section  
 1305 1009.531, Florida Statutes, is amended to read:

1306 1009.531 Florida Bright Futures Scholarship Program;  
 1307 student eligibility requirements for initial awards.-

1308 (1) Effective January 1, 2008, in order to be eligible for  
 1309 an initial award from any of the three types of scholarships  
 1310 under the Florida Bright Futures Scholarship Program, a student  
 1311 must:

1312 (b) Earn a standard Florida high school diploma or its  
 1313 equivalent pursuant to s. 1003.428, s. 1003.4281, s. 1003.429,  
 1314 ~~s. 1003.43~~, or s. 1003.435 unless:

1315 1. The student completes a home education program  
 1316 according to s. 1002.41; or

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1317 2. The student earns a high school diploma from a non-  
 1318 Florida school while living with a parent or guardian who is on  
 1319 military or public service assignment away from Florida.

1320 Section 52. Paragraph (c) of subsection (2) of section  
 1321 1009.94, Florida Statutes, is amended to read:

1322 1009.94 Student financial assistance database.—

1323 (2) For purposes of this section, financial assistance  
 1324 includes:

1325 (c) Any financial assistance provided under s. 1009.50, s.  
 1326 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, s.  
 1327 1009.56, s. 1009.60, s. 1009.62, ~~s. 1009.68~~, s. 1009.70, s.  
 1328 1009.701, s. 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s.  
 1329 1009.89, or s. 1009.891.

1330 Section 53. Paragraph (c) of subsection (1) of section  
 1331 1011.61, Florida Statutes, is amended to read:

1332 1011.61 Definitions.—Notwithstanding the provisions of s.  
 1333 1000.21, the following terms are defined as follows for the  
 1334 purposes of the Florida Education Finance Program:

1335 (1) A "full-time equivalent student" in each program of  
 1336 the district is defined in terms of full-time students and part-  
 1337 time students as follows:

1338 (c)1. A "full-time equivalent student" is:

1339 a. A full-time student in any one of the programs listed  
 1340 in s. 1011.62(1)(c); or

1341 b. A combination of full-time or part-time students in any  
 1342 one of the programs listed in s. 1011.62(1)(c) which is the  
 1343 equivalent of one full-time student based on the following  
 1344 calculations:

1345 (I) A full-time student in a combination of programs  
 1346 listed in s. 1011.62(1)(c) shall be a fraction of a full-time  
 1347 equivalent membership in each program equal to the number of net  
 1348 hours per school year for which he or she is a member, divided  
 1349 by the appropriate number of hours set forth in subparagraph  
 1350 (a)1. or subparagraph (a)2. The sum of the fractions for each  
 1351 program may not exceed the maximum value set forth in subsection  
 1352 (4).

1353 (II) A prekindergarten student with a disability shall  
 1354 meet the requirements specified for kindergarten students.

1355 (III) A full-time equivalent student for students in  
 1356 kindergarten through grade 12 in a full-time virtual instruction  
 1357 program under s. 1002.45 or a virtual charter school under s.  
 1358 1002.33 shall consist of six full-credit completions or the  
 1359 prescribed level of content that counts toward promotion to the  
 1360 next grade in programs listed in s. 1011.62(1)(c). Credit  
 1361 completions may be a combination of full-credit courses or half-  
 1362 credit courses. Beginning in the 2014-2015 fiscal year, when s.  
 1363 1008.22(3)(g) is implemented, the reported full-time equivalent  
 1364 students and associated funding of students enrolled in courses  
 1365 requiring passage of an end-of-course assessment shall be  
 1366 adjusted after the student completes the end-of-course  
 1367 assessment.

1368 (IV) A full-time equivalent student for students in  
 1369 kindergarten through grade 12 in a part-time virtual instruction  
 1370 program under s. 1002.45 shall consist of six full-credit  
 1371 completions in programs listed in s. 1011.62(1)(c)1. and 3.  
 1372 Credit completions may be a combination of full-credit courses

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1373 or half-credit courses. Beginning in the 2014-2015 fiscal year,  
 1374 when s. 1008.22(3)(g) is implemented, the reported full-time  
 1375 equivalent students and associated funding of students enrolled  
 1376 in courses requiring passage of an end-of-course assessment  
 1377 shall be adjusted after the student completes the end-of-course  
 1378 assessment.

1379 (V) A Florida Virtual School full-time equivalent student  
 1380 shall consist of six full-credit completions or the prescribed  
 1381 level of content that counts toward promotion to the next grade  
 1382 in the programs listed in s. 1011.62(1)(c)1. and 3. for students  
 1383 participating in kindergarten through grade 12 part-time virtual  
 1384 instruction and the programs listed in s. 1011.62(1)(c) for  
 1385 students participating in kindergarten through grade 12 full-  
 1386 time virtual instruction. Credit completions may be a  
 1387 combination of full-credit courses or half-credit courses.  
 1388 Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is  
 1389 implemented, the reported full-time equivalent students and  
 1390 associated funding of students enrolled in courses requiring  
 1391 passage of an end-of-course assessment shall be adjusted after  
 1392 the student completes the end-of-course assessment.

1393 (VI) Each successfully completed full-credit course earned  
 1394 through an online course delivered by a district other than the  
 1395 one in which the student resides shall be calculated as 1/6  
 1396 FTE.

1397 ~~(VII) Each successfully completed credit earned under the~~  
 1398 ~~alternative high school course credit requirements authorized in~~  
 1399 ~~s. 1002.375, which is not reported as a portion of the 900 net~~  
 1400 ~~hours of instruction pursuant to subparagraph (1)(a)1., shall be~~

1401 | ~~calculated as 1/6 FTE.~~

1402 |        (VII)~~(VIII)~~(A) A full-time equivalent student for courses  
 1403 | requiring a statewide, standardized end-of-course assessment  
 1404 | pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported  
 1405 | based on the number of instructional hours as provided in this  
 1406 | subsection for the first 3 years of administering the end-of-  
 1407 | course assessment. Beginning in the fourth year of administering  
 1408 | the end-of-course assessment, the FTE shall be credit-based and  
 1409 | each course shall be equal to 1/6 FTE. The reported FTE shall  
 1410 | be adjusted after the student successfully completes the end-of-  
 1411 | course assessment pursuant to s. 1008.22(3)(c)2.a.

1412 |        (B) For students enrolled in a school district as a full-  
 1413 | time student, the district may report 1/6 FTE for each student  
 1414 | who passes a statewide, standardized end-of-course assessment  
 1415 | without being enrolled in the corresponding course.

1416 |        (C) The FTE earned under this sub-sub-subparagraph and any  
 1417 | FTE for courses or programs listed in s. 1011.62(1)(c) that do  
 1418 | not require passing a statewide, standardized end-of-course  
 1419 | assessment are subject to the requirements in subsection (4).

1420 |        2. A student in membership in a program scheduled for more  
 1421 | or less than 180 school days or the equivalent on an hourly  
 1422 | basis as specified by rules of the State Board of Education is a  
 1423 | fraction of a full-time equivalent membership equal to the  
 1424 | number of instructional hours in membership divided by the  
 1425 | appropriate number of hours set forth in subparagraph (a)1.;  
 1426 | however, for the purposes of this subparagraph, membership in  
 1427 | programs scheduled for more than 180 days is limited to students  
 1428 | enrolled in juvenile justice education programs and the Florida

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1429 Virtual School.

1430

1431 The department shall determine and implement an equitable method  
 1432 of equivalent funding for experimental schools and for schools  
 1433 operating under emergency conditions, which schools have been  
 1434 approved by the department to operate for less than the minimum  
 1435 school day.

1436 Section 54. Paragraph (b) of subsection (2) of section  
 1437 1013.35, Florida Statutes, is amended to read:

1438 1013.35 School district educational facilities plan;  
 1439 definitions; preparation, adoption, and amendment; long-term  
 1440 work programs.—

1441 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL  
 1442 FACILITIES PLAN.—

1443 (b) The plan must also include a financially feasible  
 1444 district facilities work program for a 5-year period. The work  
 1445 program must include:

1446 1. A schedule of major repair and renovation projects  
 1447 necessary to maintain the educational facilities and ancillary  
 1448 facilities of the district.

1449 2. A schedule of capital outlay projects necessary to  
 1450 ensure the availability of satisfactory student stations for the  
 1451 projected student enrollment in K-12 programs. This schedule  
 1452 shall consider:

1453 a. The locations, capacities, and planned utilization  
 1454 rates of current educational facilities of the district. The  
 1455 capacity of existing satisfactory facilities, as reported in the  
 1456 Florida Inventory of School Houses must be compared to the

1457 capital outlay full-time-equivalent student enrollment as  
 1458 determined by the department, including all enrollment used in  
 1459 the calculation of the distribution formula in s. 1013.64.

1460 b. The proposed locations of planned facilities, whether  
 1461 those locations are consistent with the comprehensive plans of  
 1462 all affected local governments, and recommendations for  
 1463 infrastructure and other improvements to land adjacent to  
 1464 existing facilities. The provisions of ss. 1013.33(6), (7), and  
 1465 (8) and 1013.36 must be addressed for new facilities planned  
 1466 within the first 3 years of the work plan, as appropriate.

1467 c. Plans for the use and location of relocatable  
 1468 facilities, leased facilities, and charter school facilities.

1469 d. Plans for multitrack scheduling, grade level  
 1470 organization, block scheduling, or other alternatives that  
 1471 reduce the need for additional permanent student stations.

1472 e. Information concerning average class size and  
 1473 utilization rate by grade level within the district which will  
 1474 result if the tentative district facilities work program is  
 1475 fully implemented.

1476 f. The number and percentage of district students planned  
 1477 to be educated in relocatable facilities during each year of the  
 1478 tentative district facilities work program. For determining  
 1479 future needs, student capacity may not be assigned to any  
 1480 relocatable classroom that is scheduled for elimination or  
 1481 replacement with a permanent educational facility in the current  
 1482 year of the adopted district educational facilities plan and in  
 1483 the district facilities work program adopted under this section.  
 1484 Those relocatable classrooms clearly identified and scheduled



1485 for replacement in a school-board-adopted, financially feasible,  
 1486 5-year district facilities work program shall be counted at zero  
 1487 capacity at the time the work program is adopted and approved by  
 1488 the school board. However, if the district facilities work  
 1489 program is changed and the relocatable classrooms are not  
 1490 replaced as scheduled in the work program, the classrooms must  
 1491 be reentered into the system and be counted at actual capacity.  
 1492 Relocatable classrooms may not be perpetually added to the work  
 1493 program or continually extended for purposes of circumventing  
 1494 this section. All relocatable classrooms not identified and  
 1495 scheduled for replacement, including those owned, lease-  
 1496 purchased, or leased by the school district, must be counted at  
 1497 actual student capacity. The district educational facilities  
 1498 plan must identify the number of relocatable student stations  
 1499 scheduled for replacement during the 5-year survey period and  
 1500 the total dollar amount needed for that replacement.

1501 g. Plans for the closure of any school, including plans  
 1502 for disposition of the facility or usage of facility space, and  
 1503 anticipated revenues.

1504 h. Projects for which capital outlay and debt service  
 1505 funds accruing under s. 9(d), Art. XII of the State Constitution  
 1506 are to be used shall be identified separately in priority order  
 1507 on a project priority list within the district facilities work  
 1508 program.

1509 3. The projected cost for each project identified in the  
 1510 district facilities work program. For proposed projects for new  
 1511 student stations, a schedule shall be prepared comparing the  
 1512 planned cost and square footage for each new student station, by

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1513 elementary, middle, and high school levels, to the low, average,  
 1514 and high cost of facilities constructed throughout the state  
 1515 during the most recent fiscal year for which data is available  
 1516 from the Department of Education.

1517 4. A schedule of estimated capital outlay revenues from  
 1518 each currently approved source which is estimated to be  
 1519 available for expenditure on the projects included in the  
 1520 district facilities work program.

1521 5. A schedule indicating which projects included in the  
 1522 district facilities work program will be funded from current  
 1523 revenues projected in subparagraph 4.

1524 6. A schedule of options for the generation of additional  
 1525 revenues by the district for expenditure on projects identified  
 1526 in the district facilities work program which are not funded  
 1527 under subparagraph 5. Additional anticipated revenues may  
 1528 include ~~effort index grants, SIT Program awards, and Classrooms~~  
 1529 First funds.

1530 Section 55. Subsection (2) of section 1013.356, Florida  
 1531 Statutes, is amended to read:

1532 1013.356 Local funding for educational facilities benefit  
 1533 districts or community development districts.—Upon confirmation  
 1534 by a district school board of the commitment of revenues by an  
 1535 educational facilities benefit district or community development  
 1536 district necessary to construct and maintain an educational  
 1537 facility contained within an individual district facilities work  
 1538 program or proposed by an approved charter school or a charter  
 1539 school applicant, the following funds shall be provided to the  
 1540 educational facilities benefit district or community development

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1541 district annually, beginning with the next fiscal year after  
 1542 confirmation until the district's financial obligations are  
 1543 completed:

1544 (2) For construction and capital maintenance costs not  
 1545 covered by the funds provided under subsection (1), an annual  
 1546 amount contributed by the district school board equal to one-  
 1547 half of the remaining costs of construction and capital  
 1548 maintenance of the educational facility. Any construction costs  
 1549 above the cost-per-student criteria established in s.  
 1550 1013.64(6)(b)1. ~~for the SIT Program in s. 1013.72(2)~~ shall be  
 1551 funded exclusively by the educational facilities benefit  
 1552 district or the community development district. Funds  
 1553 contributed by a district school board shall not be used to fund  
 1554 operational costs.

1555  
 1556 Educational facilities funded pursuant to this act may be  
 1557 constructed on land that is owned by any person after the  
 1558 district school board has acquired from the owner of the land a  
 1559 long-term lease for the use of this land for a period of not  
 1560 less than 40 years or the life expectancy of the permanent  
 1561 facilities constructed thereon, whichever is longer. All  
 1562 interlocal agreements entered into pursuant to this act shall  
 1563 provide for ownership of educational facilities funded pursuant  
 1564 to this act to revert to the district school board if such  
 1565 facilities cease to be used for public educational purposes  
 1566 prior to 40 years after construction or prior to the end of the  
 1567 life expectancy of the educational facilities, whichever is  
 1568 longer.

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1569 Section 56. Subsections (4), (5), and (6) of section  
 1570 1013.41, Florida Statutes, are amended to read:

1571 1013.41 SMART schools; Classrooms First; legislative  
 1572 purpose.—

1573 (4) OFFICE OF EDUCATIONAL FACILITIES.—It is the purpose of  
 1574 the Legislature to require the Office of Educational Facilities  
 1575 to assist school districts in building SMART schools utilizing  
 1576 functional and frugal practices. The Office of Educational  
 1577 Facilities must review district facilities work programs and  
 1578 projects and ~~identify districts qualified for incentive funding~~  
 1579 ~~available through School Infrastructure Thrift Program awards;~~  
 1580 identify opportunities to maximize design and construction  
 1581 savings; develop school district facilities work program  
 1582 performance standards; and provide for review and  
 1583 recommendations to the Governor, the Legislature, and the State  
 1584 Board of Education.

1585 ~~(5) EFFORT INDEX GRANTS. It is the purpose of the~~  
 1586 ~~Legislature to create s. 1013.73, in order to provide grants~~  
 1587 ~~from state funds to assist school districts that have provided a~~  
 1588 ~~specified level of local effort funding.~~

1589 ~~(6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM AWARDS. It~~  
 1590 ~~is the purpose of the Legislature to convert the SIT Program~~  
 1591 ~~established in ss. 1013.42 and 1013.72 to an incentive award~~  
 1592 ~~program to encourage functional, frugal facilities and~~  
 1593 ~~practices.~~

1594 Section 57. Paragraph (b) of subsection (6) of section  
 1595 1013.64, Florida Statutes, is amended to read:

1596 1013.64 Funds for comprehensive educational plant needs;

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1597 construction cost maximums for school district capital  
 1598 projects.—Allocations from the Public Education Capital Outlay  
 1599 and Debt Service Trust Fund to the various boards for capital  
 1600 outlay projects shall be determined as follows:

1601 (6)

1602 (b)1. A district school board must not use funds from the  
 1603 following sources: Public Education Capital Outlay and Debt  
 1604 Service Trust Fund; School District and Community College  
 1605 District Capital Outlay and Debt Service Trust Fund; Classrooms  
 1606 First Program funds provided in s. 1013.68; ~~effort index grant~~  
 1607 ~~funds provided in s. 1013.73~~; nonvoted 1.5-mill levy of ad  
 1608 valorem property taxes provided in s. 1011.71(2); Classrooms for  
 1609 Kids Program funds provided in s. 1013.735; District Effort  
 1610 Recognition Program funds provided in s. 1013.736; or High  
 1611 Growth District Capital Outlay Assistance Grant Program funds  
 1612 provided in s. 1013.738 for any new construction of educational  
 1613 plant space with a total cost per student station, including  
 1614 change orders, that equals more than:

- 1615 a. \$17,952 for an elementary school,
- 1616 b. \$19,386 for a middle school, or
- 1617 c. \$25,181 for a high school,

1618  
 1619 (January 2006) as adjusted annually to reflect increases or  
 1620 decreases in the Consumer Price Index.

1621 2. A district school board must not use funds from the  
 1622 Public Education Capital Outlay and Debt Service Trust Fund or  
 1623 the School District and Community College District Capital  
 1624 Outlay and Debt Service Trust Fund for any new construction of

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1625 | an ancillary plant that exceeds 70 percent of the average cost  
 1626 | per square foot of new construction for all schools.

1627 | Section 58. Section 1013.69, Florida Statutes, is amended  
 1628 | to read:

1629 | 1013.69 Full bonding required to participate in programs.—  
 1630 | Any district with unused bonding capacity in its Capital Outlay  
 1631 | and Debt Service Trust Fund allocation that certifies in its  
 1632 | district educational facilities plan that it will not be able to  
 1633 | meet all of its need for new student stations within existing  
 1634 | revenues must fully bond its Capital Outlay and Debt Service  
 1635 | Trust Fund allocation before it may participate in Classrooms  
 1636 | First, ~~the School Infrastructure Thrift (SIT) Program, or the~~  
 1637 | ~~Effort Index Grants Program.~~

1638 | Section 59. Paragraph (b) of subsection (2) of section  
 1639 | 1013.738, Florida Statutes, is amended to read:

1640 | 1013.738 High Growth District Capital Outlay Assistance  
 1641 | Grant Program.—

1642 | (2) In order to qualify for a grant, a school district  
 1643 | must meet the following criteria:

1644 | (b) Fifty percent of the revenue derived from the 2-mill  
 1645 | nonvoted discretionary capital outlay millage for the past 4  
 1646 | fiscal years, when divided by the district's growth in capital  
 1647 | outlay FTE students over this period, produces a value that is  
 1648 | less than the average cost per student station calculated  
 1649 | pursuant to s. 1013.64(6)(b)1. ~~1013.72(2)~~, and weighted by  
 1650 | statewide growth in capital outlay FTE students in elementary,  
 1651 | middle, and high schools for the past 4 fiscal years.

1652 | Section 60. This act shall take effect upon becoming a

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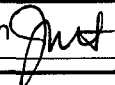
Original

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1653 | law.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB KTS 13-01 Repeal of laws affecting educational institutions  
**SPONSOR(S):** K-12 Subcommittee  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Beagle GB	Ahearn 

### SUMMARY ANALYSIS

This bill is a coordinated effort to reduce regulation of public educational institutions by the Governor, Legislature, district school superintendents, and other education stakeholders. In the 2012 interim, the K-12 Subcommittee was directed to identify unnecessary, obsolete, or unfunded K-20 Education Code requirements for repeal. Staff consulted the Office of the Governor, Department of Education (DOE), and other education stakeholders to identify potential repeals. Similarly, in October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. DOE disseminated a statewide survey soliciting recommendations from the remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these combined efforts. Accordingly, the bill repeals:

- Inactive or underutilized programs, including the Alternative Credit for High School Courses Pilot Project, High School to Business Career Enhancement Program, Incentives for Urban or Socially and Economically Disadvantaged Area Internships, Centers of Technology Innovation, Dropout Reentry and Mentor Project, Sunshine Workforce Solutions Grants, Florida Minority Medical Education Program, Transition to Teaching Program, School Infrastructure Thrift (SIT) Program, A Business-Community (ABC) School Program, and Effort Index Grants.
- Provisions that are unnecessary or duplicate other law, including state board review of school district compliance with the Family and School Partnership for Student Achievement Act, certain requirements regarding school-to-work transition and postsecondary and workforce readiness, school district reporting of suspensions and expulsions, provisions requiring alignment of public high school athletic programs with those offered by public postsecondary institutions, certain public postsecondary institution safety policies, and Commissioner of Education authority to grant exceptions to recommendations in educational plant surveys.
- Provisions that are not being implemented or contain outdated or expired statutory authority, including reporting of K-12 Foreign Language Curriculum plans, a DOE parent-response center, Florida School for the Deaf and the Blind authority to create a direct-support organization, high school diploma designations related to high school major areas of interest, high school graduation for students who entered 9<sup>th</sup> grade before the 2007-08 school year, certain substance abuse training programs, the Florida Teachers Lead Program electronic management system pilot project, provisions relating to reduction of energy consumption by public postsecondary institutions, and exceptions to Special Facilities Construction Account millage contribution requirements granted to three school districts.
- Burdensome or unnecessary reporting requirements relating to K-12 public school recycling efforts, school board family involvement rules, school wellness and physical education policies, and paperwork reduction.

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

The bill takes effect upon becoming law.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

This bill is a coordinated effort to reduce regulation of public educational institutions by the Governor, Legislature, district school superintendents, and other education stakeholders. In the 2012 interim, the K-12 Subcommittee was directed to identify unnecessary, obsolete, or unfunded K-20 Education Code requirements for repeal. Staff consulted the Office of the Governor, Department of Education (DOE), and other education stakeholders to identify potential repeals. Similarly, in October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. DOE disseminated a statewide survey soliciting recommendations from the remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these combined efforts.<sup>1</sup>

##### **Recycling**

Legislation enacted in 2010 required, among others, each state agency, local government, and “K-12 public school, public institution of higher learning, community college, and state university” to annually report all recycled materials to the appropriate county. The Department of Environmental Protection was directed to designate a reporting format, but has not done so. Thus, reporting by public sector entities has not yet commenced.<sup>2</sup>

The bill eliminates the recycling reporting requirement for K-12 public schools, as requested by school district superintendents.<sup>3</sup>

##### **K-12 Foreign Language Curriculum Plan Submittal**

Legislation enacted in 2002 required each district school board to develop a K-12 foreign language curriculum plan to be submitted to the Commissioner of Education by June 30, 2004. K-12 foreign language curriculum plans were submitted to the commissioner in 2004 and subsequently implemented by school districts.<sup>4</sup>

The bill repeals s. 1001.435, F.S., relating to K-12 Foreign Language Curriculum, as the purpose of this statute has been accomplished.

##### **Family and School Partnership for Student Achievement Act**

First enacted in 2003, the Family and School Partnership for Student Achievement Act established several requirements designed to strengthen collaboration among parents and school personnel.<sup>5</sup> Among other things, the Act requires DOE to establish a parent-response center; annual submission of family involvement rules by school boards to DOE; and annual State Board of Education review of

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<sup>1</sup> Press Release, Florida Department of Education, *Superintendents Recommend Ways to Reduce Red Tape, Regulations* (Nov. 5, 2012), [http://www.fldoe.org/news/2012/2012\\_11\\_05-2.asp](http://www.fldoe.org/news/2012/2012_11_05-2.asp) (last visited Jan. 8, 2013). The superintendents of Bay County, Broward County, Charlotte County, Highlands County, Orange County, St. Johns County, and Volusia County school districts participated on the governor’s panel. *Id.*

<sup>2</sup> Section 3, ch. 2010-143, L.O.F., *codified at* s. 403.7032(3), F.S.; Email, House Agriculture and Natural Resource Subcommittee, Policy Chief (Nov. 26, 2012).

<sup>3</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>4</sup> Section 1061, ch. 2002-387, L.O.F., *codified at* s. 1001.435, F.S.; Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011).

<sup>5</sup> Section 2, ch. 2003-118, L.O.F., *codified at* s. 1002.23, F.S.

school district's compliance with the Act.<sup>6</sup> The parent-response center does not exist, as DOE uses other means to assist parents and the public. DOE simply acknowledges receipt of school board family involvement rules, but does nothing further.<sup>7</sup> State board review of school board compliance with the Act duplicates another law which provides the Commissioner of Education authority to investigate school board noncompliance with state law and the state board authority to withhold funds for such noncompliance.<sup>8</sup>

The bill repeals subsections (4), (6), and (9) of s. 1002.23, F.S., relating to the parent-response center, school board reporting of parent involvement rules, and state board review of compliance with the Act, respectively. DOE and district school superintendents concur with these repeals.<sup>9</sup>

### **Florida School for the Deaf and the Blind Direct-Support Organization**

Legislation enacted in 2004 authorized the Florida School for the Deaf and the Blind (FSDB) board to establish a direct support organization (DSO). The DSO may receive, hold, invest, and administer property and make expenditures to or for the benefit of FSDB or the board.<sup>10</sup>

The bill repeals s. 1002.361, F.S., relating to a DSO for FSDB, as no DSO exists and FSDB has no future intent to do create one. FSDB concurs with repeal of this statute.<sup>11</sup>

### **Alternative Credit for High School Courses Pilot Project**

Legislation enacted in 2008 established the Alternative Credit for High School Courses Pilot Project to enable high school students enrolled in industry certification courses to simultaneously earn credit in Algebra, Geometry, or Biology without having to enroll in a separate course.<sup>12</sup> In order to earn such credit, students were required to pass an end-of-course (EOC) assessment. The legislation required the Commissioner of Education to select up to three school districts to participate in the pilot project, beginning in the 2008-09 school year, and authorized DOE to approve eligible courses and EOC assessments.<sup>13</sup> Only one high school participated in the pilot project and no eligible students sought credit through the pilot program.<sup>14</sup>

The bill repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, which is no longer in existence, and has been made unnecessary by the Legislature's enactment of the Credit Acceleration Program (CAP) in 2010. Similar to the pilot project, CAP enables students to earn credit in courses tested by a statewide standardized EOC assessment without enrolling in the course. DOE and district school superintendents concur with repeal of this statute.<sup>15</sup>

### **Standard High School Diploma Designations**

Legislation enacted in 2006 required high school students to select a major area of interest comprised of four credits in a career, academic, or fine or performing arts content area, in order to earn a standard

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<sup>6</sup> Section 1002.23(4), (6), and (9), F.S.

<sup>7</sup> Email, Florida Department of Education, Legislative Affairs Director (Aug. 20, 2012).

<sup>8</sup> See s. 1008.32, F.S.

<sup>9</sup> Email, Florida Department of Education, Legislative Affairs Director (Aug. 20, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>10</sup> Section 6, ch. 2004-331, L.O.F., *codified at* s. 1002.361, F.S.

<sup>11</sup> Telephone Interview, Florida School for the Deaf and the Blind, President (Oct. 17, 2012).

<sup>12</sup> Section 1, ch. 2008-174, L.O.F., *codified at* s. 1002.375, F.S.

<sup>13</sup> Section 1002.375(1), (2), and (4), F.S. The law authorizes use of a statewide standardized EOC assessment or EOC assessment developed by the Florida Virtual School for assessing student mastery of Algebra, Geometry, or Biology. Section 1002.375(4), F.S.

<sup>14</sup> Florida Department of Education, *Legislative Bill Analysis for HB 4185* (2011).

<sup>15</sup> Florida Department of Education, *Legislative Report on Alternative Credit for High School Courses Pilot*, (2010)(on file with the subcommittee); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012); see s. 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

high school diploma.<sup>16</sup> Legislation enacted in 2008 created a standard high school diploma designation signifying the student's completion of a major.<sup>17</sup> Legislation enacted in 2010 repealed the major area of interest graduation requirement, but did not eliminate the diploma designation.<sup>18</sup>

The bill repeals s. 1003.4285(1), F.S., relating to the major area of interest diploma designation, which is now obsolete due to the repeal of the corresponding graduation requirement.

### **General Requirements for High School Graduation**

Since 2006, Florida law has specified two sets of high school graduation requirements. Section 1003.43, F.S., was enacted in 1978 and applies to students who entered 9<sup>th</sup> grade before the 2007-08 school year, whereas s. 1003.428, F.S., applies to students entering the 9<sup>th</sup> grade in the 2007-08 school year and thereafter. Six school years have passed since entering 9<sup>th</sup> graders have been subject to s. 1003.43, F.S.<sup>19</sup>

The bill repeals s. 1003.43, F.S., relating to the General Requirements for High School Graduation for students entering 9<sup>th</sup> grade before the 2007-08 school year. Despite repeal, these requirements will remain applicable to any students still enrolled in Florida public schools who were subject to them at the time they entered 9<sup>th</sup> grade.<sup>20</sup> DOE and district school superintendents concur with repeal of this statute.<sup>21</sup>

### **School Wellness and Physical Education Policies**

Legislation enacted in 2006 required each school district to provide the most recent version of its school wellness and physical education policy on its website. DOE was required to post on its website links to these policies.<sup>22</sup>

School wellness policies are required by federal law governing child nutrition programs. Legislation enacted in 2011 transferred oversight of federal child nutrition programs from DOE to the Department of Agriculture and Consumer Services (DACCS). Accordingly, DACCS, not DOE, posts school wellness policies on its website. However, the law was never changed reflect this.<sup>23</sup>

The DOE website includes a page devoted entirely to physical education. The webpage includes online links to school district physical education policies and numerous additional resources. Posting of physical education policies is the only resource that is statutorily required.<sup>24</sup>

The bill repeals s. 1003.453(2), F.S., relating to online posting of school wellness and physical education policies, thereby removing the outdated requirement that DOE post links to school wellness

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<sup>16</sup> Section 23, ch. 2006-74, L.O.F., *codified at* s. 1003.428(2)(b)1., F.S.

<sup>17</sup> Section 8, ch. 2008-235, L.O.F., *codified at* s. 1003.4285(1), F.S.

<sup>18</sup> Section 3, ch. 2010-22, L.O.F.

<sup>19</sup> Chapter 78-424, L.O.F., *initially codified at* s. 232.246, F.S., *redesignated in* 2002 as s. 1003.43, F.S., and s. 23, ch. 2006-74, L.O.F., *codified as* s. 1003.428, F.S.

<sup>20</sup> *Memorial Hospital-West Volusia, Inc. v. News-Journal Corp.*, 784 So. 2d 438 (Fla. 2001) The general rule is that in the absence of clear legislative intent to the contrary, a law affecting substantive rights, liabilities and duties is presumed to apply prospectively. *Id.*

<sup>21</sup> Email, Florida Department of Education, Deputy General Counsel (Aug. 29, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>22</sup> Section 18, ch. 2006-301, L.O.F., *codified at* s. 1003.453(2), F.S.

<sup>23</sup> *See* Healthy, Hunger Free Kids Act of 2010, Pub. L. No.111-296, 124 Stat. 3183; s. 8, 2011-217, L.O.F.; Florida Department of Agriculture and Consumer Services, *Wellness*, <http://www.freshforfloridakids.com/Sponsors/Programs/Wellness.aspx> (last visited Jan. 7, 2013)(*see* Florida Links to Local Wellness Policies).

<sup>24</sup> *See*, Florida Department of Education, *Physical Education*, [http://www.fldoe.org/BII/CSHP/Education/Physical\\_Ed/default.asp](http://www.fldoe.org/BII/CSHP/Education/Physical_Ed/default.asp) (last visited Jan. 7, 2013)(*see* Links to Florida School District's Physical Education Policies); *see ss.* 1003.453 and 1003.455, F.S.

policies on its website. DOE and district school superintendents requested repeal of this outdated and unnecessary reporting requirement.<sup>25</sup>

### **High School to Business Career Enhancement Program**

Legislation enacted in 2007 established the High School to Business Career Enhancement Program, which authorizes school boards to adopt policies for providing high school students internships with local employers.<sup>26</sup> Among other things, participating students must earn at least a 2.0 GPA, internships must be between 8 and 20 consecutive weeks in duration, and participants are limited to 20 work hours weekly and one internship annually.<sup>27</sup> No school districts have participated in this program in recent years.<sup>28</sup>

The bill repeals s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program, as the program is not currently being implemented by school districts.

### **Substance Abuse Training Programs**

Legislation enacted in 1993 authorized state universities and Florida College System (FCS) institutions to develop courses designed to train public school teachers, counselors, physicians, law enforcement personnel, and other professionals in recognizing symptoms of substance abuse impairment.<sup>29</sup> These programs are inactive and unfunded.<sup>30</sup>

The bill repeals s. 1004.05, F.S., which created the Substance Abuse Training Programs. DOE and the Board of Governors of the State University System (BOG) concur with the repeal of this statute.<sup>31</sup>

### **Incentives for Urban or Socially and Economically Disadvantaged Area Internships**

Legislation enacted in 1994 established the Incentives for Urban or Socially and Economically Disadvantaged Area Internships program to give university students the opportunity to study the social, economic, educational, and political life of inner cities and economically disadvantaged areas of the state.<sup>32</sup> This program is not currently being implemented and has not received funding since FY 1999-2000.<sup>33</sup>

The bill repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. BOG concurs with the repeal of this inactive program.<sup>34</sup>

### **Centers of Technology Innovation**

Legislation enacted in 1994 authorized individual FCS institutions, consortia of multiple FCS institutions, or consortia of FCS institutions and other educational institutions to establish centers of technology innovation.<sup>35</sup> These centers were authorized to perform various functions, including

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<sup>25</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>26</sup> Section 1, ch. 2007-122, L.O.F., *codified at* s. 1003.496, F.S.

<sup>27</sup> Section 1003.496(2), F.S.

<sup>28</sup> Email, Florida Department of Education, Legislative Affairs Director (Nov. 4, 2011).

<sup>29</sup> Section 12, ch. 93-39, L.O.F., *initially codified at* s. 240.70, F.S., *redesignated in* 2002 as s. 1004.05, F.S.

<sup>30</sup> Telephone conversation with Budget Analyst, Florida House of Representatives, Higher Education Appropriations Subcommittee (Oct. 11, 2011).

<sup>31</sup> Email, Board of Governors, State University System of Florida, Legislative Affairs Director (Oct. 11, 2011); Email, Florida Department of Education, Legislative Affairs Director (Nov. 4, 2011).

<sup>32</sup> Section 38, ch. 94-230, L.O.F., *initially codified at* s. 240.701, F.S., *redesignated in* 2002 as s. 1004.62

<sup>33</sup> Email, Board of Governors, State University System of Florida, Director of Academic and Student Affairs (Dec. 21, 2011); Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Nov. 4, 2011).

<sup>34</sup> Email, Board of Governors, State University System of Florida, Director of Academic and Student Affairs (Dec. 21, 2011)

<sup>35</sup> Section 39, ch. 94-230, L.O.F., *initially codified at* s. 240.3335, F.S., *redesignated in* 2002 as s. 1004.77, F.S.

curriculum and faculty development; research, testing, and technology transfer; instructional materials development; and the formation of partnerships with technology industries seeking to update or expand existing technology.<sup>36</sup> According to DOE, no such centers exist.<sup>37</sup>

The bill repeals s. 1004.77, F.S., relating to Centers of Technology Innovation, as the program is inactive. DOE concurs with repeal of this statute.<sup>38</sup>

### **Provision of Information to Students and Parents Regarding School-to-Work Transition**

Legislation enacted in 1994 required, among other things, each K-12 public school to document actions taken to prepare students for the workforce. Each public high school was required to assess each student's preparation for employment before graduation and provide the student and the student's parent with the results of the assessment.<sup>39</sup>

Subsequent legislation has increased the state's focus on workforce preparation. Among other things, each school district, in collaboration with the local workforce board and public postsecondary institutions serving the district, must develop a 3-year strategic plan for identifying high-demand career fields and creating career academies in those fields; recruiting students to enroll in career academies; providing personalized student advisement with parent participation; supporting education planning; and coordinating middle school and high school career education programs.<sup>40</sup> Additionally, middle school students must complete a career and education planning course which results in completion of an academic and career plan for the student.<sup>41</sup>

The bill repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-Work Transition, as these requirements have been supplanted by other provisions governing workforce preparation and education planning.

### **Dropout Reentry and Mentor Project**

Legislation enacted in 1990 created the Dropout Reentry and Mentoring Project, a pilot project to be implemented by the Florida Agricultural and Mechanical University National Alumni Association in Tallahassee, Jacksonville, Daytona Beach, and Miami.<sup>42</sup> The project assisted 15 African American students in each of these four locations who had dropped out of high school for reasons unrelated to academic difficulty. Participants received mentoring; academic evaluation for, and enrollment in, a regular high school, General Educational Development (GED) program, career center, or alternative school; and instruction regarding test-taking, study, goal setting, conflict management, and time management skills.<sup>43</sup> This project is no longer operational<sup>44</sup> and has received no funding in over 10 years.<sup>45</sup>

The bill repeals s. 1006.035, F.S., which created the Dropout Reentry and Mentor Project. The Florida Agricultural and Mechanical University and district school superintendents concur with repeal of this statute.<sup>46</sup>

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<sup>36</sup> Section 1004.77(2), F.S.

<sup>37</sup> Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011).

<sup>38</sup> *Id.*

<sup>39</sup> Section 5, ch. 94-319, L.O.F., *initially codified at s. 229.595, F.S., redesignated in 2002 as s. 1006.02, F.S.*

<sup>40</sup> Section 1003.491(3), F.S.; *see e.g.* s. 1, ch. 2007-216 and s. 13, ch. 2012-191, L.O.F.

<sup>41</sup> Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

<sup>42</sup> Section 11, ch. 90-365, L.O.F., *initially codified at s. 228.503, F.S., redesignated in 2002 as s. 1006.035, F.S.*

<sup>43</sup> Section 1006.035(2), (5), and (7), F.S.

<sup>44</sup> Email, Florida Agricultural and Mechanical University, Governmental Relations Director (Oct. 12, 2011).

<sup>45</sup> Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Sept. 9, 2011).

<sup>46</sup> Email, Florida Agricultural and Mechanical University, Governmental Relations Director (Oct. 12, 2011); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

## **Sunshine Workforce Solutions Grant Program**

Legislation enacted in 2002 created the Sunshine Workforce Solutions Grant Program, to provide school districts with grants for establishing nursing-themed middle school and high school career education programs.<sup>47</sup> The program was never implemented or funded.<sup>48</sup>

The bill repeals s. 1006.051, F.S., which created the Sunshine Workforce Solutions Grant Program. DOE and district school superintendents concur with repeal of this statute.<sup>49</sup>

## **Duties of School Principal relating to Student Discipline and School Safety**

Section 1006.09(1)(d), F.S., requires each school principal (or designee) to include an analysis of suspensions and expulsions in the annual report of school progress. Subsection (6) of s. 1006.09, F.S., requires each school principal to report data concerning school safety and discipline to DOE.<sup>50</sup> The discipline data reported to DOE includes information regarding suspensions and expulsions. Thus, it appears these two provisions are redundant.<sup>51</sup>

The bill repeals s. 1006.09(1)(d), F.S., relating to Duties of School Principal relating to Student Discipline and School Safety, as the information reported under this paragraph duplicates that reported under s. 1006.09(6), F.S. DOE and district school superintendents concur with repeal of this statute.<sup>52</sup>

## **Sponsorship of Athletic Activities Similar to those for which Scholarships are Offered**

Two substantively identical statutes enacted in 1986 required public high schools, FCS institutions, and state universities to align their sports offerings to enable opportunities for students to play sports for which collegiate scholarships are offered.<sup>53</sup> The law was specifically enacted in order to induce public schools to transition from slow pitch softball to fast pitch softball.<sup>54</sup>

The bill repeals ss. 1006.17 and 1006.70, F.S., relating to Sponsorship of Athletic Activities Similar to those for which Scholarships Offered. Fast-pitch softball is the version of softball currently sponsored by the Florida High School Athletic Association (FHSAA), the Florida College System Athletic Association (FCSAA), and the National Collegiate Athletic Association.<sup>55</sup> FHSAA and FCSAA concur with the repeal of this statute.<sup>56</sup>

## **Safety Issues in Courses Offered by Public Postsecondary Educational Institutions**

Legislation enacted in 2002 required the State Board of Education and BOG to adopt policies for protecting the health and safety of students, instructional personnel, and visitors who participate in

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<sup>47</sup> Section 4, ch. 2002-230, L.O.F., *codified at* s. 1006.051, F.S.

<sup>48</sup> Email, Florida House of Representatives, PreK-12 Appropriations Subcommittee (Sept. 6, 2011).

<sup>49</sup> Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>50</sup> Section 279, ch. 2002-387, L.O.F., *codified at* s. 1006.09(1)(d) and (6), F.S.

<sup>51</sup> Email, Florida Department of Education, Legislative Affairs Director, (Nov. 29, 2012).

<sup>52</sup> Email, Florida Department of Education, Legislative Affairs Director, (November 29, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>53</sup> Section 4, ch. 86-172, L.O.F., *initially codified at* s. 232.426, F.S., *redesignated in* 2002 as ss. 1006.17 and 1006.70, F.S.

<sup>54</sup> Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90* (1986).

<sup>55</sup> Florida High School Athletic Association, *Sports and Programs*, <http://www.fhsaa.org/sports> (last visited Jan. 8, 2013); Florida College System Athletic Association, *Athletics*, <http://www.thefcsaa.com/> (last visited Jan. 8, 2013); National Collegiate Athletic Association, *Championships List*, <http://www.ncaa.org/wps/wcm/connect/public/ncaa/championships/championships+list> (last visited Jan. 8, 2013).

<sup>56</sup> Florida Department of Education, *Legislative Bill Analysis for HB 4041* (2012).

courses offered by FCS institutions or state universities, respectively.<sup>57</sup> According to DOE, these safety policies are already required by federal law and accrediting bodies and included in affiliation contracts with hospitals and law enforcement agencies.<sup>58</sup>

The bill repeals s. 1006.65, F.S., relating to Safety Issues in Courses Offered by Public Postsecondary Institutions. DOE concurs with repeal of this statute.<sup>59</sup>

### **Readiness for Postsecondary Education and the Workplace**

Legislation enacted in 1997 required that entering 9<sup>th</sup> graders and their parents develop a four to five year academic and career plan while the student is in middle school, based upon the student's postsecondary and career goals.<sup>60</sup> Legislation enacted subsequently required middle school students to complete a career and education planning course which results in completion of an academic and career plan for the student.<sup>61</sup>

The bill repeals s. 1007.21, F.S., relating to Readiness for Postsecondary Education and the Workplace, as this provision is duplicative. DOE and district school superintendents concur with repeal of this statute.<sup>62</sup>

### **Paperwork Reduction**

Legislation enacted in 2010 required the Commissioner of Education to annually monitor and review paperwork, data collection, and reporting requirements and report recommendations for eliminating or consolidating such requirements to school districts.<sup>63</sup> Although this provision is intended to reduce paperwork, it actually creates more paperwork for DOE and school districts.

The bill repeals s. 1008.31(3)(d) and (e), F.S., relating to Paperwork Reduction. DOE and school district superintendents concur with repeal of these provisions.<sup>64</sup>

### **Florida Minority Medical Education Program**

Legislation enacted in 1991 established a scholarship program for minority students pursuing medical education at the University of Florida, the University of South Florida, Florida State University, and the University of Miami, or Southeastern University Health Sciences, for the purpose of addressing the primary health care needs of underserved groups.<sup>65</sup> According to DOE, the program has not been funded in 15 years.<sup>66</sup>

The bill repeals s. 1009.68, F.S., relating to the Florida Minority Medical Education Program. DOE concurs with repeal of this statute.<sup>67</sup>

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<sup>57</sup> Section 335, ch. 2002-387, L.O.F., *codified at* s. 1006.65, F.S.

<sup>58</sup> Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011); *see e.g.*, 20 U.S.C. s. 1092(f)(requiring disclosure of campus security policies and crime statistics by postsecondary institutions participating federal financial aid programs).

<sup>59</sup> Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011).

<sup>60</sup> Section 1, ch. 97-21, L.O.F., *initially codified at* s. 232.2451, F.S., *redesignated in* 2002 as s. 1007.21, F.S.

<sup>61</sup> Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

<sup>62</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>63</sup> Section 199, ch. 2010-102, L.O.F., *codified at* s. 1008.31(3)(d)-(e), F.S.

<sup>64</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>65</sup> Section 1, ch. 91-203, L.O.F., *initially codified at* s. 240.4987, F.S., *redesignated in* 2002 as s. 1009.68, F.S.

<sup>66</sup> Email, Florida Department of Education, Legislative Affairs Director (Jan. 4, 2012).

<sup>67</sup> *Id.*

### **Transition to Teaching Program**

Legislation enacted in 2001 created the Transition to Teaching Program to award grants for establishing programs to facilitate the transition of midcareer professionals into the teaching profession. An individual participating in programs created under the grant was eligible for financial assistance, upon condition that he or she commit to teach in a Florida school district for at least three years. The award of grants was contingent upon legislative funding.<sup>68</sup> DOE was awarded federal Transition to Teaching grants in 2003 and 2007. However, these grants expired in October 2011.<sup>69</sup>

The bill repeals s. 1012.58, F.S. creating the Transition to Teaching Program, which is inactive and no longer funded. DOE concurs with repeal of this statute.<sup>70</sup>

### **The Florida Teachers Lead Program**

The Florida Teachers Lead program provides a classroom materials and supplies stipend to each public school classroom teacher.<sup>71</sup> Legislation enacted in 2009, authorized DOE to establish a pilot program to study the feasibility of creating a centralized electronic system for managing Florida Teachers Lead Program disbursements. The program was authorized only for FY 2009-10.<sup>72</sup>

The bill repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program centralized electronic management system pilot program, as authority for the program has expired.

### **Florida College System Institution and University Energy Consumption**

Legislation enacted in 2010 required each FCS institution and state university to strive to reduce campuswide energy consumption by 10 percent and submit a report to the Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2011, describing how this goal was met or providing a plan for meeting the goal in the future.<sup>73</sup> While this statute requires each FCS institution and state university to formulate a plan to reduce energy consumption by 10 percent, it does not require that they actually meet this goal. Furthermore, the report submission deadline of January 1, 2011, has passed.<sup>74</sup>

The bill repeals s. 1013.231, F.S., relating to reduction in energy consumption by FCS institutions and universities, as the purpose of this statute has been served.

### **Exception to Recommendations in Educational Plant Survey**

Legislation enacted in 1977 authorized school districts to request exceptions to recommendations made in an educational plant survey based upon potential cost savings or other educational benefits. These exceptions must be approved by the Commissioner of Education.<sup>75</sup> A separate provision of law similarly authorizes the commissioner to waive survey requirements upon school district request.<sup>76</sup>

The bill repeals s. 1013.32, F.S., relating to exceptions to recommendations in educational plant surveys. DOE concurs with repeal of this statute.<sup>77</sup>

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<sup>68</sup> Sections 1 and 2, ch. 2001-219, L.O.F., *initially codified at* s. 229.604, F.S., *redesignated in* 2002 as s. 1012.58, F.S.

<sup>69</sup> Email, Florida Department of Education, Legislative Affairs Director (Oct. 27, 2011).

<sup>70</sup> Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011).

<sup>71</sup> Section 1012.71, F.S.

<sup>72</sup> Section 37, ch. 2009-59, L.O.F., *codified at* s. 1012.71(6), F.S.

<sup>73</sup> Section 30, ch. 2010-155, L.O.F., *codified at* s. 1013.321, F.S.

<sup>74</sup> *See* s. 1013.231, F.S.

<sup>75</sup> Section 9, ch. 77-458, L.O.F., *initially codified at* s. 235.155, F.S., *redesignated in* 2002 as s. 1013.32, F.S.

<sup>76</sup> Section 1013.03(10), F.S.

<sup>77</sup> Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).



### **School Infrastructure Thrift Program**

Legislation enacted in 1997 established the School Infrastructure Thrift (SIT) program, which was designed to reward school districts that achieved construction cost savings.<sup>78</sup> Among other things, the legislation required DOE to identify for elimination obsolete, excessively restrictive, and unnecessary education facilities regulations and practices.<sup>79</sup> School districts that achieved reduced costs per student station specified in statute were eligible to apply for SIT program awards.<sup>80</sup> The SIT program has not been funded since FY 2004-05, when funding was awarded to the Orange and Osceola County school districts.<sup>81</sup> A related program, the SMART Schools Clearinghouse, was repealed in 2010.<sup>82</sup>

The bill repeals ss. 1013.42 and 1013.72, F.S., relating to the SIT program. DOE concurs with these repeals.<sup>83</sup>

### **A Business-Community School Program**

The A Business-Community (ABC) School Program encourages the formation of business and education partnership schools which operate in facilities owned or operated by a local business.<sup>84</sup> ABC schools may serve students in kindergarten through 3<sup>rd</sup> grade. Children of employees of the business must be given first preference for enrollment.<sup>85</sup> School districts are not required to establish an ABC school, nor do they need statutory authority to do so.

The bill repeals ss. 1013.502 and 1013.721, F.S., relating to the ABC school program. School district superintendents concur with these repeals.<sup>86</sup>

### **Exceptions to Special Facilities Construction Account requirements**

The Special Facility Construction Account (SFCA) provides funding to school districts with urgent construction needs that cannot be met by existing resources or resources anticipated in the next three year period.<sup>87</sup> Among other things, school districts receiving SFCA funding must levy the maximum authorized discretionary millage for capital outlay (1.5 mills), or its equivalent from the school capital outlay surtax.<sup>88</sup> Legislation enacted in 2009 reduced this millage contribution for the school districts of Wakulla county (1 mill for FY 2009-10 and .5 mill for FY 2010-11), Liberty county (1 mill for FYs 2009-10 to 2011-12), and Calhoun county (1.125 mills for FYs 2009-10 to 2012-13).<sup>89</sup> This provision will be obsolete as of June 30, 2013, when Calhoun County's exception expires. Wakulla County's exception expired June 30, 2011, and Liberty County's exception expired June 30, 2012.<sup>90</sup>

The bill repeals s. 1013.64(7), F.S., relating to exceptions to SFCA millage contribution requirements, as the last exception expires June 30, rendering the provision obsolete. DOE concurs with repeal of this provision.<sup>91</sup>

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<sup>78</sup> Section 22 ch. 97-153, L.O.F., *initially codified at s. 235.2155, F.S., redesignated in 2002 as s. 1013.42, F.S.*; Section 23, ch. 97-153, L.O.F., *initially codified at s. 235.216, F.S., redesignated in 2002 as s. 1013.72, F.S.*

<sup>79</sup> Section 1013.42(2), F.S.

<sup>80</sup> Section 1013.72(2), F.S.

<sup>81</sup> Email, Florida Department of Education, Legislative Affairs Director (Dec. 18, 2012).

<sup>82</sup> Chapter 2010-70, L.O.F.

<sup>83</sup> Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

<sup>84</sup> Section 21, ch. 2003-391, L.O.F., *initially codified at s. 1013.501, F.S., redesignated in 2006 as s. 1013.721, F.S.* Initially known as the Florida Business and Education in School Together (Florida BEST) Program, the name of the program was changed to the ABC Schools Program in 2006. *Id.*

<sup>85</sup> Section 1013.721(2) and (5)(a), F.S.

<sup>86</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>87</sup> Section 1013.64(2)(a), F.S.

<sup>88</sup> Section 1013.64(2)(a)8., F.S.; *see s. 1011.71(2), F.S.*

<sup>89</sup> Section 40, ch. 2009-59, L.O.F., *codified at s. 1013.64(7), F.S.*

<sup>90</sup> Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

<sup>91</sup> *Id.*

## **Effort Index Grants**

Legislation enacted in 1997 provided grants to school districts which met a specified level of local effort funding, but still had a need for new student stations or core facilities to meet student demand.<sup>92</sup> The legislation provided a one-time appropriation of \$300 million for the grants, the last of which was disbursed in 2008.<sup>93</sup> A related program, the SMART Schools Clearinghouse, was repealed in 2010.<sup>94</sup>

The bill repeals s. 1013.73, F.S., relating to Effort Index Grants, which are no longer funded. DOE concurs with the repeal of this statute.<sup>95</sup>

### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 403.7032 (3), F.S., relating to Recycling; removes K-12 public schools from recycling reporting requirement.

**Section 2.** Repeals s. 1001.435, F.S., relating to K-12 Foreign Language Curriculum plans.

**Section 3.** Repeals s. 1002.23(4), (6), and (9), F.S., relating to Family and School Partnership for Student Achievement Act.

**Section 4.** Repeals s. 1002.361, F.S., relating to the Florida School for the Deaf and the Blind Direct Support Organization.

**Section 5.** Repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project.

**Section 6.** Repeals s. 1003.4285 (1), F.S., relating to Standard High School Diploma Designations.

**Section 7.** Repeals s. 1003.43, F.S., relating to General Requirements for High School Graduation (for students entering 9<sup>th</sup> grade before the 2007-08 school year).

**Section 8.** Repeals s. 1003.453(2), F.S., relating to School Wellness and Physical Education Policies.

**Section 9.** Repeals s. 1003.496, F.S., relating to the High School to Business Career Program.

**Section 10.** Repeals s. 1004.05, F.S., relating to Substance Abuse Training Programs.

**Section 11.** Repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships.

**Section 12.** Repeals s. 1004.77, F.S., relating to Centers of Technology Innovation.

**Section 13.** Repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-work Transition.

**Section 14.** Repeals s. 1006.035, F.S., relating to the Dropout Reentry and Mentor Project.

**Section 15.** Repeals s. 1006.051, F.S., relating to Sunshine Workforce Solutions Grants.

**Section 16.** Repeals s. 1006.09(d)(1), F.S., relating to Duties of School Principal relating to Student Discipline and School Safety.

**Section 17.** Repeals s. 1006.17 and 1006.70, F.S., relating to Sponsorship of Athletic Activities Similar to those for which Scholarships Offered.

**Section 18.** Repeals s. 1006.65, F.S., relating to Safety Issues in Courses Offered by Public Postsecondary Educational Institutions.

**Section 19.** Repeals s. 1007.21, F.S., relating to Readiness for Postsecondary Education and the Workplace.

**Section 20.** Repeals s. 1008.31 (3)(d) and (e), F.S., relating to Florida's K-20 Education Performance Accountability System.

**Section 21.** Repeals s. 1009.68, F.S., relating to the Florida Minority Medical Education Program.

**Section 22.** Repeals s. 1012.58, F.S., relating to the Transition to Teaching Program.

**Section 23.** Repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program.

**Section 24.** Repeals s. 1013.231, F.S., relating to Florida College System Institution and State University Energy Consumption.

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<sup>92</sup> Section 5, ch. 97-384, L.O.F., *initially codified at s. 235.186, F.S., redesignated in 2002 as s. 1013.73, F.S.*

<sup>93</sup> Email, Florida House of Representatives, Education Appropriations Subcommittee, Analyst (Dec. 17, 2012).

<sup>94</sup> Chapter 2010-70, L.O.F.

<sup>95</sup> Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

- Section 25.** Repeals s. 1013.32, F.S., relating to Exceptions to Recommendations in Educational Plant Survey.
- Section 26.** Repeals ss. 1013.42 and 1013.72, F.S., relating to the School Infrastructure Thrift (SIT) Program.
- Section 27.** Repeals ss. 1013.502 and 1013.721, F.S., relating to the A Business-Community (ABC) School Program.
- Section 28.** Repeals s. 1013.64(7), F.S., relating to exceptions to Special Facilities Construction Account Millage contribution requirements.
- Section 29.** Repeals s. 1013.73, F.S., relating to Effort Index Grants.
- Section 30.** Amends s. 120.81, F.S., relating to Exceptions and special requirements; conforms provisions.
- Section 31.** Amends s. 250.115, F.S., relating to Department of Military Affairs direct-support organization; conforms provisions.
- Section 32.** Amends s. 409.1451, F.S., relating to Independent living transition services; conforms provisions.
- Section 33.** Amends s. 1001.11, F.S., relating to Commissioner of Education; conforms provisions.
- Section 34.** Amends s. 1002.20, F.S., relating to K-12 student and parent rights; conforms provisions.
- Section 35.** Amends s. 1002.33, F.S., relating to Charter schools; conforms provisions.
- Section 36.** Amends s. 1002.34, F.S., relating to Charter Technical Career Centers; conforms provisions.
- Section 37.** Amends s. 1002.45, F.S., relating to Virtual Instruction Programs; conforms provisions.
- Section 38.** Amends s. 1003.03, F.S., relating to Maximum Class Size; conforms provisions.
- Section 39.** Amends s. 1003.429, F.S., relating to Accelerated High School Graduation Options; conforms provisions.
- Section 40.** Amends s. 1003.438, F.S., relating to Special High School Graduation Requirements for Certain Exceptional Students; conforming provisions.
- Section 41.** Amends s. 1003.49, F.S., relating to Graduation and Promotion Requirements for Public Schools; conforms provisions.
- Section 42.** Amends s. 1004.70, F.S., relating to Florida College System Institution Direct-Support Organizations; conforms provisions.
- Section 43.** Amends s. 1004.71, F.S., relating to Statewide Florida College System Institution Direct-Support Organizations; conforms provisions.
- Section 44.** Amends s. 1006.025, F.S., relating to Guidance Services; conforms provisions.
- Section 45.** Amends s. 1006.15, F.S., relating to Student Standards for Participation in Interscholastic and Intrасcholastic Extracurricular Activities; conforms provisions.
- Section 46.** Amends s. 1007.263, F.S., relating to Florida College System Institution Admissions; conforms provisions.
- Section 47.** Amends s. 1007.271, F.S., relating to Dual Enrollment Programs; conforms provisions.
- Section 48.** Amends s. 1008.22, F.S., relating to Student Assessment; conforms provisions.
- Section 49.** Amends s. 1008.23, F.S., relating to Confidentiality of Assessment Instruments; conforms provisions.
- Section 50.** Amends s. 1009.40, F.S., relating to Student Eligibility for State Financial Aid; conforms provisions.
- Section 51.** Amends s. 1009.531, F.S., relating to the Florida Bright Futures Scholarship Program; conforms provisions.
- Section 52.** Amends s. 1009.94, F.S., relating to the Student Financial Assistance Database; conforms provisions.
- Section 53.** Amends s. 1011.61, F.S., relating to Definitions of Full-Time Equivalent Student; conforms provisions.
- Section 54.** Amends s. 1013.35, F.S., relating to School District Educational Facilities Plans; conforms provisions.
- Section 55.** Amends s. 1013.356, F.S., relating to Local Funding for Educational Facilities Benefit Districts or Community Development Districts; conforms provisions.
- Section 56.** Amends s. 1013.41, F.S., relating to SMART schools; conforms provisions.

**Section 57.** Amends s. 1013.64, F.S., relating to Funds for Comprehensive Educational Plant Needs; conforms provisions.

**Section 58.** Amends s. 1013.69, F.S., relating to Bonding Requirements for Participation in the Classrooms First Program; conforms provisions.

**Section 59.** Amends s. 1013.738, F.S., relating to the High Growth Capital Outlay Assistance Grant Program; conforming provisions.

**Section 60.** Provides that the bill takes effect upon becoming law.

## 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:

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

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.



PCB KTS 13-02

ORIGINAL

2013

1 A bill to be entitled  
 2 An act relating to the Interstate Compact on  
 3 Educational Opportunity for Military Children;  
 4 repealing s. 3 of ch. 2010-52, Laws of Florida;  
 5 abrogating the future repeal of ss. 1000.36, 1000.37,  
 6 1000.38, and 1000.39, F.S., relating to the compact;  
 7 providing for future legislative review and repeal of  
 8 the compact; providing an effective date.

9

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

11


12 Section 1. Section 3 of chapter 2010-52, Laws of Florida,  
 13 is repealed.

14 Section 2. Sections 1000.36, 1000.37, 1000.38, and  
 15 1000.39, Florida Statutes, shall stand repealed 3 years after  
 16 the effective date of this act unless reviewed and saved from  
 17 repeal through reenactment by the Legislature.

18 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB KTS 13-02 Interstate Compact on Educational Opportunity for Military Children  
SPONSOR(S): K-12 Subcommittee  
TIED BILLS: IDEN./SIM. BILLS: SB 138

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Beagle GB	Ahearn 

SUMMARY ANALYSIS

In 2008, the Florida Legislature enacted the Interstate Compact on Educational Opportunity for Military Children. The purpose of the compact is to enable member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families. Currently, 43 states and the District of Columbia are members of the compact.

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. Among other things, the Commission may adopt and enforce compact rules which govern member states in the areas addressed by the compact. The compact rules supersede conflicting member state laws to the extent necessary to accomplish the purposes of the compact.

Since enactment in 2008, Florida's compact legislation has included a repeal provision which requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature. Because membership in the compact entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review the compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. The Legislature last reauthorized the compact in 2010, and provided for repeal of the compact in three years, which is May 11, 2013.

The bill reauthorizes Florida's compact legislation and eliminates the existing repeal provision. The bill adds a new automatic repeal provision effective three years after the bill becomes effective.

The bill has an insignificant fiscal impact on state government. The bill does not appear to have a fiscal impact on local governments. (See Fiscal Comments).

The bill takes effect upon becoming law.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Background**

Children in active-duty military families face unique educational challenges. The average military child transfers to a different state or school district six to nine times during kindergarten through grade 12. When a parent is reassigned, military children may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- The need to appoint temporary guardians while the child's parent is deployed.<sup>1</sup>

The Interstate Compact on Educational Opportunity for Military Children assists member states in uniformly addressing educational transition issues faced by active-duty military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and graduation for children of active-duty military families. The compact was developed by the Council of State Governments, in cooperation with the U.S. Department of Defense.<sup>2</sup>

States must enact the compact into law in order to join the compact, which the Florida Legislature did in the 2008 General Session.<sup>3</sup> Enactment by ten states is required in order for the compact to take effect and be binding on member states, which occurred when Delaware became the tenth state to adopt the compact on July 9, 2008.<sup>4</sup> Currently, 43 states and the District of Columbia are members of the compact.<sup>5</sup>

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission may adopt and enforce bylaws and compact rules and perform various administrative functions necessary to day-to-day operations.<sup>6</sup> The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. Each state is entitled to one vote on compact rule adoption or other business matters.<sup>7</sup> The Commission must meet at least once per year.<sup>8</sup>

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<sup>1</sup> Council of State Governments, *Interstate Compact on Educational Opportunity for Military Children: Legislative Resource Kit*, at 6-7 (Jan. 2011), available at <http://www.mic3.net/pages/commissioners/documents/2011LegislativeResourceKit-Final.pdf>.

<sup>2</sup> *Id.* at 7-10.

<sup>3</sup> Chapter 2008-225, L.O.F.; CS/HB 1203 (2008); ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S.

<sup>4</sup> Article XV, s. B. of the Compact, s. 1000.36, F.S.; 76 Del. Laws 327 (2008).

<sup>5</sup> Military Interstate Children's Compact Commission, *Member and Nonmember States Map* (July 2012), available at <http://mic3.net/pages/resources/documents/MIC3ColorMapJul11.pdf>.

<sup>6</sup> Article X, of the Compact, s. 1000.36, F.S.

<sup>7</sup> Article IX, s. B. of the Compact, s. 1000.36, F.S.

<sup>8</sup> Article IX, s. D. of the Compact, s. 1000.36, F.S.

## Compact Rule Adoption

The Commission is authorized to promulgate compact rules which govern member states in the areas addressed by the compact. The compact rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.<sup>9</sup> Compact rules must not exceed the scope of authority granted by the compact. A majority of member state legislatures may invalidate a compact rule by legislative action.<sup>10</sup>

Since enactment in 2008, Florida's compact legislation has included a repeal provision which requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature.<sup>11</sup> The repeal provision addresses concerns regarding unconstitutional delegation of legislative authority under Article II, s. 3, of the Florida Constitution.<sup>12</sup> Because membership in the compact entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review the compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. Reauthorization of the compact after such review avoids a claim that the Legislature has delegated its authority.<sup>13</sup>

The Legislature last reauthorized the compact in 2010, and provided for repeal of the compact in three years, which is May 11, 2013.<sup>14</sup> Since then, two rule amendments have been adopted by the Commission:

- Compact rule 2.104, which provides the compact membership dues formula, was amended in November 2011 to establish a minimum dues obligation of \$2,000 and a maximum dues obligation of \$60,000.
- Compact rule 3.102, relating to kindergarten and first grade entrance age, was amended in November 2012 to clarify that a student must "*physically attend*" kindergarten in the sending state in order to transfer into kindergarten in the receiving state.<sup>15</sup>

Neither amendment impairs Florida's continued participation in the compact.

### Effect of Proposed Changes

The bill reauthorizes Florida's compact legislation and eliminates the existing repeal provision. The bill adds a new automatic repeal provision effective three years after the bill becomes effective.

#### B. SECTION DIRECTORY:

**Section 1.** Repeals s. 3, ch. 2010-52, L.O.F., which provides for automatic repeal of the compact legislation.

**Section 2.** Provides for repeal of ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S., the "Interstate Compact on Educational Opportunity for Military Children," three years after the effective date of the bill unless reviewed and reenacted by the Legislature.

<sup>9</sup> Article X, s. B. and XVIII, s. B. of the Compact, s. 1000.36, F.S.

<sup>10</sup> Article XII of the Compact, s. 1000.36, F.S.

<sup>11</sup> See, e.g., s. 3, ch. 2010-52, L.O.F.

<sup>12</sup> Article II, s. 3 of the Florida Constitution provides for separation of powers among the executive, legislative, and judicial branches of state government. Courts construing this provision have held that the Legislature, when delegating the administration of legislative programs to executive agencies or other entities, must establish minimal standards and guidelines ascertainable by reference to the legislation creating the program. See *Avatar Development Corp. v. State*, 723 So.2d 199 (Fla. 1998).

<sup>13</sup> Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 521* (2010).

<sup>14</sup> Sections 3 and 4, ch. 2010-152, L.O.F.

<sup>15</sup> Military Interstate Children's Compact Commission, *Commission Rule Change, Rule 3.102(b) defining "Kindergarten enrollment,"* at 1 (Nov. 2012), available at <http://www.mic3.net/documents/MIC3CommissionRules-Final-amendedNov2012.pdf>; Military Interstate Children's Compact Commission, *Adopted Rules* (Nov. 2012), available at <http://mic3.net/pages/commissioners/documents/MIC3CommissionRules-Final-amendedNov2012.pdf> (see rules 2.104 and 3.102).

**Section 3.** Provides that the bill takes effect upon becoming law.

## 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:

None.

### D. FISCAL COMMENTS:

The compact requires the Commission to levy membership dues from each member state to finance Commission operations and staffing.<sup>16</sup> Membership dues are based upon \$1 per dependent child of active-duty military personnel residing in a member state. There is a minimum dues obligation of \$2,000 and a maximum of \$60,000.<sup>17</sup> According to the Department of Education (DOE), the number of children of active-duty military personnel living in Florida typically fluctuates between 30,000 and 33,000 from year to year.<sup>18</sup>

The Commission has authority to impose sanctions against member states that fail to pay annual membership dues, including suspending or terminating a state's compact membership or imposing reasonable damages or costs. The Commission, by majority vote, may sue a member state in federal court for failure to pay membership dues. Costs and attorney fees must be awarded to the prevailing party.<sup>19</sup>

Florida has failed to timely pay its annual compact membership dues each year since enactment of the compact in 2008. DOE routinely requests funding for dues in its annual Legislative budget requests; however, but has received no funding through the General Appropriations Act specifically for

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<sup>16</sup> Article XIV of the Compact, s. 1000.36, F.S.

<sup>17</sup> Section 2.102, Interstate Commission Rules.

<sup>18</sup> Quarterly Meeting, State Council on Educational Opportunity for Military Children, Oct. 19, 2012.

<sup>19</sup> Article XIII, s. D.-I. of the Compact, s. 1000.36, F.S. The Commission's power to enforce the compact extends to any failure by a member state to perform any obligation required by the compact, compact rules, and Commission bylaws. The Commission may bring suit in the U.S. District Court for the Eastern District of Kentucky, which is the federal court that serves the Commission's principal office, or in the U.S. District Court for the District of Columbia. *Id.*

membership dues.<sup>20</sup> However, DOE has found other funding sources to pay the dues. In 2010, federal grant funds held by the Department of Veterans Affairs were used to pay dues owed through FY 2009-10.<sup>21</sup> In 2012, Florida's past-due membership dues for FYs 2010-11 and 2011-12 were paid by Enterprise Florida (at the direction of the Governor).<sup>22</sup>

DOE's legislative budget request for FY 2013-14 requests a total of \$62,911 to fund membership dues. Of this amount, \$30,911 is requested to cover dues owed for FY 2012-13 and \$32,000 is requested to cover dues for FY 2013-14.<sup>23</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

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

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

##### 2. Other:

The Florida Supreme Court has held that it is an unconstitutional delegation of legislative authority for the Legislature to prospectively adopt rules not yet promulgated by federal administrative bodies.<sup>24</sup> However, there is no binding Florida case law that addresses this issue in the context of interstate compacts.<sup>25</sup>

To address concerns regarding delegation of legislative authority, the bill provides for automatic repeal of Florida's compact legislation three years after the bill takes effect, unless reauthorized by the Legislature. The repeal provision allows the Legislature to determine whether it agrees with any new compact rules or rule amendments adopted during the three year period and consider reauthorization of the compact. Reauthorizing the compact periodically accounts for any new compact rules and amendments adopted by the Commission since the last reauthorization, thereby avoiding a claim that the Legislature has agreed to be bound by compact rules not yet promulgated.

#### B. RULE-MAKING AUTHORITY:

None.

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

None.

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<sup>20</sup> See, e.g., Florida Department of Education, *2010-2011 Operating Legislative Budget Request*, 208-290 (Sept. 2009), available at [http://www.fldoe.org/board/meetings/2009\\_09\\_15/2010-11OperatingLegislativeBudgetRequest.pdf](http://www.fldoe.org/board/meetings/2009_09_15/2010-11OperatingLegislativeBudgetRequest.pdf) (Requesting \$66,604 to fund dues for FYs 2009-10 (past-due) and 2010-11); see, e.g., Florida Department of Education, *2012-13 Operating Legislative Budget Request*, 199-201 (August 2011), available at [http://www.fldoe.org/board/meetings/2011\\_08\\_23/fdoelbr.pdf](http://www.fldoe.org/board/meetings/2011_08_23/fdoelbr.pdf) (Requesting \$97,311 to cover dues for FYs 2010-11 (past-due), 2011-12 (past-due), and 2012-13).

<sup>21</sup> Quarterly Meeting, State Council on Educational Opportunity for Military Children, July 9, 2010.

<sup>22</sup> Quarterly Meeting, State Council on Educational Opportunity for Military Children, Oct. 19, 2012.

<sup>23</sup> Florida Department of Education, *2013-14 Operating Legislative Budget Request*, 184 (Oct. 2012), available at [http://www.fldoe.org/board/meetings/2012\\_10\\_09/lbr.pdf](http://www.fldoe.org/board/meetings/2012_10_09/lbr.pdf).

<sup>24</sup> *Freimuth v. State*, 272 So.2d 473, 476 (Fla. 1972); *Fla. Indus. Commission v. State ex rel. Orange State Oil Co.*, 21 So.2d 599, 603 (Fla. 1945).

<sup>25</sup> A First District Court of Appeals opinion construing the provisions of the Interstate Compact on the Placement of Children mentions this issue in a footnote but the court did not rule on the merits. *Department of Children and Family Services v. L.G.*, 801 So.2d 1047, 1052 (Fla. 1st DCA 2001).

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.





