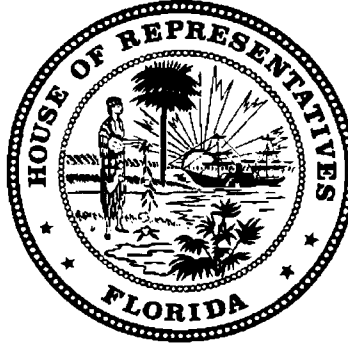


K - 12
Subcommittee
Wednesday, February 5, 2014
1:00 p.m. – 3:00 p.m.
17 HOB

Meeting Packet

Will Weatherford
Speaker

Janet H. Adkins
Chair



AGENDA

K-12 Subcommittee
Wednesday, February 5, 2014
1:00 p.m. – 3:00 p.m.
17 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill(s):

PCB KTS 14-01 -- Education
PCB KTS 14-02 -- Student Code of Conduct
PCB KTS 14-03 -- Middle Grades Education
- IV. Closing Remarks and Adjournment



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	___	(Y/N)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

1 Committee/Subcommittee hearing PCB: K-12 Subcommittee
 2 Representative Porter offered the following:

Amendment

Remove line 622 and insert:

thereafter who seeks a high school diploma must take



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	___	(Y/N)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

1 Committee/Subcommittee hearing PCB: K-12 Subcommittee
 2 Representative Porter offered the following:

Amendment

Remove lines 971-972 and insert:

6 an annual audit pursuant to s. 218.39(5), ~~or~~ a monthly financial
 7 statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or
 8 a quarterly financial statement pursuant to s. 1002.331(2)(c).



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	___	(Y/N)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

1 Committee/Subcommittee hearing PCB: K-12 Subcommittee
 2 Representative Porter offered the following:

Amendment (with directory and title amendments)

Between lines 984 and 985, insert:

6 ~~(3) REPORT. The Commissioner of Education shall annually~~
 7 ~~report to the State Board of Education each charter school and~~
 8 ~~charter technical career center that is subject to a financial~~
 9 ~~recovery plan or a corrective action plan under this section.~~

12 -----
 13 **D I R E C T O R Y A M E N D M E N T**

14 Remove line 956 and insert:

15 Section 28. Paragraphs (a) and (b) of subsection (1) and
 16 subsection (3) of



Amendment No. 3

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

Remove line 52 and insert:

center; deleting annual reporting requirements; amending s.
1002.39, F.S.; deleting obsolete



Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing PCB: K-12 Subcommittee
 2 Representative Porter offered the following:

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Amendment

Remove line 1004 and insert:
 under s. 504 of the Rehabilitation Act of 1973;



Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing PCB: K-12 Subcommittee
 2 Representative Porter offered the following:

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Amendment

Remove line 1020 and insert:
 was eligible for services under s. 1003.21(1)(e) ~~for~~



Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing PCB: K-12 Subcommittee
 2 Representative Porter offered the following:

Amendment (with directory amendment)

Between lines 1364 and 1365, insert:

6 (4) ONLINE COURSE REQUIREMENT. ~~Excluding a driver~~
 7 ~~education course,~~ At at least one course within the 24 credits
 8 required under this section must be completed through online
 9 learning. Beginning with students entering grade 9 in the 2013-
 10 2014 school year, the required online course may not be a driver
 11 education course. A school district may not require a student to
 12 take the online course outside the school day or in addition to
 13 a student's courses for a given semester. An online course taken
 14 in grade 6, grade 7, or grade 8 fulfills this requirement. This
 15 requirement is met through an online course offered by the
 16 Florida Virtual School, a virtual education provider approved by
 17 the State Board of Education, a high school, or an online dual



Amendment No. 6

18 enrollment course. A student who is enrolled in a full-time or
19 part-time virtual instruction program under s. 1002.45 meets
20 this requirement. This requirement does not apply to a student
21 who has an individual education plan under s. 1003.57 which
22 indicates that an online course would be inappropriate or to an
23 out-of-state transfer student who is enrolled in a Florida high
24 school and has 1 academic year or less remaining in high school.

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D I R E C T O R Y A M E N D M E N T

Remove line 1274 and insert:

subsection (3), subsections (4), (5), (7), and (8), and
paragraphs



Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing PCB: K-12 Subcommittee
 2 Representative Porter offered the following:

Amendment

5 Between lines 1393 and 1394, insert:

6 However, any student who is otherwise entitled to a certificate
 7 of completion may elect to remain in high school either as a
 8 full-time student or a part-time student for up to one
 9 additional year and receive special instruction designed to
 10 remedy his or her identified deficiencies.



Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing PCB: K-12 Subcommittee
 2 Representative Porter offered the following:

Amendment

Remove line 1655 and insert:

(f) This subsection is repealed July 1, 2020.

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Original

2014

1 A bill to be entitled
2 An act relating to education; amending s. 11.45, F.S.;
3 requiring the Auditor General to notify the
4 Legislative Auditing Committee if a district school
5 board fails to take corrective action subsequent to an
6 audit; amending s. 120.74, F.S.; exempting educational
7 units from rule review and reporting requirements;
8 amending s. 120.81, F.S.; conforming cross-references;
9 amending s. 409.1451; conforming cross-references;
10 repealing ss. 411.226, 411.227, and 411.228, F.S.,
11 relating to the Learning Gateway program; amending s.
12 496.404, F.S.; conforming cross-references; amending
13 s. 775.215 F.S.; conforming cross-references; amending
14 s. 984.151, F.S.; authorizing a district school
15 superintendent's designee to submit a truancy
16 petition; repealing s. 1000.01(5), F.S., relating to
17 obsolete education governance transfers; amending s.
18 1000.21, F.S.; revising the definition of the term
19 "Next Generation Sunshine State Standards"; repealing
20 ss. 1000.33 and 1000.37, F.S., relating to the
21 distribution of copies of educational compacts to
22 other states; amending s. 1001.10, F.S.; deleting and
23 revising certain duties of the Commissioner of
24 Education relating to educational plans and programs;
25 repealing s. 1001.25, F.S., relating to educational
26 television; amending s. 1001.26, F.S.; revising
27 Department of Education duties relating to the public

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Original

2014

28 broadcasting program system; prohibiting the use of
 29 educational television stations for the advancement of
 30 political candidates; providing penalties; repealing
 31 ss. 1001.47(7) and 1001.50(6), F.S., relating to
 32 obsolete district school superintendent salary
 33 provisions; repealing s. 1001.62, F.S., relating to
 34 obsolete provisions for the transfer of benefits
 35 arising under local or special acts; repealing s.
 36 1001.73(3), F.S., relating to the abolished Board of
 37 Regents as trustee; amending s. 1002.20, F.S.;
 38 correcting cross-references and conforming provisions;
 39 amending s. 1002.31, F.S.; revising provisions
 40 relating to school district controlled open enrollment
 41 plans; amending s. 1002.3105, F.S.; conforming
 42 provisions; amending s. 1002.321, F.S.; conforming
 43 provisions; amending s. 1002.33, F.S.; deleting
 44 required training before charter school application;
 45 conforming cross-references and provisions; amending
 46 s. 1002.34, F.S.; conforming cross-references;
 47 revising provisions relating to department assistance
 48 to charter technical career centers; amending s.
 49 1002.345, F.S.; revising provisions relating to
 50 expedited review of deteriorating financial conditions
 51 for a charter school or charter technical career
 52 center; amending s. 1002.39, F.S.; deleting obsolete
 53 provisions relating to eligibility for a John M. McKay
 54 Scholarship; amending s. 1002.41, F.S.; correcting

55 cross-references; repealing s. 1002.415, F.S.,
 56 relating to the K-8 Virtual School Program; amending
 57 s. 1002.45, F.S.; conforming cross-references;
 58 amending s. 1002.455, F.S.; conforming provisions;
 59 repealing s. 1002.65, F.S., relating to aspirational
 60 goals for credentials of prekindergarten instructors;
 61 amending s. 1003.01, F.S.; conforming cross-
 62 references; amending s. 1003.02, F.S.; requiring
 63 instructional materials to be consistent with course
 64 descriptions; amending a. 1003.03, F.S.; conforming
 65 cross-references; amending s. 1003.41, F.S.; deleting
 66 an obsolete cost analysis requirement relating to a
 67 separate financial literacy course; amending s.
 68 1003.4156, F.S.; revising course and assessment
 69 requirements for middle grades students for promotion
 70 to high school; providing an exemption for transfer
 71 students from certain course grade and assessment
 72 requirements; repealing s. 1003.428, F.S., relating to
 73 obsolete requirements for high school graduation;
 74 amending s. 1003.4281, F.S.; conforming cross-
 75 references; amending s. 1003.4282, F.S.; revising
 76 course and assessment requirements for the award of a
 77 standard high school diploma; providing requirements
 78 for a student in an adult general education program to
 79 be awarded a standard high school diploma; revising
 80 requirements for award of a certificate of completion;
 81 providing an exemption for transfer students from

82 | certain course grade and assessment requirements;
 83 | providing specificity regarding course and assessment
 84 | requirements for graduation for certain cohorts of
 85 | high school students transitioning to new graduation
 86 | requirements; providing for future repeal of
 87 | transition requirements; amending s. 1003.4285, F.S.;
 88 | revising requirements for standard high school diploma
 89 | designations; amending s. 1003.438, F.S.; conforming
 90 | cross-references; repealing s. 1003.451(5), F.S.,
 91 | relating to State Board of Education rulemaking;
 92 | amending s. 1003.49, F.S.; conforming cross-
 93 | references; amending s. 1003.493, F.S.; conforming a
 94 | cross-reference; amending s. 1003.4935, F.S.;
 95 | conforming a cross-reference; amending s. 1003.57,
 96 | F.S., relating to exceptional student instruction;
 97 | amending s. 1003.621, F.S.; revising audit criteria
 98 | for academically high-performing school districts;
 99 | repealing s. 1004.02(4), F.S., relating to the
 100 | definition of the term "adult high school credit
 101 | program"; amending s. 1004.0961, F.S.; providing for
 102 | Board of Governors regulations; repealing s.
 103 | 1004.3825, F.S., relating to authorization for a
 104 | medical degree program; repealing s. 1004.387, F.S.,
 105 | relating to authorization for a pharmacy degree
 106 | program; repealing s. 1004.445(2), F.S., relating to
 107 | the board of directors of the Johnnie B. Byrd, Sr.,
 108 | Alzheimer's Center and Research Institute; repealing

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Original

2014

109 s. 1004.75, F.S., relating to training school
 110 consolidation pilot projects; amending s. 1004.935,
 111 F.S.; conforming cross-references; repealing s.
 112 1006.141, F.S., relating to a statewide school safety
 113 hotline; amending s. 1006.147, F.S.; deleting obsolete
 114 provisions relating to school district bullying and
 115 harassment policies; repealing s. 1006.148(2), F.S.,
 116 relating to a department-developed model dating
 117 violence and abuse policy; amending s. 1006.15, F.S.;
 118 conforming cross-references; amending s. 1006.28,
 119 F.S.; conforming provisions relating to instructional
 120 materials; amending s. 1006.31, F.S.; conforming
 121 provisions relating to duties of an instructional
 122 materials reviewer; amending s. 1006.34, F.S.;
 123 revising provisions relating to standards used in the
 124 selection of instructional materials; amending s.
 125 1006.40, F.S.; revising provisions relating to
 126 district school board purchase of instructional
 127 materials; amending s. 1006.42, F.S.; conforming
 128 provisions relating to the responsibility of parents
 129 for instructional materials; amending s. 1007.02,
 130 F.S.; deleting a popular name and providing
 131 applicability for the term "student with a
 132 disability"; amending s. 1007.2615, F.S.; deleting
 133 obsolete provisions relating to an American Sign
 134 Language task force; amending s. 1007.263, F.S.;
 135 conforming cross-references; amending ss. 1007.264 and

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136 1007.265, F.S.; conforming provisions; amending s.
 137 1007.271, F.S.; correcting cross-references; amending
 138 s. 1008.22, F.S.; conforming and revising provisions
 139 relating to the implementation of statewide,
 140 standardized comprehensive assessments, end-of-course
 141 assessments, and waivers for students with
 142 disabilities; requiring the commissioner to publish an
 143 implementation schedule for transition to new
 144 assessments; conforming provisions relating to
 145 concordant scores and comparative scores for
 146 assessments; amending s. 1008.25, F.S.; conforming
 147 assessment provisions for student progression;
 148 amending s. 1008.33, F.S.; deleting obsolete
 149 provisions relating to implementation of certain
 150 school turnaround options; repealing s. 1008.331,
 151 F.S., relating to supplemental educational services in
 152 Title I schools; amending s. 1008.3415, F.S.;
 153 correcting a cross-reference; repealing s. 1008.35,
 154 F.S., relating to best financial management practices
 155 for school districts; amending s. 1009.22, F.S.;
 156 deleting obsolete provisions relating to workforce
 157 education postsecondary student fees; amending s.
 158 1009.40, F.S.; conforming cross-references; amending
 159 s. 1009.531, F.S.; conforming cross-references;
 160 amending s. 1009.532, F.S.; correcting cross-
 161 references; amending s. 1009.536, F.S.; correcting
 162 cross-references; repealing s. 1009.56, F.S., relating

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Original

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163 to the Seminole and Miccosukee Indian Scholarship
 164 Program; repealing s. 1009.69, F.S., relating to the
 165 Virgil Hawkins Fellows Assistance Program; amending s.
 166 1009.91, F.S.; conforming a cross-reference; amending
 167 s. 1009.94, F.S.; conforming a cross-reference;
 168 repealing part V of chapter 1009, F.S., relating to
 169 the Florida Higher Education Loan Authority; repealing
 170 s. 1011.71(3)(b) and (c), F.S., relating to expired
 171 authorization for certain millage levy; repealing s.
 172 1011.76(4), F.S., relating to best financial
 173 management practices review under the Small School
 174 District Stabilization Program; amending s. 1011.80,
 175 F.S.; correcting a cross-reference; amending s.
 176 1012.05, F.S.; deleting department and commissioner
 177 duties relating to teacher recruitment and retention;
 178 amending s. 1012.22, F.S.; conforming provisions;
 179 repealing s. 1012.33(9), F.S., relating to obsolete
 180 provisions for payment of professional service
 181 contracts; amending s. 1012.34, F.S.; correcting
 182 cross-references relating to measuring student
 183 performance in personnel evaluations; amending s.
 184 1012.44, F.S.; deleting obsolete provisions; amending
 185 s. 1012.561, F.S.; deleting an obsolete provision;
 186 repealing s. 1012.595, F.S., relating to an obsolete
 187 saving clause for educator certificates; repealing s.
 188 1012.72, F.S., relating to the Dale Hickam Excellent
 189 Teaching Program; amending s. 1012.885, F.S.; deleting

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190 certain provisions relating to remuneration of Florida
 191 College System institution presidents; amending s.
 192 1012.975, F.S.; deleting certain provisions relating
 193 to remuneration of state university presidents;
 194 amending s. 1012.98, F.S.; requiring continuing
 195 education training for kindergarten teachers; amending
 196 s. 1013.35, F.S.; revising audit requirements for
 197 school district educational planning and construction
 198 activities; amending s. 1013.47, F.S.; deleting
 199 provisions relating to payment of wages of certain
 200 persons employed by contractors; repealing s. 1013.49,
 201 F.S., relating to toxic substances in educational
 202 facilities; repealing s. 1013.512, F.S., relating to
 203 the Land Acquisition and Facilities Advisory Board;
 204 repealing s. 1013.54, F.S., relating to the
 205 cooperative development and use of satellite
 206 educational facilities; repealing s. 20 of chapter
 207 2010-24, Laws of Florida, relating to Department of
 208 Revenue authorization to adopt emergency rules;
 209 providing an effective date.

210

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

212

213 Section 1. Paragraph (j) of subsection (7) of section
 214 11.45, Florida Statutes, is amended to read:

215 11.45 Definitions; duties; authorities; reports; rules.—

216 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

217 (j) The Auditor General shall notify the Legislative
 218 Auditing Committee of any financial or operational audit report
 219 prepared pursuant to this section which indicates that a
 220 district school board, state university, or Florida College
 221 System institution has failed to take full corrective action in
 222 response to a recommendation that was included in the two
 223 preceding financial or operational audit reports.

224 1. The committee may direct the district school board or
 225 the governing body of the state university or Florida College
 226 System institution to provide a written statement to the
 227 committee explaining why full corrective action has not been
 228 taken or, if the governing body intends to take full corrective
 229 action, describing the corrective action to be taken and when it
 230 will occur.

231 2. If the committee determines that the written statement
 232 is not sufficient, the committee may require the chair of the
 233 district school board or the chair of the governing body of the
 234 state university or Florida College System institution, or the
 235 chair's designee, to appear before the committee.

236 3. If the committee determines that the district school
 237 board, state university, or Florida College System institution
 238 has failed to take full corrective action for which there is no
 239 justifiable reason or has failed to comply with committee
 240 requests made pursuant to this section, the committee shall
 241 refer the matter to the State Board of Education or the Board of
 242 Governors, as appropriate, to proceed in accordance with s.
 243 1008.32 or s. 1008.322, respectively.

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244 Section 2. Subsection (5) is added to section 120.74,
245 Florida Statutes, to read:

246 120.74 Agency review, revision, and report.—

247 (5) An educational unit as defined in s. 120.52(6) is
248 exempt from this section.

249 Section 3. Paragraph (c) of subsection (1) of section
250 120.81, Florida Statutes, is amended to read:

251 120.81 Exceptions and special requirements; general
252 areas.—

253 (1) EDUCATIONAL UNITS.—

254 (c) Notwithstanding s. 120.52(16), any tests, test scoring
255 criteria, or testing procedures relating to student assessment
256 which are developed or administered by the Department of
257 Education pursuant to s. 1003.4282 ~~1003.428~~, ~~s. 1003.429~~, s.
258 1003.438, s. 1008.22, or s. 1008.25, or any other statewide
259 educational tests required by law, are not rules.

260 Section 4. Paragraph (a) of subsection (2) of section
261 409.1451, Florida Statutes, is amended to read:

262 409.1451 The Road-to-Independence Program.—

263 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

264 (a) A young adult is eligible for services and support
265 under this subsection if he or she:

266 1. Was living in licensed care on his or her 18th birthday
267 or is currently living in licensed care; or was at least 16
268 years of age and was adopted from foster care or placed with a
269 court-approved dependency guardian after spending at least 6
270 months in licensed care within the 12 months immediately

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- 271 preceding such placement or adoption;
- 272 2. Spent at least 6 months in licensed care before
- 273 reaching his or her 18th birthday;
- 274 3. Earned a standard high school diploma pursuant to s.
- 275 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
- 276 pursuant to ~~s. 1003.428, s. 1003.4281, s. 1003.429,~~ s. 1003.435,
- 277 or a special diploma pursuant to s. 1003.438;
- 278 4. Has been admitted for enrollment as a full-time student
- 279 or its equivalent in an eligible postsecondary educational
- 280 institution as provided in s. 1009.533. For purposes of this
- 281 section, the term "full-time" means 9 credit hours or the
- 282 vocational school equivalent. A student may enroll part-time if
- 283 he or she has a recognized disability or is faced with another
- 284 challenge or circumstance that would prevent full-time
- 285 attendance. A student needing to enroll part-time for any reason
- 286 other than having a recognized disability must get approval from
- 287 his or her academic advisor;
- 288 5. Has reached 18 years of age but is not yet 23 years of
- 289 age;
- 290 6. Has applied, with assistance from the young adult's
- 291 caregiver and the community-based lead agency, for any other
- 292 grants and scholarships for which he or she may qualify;
- 293 7. Submitted a Free Application for Federal Student Aid
- 294 which is complete and error free; and
- 295 8. Signed an agreement to allow the department and the
- 296 community-based care lead agency access to school records.
- 297 Section 5. Section 411.226, Florida Statutes, is repealed.

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298 Section 6. Section 411.227, Florida Statutes, is repealed.

299 Section 7. Section 411.228, Florida Statutes, is repealed.

300 Section 8. Subsection (8) of section 496.404, Florida
 301 Statutes, is amended to read:

302 496.404 Definitions.—As used in ss. 496.401-496.424:

303 (8) "Educational institutions" means those institutions
 304 and organizations described in s. 212.08(7)(cc)8.a. The term
 305 includes private nonprofit organizations, the purpose of which
 306 is to raise funds for schools teaching grades kindergarten
 307 through grade 12, colleges, and universities, including a any
 308 nonprofit newspaper of free or paid circulation primarily on
 309 university or college campuses which holds a current exemption
 310 from federal income tax under s. 501(c)(3) of the Internal
 311 Revenue Code, an any educational television network or system
 312 established pursuant to ~~s. 1001.25~~ or s. 1001.26, and a any
 313 nonprofit television or radio station that is a part of such
 314 network or system and that holds a current exemption from
 315 federal income tax under s. 501(c)(3) of the Internal Revenue
 316 Code. The term also includes a nonprofit educational cable
 317 consortium that holds a current exemption from federal income
 318 tax under s. 501(c)(3) of the Internal Revenue Code, whose
 319 primary purpose is the delivery of educational and instructional
 320 cable television programming and whose members are composed
 321 exclusively of educational organizations that hold a valid
 322 consumer certificate of exemption and that are either an
 323 educational institution as defined in this subsection or
 324 qualified as a nonprofit organization pursuant to s. 501(c)(3)

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325 of the Internal Revenue Code.

326 Section 9. Paragraph (d) of subsection (1) of section
327 775.215, Florida Statutes, is amended to read:

328 775.215 Residency restriction for persons convicted of
329 certain sex offenses.—

330 (1) As used in this section, the term:

331 (d) "School" has the same meaning as provided in s.
332 1003.01 and includes a private school as defined in s. 1002.01,
333 a voluntary prekindergarten education program as described in s.
334 1002.53(3), a public school as described in s. 402.3025(1), the
335 Florida School for the Deaf and the Blind, and the Florida
336 Virtual School ~~as established under s. 1002.37, and a K-8~~
337 ~~Virtual School as established under s. 1002.415,~~ but does not
338 include facilities dedicated exclusively to the education of
339 adults.

340 Section 10. Subsection (1) of section 984.151, Florida
341 Statutes, is amended to read:

342 984.151 Truancy petition; prosecution; disposition.—

343 (1) If the school determines that a student subject to
344 compulsory school attendance has had at least five unexcused
345 absences, or absences for which the reasons are unknown, within
346 a calendar month or 10 unexcused absences, or absences for which
347 the reasons are unknown, within a 90-calendar-day period
348 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
349 absences in a 90-calendar-day period, the superintendent of
350 schools or his or her designee may file a truancy petition.

351 Section 11. Subsection (5) of section 1000.01, Florida

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352 Statutes, is repealed.

353 Section 12. Subsection (7) of section 1000.21, Florida
354 Statutes, is amended to read:

355 1000.21 Systemwide definitions.—As used in the Florida K-
356 20 Education Code:

357 (7) "Next Generation Sunshine State Standards" means the
358 state's public K-12 curricular standards, ~~including common core~~
359 ~~standards in English Language Arts and mathematics,~~ adopted
360 under s. 1003.41.

361 Section 13. Section 1000.33, Florida Statutes, is
362 repealed.

363 Section 14. Section 1000.37, Florida Statutes, is
364 repealed.

365 Section 15. Paragraphs (h) and (l) of subsection (6) of
366 section 1001.10, Florida Statutes, are amended to read:

367 1001.10 Commissioner of Education; general powers and
368 duties.—

369 (6) Additionally, the commissioner has the following
370 general powers and duties:

371 ~~(h) To develop and implement a plan for cooperating with~~
372 ~~the Federal Government in carrying out any or all phases of the~~
373 ~~educational program and to recommend policies for administering~~
374 ~~funds that are appropriated by Congress and apportioned to the~~
375 ~~state for any or all educational purposes. The Commissioner of~~
376 ~~Education shall submit to the Legislature the proposed state~~
377 ~~plan for the reauthorization of the No Child Left Behind Act~~
378 ~~before the proposed plan is submitted to federal agencies. The~~

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379 ~~President of the Senate and the Speaker of the House of~~
 380 ~~Representatives shall appoint members of the appropriate~~
 381 ~~education and appropriations committees to serve as a select~~
 382 ~~committee to review the proposed plan.~~

383 (k)(1) To prepare, publish, and disseminate ~~maintain a~~
 384 ~~Citizen Information Center responsible for the preparation,~~
 385 ~~publication, and dissemination of user-friendly materials~~
 386 relating to the state's education system, including the state's
 387 K-12 scholarship programs and the Voluntary Prekindergarten
 388 Education Program.

389 Section 16. Section 1001.25, Florida Statutes, is
 390 repealed.

391 Section 17. Section 1001.26, Florida Statutes, is amended
 392 to read:

393 1001.26 Public broadcasting program system.—

394 (1) There is created a public broadcasting program system
 395 for the state. The department shall provide funds, as
 396 specifically appropriated in the General Appropriations Act, to
 397 educational television stations qualified by the Corporation for
 398 Public Broadcasting that are part of the public broadcasting
 399 program system ~~administer this program system pursuant to rules~~
 400 ~~adopted by the State Board of Education. This program system~~
 401 ~~must complement and share resources with the instructional~~
 402 ~~programming service of the Department of Education and~~
 403 ~~educational UHF, VHF, EBS, and FM stations in the state. The~~
 404 program system must include:

405 (a) Support for existing Corporation for Public

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406 Broadcasting qualified program system educational television
 407 stations ~~and new stations meeting Corporation for Public~~
 408 ~~Broadcasting qualifications and providing a first service to an~~
 409 ~~audience that does not currently receive a broadcast signal or~~
 410 ~~providing a significant new program service as defined by rule~~
 411 ~~by the State Board of Education.~~

412 (b) Maintenance of quality broadcast capability for
 413 educational stations that are part of the program system.

414 (c) Interconnection of all educational stations that are
 415 part of the program system for simultaneous broadcast and of
 416 such stations with all universities and other institutions as
 417 necessary for sharing of resources and delivery of programming.

418 (d) Establishment and maintenance of a capability for
 419 statewide program distribution with facilities and staff,
 420 provided such facilities and staff complement and strengthen
 421 existing ~~or future~~ educational television stations ~~in accordance~~
 422 ~~with paragraph (a) and s. 1001.25(2)(c).~~

423 (e) Provision of both statewide programming funds and
 424 station programming support for educational television to meet
 425 statewide priorities. Priorities for station programming need
 426 not be the same as priorities for programming to be used
 427 statewide. Station programming may include, but shall not be
 428 limited to, citizens' participation programs, music and fine
 429 arts programs, coverage of public hearings and governmental
 430 meetings, equal air time for political candidates, and other
 431 public interest programming.

432 (2) ~~(a)~~ The Department of Education ~~is responsible for~~

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433 ~~implementing the provisions of this section pursuant to s.~~
 434 ~~282.702 and~~ may employ personnel, acquire equipment and
 435 facilities, and perform all duties necessary for carrying out
 436 the purposes and objectives of this section.

437 ~~(b) The department shall provide through educational~~
 438 ~~television and other electronic media a means of extending~~
 439 ~~educational services to all the state system of public~~
 440 ~~education. The department shall recommend to the State Board of~~
 441 ~~Education rules necessary to provide such services.~~

442 ~~(c) The department is authorized to provide equipment,~~
 443 ~~funds, and other services to extend and update both the existing~~
 444 ~~and the proposed educational television systems of tax supported~~
 445 ~~and nonprofit, corporate owned facilities. All stations funded~~
 446 ~~must be qualified by the Corporation for Public Broadcasting.~~
 447 ~~New stations eligible for funding shall provide a first service~~
 448 ~~to an audience that is not currently receiving a broadcast~~
 449 ~~signal or provide a significant new program service as defined~~
 450 ~~by State Board of Education rules. Funds appropriated to the~~
 451 ~~department for educational television may be used by the~~
 452 ~~department for educational television only.~~

453 (3) (a) The facilities, plant, or personnel of an
 454 educational television station that is supported in whole or in
 455 part by state funds may not be used directly or indirectly for
 456 the promotion, advertisement, or advancement of a political
 457 candidate for a municipal, county, legislative, congressional,
 458 or state office. However, fair, open, and free discussion
 459 between political candidates for municipal, county, legislative,

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460 congressional, or state office may be permitted in order to help
 461 materially reduce the excessive cost of campaigns and to ensure
 462 that the state's citizens are fully informed about issues and
 463 candidates in campaigns. This paragraph applies to the advocacy
 464 for, or opposition to, a specific existing or proposed program
 465 of governmental action, which includes, but is not limited to,
 466 constitutional amendments, tax referenda, and bond issues. This
 467 paragraph shall be implemented in accordance with rules of the
 468 State Board of Education.

469 (b) A violation of a prohibition contained in this
 470 subsection is a misdemeanor of the second degree, punishable as
 471 provided in s. 775.082 or s. 775.083.

472 Section 18. Subsection (7) of section 1001.47, Florida
 473 Statutes, is repealed.

474 Section 19. Subsection (6) of section 1001.50, Florida
 475 Statutes, is repealed.

476 Section 20. Section 1001.62, Florida Statutes, is
 477 repealed.

478 Section 21. Subsection (3) of section 1001.73, Florida
 479 Statutes, is repealed.

480 Section 22. Subsections (8), (16), and (21) of section
 481 1002.20, Florida Statutes, are amended to read:

482 1002.20 K-12 student and parent rights.—Parents of public
 483 school students must receive accurate and timely information
 484 regarding their child's academic progress and must be informed
 485 of ways they can help their child to succeed in school. K-12
 486 students and their parents are afforded numerous statutory

487 rights including, but not limited to, the following:

488 (8) STUDENTS WITH DISABILITIES.—Parents of public school
 489 students with disabilities and parents of public school students
 490 in residential care facilities are entitled to notice and due
 491 process in accordance with the provisions of ss. 1003.57 and
 492 1003.58. Public school students with disabilities must be
 493 provided the opportunity to meet the graduation requirements for
 494 a standard high school diploma as set forth in s. 1003.4282 in
 495 accordance with the provisions of ss. 1003.57 and 1008.22 ~~s.~~
 496 ~~1003.428(3)~~. Pursuant to s. 1003.438, certain public school
 497 students with disabilities may be awarded a special diploma upon
 498 high school graduation.

499 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
 500 REPORTS.—Parents of public school students are entitled to an
 501 easy-to-read report card about the school's grade designation
 502 or, if applicable under s. 1008.341, the school's improvement
 503 rating, and the school's ~~school~~ accountability report, including
 504 the school financial report as required under s. 1010.215, ~~and~~
 505 ~~school improvement rating of their child's school in accordance~~
 506 ~~with the provisions of ss. 1008.22, 1003.02(3), and 1010.215(5).~~

507 (21) PARENTAL INPUT AND MEETINGS.—

508 (a) Meetings with school district personnel.—Parents of
 509 public school students may be accompanied by another adult of
 510 their choice at a ~~any~~ meeting with school district personnel.
 511 School district personnel may not object to the attendance of
 512 such adult or discourage or attempt to discourage, through an
 513 ~~any~~ action, statement, or other means, the parents of students

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514 with disabilities from inviting another person of their choice
 515 to attend a ~~any~~ meeting. Such prohibited actions include, but
 516 are not limited to, attempted or actual coercion or harassment
 517 of parents or students or retaliation or threats of consequences
 518 to parents or students.

519 1. Such meetings include, but are not limited to, meetings
 520 related to: the eligibility for exceptional student education or
 521 related services; the development of an individual family
 522 support plan (IFSP); the development of an individual education
 523 plan (IEP); the development of a 504 accommodation plan issued
 524 under s. 504 of the Rehabilitation Act of 1973; the transition
 525 of a student from early intervention services to other services;
 526 the development of postsecondary goals for a student with a
 527 disability and the transition services needed to reach those
 528 goals; and other issues that may affect the ~~a student's~~
 529 educational environment, discipline, or placement of a student
 530 with a disability.

531 2. The parents and school district personnel attending the
 532 meeting shall sign a document at the meeting's conclusion which
 533 states whether any school district personnel have prohibited,
 534 discouraged, or attempted to discourage the parents from
 535 inviting a person of their choice to the meeting.

536 ~~(b) School district best financial management practice~~
 537 ~~reviews. Public school students and their parents may provide~~
 538 ~~input regarding their concerns about the operations and~~
 539 ~~management of the school district both during and after the~~
 540 ~~conduct of a school district best financial management practices~~

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541 ~~review, in accordance with the provisions of s. 1008.35.~~

542 (b) ~~(e)~~ District school board educational facilities
 543 programs.—Parents of public school students and other members of
 544 the public have the right to receive proper public notice and
 545 opportunity for public comment regarding the district school
 546 board's educational facilities work program, in accordance with
 547 the provisions of s. 1013.35.

548 Section 23. Subsections (2) through (8) of section
 549 1002.31, Florida Statutes, are amended to read:

550 1002.31 Controlled open enrollment; public school parental
 551 choice.—

552 (2) Each district school board may offer controlled open
 553 enrollment within the public schools which is. ~~The controlled~~
 554 ~~open enrollment program shall be offered~~ in addition to the
 555 existing choice programs such as virtual instruction programs,
 556 magnet schools, alternative schools, special programs, advanced
 557 placement, and dual enrollment.

558 (3) Each district school board offering controlled open
 559 enrollment shall adopt by rule and post on its website ~~develop~~ a
 560 controlled open enrollment plan which must: ~~describes the~~
 561 ~~implementation of subsection (2).~~

562 (a) ~~(4)~~ ~~School districts shall~~ Adhere to federal
 563 desegregation requirements. ~~No controlled open enrollment plan~~
 564 ~~that conflicts with federal desegregation orders shall be~~
 565 ~~implemented.~~

566 ~~(5)~~ ~~Each school district shall develop a system of~~
 567 ~~priorities for its plan that includes consideration of the~~

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568 following:

569 (b)(a) Include an application process required to
 570 participate in the controlled open enrollment program.

571 ~~(b)~~ A process that allows parents to declare school
 572 preferences, including.

573 ~~(c)~~ A process that encourages placement of siblings within
 574 the same school.

575 (c)(d) Provide a lottery procedure ~~used by the school~~
 576 ~~district~~ to determine student assignment and establish.

577 ~~(e)~~ an appeals process for hardship cases.

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

580 (e)(f) ~~The procedures to~~ Maintain socioeconomic,
 581 demographic, and racial balance.

582 (f)(g) Address the availability of transportation.

583 ~~(h)~~ A process that promotes strong parental involvement,
 584 including the designation of a parent liaison.

585 ~~(i)~~ A strategy that establishes a clearinghouse of
 586 information designed to assist parents in making informed
 587 choices.

588 ~~(6)~~ Plans shall be submitted to the Commissioner of
 589 Education. The Commissioner of Education shall develop an annual
 590 report on the status of school choice and deliver the report to
 591 the Governor, the President of the Senate, and the Speaker of
 592 the House of Representatives at least 90 days prior to the
 593 convening of the regular session of the Legislature.

594 ~~(7)~~ Notwithstanding any provision of this section, a

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595 ~~school district with schools operating on both multiple-session~~
 596 ~~schedules and single-session schedules shall afford parents of~~
 597 ~~students in multiple-session schools preferred access to the~~
 598 ~~controlled open-enrollment program of the school district.~~

599 (4)-(8) In accordance with the reporting requirements of s.
 600 1011.62, each district school board shall annually report the
 601 number of students ~~applying for~~ and attending the various types
 602 of public schools of choice in the district, including schools
 603 such as virtual instruction programs, magnet schools, and public
 604 charter schools, according to rules adopted by the State Board
 605 of Education.

606 Section 24. Subsection (5) of section 1002.3105, Florida
 607 Statutes, is amended to read:

608 1002.3105 Academically Challenging Curriculum to Enhance
 609 Learning (ACCEL) options.—

610 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who
 611 meets the applicable grade 9 cohort graduation requirements of
 612 s. 1003.4282(3)(a)-(e) or s. 1003.4282(10)(a)1.-5., (b)1.-5.,
 613 (c)1.-5., or (d)1.-5., earns three credits in electives, and
 614 earns a cumulative grade point average (GPA) of 2.0 on a 4.0
 615 scale shall be awarded a standard high school diploma in a form
 616 prescribed by the State Board of Education.

617 Section 25. Subsection (3) of section 1002.321, Florida
 618 Statutes, is amended to read:

619 1002.321 Digital learning.—

620 (3) DIGITAL PREPARATION.—As required under s. 1003.4282, a
 621 Each student entering grade 9 in the 2011-2012 school year and

622 thereafter who seeks a standard high school diploma must take
 623 ~~graduate from high school having taken~~ at least one online
 624 ~~course, as provided in s. 1003.428.~~

625 Section 26. Paragraph (a) of subsection (6), paragraph (a)
 626 of subsection (7), paragraphs (b) and (c) of subsection (15),
 627 and subsection (25) of section 1002.33, Florida Statutes, are
 628 amended to read:

629 1002.33 Charter schools.—

630 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 631 applications are subject to the following requirements:

632 (a) A person or entity wishing to open a charter school
 633 shall prepare and submit an application on a model application
 634 form prepared by the Department of Education which:

635 1. Demonstrates how the school will use the guiding
 636 principles and meet the statutorily defined purpose of a charter
 637 school.

638 2. Provides a detailed curriculum plan that illustrates
 639 how students will be provided services to attain the Sunshine
 640 State Standards.

641 3. Contains goals and objectives for improving student
 642 learning and measuring that improvement. These goals and
 643 objectives must indicate how much academic improvement students
 644 are expected to show each year, how success will be evaluated,
 645 and the specific results to be attained through instruction.

646 4. Describes the reading curriculum and differentiated
 647 strategies that will be used for students reading at grade level
 648 or higher and a separate curriculum and strategies for students

649 who are reading below grade level. A sponsor shall deny a
 650 charter if the school does not propose a reading curriculum that
 651 is consistent with effective teaching strategies that are
 652 grounded in scientifically based reading research.

653 5. Contains an annual financial plan for each year
 654 requested by the charter for operation of the school for up to 5
 655 years. This plan must contain anticipated fund balances based on
 656 revenue projections, a spending plan based on projected revenues
 657 and expenses, and a description of controls that will safeguard
 658 finances and projected enrollment trends.

659 6. Contains Documents that the applicant has participated
 660 in the training required in subparagraph (f)2. A sponsor may
 661 require an applicant to provide additional information a sponsor
 662 may require, which shall be attached as an addendum to the
 663 charter school application described in this paragraph.

664 7. For the establishment of a virtual charter school,
 665 documents that the applicant has contracted with a provider of
 666 virtual instruction services pursuant to s. 1002.45(1)(d).

667 (7) CHARTER.—The major issues involving the operation of a
 668 charter school shall be considered in advance and written into
 669 the charter. The charter shall be signed by the governing board
 670 of the charter school and the sponsor, following a public
 671 hearing to ensure community input.

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

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

676 2. The focus of the curriculum, the instructional methods
 677 to be used, any distinctive instructional techniques to be
 678 employed, and identification and acquisition of appropriate
 679 technologies needed to improve educational and administrative
 680 performance which include a means for promoting safe, ethical,
 681 and appropriate uses of technology which comply with legal and
 682 professional standards.

683 a. The charter shall ensure that reading is a primary
 684 focus of the curriculum and that resources are provided to
 685 identify and provide specialized instruction for students who
 686 are reading below grade level. The curriculum and instructional
 687 strategies for reading must be consistent with the Next
 688 Generation Sunshine State Standards and grounded in
 689 scientifically based reading research.

690 b. In order to provide students with access to diverse
 691 instructional delivery models, to facilitate the integration of
 692 technology within traditional classroom instruction, and to
 693 provide students with the skills they need to compete in the
 694 21st century economy, the Legislature encourages instructional
 695 methods for blended learning courses consisting of both
 696 traditional classroom and online instructional techniques.
 697 Charter schools may implement blended learning courses which
 698 combine traditional classroom instruction and virtual
 699 instruction. Students in a blended learning course must be full-
 700 time students of the charter school and receive the online
 701 instruction in a classroom setting at the charter school.
 702 Instructional personnel certified pursuant to s. 1012.55 who

703 provide virtual instruction for blended learning courses may be
 704 employees of the charter school or may be under contract to
 705 provide instructional services to charter school students. At a
 706 minimum, such instructional personnel must hold an active state
 707 or school district adjunct certification under s. 1012.57 for
 708 the subject area of the blended learning course. The funding and
 709 performance accountability requirements for blended learning
 710 courses are the same as those for traditional courses.

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

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

717 b. How these baseline rates will be compared to rates of
 718 academic progress achieved by these same students while
 719 attending the charter school.

720 c. To the extent possible, how these rates of progress
 721 will be evaluated and compared with rates of progress of other
 722 closely comparable student populations.

723
 724 The district school board is required to provide academic
 725 student performance data to charter schools for each of their
 726 students coming from the district school system, as well as
 727 rates of academic progress of comparable student populations in
 728 the district school system.

729 4. The methods used to identify the educational strengths

730 and needs of students and how well educational goals and
 731 performance standards are met by students attending the charter
 732 school. The methods shall provide a means for the charter school
 733 to ensure accountability to its constituents by analyzing
 734 student performance data and by evaluating the effectiveness and
 735 efficiency of its major educational programs. Students in
 736 charter schools shall, at a minimum, participate in the
 737 statewide assessment program created under s. 1008.22.

738 5. In secondary charter schools, a method for determining
 739 that a student has satisfied the requirements for graduation in
 740 s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282.

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

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

745 8. The ways by which the school will achieve a
 746 racial/ethnic balance reflective of the community it serves or
 747 within the racial/ethnic range of other public schools in the
 748 same school district.

749 9. The financial and administrative management of the
 750 school, including a reasonable demonstration of the professional
 751 experience or competence of those individuals or organizations
 752 applying to operate the charter school or those hired or
 753 retained to perform such professional services and the
 754 description of clearly delineated responsibilities and the
 755 policies and practices needed to effectively manage the charter
 756 school. A description of internal audit procedures and

757 establishment of controls to ensure that financial resources are
 758 properly managed must be included. Both public sector and
 759 private sector professional experience shall be equally valid in
 760 such a consideration.

761 10. The asset and liability projections required in the
 762 application which are incorporated into the charter and shall be
 763 compared with information provided in the annual report of the
 764 charter school.

765 11. A description of procedures that identify various
 766 risks and provide for a comprehensive approach to reduce the
 767 impact of losses; plans to ensure the safety and security of
 768 students and staff; plans to identify, minimize, and protect
 769 others from violent or disruptive student behavior; and the
 770 manner in which the school will be insured, including whether or
 771 not the school will be required to have liability insurance,
 772 and, if so, the terms and conditions thereof and the amounts of
 773 coverage.

774 12. The term of the charter which shall provide for
 775 cancellation of the charter if insufficient progress has been
 776 made in attaining the student achievement objectives of the
 777 charter and if it is not likely that such objectives can be
 778 achieved before expiration of the charter. The initial term of a
 779 charter shall be for 4 or 5 years. In order to facilitate access
 780 to long-term financial resources for charter school
 781 construction, charter schools that are operated by a
 782 municipality or other public entity as provided by law are
 783 eligible for up to a 15-year charter, subject to approval by the

784 district school board. A charter lab school is eligible for a
 785 charter for a term of up to 15 years. In addition, to facilitate
 786 access to long-term financial resources for charter school
 787 construction, charter schools that are operated by a private,
 788 not-for-profit, s. 501(c)(3) status corporation are eligible for
 789 up to a 15-year charter, subject to approval by the district
 790 school board. Such long-term charters remain subject to annual
 791 review and may be terminated during the term of the charter, but
 792 only according to the provisions set forth in subsection (8).

793 13. The facilities to be used and their location. The
 794 sponsor may not require a charter school to have a certificate
 795 of occupancy or a temporary certificate of occupancy for such a
 796 facility earlier than 15 calendar days before the first day of
 797 school.

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

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

804 16. A timetable for implementing the charter which
 805 addresses the implementation of each element thereof and the
 806 date by which the charter shall be awarded in order to meet this
 807 timetable.

808 17. In the case of an existing public school that is being
 809 converted to charter status, alternative arrangements for
 810 current students who choose not to attend the charter school and

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811 for current teachers who choose not to teach in the charter
 812 school after conversion in accordance with the existing
 813 collective bargaining agreement or district school board rule in
 814 the absence of a collective bargaining agreement. However,
 815 alternative arrangements shall not be required for current
 816 teachers who choose not to teach in a charter lab school, except
 817 as authorized by the employment policies of the state university
 818 which grants the charter to the lab school.

819 18. Full disclosure of the identity of all relatives
 820 employed by the charter school who are related to the charter
 821 school owner, president, chairperson of the governing board of
 822 directors, superintendent, governing board member, principal,
 823 assistant principal, or any other person employed by the charter
 824 school who has equivalent decisionmaking authority. For the
 825 purpose of this subparagraph, the term "relative" means father,
 826 mother, son, daughter, brother, sister, uncle, aunt, first
 827 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 828 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 829 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 830 stepsister, half brother, or half sister.

831 19. Implementation of the activities authorized under s.
 832 1002.331 by the charter school when it satisfies the eligibility
 833 requirements for a high-performing charter school. A high-
 834 performing charter school shall notify its sponsor in writing by
 835 March 1 if it intends to increase enrollment or expand grade
 836 levels the following school year. The written notice shall
 837 specify the amount of the enrollment increase and the grade

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838 levels that will be added, as applicable.

839 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
840 A-MUNICIPALITY.—

841 (b) A charter school-in-the-workplace may be established
842 when a business partner provides the school facility to be used;
843 enrolls students based upon a random lottery that involves all
844 of the children of employees of that business or corporation who
845 are seeking enrollment, as provided for in subsection (10); and
846 enrolls students according to the racial/ethnic balance
847 provisions described in subparagraph (7)(a)8. ~~Any portion of a~~
848 ~~facility used for a public charter school shall be exempt from~~
849 ~~ad valorem taxes, as provided for in s. 1013.54, for the~~
850 ~~duration of its use as a public school.~~

851 (c) A charter school-in-a-municipality designation may be
852 granted to a municipality that possesses a charter; enrolls
853 students based upon a random lottery that involves all of the
854 children of the residents of that municipality who are seeking
855 enrollment, as provided for in subsection (10); and enrolls
856 students according to the racial/ethnic balance provisions
857 described in subparagraph (7)(a)8. When a municipality has
858 submitted charter applications for the establishment of a
859 charter school feeder pattern, consisting of elementary, middle,
860 and senior high schools, and each individual charter application
861 is approved by the district school board, such schools shall
862 then be designated as one charter school for all purposes listed
863 pursuant to this section. ~~Any portion of the land and facility~~
864 ~~used for a public charter school shall be exempt from ad valorem~~

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865 ~~taxes, as provided for in s. 1013.54, for the duration of its~~
 866 ~~use as a public school.~~

867 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 868 SCHOOL SYSTEMS.—A charter school system's governing board system
 869 shall be designated a local educational agency for the purpose
 870 of receiving federal funds, the same as though the charter
 871 school system were a school district, if the governing board of
 872 the charter school system has adopted and filed a resolution
 873 with its sponsoring district school board and the Department of
 874 Education in which the governing board of the charter school
 875 system accepts the full responsibility for all local education
 876 agency requirements and the charter school system meets all of
 877 the following:

- 878 (a) Includes both conversion charter schools and
- 879 nonconversion charter schools;
- 880 (b) Has all schools located in the same county;
- 881 (c) Has a total enrollment exceeding the total enrollment
- 882 of at least one school district in the state;
- 883 (d) Has the same governing board; and
- 884 (e) Does not contract with a for-profit service provider
- 885 for management of school operations.

886
 887 Such designation does not apply to other provisions unless
 888 specifically provided in law.

889 Section 27. Paragraph (g) of subsection (4) and paragraph
 890 (d) of subsection (6) of section 1002.34, Florida Statutes, are
 891 amended to read:

892 1002.34 Charter technical career centers.—
 893 (4) CHARTER.—A sponsor may designate centers as provided
 894 in this section. An application to establish a center may be
 895 submitted by a sponsor or another organization that is
 896 determined, by rule of the State Board of Education, to be
 897 appropriate. However, an independent school is not eligible for
 898 status as a center. The charter must be signed by the governing
 899 body of the center and the sponsor and must be approved by the
 900 district school board and Florida College System institution
 901 board of trustees in whose geographic region the facility is
 902 located. If a charter technical career center is established by
 903 the conversion to charter status of a public technical center
 904 formerly governed by a district school board, the charter status
 905 of that center takes precedence in any question of governance.
 906 The governance of the center or of any program within the center
 907 remains with its board of directors unless the board agrees to a
 908 change in governance or its charter is revoked as provided in
 909 subsection (15). Such a conversion charter technical career
 910 center is not affected by a change in the governance of public
 911 technical centers or of programs within other centers that are
 912 or have been governed by district school boards. A charter
 913 technical career center, or any program within such a center,
 914 that was governed by a district school board and transferred to
 915 a Florida College System institution prior to the effective date
 916 of this act is not affected by this provision. An applicant who
 917 wishes to establish a center must submit to the district school
 918 board or Florida College System institution board of trustees,

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919 or a consortium of one or more of each, an application on a form
 920 developed by the Department of Education which includes:

921 (g) A method for determining whether a student has
 922 satisfied the requirements for graduation specified in s.
 923 1002.3105(5), s. 1003.4281, or s. 1003.4282 ~~1003.428 or s.~~
 924 ~~1003.429~~ and for completion of a postsecondary certificate or
 925 degree.

926
 927 Students at a center must meet the same testing and academic
 928 performance standards as those established by law and rule for
 929 students at public schools and public technical centers. The
 930 students must also meet any additional assessment indicators
 931 that are included within the charter approved by the district
 932 school board or Florida College System institution board of
 933 trustees.

934 (6) SPONSOR.—A district school board or Florida College
 935 System institution board of trustees or a consortium of one or
 936 more of each may sponsor a center in the county in which the
 937 board has jurisdiction.

938 (d)1. The Department of Education shall offer or arrange
 939 for training and technical assistance to centers which must
 940 include applicants in developing and amending business plans,
 941 and estimating and accounting for costs and income, complying
 942 with state and federal grant and student performance
 943 accountability reporting requirements, implementing good
 944 business practices. ~~This assistance shall address estimating~~
 945 ~~startup costs, projecting enrollment, and identifying the types~~

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946 ~~and amounts of state and federal financial aid assistance the~~
 947 ~~center may be eligible to receive. The training shall include~~
 948 ~~instruction in accurate financial planning and good business~~
 949 ~~practices.~~

950 2. An applicant must participate in the training provided
 951 by the department after approval of its ~~of Education before~~
 952 filing an application but at least 30 days before the first day
 953 of classes at the center. The department ~~of Education~~ may
 954 provide technical assistance to an applicant upon written
 955 request.

956 Section 28. Paragraphs (a) and (b) of subsection (1) of
 957 section 1002.345, Florida Statutes, are amended to read:

958 1002.345 Determination of deteriorating financial
 959 conditions and financial emergencies for charter schools and
 960 charter technical career centers.—This section applies to
 961 charter schools operating pursuant to s. 1002.33 and to charter
 962 technical career centers operating pursuant to s. 1002.34.

963 (1) EXPEDITED REVIEW; REQUIREMENTS.—

964 (a) A charter school or a charter technical career center
 965 is subject to an expedited review by the sponsor if one of the
 966 following occurs:

967 1. Failure to provide for an audit required by s. 218.39.

968 2. Failure to comply with reporting requirements pursuant
 969 to s. 1002.33(9) or s. 1002.34(11)(f) or (14).

970 3. A deteriorating financial condition identified through
 971 an annual audit pursuant to s. 218.39(5) or a ~~monthly~~ financial
 972 statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f).

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973 "Deteriorating financial condition" means a circumstance that
 974 significantly impairs the ability of a charter school or a
 975 charter technical career center to generate enough revenues to
 976 meet its expenditures without causing the occurrence of a
 977 condition described in s. 218.503(1).

978 4. Notification pursuant to s. 218.503(2) that one or more
 979 of the conditions specified in s. 218.503(1) have occurred or
 980 will occur if action is not taken to assist the charter school
 981 or charter technical career center.

982 (b) A sponsor shall notify the governing board and the
 983 Commissioner of Education within 7 business days after one or
 984 more of the conditions specified in paragraph (a) occur.

985 Section 29. Paragraph (a) of subsection (2) of section
 986 1002.39, Florida Statutes, is amended to read:

987 1002.39 The John M. McKay Scholarships for Students with
 988 Disabilities Program.—There is established a program that is
 989 separate and distinct from the Opportunity Scholarship Program
 990 and is named the John M. McKay Scholarships for Students with
 991 Disabilities Program.

992 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
 993 student with a disability may request and receive from the state
 994 a John M. McKay Scholarship for the child to enroll in and
 995 attend a private school in accordance with this section if:

996 (a) The student has:

997 1. Received specialized instructional services under the
 998 Voluntary Prekindergarten Education Program pursuant to s.
 999 1002.66 during the previous school year and the student has a

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1000 current individual educational plan developed by the local
 1001 school board in accordance with rules of the State Board of
 1002 Education for the John M. McKay Scholarships for Students with
 1003 Disabilities Program or a 504 accommodation plan has been issued
 1004 under s. 504 of the Rehabilitation Act of 1973; or

1005 2. Spent the prior school year in attendance at a Florida
 1006 public school or the Florida School for the Deaf and the Blind.
 1007 For purposes of this subparagraph, prior school year in
 1008 attendance means that the student was enrolled and reported by:

1009 a. A school district for funding during the preceding
 1010 October and February Florida Education Finance Program surveys
 1011 in kindergarten through grade 12, which includes time spent in a
 1012 Department of Juvenile Justice commitment program if funded
 1013 under the Florida Education Finance Program;

1014 b. The Florida School for the Deaf and the Blind during
 1015 the preceding October and February student membership surveys in
 1016 kindergarten through grade 12; or

1017 c. A school district for funding during the preceding
 1018 October and February Florida Education Finance Program surveys,
 1019 was at least 4 years of age when so enrolled and reported, and
 1020 was eligible for services under s. 1003.21(1) ~~1003.21(1)(e)~~; or

1021 ~~3. Been enrolled and reported by a school district for~~
 1022 ~~funding, during the October and February Florida Education~~
 1023 ~~Finance Program surveys, in any of the 5 years prior to the~~
 1024 ~~2010-2011 fiscal year; has a current individualized educational~~
 1025 ~~plan developed by the district school board in accordance with~~
 1026 ~~rules of the State Board of Education for the John M. McKay~~

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1027 ~~Scholarship Program no later than June 30, 2011; and receives a~~
 1028 ~~first time John M. McKay scholarship for the 2011-2012 school~~
 1029 ~~year. Upon request of the parent, the local school district~~
 1030 ~~shall complete a matrix of services as required in subparagraph~~
 1031 ~~(5) (b)1. for a student requesting a current individualized~~
 1032 ~~educational plan in accordance with the provisions of this~~
 1033 ~~subparagraph.~~

1034
 1035 However, a dependent child of a member of the United States
 1036 Armed Forces who transfers to a school in this state from out of
 1037 state or from a foreign country due to a parent's permanent
 1038 change of station orders is exempt from this paragraph but must
 1039 meet all other eligibility requirements to participate in the
 1040 program.

1041 Section 30. Subsection (5) of section 1002.41, Florida
 1042 Statutes, is amended to read:

1043 1002.41 Home education programs.—

1044 (5) Home education students may participate in the Bright
 1045 Futures Scholarship Program in accordance with the provisions of
 1046 ss. 1009.53-1009.538 ~~1009.53-1009.539~~.

1047 Section 31. Section 1002.415, Florida Statutes, is
 1048 repealed.

1049 Section 32. Paragraph (b) of subsection (4) and subsection
 1050 (10) of section 1002.45, Florida Statutes, are amended to read:

1051 1002.45 Virtual instruction programs.—

1052 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
 1053 provider must at minimum:

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1054 (b) Provide a method for determining that a student has
 1055 satisfied the requirements for graduation in s. 1002.3105(5), s.
 1056 1003.4281, ~~1003.428~~ or s. 1003.4282 if the contract is for the
 1057 provision of a full-time virtual instruction program to students
 1058 in grades 9 through 12.

1059 (10) MARKETING.—Each school district shall provide
 1060 information to parents and students about the ~~parent's and~~
 1061 student's right to participate in a virtual instruction program
 1062 under this section and in courses offered by the Florida Virtual
 1063 School under s. 1002.37.

1064 Section 33. Paragraph (c) of subsection (2) of section
 1065 1002.455, Florida Statutes, is amended to read:

1066 1002.455 Student eligibility for K-12 virtual
 1067 instruction.—

1068 (2) A student is eligible to participate in virtual
 1069 instruction if:

1070 (c) The student was enrolled during the prior school year
 1071 in a virtual instruction program under s. 1002.45, ~~the K-8~~
 1072 ~~Virtual School Program under s. 1002.415~~, or a full-time Florida
 1073 Virtual School program under s. 1002.37(8)(a);

1074 Section 34. Section 1002.65, Florida Statutes, is
 1075 repealed.

1076 Section 35. Subsection (14) of section 1003.01, Florida
 1077 Statutes, is amended to read:

1078 1003.01 Definitions.—As used in this chapter, the term:

1079 (14) "Core-curricula courses" means:

1080 (a) Courses in language arts/reading, mathematics, social

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1081 studies, and science in prekindergarten through grade 3,
 1082 excluding ~~any~~ extracurricular courses pursuant to subsection
 1083 (15);

1084 (b) Courses in grades 4 through 8 in subjects that are
 1085 measured by state assessment at any grade level and courses
 1086 required for middle school promotion, excluding ~~any~~
 1087 extracurricular courses pursuant to subsection (15);

1088 (c) Courses in grades 9 through 12 in subjects that are
 1089 measured by state assessment at any grade level and courses that
 1090 are specifically identified by name in statute as required for
 1091 high school graduation and that are not measured by state
 1092 assessment, excluding ~~any~~ extracurricular courses pursuant to
 1093 subsection (15);

1094 (d) Exceptional student education courses; and

1095 (e) English for Speakers of Other Languages courses.

1096
 1097 The term is limited in meaning and used for the sole purpose of
 1098 designating classes that are subject to the maximum class size
 1099 requirements established in s. 1, Art. IX of the State
 1100 Constitution. This term does not include courses offered under
 1101 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, ~~1002.415,~~
 1102 1002.45, and 1003.499.

1103 Section 36. Paragraph (d) of subsection (1) of section
 1104 1003.02, Florida Statutes, is amended to read:

1105 1003.02 District school board operation and control of
 1106 public K-12 education within the school district.—As provided in
 1107 part II of chapter 1001, district school boards are

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1108 constitutionally and statutorily charged with the operation and
 1109 control of public K-12 education within their school district.
 1110 The district school boards must establish, organize, and operate
 1111 their public K-12 schools and educational programs, employees,
 1112 and facilities. Their responsibilities include staff
 1113 development, public K-12 school student education including
 1114 education for exceptional students and students in juvenile
 1115 justice programs, special programs, adult education programs,
 1116 and career education programs. Additionally, district school
 1117 boards must:

1118 (1) Provide for the proper accounting for all students of
 1119 school age, for the attendance and control of students at
 1120 school, and for proper attention to health, safety, and other
 1121 matters relating to the welfare of students in the following
 1122 fields:

1123 (d) Courses of study and instructional materials.—

1124 1. Provide adequate instructional materials for all
 1125 students as follows and in accordance with the requirements of
 1126 chapter 1006, in the core courses of mathematics, language arts,
 1127 social studies, science, reading, and literature, except for
 1128 instruction for which the school advisory council approves the
 1129 use of a program that does not include a textbook as a major
 1130 tool of instruction.

1131 2. Adopt courses of study for use in the schools of the
 1132 district.

1133 3. Provide for proper requisitioning, distribution,
 1134 accounting, storage, care, and use of all instructional

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1135 materials as may be needed, and ensure that instructional
 1136 materials used in the district are consistent with the district
 1137 goals and objectives and the course descriptions ~~curriculum~~
 1138 ~~frameworks~~ approved by the State Board of Education, as well as
 1139 with the state and school district performance standards
 1140 required by law and state board rule.

1141 Section 37. Paragraph (c) of subsection (3) and subsection
 1142 (6) of section 1003.03, Florida Statutes, are amended to read:

1143 1003.03 Maximum class size.—

1144 (3) IMPLEMENTATION OPTIONS.—District school boards must
 1145 consider, but are not limited to, implementing the following
 1146 items in order to meet the constitutional class size maximums
 1147 described in subsection (1):

1148 (c)1. Repeal district school board policies that require
 1149 students to earn more than the 24 credits ~~required under s.~~
 1150 ~~1003.428~~ to graduate from high school.

1151 2. Implement the early graduation options ~~option~~ provided
 1152 in ss. 1002.3105(5) and s. ~~1003.4281~~.

1153 (6) COURSES FOR COMPLIANCE.—Consistent with s. ~~the~~
 1154 ~~provisions in ss.~~ 1003.01(14) ~~and 1003.428~~, the Department of
 1155 Education shall identify from the Course Code Directory the
 1156 core-curricula courses for the purpose of satisfying the maximum
 1157 class size requirement in this section. The department may adopt
 1158 rules to implement this subsection, if necessary.

1159 Section 38. Subsection (3) of section 1003.41, Florida
 1160 Statutes, is amended to read:

1161 1003.41 Next Generation Sunshine State Standards.—

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1162 (3) The Commissioner of Education, as needed, shall
 1163 develop and submit proposed revisions to the standards for
 1164 review and comment by Florida educators, school administrators,
 1165 representatives of the Florida College System institutions and
 1166 state universities who have expertise in the content knowledge
 1167 and skills necessary to prepare a student for postsecondary
 1168 education and careers, business and industry leaders, and the
 1169 public. The commissioner, after considering reviews and
 1170 comments, shall submit the proposed revisions to the State Board
 1171 of Education for adoption. ~~In addition, the commissioner shall~~
 1172 ~~prepare an analysis of the costs associated with implementing a~~
 1173 ~~separate, one half credit course in financial literacy,~~
 1174 ~~including estimated costs for instructional personnel, training,~~
 1175 ~~and the development or purchase of instructional materials. The~~
 1176 ~~commissioner shall work with one or more nonprofit organizations~~
 1177 ~~with proven expertise in the area of personal finance, consider~~
 1178 ~~free resources that can be utilized for instructional materials,~~
 1179 ~~and provide data on the implementation of such a course in other~~
 1180 ~~states. The commissioner shall provide the cost analysis to the~~
 1181 ~~President of the Senate and the Speaker of the House of~~
 1182 ~~Representatives by October 1, 2013.~~

1183 Section 39. Paragraphs (b) and (c) of subsection (1) and
 1184 subsections (2) and (3) of section 1003.4156, Florida Statutes,
 1185 are amended to read:

1186 1003.4156 General requirements for middle grades
 1187 promotion.—

1188 (1) In order for a student to be promoted to high school

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1189 from a school that includes middle grades 6, 7, and 8, the
 1190 student must successfully complete the following courses:

1191 (b) Three middle grades or higher courses in mathematics.
 1192 Each school that includes middle grades must offer at least one
 1193 high school level mathematics course for which students may earn
 1194 high school credit. Successful completion of a high school level
 1195 Algebra I or Geometry course is not contingent upon the
 1196 student's performance on the statewide, standardized end-of-
 1197 course (EOC) assessment ~~or, upon transition to common core~~
 1198 ~~assessments, the common core Algebra I or geometry assessments~~
 1199 ~~required under s. 1008.22. However, beginning with the 2011-2012~~
 1200 ~~school year,~~ To earn high school credit for Algebra I, a middle
 1201 grades student must take the statewide, standardized Algebra I
 1202 EOC assessment and pass the course, and in addition, beginning
 1203 with the 2013-2014 school year and thereafter, a student's
 1204 performance on the Algebra I EOC assessment constitutes 30
 1205 percent of the student's final course grade. ~~pass the Algebra I~~
 1206 ~~statewide, standardized assessment, and beginning with the 2012-~~
 1207 ~~2013 school year,~~ To earn high school credit for a Geometry
 1208 course, a middle grades student must take the statewide,
 1209 standardized Geometry EOC assessment, which constitutes 30
 1210 percent of the student's final course grade, and earn a passing
 1211 grade in the course.

1212 (c) Three middle grades or higher courses in social
 1213 studies. Beginning with students entering grade 6 in the 2012-
 1214 2013 school year, one of these courses must be at least a one-
 1215 semester civics education course that includes the roles and

1216 responsibilities of federal, state, and local governments; the
 1217 structures and functions of the legislative, executive, and
 1218 judicial branches of government; and the meaning and
 1219 significance of historic documents, such as the Articles of
 1220 Confederation, the Declaration of Independence, and the
 1221 Constitution of the United States. Beginning with the 2013-2014
 1222 school year, each student's performance on the statewide,
 1223 standardized EOC assessment in civics education required under
 1224 s. 1008.22 constitutes 30 percent of the student's final course
 1225 grade. A middle grades student who transfers into the state's
 1226 public school system from out of country, out of state, a
 1227 private school, or a home education program after the beginning
 1228 of the second term of grade 8 is not required to meet the civics
 1229 education requirement for promotion from the middle grades if
 1230 the student's transcript documents passage of three courses in
 1231 social studies or two year-long courses in social studies that
 1232 include coverage of civics education.

1233
 1234 Each school must inform parents about the course curriculum and
 1235 activities. Each student shall complete a personal education
 1236 plan that must be signed by the student and the student's
 1237 parent. The Department of Education shall develop course
 1238 frameworks and professional development materials for the career
 1239 and education planning course. The course may be implemented as
 1240 a stand-alone course or integrated into another course or
 1241 courses. The Commissioner of Education shall collect
 1242 longitudinal high school course enrollment data by student

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1243 ethnicity in order to analyze course-taking patterns.

1244 (2) If a middle grades student scores Level 1 or Level 2
 1245 on the statewide, standardized FCAT Reading assessment or, when
 1246 implemented, the state transitions to common core assessments on
 1247 the English Language Arts (ELA) assessment ~~assessments required~~
 1248 ~~under s. 1008.22~~, the following year the student must enroll in
 1249 and complete a remedial course or a content area course in which
 1250 remediation strategies are incorporated into course content
 1251 delivery. The department shall provide guidance on appropriate
 1252 strategies for diagnosing and meeting the varying instructional
 1253 needs of students performing below grade level.

1254 (3) If a middle grades student scores Level 1 or Level 2
 1255 on the statewide, standardized FCAT Mathematics assessment ~~or,~~
 1256 ~~when the state transitions to common core assessments, on the~~
 1257 ~~mathematics common core assessments required under s. 1008.22,~~
 1258 the following year the student must receive remediation, which
 1259 may be integrated into the student's required mathematics
 1260 courses.

1261 Section 40. Section 1003.428, Florida Statutes, is
 1262 repealed.

1263 Section 41. Subsection (1) of section 1003.4281, Florida
 1264 Statutes, is amended to read:

1265 1003.4281 Early high school graduation.—

1266 (1) The purpose of this section is to provide a student
 1267 the option of early graduation and receipt of a standard high
 1268 school diploma if the student earns 24 credits and meets the
 1269 graduation requirements set forth in ~~s. 1003.428~~ ~~or s.~~

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1270 1003.4282, ~~as applicable~~. For purposes of this section, the term
 1271 "early graduation" means graduation from high school in less
 1272 than 8 semesters or the equivalent.

1273 Section 42. Paragraphs (a), (b), (c), and (f) of
 1274 subsection (3), subsections (5), (7), and (8), and paragraphs
 1275 (a) and (c) of subsection (9) of section 1003.4282, Florida
 1276 Statutes, are amended, subsection (10) is renumbered as
 1277 subsection (11), and a new subsection (10) is added to that
 1278 section, to read:

1279 1003.4282 Requirements for a standard high school
 1280 diploma.—

1281 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
 1282 REQUIREMENTS.—

1283 (a) Four credits in English Language Arts (ELA).—The four
 1284 credits must be in ELA I, II, III, and IV. A student must pass
 1285 the statewide, standardized 10th grade 10 FCAT Reading
 1286 assessment or, when implemented, the until the state transitions
 1287 to a common core 10th grade 10 ELA assessment, or earn a
 1288 concordant score, after which time a student must pass the ELA
 1289 assessment in order to earn a standard high school diploma.

1290 (b) Four credits in mathematics.—A student must earn one
 1291 credit in Algebra I and one credit in Geometry. A student's
 1292 performance on the statewide, standardized Algebra I end-of-
 1293 course (EOC) assessment ~~or common core assessment, as~~
 1294 ~~applicable,~~ constitutes 30 percent of the student's final course
 1295 grade. A student must pass the statewide, standardized Algebra I
 1296 EOC assessment, or earn a comparative score, until the state

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1297 ~~transitions to a common core Algebra I assessment after which~~
 1298 ~~time a student must pass the common core assessment~~ in order to
 1299 earn a standard high school diploma. A student's performance on
 1300 the statewide, standardized Geometry EOC assessment ~~or common~~
 1301 ~~core assessment, as applicable,~~ constitutes 30 percent of the
 1302 student's final course grade. If ~~When~~ the state administers a
 1303 statewide, standardized common core Algebra II assessment, a
 1304 student selecting Algebra II must take the assessment, and the
 1305 student's performance on the assessment constitutes 30 percent
 1306 of the student's final course grade. A student who earns an
 1307 industry certification for which there is a statewide college
 1308 credit articulation agreement approved by the State Board of
 1309 Education may substitute the certification for one mathematics
 1310 credit. Substitution may occur for up to two mathematics
 1311 credits, except for Algebra I and Geometry. Industry
 1312 ~~certification courses that lead to college credit may substitute~~
 1313 ~~for up to two math credits.~~

1314 (c) Three credits in science.—Two of the three required
 1315 credits must have a laboratory component. A student must earn
 1316 one credit in Biology I and two credits in equally rigorous
 1317 courses. The statewide, standardized Biology I EOC assessment
 1318 constitutes 30 percent of the student's final course grade. A
 1319 student who earns an industry certification for which there is a
 1320 statewide college credit articulation agreement approved by the
 1321 State Board of Education may substitute the certification for
 1322 one science credit, except for Biology I. Industry certification
 1323 ~~courses that lead to college credit may substitute for up to one~~

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1324 ~~science credit.~~
 1325 (f) One credit in physical education.—Physical education
 1326 must include the integration of health. Participation in an
 1327 interscholastic sport at the junior varsity or varsity level for
 1328 two full seasons shall satisfy the one-credit requirement in
 1329 physical education if the student passes a competency test on
 1330 personal fitness with a score of "C" or better. The competency
 1331 test on personal fitness developed by the Department of
 1332 Education must be used. A district school board may not require
 1333 that the one credit in physical education be taken during the
 1334 9th grade year. Completion of one semester with a grade of "C"
 1335 or better in a marching band class, in a physical activity class
 1336 that requires participation in marching band activities as an
 1337 extracurricular activity, or in a dance class shall satisfy one-
 1338 half credit in physical education or one-half credit in
 1339 performing arts. This credit may not be used to satisfy the
 1340 personal fitness requirement or the requirement for adaptive
 1341 physical education under an individual education plan (IEP) or
 1342 504 plan. Completion of 2 years in a Reserve Officer Training
 1343 Corps (R.O.T.C.) class, a significant component of which is
 1344 drills, shall satisfy the one-credit requirement in physical
 1345 education and the one-credit requirement in performing arts.
 1346 This credit may not be used to satisfy the personal fitness
 1347 requirement or the requirement for adaptive physical education
 1348 under an IEP or 504 plan. This requirement is subject to all of
 1349 the provisions in s. 1003.428(2)(a)6.

1350 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—

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1351 (a) Each year a student scores Level 1 or Level 2 on the
 1352 statewide, standardized 9th grade 9 or 10th grade 10 FCAT
 1353 Reading assessment or, when implemented, the 9th grade 9, 10th
 1354 grade 10, or 11th grade 11 ELA assessment ~~common core English~~
 1355 ~~Language Arts (ELA) assessments~~, the student must be enrolled in
 1356 and complete an intensive remedial course the following year or
 1357 be placed in a content area course that includes remediation of
 1358 skills not acquired by the student.

1359 (b) Each year a student scores Level 1 or Level 2 on the
 1360 statewide, standardized Algebra I EOC assessment, ~~or upon~~
 1361 ~~transition to the common core Algebra I assessment~~, the student
 1362 must be enrolled in and complete an intensive remedial course
 1363 the following year or be placed in a content area course that
 1364 includes remediation of skills not acquired by the student.

1365 (7) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

1366 (a) A student who earns a cumulative grade point average
 1367 (GPA) of 2.0 on a 4.0 scale and meets the requirements of this
 1368 section or s. 1002.3105(5) shall be awarded a standard high
 1369 school diploma in a form prescribed by the State Board of
 1370 Education.

1371 (b) An adult student in an adult general education program
 1372 as provided under s. 1004.93 shall be awarded a standard high
 1373 school diploma if the student meets the requirements of this
 1374 section or s. 1002.3105(5), except that:

1375 1. One elective credit may be substituted for the one-
 1376 credit requirement in fine or performing arts, speech and
 1377 debate, or practical arts.

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1378 2. The requirement that two of the science credits include
 1379 a laboratory component may be waived by the district school
 1380 board.

1381 3. The one credit in physical education may be substituted
 1382 with an elective credit. ~~Notwithstanding any other law to the~~
 1383 ~~contrary, all students enrolled in high school as of the 2012-~~
 1384 ~~2013 school year who earned a passing grade in Biology I or~~
 1385 ~~geometry before the 2013-2014 school year shall be awarded a~~
 1386 ~~credit in that course if the student passed the course. The~~
 1387 ~~student's performance on the EOC assessment is not required to~~
 1388 ~~constitute 30 percent of the student's final course grade.~~

1389 (c) A student who earns fails to earn the required 24
 1390 credits, or the required 18 credits under s. 1002.3105(5), but
 1391 fails to pass the assessments required under s. 1008.22(3) or
 1392 achieve a 2.0 GPA shall be awarded a certificate of completion
 1393 in a form prescribed by the State Board of Education.

1394 (8) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning
 1395 with the 2012-2013 school year, if a student transfers to a
 1396 Florida public high school from out of country, out of state, a
 1397 private school, or a home education program and the student's
 1398 transcript shows a ~~mathematics~~ credit in Algebra I ~~a course that~~
 1399 ~~requires passage of a statewide, standardized assessment in~~
 1400 ~~order to earn a standard high school diploma, the student must~~
 1401 ~~pass the~~ statewide, standardized Algebra I EOC assessment in
 1402 order to earn a standard high school diploma unless the student
 1403 earned a comparative score ~~pursuant to s. 1008.22~~, passed a
 1404 statewide assessment in Algebra I ~~that subject~~ administered by

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1405 | the transferring entity, or passed the statewide mathematics
 1406 | assessment the transferring entity uses to satisfy the
 1407 | requirements of the Elementary and Secondary Education Act, 20
 1408 | U.S.C. s. 6301. If a student's transcript shows a credit in high
 1409 | school reading or English Language Arts II or III, in order to
 1410 | earn a standard high school diploma, the student must take and
 1411 | pass the statewide, standardized grade 10 ~~FCAT~~ Reading
 1412 | assessment or, when implemented, the grade 10 ELA assessment, or
 1413 | earn a concordant score ~~on the SAT or ACT as specified by state~~
 1414 | ~~board rule or, when the state transitions to common core English~~
 1415 | ~~Language Arts assessments, earn a passing score on the English~~
 1416 | ~~Language Arts assessment as required under this section. If a~~
 1417 | transfer student's transcript shows a final course grade and
 1418 | course credit in Algebra I, Geometry, Biology I, or United
 1419 | States History, the transferring course final grade and credit
 1420 | shall be honored without the student taking the requisite
 1421 | statewide, standardized EOC assessment and without the
 1422 | assessment results constituting 30 percent of the student's
 1423 | final course grade.

1424 | (9) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
 1425 | CREDIT REQUIREMENTS.—

1426 | (a) Participation in career education courses engages
 1427 | students in their high school education, increases academic
 1428 | achievement, enhances employability, and increases postsecondary
 1429 | success. By July 1, 2014, the department shall develop, for
 1430 | approval by the State Board of Education, multiple, additional
 1431 | career education courses or a series of courses that meet the

1432 requirements set forth in s. 1003.493(2), (4), and (5) and this
 1433 subsection and allow students to earn credit in both the career
 1434 education course and courses required for high school graduation
 1435 under this section and s. ~~ss. 1003.428~~ and 1003.4281.

1436 1. The state board must determine if sufficient academic
 1437 standards are covered to warrant the award of academic credit.

1438 2. Career education courses must include workforce and
 1439 digital literacy skills and the integration of required course
 1440 content with practical applications and designated rigorous
 1441 coursework that results in one or more industry certifications
 1442 or clearly articulated credit or advanced standing in a 2-year
 1443 or 4-year certificate or degree program, which may include high
 1444 school junior and senior year work-related internships or
 1445 apprenticeships. The department shall negotiate state licenses
 1446 for material and testing for industry certifications. The
 1447 instructional methodology used in these courses must be
 1448 comprised of authentic projects, problems, and activities for
 1449 contextually learning the academics.

1450 (c) Regional consortium service organizations established
 1451 pursuant to s. 1001.451 shall work with school districts, local
 1452 workforce boards, postsecondary institutions, and local business
 1453 and industry leaders to create career education courses that
 1454 meet the requirements set forth in s. 1003.493(2), (4), and (5)
 1455 and this subsection that students can take to earn required high
 1456 school course credits. The regional consortium shall submit
 1457 course recommendations to the department, on behalf of the
 1458 consortium member districts, for state board approval. A strong

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1459 emphasis should be placed on online coursework, digital
 1460 literacy, and workforce literacy as defined in s. 1004.02(26)
 1461 ~~1004.02(27)~~. For purposes of providing students the opportunity
 1462 to earn industry certifications, consortiums must secure the
 1463 necessary site licenses and testing contracts for use by member
 1464 districts.

1465 (10) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The
 1466 requirements of this section, in addition to applying to
 1467 students entering grade 9 in the 2013-2014 school year and
 1468 thereafter, shall also apply to students entering grade 9 before
 1469 the 2013-2014 school year, except as otherwise provided in this
 1470 subsection.

1471 (a) A student entering grade 9 before the 2010-2011 school
 1472 year must earn:

1473 1. Four credits in English/ELA. A student must pass the
 1474 statewide, standardized grade 10 Reading assessment, or earn a
 1475 concordant score, in order to graduate with a standard high
 1476 school diploma.

1477 2. Four credits in mathematics, which must include Algebra
 1478 I. A student must pass grade 10 FCAT Mathematics, or earn a
 1479 concordant score, in order to graduate with a standard high
 1480 school diploma. A student who takes Algebra I or Geometry after
 1481 the 2010-2011 school year must take the statewide, standardized
 1482 EOC assessment for the course but is not required to pass the
 1483 assessment in order to earn course credit. A student's
 1484 performance on the Algebra I or Geometry EOC assessment is not
 1485 required to constitute 30 percent of the student's final course

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1486 grade. A student who earns an industry certification for which
 1487 there is a statewide college credit articulation agreement
 1488 approved by the State Board of Education may substitute the
 1489 certification for one mathematics credit. Substitution may occur
 1490 for up to two mathematics credits, except for Algebra I.

1491 3. Three credits in science, two of which must have a
 1492 laboratory component. A student who takes Biology I after the
 1493 2010-2011 school year must take the statewide, standardized
 1494 Biology I EOC assessment but is not required to pass the
 1495 assessment in order to earn course credit. A student's
 1496 performance on the assessment is not required to constitute 30
 1497 percent of the student's final course grade. A student who earns
 1498 an industry certification for which there is a statewide college
 1499 credit articulation agreement approved by the State Board of
 1500 Education may substitute the certification for one science
 1501 credit.

1502 4. Three credits in social studies of which one credit in
 1503 World History, one credit in United States History, one-half
 1504 credit in United States Government, and one-half credit in
 1505 economics is required. A student who takes United States History
 1506 after the 2011-2012 school year must take the statewide,
 1507 standardized United States History EOC assessment but the
 1508 student's performance on the assessment is not required to
 1509 constitute 30 percent of the student's final course grade.

1510 5. One credit in fine or performing arts, speech and
 1511 debate, or practical arts as provided in paragraph (3)(e).

1512 6. One credit in physical education as provided in

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1513 paragraph (3)(f).

1514 7. Eight credits in electives.

1515 (b) A student entering grade 9 in the 2010-2011 school
 1516 year must earn:

1517 1. Four credits in English/ELA. A student must pass the
 1518 statewide, standardized grade 10 Reading assessment, or earn a
 1519 concordant score, in order to graduate with a standard high
 1520 school diploma.

1521 2. Four credits in mathematics, which must include Algebra
 1522 I and Geometry. The statewide, standardized Algebra I EOC
 1523 assessment constitutes 30 percent of the student's final course
 1524 grade. A student who takes Algebra I or Geometry after the 2010-
 1525 2011 school year must take the statewide, standardized EOC
 1526 assessment for the course but is not required to pass the
 1527 assessment in order to earn course credit. A student's
 1528 performance on the Geometry EOC assessment is not required to
 1529 constitute 30 percent of the student's final course grade. A
 1530 student who earns an industry certification for which there is a
 1531 statewide college credit articulation agreement approved by the
 1532 State Board of Education may substitute the certification for
 1533 one mathematics credit. Substitution may occur for up to two
 1534 mathematics credits, except for Algebra I and Geometry.

1535 3. Three credits in science, two of which must have a
 1536 laboratory component. A student who takes Biology I after the
 1537 2010-2011 school year must take the statewide, standardized
 1538 Biology I EOC assessment but is not required to pass the
 1539 assessment in order to earn course credit. A student's

1540 performance on the assessment is not required to constitute 30
 1541 percent of the student's final course grade. A student who earns
 1542 an industry certification for which there is a statewide college
 1543 credit articulation agreement approved by the State Board of
 1544 Education may substitute the certification for one science
 1545 credit, except for Biology I.

1546 4. Three credits in social studies of which one credit in
 1547 World History, one credit in United States History, one-half
 1548 credit in United States Government, and one-half credit in
 1549 economics is required. A student who takes United States History
 1550 after the 2011-2012 school year must take the statewide,
 1551 standardized United States History EOC assessment but the
 1552 student's performance on the assessment is not required to
 1553 constitute 30 percent of the student's final course grade.

1554 5. One credit in fine or performing arts, speech and
 1555 debate, or practical arts as provided in paragraph (3)(e).

1556 6. One credit in physical education as provided in
 1557 paragraph (3)(f).

1558 7. Eight credits in electives.

1559 (c) A student entering grade 9 in the 2011-2012 school
 1560 year must earn:

1561 1. Four credits in English/ELA. A student must pass the
 1562 statewide, standardized grade 10 Reading assessment, or earn a
 1563 concordant score, in order to graduate with a standard high
 1564 school diploma.

1565 2. Four credits in mathematics, which must include Algebra
 1566 I and Geometry. A student who takes Algebra I after the 2010-

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1567 2011 school year must pass the statewide, standardized Algebra I
 1568 EOC assessment, or earn a comparative score, in order to earn a
 1569 standard high school diploma. A student who takes Algebra I or
 1570 Geometry after the 2010-2011 school year must take the
 1571 statewide, standardized EOC assessment but is not required to
 1572 pass the Algebra I or Geometry EOC assessment in order to earn
 1573 course credit. A student's performance on the Algebra I or
 1574 Geometry EOC assessment is not required to constitute 30 percent
 1575 of the student's final course grade. A student who earns an
 1576 industry certification for which there is a statewide college
 1577 credit articulation agreement approved by the State Board of
 1578 Education may substitute the certification for one mathematics
 1579 credit. Substitution may occur for up to two mathematics
 1580 credits, except for Algebra I and Geometry.

1581 3. Three credits in science, two of which must have a
 1582 laboratory component. One of the science credits must be Biology
 1583 I. A student who takes Biology I after the 2010-2011 school year
 1584 must take the statewide, standardized Biology I EOC assessment
 1585 but is not required to pass the assessment in order to earn
 1586 course credit. A student's performance on the assessment is not
 1587 required to constitute 30 percent of the student's final course
 1588 grade. A student who earns an industry certification for which
 1589 there is a statewide college credit articulation agreement
 1590 approved by the State Board of Education may substitute the
 1591 certification for one science credit, except for Biology I.

1592 4. Three credits in social studies of which one credit in
 1593 World History, one credit in United States History, one-half

1594 credit in United States Government, and one-half credit in
 1595 economics is required. A student who takes United States History
 1596 after the 2011-2012 school year student must take the statewide,
 1597 standardized United States History EOC assessment but the
 1598 student's performance on the assessment is not required to
 1599 constitute 30 percent of the student's final course grade.

1600 5. One credit in fine or performing arts, speech and
 1601 debate, or practical arts as provided in paragraph (3)(e).

1602 6. One credit in physical education as provided in
 1603 paragraph (3)(f).

1604 7. Eight credits in electives.

1605 8. One online course as provided in subsection (4).

1606 (d) A student entering grade 9 in the 2012-2013 school
 1607 year must earn:

1608 1. Four credits in English/ELA. A student must pass the
 1609 statewide, standardized grade 10 Reading assessment, or earn a
 1610 concordant score, in order to graduate with a standard high
 1611 school diploma.

1612 2. Four credits in mathematics, which must include Algebra
 1613 I and Geometry. A student who takes Algebra I after the 2010-
 1614 2011 school year must pass the statewide, standardized Algebra I
 1615 EOC assessment, or earn a comparative score, in order to earn a
 1616 standard high school diploma. A student who takes Geometry after
 1617 the 2010-2011 school year must take the statewide, standardized
 1618 Geometry EOC assessment. A student is not required to pass the
 1619 statewide, standardized EOC assessment in Algebra I or Geometry
 1620 in order to earn course credit. A student's performance on the

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1621 Algebra I or Geometry EOC assessment is not required to
 1622 constitute 30 percent of the student's final course grade. A
 1623 student who earns an industry certification for which there is a
 1624 statewide college credit articulation agreement approved by the
 1625 State Board of Education may substitute the certification for
 1626 one mathematics credit. Substitution may occur for up to two
 1627 mathematics credits, except for Algebra I and Geometry.

1628 3. Three credits in science, two of which must have a
 1629 laboratory component. One of the science credits must be Biology
 1630 I. A student who takes Biology I after the 2010-2011 school year
 1631 must take the statewide, standardized Biology I EOC assessment
 1632 but is not required to pass the assessment to earn course
 1633 credit. A student's performance on the assessment is not
 1634 required to constitute 30 percent of the student's final course
 1635 grade. A student who earns an industry certification for which
 1636 there is a statewide college credit articulation agreement
 1637 approved by the State Board of Education may substitute the
 1638 certification for one science credit, except for Biology I.

1639 4. Three credits in social studies of which one credit in
 1640 World History, one credit in United States History, one-half
 1641 credit in United States Government, and one-half credit in
 1642 economics is required. The statewide, standardized United States
 1643 History EOC assessment constitutes 30 percent of the student's
 1644 final course grade.

1645 5. One credit in fine or performing arts, speech and
 1646 debate, or practical arts as provided in paragraph (3)(e).

1647 6. One credit in physical education as provided in

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1648 paragraph (3)(f).
 1649 7. Eight credits in electives.
 1650 8. One online course as provided in subsection (4).
 1651 (e) Policy adopted in rule by the district school board
 1652 may require for any cohort of students that performance on a
 1653 statewide, standardized EOC assessment constitute 30 percent of
 1654 a student's final course grade.
 1655 (f) This subsection is repealed July 1, 2017.
 1656 Section 43. Subsection (1) of section 1003.4285, Florida
 1657 Statutes, is amended to read:
 1658 1003.4285 Standard high school diploma designations.—
 1659 (1) Each standard high school diploma shall include, as
 1660 applicable, the following designations if the student meets the
 1661 criteria set forth for the designation:
 1662 (a) Scholar designation.—In addition to the requirements
 1663 of s. ss. 1003.428 and 1003.4282, as applicable, in order to
 1664 earn the Scholar designation, a student must satisfy the
 1665 following requirements:
 1666 1. English Language Arts (ELA).—When implemented the state
 1667 transitions to common core assessments, pass the statewide,
 1668 standardized 11th grade 11 ELA common core assessment.
 1669 2. Mathematics.—Earn one credit in Algebra II and one
 1670 credit in statistics or an equally rigorous course. When
 1671 implemented the state transitions to common core assessments,
 1672 students must pass the statewide, standardized Algebra II common
 1673 core assessment. Beginning with students entering grade 9 in the
 1674 2014-2015 school year, a student must also pass the statewide,

1675 standardized Geometry end-of-course (EOC) assessment.

1676 3. Science.—Pass the statewide, standardized Biology I EOC

1677 end-of-course assessment and earn one credit in chemistry or

1678 physics and one credit in a course equally rigorous to chemistry

1679 or physics. However, a student enrolled in an Advanced Placement

1680 (AP), International Baccalaureate (IB), or Advanced

1681 International Certificate of Education (AICE) Biology course who

1682 takes the respective AP, IB, or AICE Biology assessment and

1683 earns the minimum score necessary to earn college credit as

1684 identified pursuant to s. 1007.27(2) meets the requirement of

1685 this subparagraph without having to take the statewide,

1686 standardized Biology I EOC assessment.

1687 4. Social studies.—Pass the statewide, standardized United

1688 States History EOC end-of-course assessment. However, a student

1689 enrolled in an AP, IB, or AICE course that includes United

1690 States History topics who takes the respective AP, IB, or AICE

1691 assessment and earns the minimum score necessary to earn college

1692 credit as identified pursuant to s. 1007.27(2) meets the

1693 requirement of this subparagraph without having to take the

1694 statewide, standardized United States History EOC assessment.

1695 5. Foreign language.—Earn two credits in the same foreign

1696 language.

1697 6. Electives.—Earn at least one credit in an Advanced

1698 Placement, an International Baccalaureate, an Advanced

1699 International Certificate of Education, or a dual enrollment

1700 course.

1701 (b) Merit designation.—In addition to the requirements of

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1702 s. ss. ~~1003.428~~ and 1003.4282, as applicable, in order to earn
 1703 the Merit designation, a student must attain one or more
 1704 industry certifications from the list established under s.
 1705 1003.492.

1706 Section 44. Section 1003.438, Florida Statutes, is amended
 1707 to read:

1708 1003.438 Special high school graduation requirements for
 1709 certain exceptional students.—A student who has been identified,
 1710 in accordance with rules established by the State Board of
 1711 Education, as a student with disabilities who has an
 1712 intellectual disability; an autism spectrum disorder; a language
 1713 impairment; an orthopedic impairment; an other health
 1714 impairment; a traumatic brain injury; an emotional or behavioral
 1715 disability; a specific learning disability, including, but not
 1716 limited to, dyslexia, dyscalculia, or developmental aphasia; or
 1717 students who are deaf or hard of hearing or dual sensory
 1718 impaired shall not be required to meet all requirements of s.
 1719 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282 and shall,
 1720 upon meeting all applicable requirements prescribed by the
 1721 district school board pursuant to s. 1008.25, be awarded a
 1722 special diploma in a form prescribed by the commissioner;
 1723 however, such special graduation requirements prescribed by the
 1724 district school board must include minimum graduation
 1725 requirements as prescribed by the commissioner. Any such student
 1726 who meets all special requirements of the district school board,
 1727 but is unable to meet the appropriate special state minimum
 1728 requirements, shall be awarded a special certificate of

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1729 completion in a form prescribed by the commissioner. However,
 1730 this section does not limit or restrict the right of an
 1731 exceptional student solely to a special diploma or special
 1732 certificate of completion. Any such student shall, upon proper
 1733 request, be afforded the opportunity to fully meet all
 1734 requirements of s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s.
 1735 1003.4282 through the standard procedures established therein
 1736 and thereby to qualify for a standard diploma upon graduation.

1737 Section 45. Subsection (5) of section 1003.451, Florida
 1738 Statutes, is repealed.

1739 Section 46. Subsection (1) of section 1003.49, Florida
 1740 Statutes, is amended to read:

1741 1003.49 Graduation and promotion requirements for publicly
 1742 operated schools.—

1743 (1) Each state or local public agency, including the
 1744 Department of Children and Family Services, the Department of
 1745 Corrections, the boards of trustees of universities and Florida
 1746 College System institutions, and the Board of Trustees of the
 1747 Florida School for the Deaf and the Blind, which agency is
 1748 authorized to operate educational programs for students at any
 1749 level of grades kindergarten through 12, shall be subject to all
 1750 applicable requirements of ss. 1002.3105(5), 1003.4281,

1751 1003.4282 ~~1003.428~~, ~~1003.429~~, 1008.23, and 1008.25. Within the
 1752 content of these cited statutes each such state or local public
 1753 agency or entity shall be considered a "district school board."

1754 Section 47. Paragraph (e) of subsection (4) of section
 1755 1003.493, Florida Statutes, is amended to read:

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1756 1003.493 Career and professional academies and career-
1757 themed courses.-

1758 (4) Each career and professional academy and secondary
1759 school providing a career-themed course must:

1760 (e) Deliver academic content through instruction relevant
1761 to the career, including intensive reading and mathematics
1762 intervention required by s. 1003.4282 ~~1003.428~~, with an emphasis
1763 on strengthening reading for information skills.

1764 Section 48. Paragraph (c) of subsection (2) of section
1765 1003.4935, Florida Statutes, is amended to read:

1766 1003.4935 Middle grades career and professional academy
1767 courses and career-themed courses.-

1768 (2) Each middle grades career and professional academy or
1769 career-themed course must be aligned with at least one high
1770 school career and professional academy or career-themed course
1771 offered in the district and maintain partnerships with local
1772 business and industry and economic development boards. Middle
1773 grades career and professional academies and career-themed
1774 courses must:

1775 (c) Integrate career and professional academy or career-
1776 themed course content with intensive reading, English Language
1777 Arts, and mathematics pursuant to s. ss. ~~1003.428~~ and 1003.4282;

1778 Section 49. Paragraph (a) of subsection (1) of section
1779 1003.57, Florida Statutes, is amended to read:

1780 1003.57 Exceptional students instruction.-

1781 (1) (a) For purposes of providing exceptional student
1782 instruction under this section:

1783 1. A school district shall use the following terms to
 1784 describe the instructional setting for a student with a
 1785 disability, 6 through 21 years of age, who is not educated in a
 1786 setting accessible to all children who are together at all
 1787 times:

1788 a. "Exceptional student education center" or "special day
 1789 school" means a separate public school to which nondisabled
 1790 peers do not have access.

1791 b. "Other separate environment" means a separate private
 1792 school, residential facility, or hospital or homebound program.

1793 c. "Regular class" means a class in which a student spends
 1794 80 percent or more of the school week with nondisabled peers.

1795 d. "Resource room" means a classroom in which a student
 1796 spends between 40 percent to 80 percent of the school week with
 1797 nondisabled peers.

1798 e. "Separate class" means a class in which a student
 1799 spends less than 40 percent of the school week with nondisabled
 1800 peers.

1801 2. A school district shall use the term "inclusion" to
 1802 mean that a student is receiving education in a general
 1803 education regular class setting, reflecting natural proportions
 1804 and age-appropriate heterogeneous groups in core academic and
 1805 elective or special areas within the school community; a student
 1806 with a disability is a valued member of the classroom and school
 1807 community; the teachers and administrators support universal
 1808 education and have knowledge and support available to enable
 1809 them to effectively teach all children; and a teacher ~~student~~ is

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1810 provided access to technical assistance in best practices,
 1811 instructional methods, and supports tailored to the student's
 1812 needs based on current research.

1813 Section 50. Paragraph (a) of subsection (1) of section
 1814 1003.621, Florida Statutes, is amended to read:

1815 1003.621 Academically high-performing school districts.—It
 1816 is the intent of the Legislature to recognize and reward school
 1817 districts that demonstrate the ability to consistently maintain
 1818 or improve their high-performing status. The purpose of this
 1819 section is to provide high-performing school districts with
 1820 flexibility in meeting the specific requirements in statute and
 1821 rules of the State Board of Education.

1822 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

1823 (a) A school district is an academically high-performing
 1824 school district if it meets the following criteria:

1825 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a
 1826 grade of "A" under s. 1008.34(7) for 2 consecutive years; and

1827 b. Has no district-operated school that earns a grade of
 1828 "F" under s. 1008.34;

1829 2. Complies with all class size requirements in s. 1, Art.
 1830 IX of the State Constitution and s. 1003.03; and

1831 3. Has no material weaknesses or instances of material
 1832 noncompliance noted in the annual financial audit conducted
 1833 pursuant to s. 11.45 or s. 218.39.

1834
 1835 However, a district in which a district-operated school earns a
 1836 grade of "F" under s. 1008.34 during the 3-year period may not

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1837 continue to be designated as an academically high-performing
 1838 school district during the remainder of that 3-year period. The
 1839 district must meet the criteria in paragraph (a) in order to be
 1840 redesignated as an academically high-performing school district.

1841 Section 51. Subsection (4) of section 1004.02, Florida
 1842 Statutes, is repealed.

1843 Section 52. Section 1004.0961, Florida Statutes, is
 1844 amended to read:

1845 1004.0961 Credit for online courses.—Beginning in the
 1846 2015-2016 school year, the State Board of Education shall adopt
 1847 rules and the Board of Governors shall adopt regulations ~~rules~~
 1848 that enable students to earn academic credit for online courses,
 1849 including massive open online courses, before ~~prior to~~ initial
 1850 enrollment at a postsecondary institution. The rules of the
 1851 State Board of Education and regulations ~~rules~~ of the Board of
 1852 Governors must include procedures for credential evaluation and
 1853 the award of credit, including, but not limited to,
 1854 recommendations for credit by the American Council on Education;
 1855 equivalency and alignment of coursework with appropriate
 1856 courses; course descriptions; type and amount of credit that may
 1857 be awarded; and transfer of credit.

1858 Section 53. Section 1004.3825, Florida Statutes, is
 1859 repealed.

1860 Section 54. Section 1004.387, Florida Statutes, is
 1861 repealed.

1862 Section 55. Subsection (2) of section 1004.445, Florida
 1863 Statutes, is repealed.

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1864 Section 56. Section 1004.75, Florida Statutes, is
 1865 repealed.

1866 Section 57. Paragraph (c) of subsection (1) of section
 1867 1004.935, Florida Statutes, is amended to read:

1868 1004.935 Adults with Disabilities Workforce Education
 1869 Pilot Program.—

1870 (1) The Adults with Disabilities Workforce Education Pilot
 1871 Program is established in the Department of Education for 2
 1872 years in Hardee, DeSoto, Manatee, and Sarasota Counties to
 1873 provide the option of receiving a scholarship for instruction at
 1874 private schools for up to 30 students who:

1875 (c) Are receiving instruction from an instructor in a
 1876 private school to meet the high school graduation requirements
 1877 in s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282;

1878
 1879 As used in this section, the term "student with a disability"
 1880 includes a student who is documented as having an intellectual
 1881 disability; a speech impairment; a language impairment; a
 1882 hearing impairment, including deafness; a visual impairment,
 1883 including blindness; a dual sensory impairment; an orthopedic
 1884 impairment; another health impairment; an emotional or
 1885 behavioral disability; a specific learning disability,
 1886 including, but not limited to, dyslexia, dyscalculia, or
 1887 developmental aphasia; a traumatic brain injury; a developmental
 1888 delay; or autism spectrum disorder.

1889 Section 58. Section 1006.141, Florida Statutes, is
 1890 repealed.

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1891 Section 59. Subsections (4), (5), and (8) of section
 1892 1006.147, Florida Statutes, are amended to read:
 1893 1006.147 Bullying and harassment prohibited.—
 1894 (4) ~~By December 1, 2008,~~ Each school district shall adopt
 1895 a policy prohibiting bullying and harassment of a ~~any~~ student or
 1896 employee of a public K-12 educational institution. Each school
 1897 district's policy shall be in substantial conformity with the
 1898 Department of Education's model policy ~~mandated in subsection~~
 1899 ~~(5)~~. The school district bullying and harassment policy shall
 1900 afford all students the same protection regardless of their
 1901 status under the law. The school district may establish separate
 1902 discrimination policies that include categories of students. The
 1903 school district shall involve students, parents, teachers,
 1904 administrators, school staff, school volunteers, community
 1905 representatives, and local law enforcement agencies in the
 1906 process of adopting the policy. The school district policy must
 1907 be implemented in a manner that is ongoing throughout the school
 1908 year and integrated with a school's curriculum, a school's
 1909 discipline policies, and other violence prevention efforts. The
 1910 school district policy must contain, at a minimum, the following
 1911 components:
 1912 (a) A statement prohibiting bullying and harassment.
 1913 (b) A definition of bullying and a definition of
 1914 harassment that include the definitions listed in this section.
 1915 (c) A description of the type of behavior expected from
 1916 each student and employee of a public K-12 educational
 1917 institution.

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1918 (d) The consequences for a student or employee of a public
 1919 K-12 educational institution who commits an act of bullying or
 1920 harassment.

1921 (e) The consequences for a student or employee of a public
 1922 K-12 educational institution who is found to have wrongfully and
 1923 intentionally accused another of an act of bullying or
 1924 harassment.

1925 (f) A procedure for reporting an act of bullying or
 1926 harassment, including provisions that permit a person to
 1927 anonymously report such an act. However, this paragraph does not
 1928 permit formal disciplinary action to be based solely on an
 1929 anonymous report.

1930 (g) A procedure for the prompt investigation of a report
 1931 of bullying or harassment and the persons responsible for the
 1932 investigation. The investigation of a reported act of bullying
 1933 or harassment is deemed to be a school-related activity and
 1934 begins with a report of such an act. Incidents that require a
 1935 reasonable investigation when reported to appropriate school
 1936 authorities shall include alleged incidents of bullying or
 1937 harassment allegedly committed against a child while the child
 1938 is en route to school aboard a school bus or at a school bus
 1939 stop.

1940 (h) A process to investigate whether a reported act of
 1941 bullying or harassment is within the scope of the district
 1942 school system and, if not, a process for referral of such an act
 1943 to the appropriate jurisdiction. Computers without web-filtering
 1944 software or computers with web-filtering software that is

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1945 disabled shall be used when complaints of cyberbullying are
 1946 investigated.

1947 (i) A procedure for providing immediate notification to
 1948 the parents of a victim of bullying or harassment and the
 1949 parents of the perpetrator of an act of bullying or harassment,
 1950 as well as notification to all local agencies where criminal
 1951 charges may be pursued against the perpetrator.

1952 (j) A procedure to refer victims and perpetrators of
 1953 bullying or harassment for counseling.

1954 (k) A procedure for including incidents of bullying or
 1955 harassment in the school's report of data concerning school
 1956 safety and discipline required under s. 1006.09(6). The report
 1957 must include each incident of bullying or harassment and the
 1958 resulting consequences, including discipline and referrals. The
 1959 report must include in a separate section each reported incident
 1960 of bullying or harassment that does not meet the criteria of a
 1961 prohibited act under this section with recommendations regarding
 1962 such incidents. The Department of Education shall aggregate
 1963 information contained in the reports.

1964 (l) A procedure for providing instruction to students,
 1965 parents, teachers, school administrators, counseling staff, and
 1966 school volunteers on identifying, preventing, and responding to
 1967 bullying or harassment, including instruction on recognizing
 1968 behaviors that lead to bullying and harassment and taking
 1969 appropriate preventive action based on those observations.

1970 (m) A procedure for regularly reporting to a victim's
 1971 parents the actions taken to protect the victim.

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1972 (n) A procedure for publicizing the policy, which must
 1973 include its publication in the code of student conduct required
 1974 under s. 1006.07(2) and in all employee handbooks.

1975 ~~(5) To assist school districts in developing policies~~
 1976 ~~prohibiting bullying and harassment, the Department of Education~~
 1977 ~~shall develop a model policy that shall be provided to school~~
 1978 ~~districts no later than October 1, 2008.~~

1979 ~~(7)(8) Distribution of safe schools funds to a school~~
 1980 ~~district provided in the 2009-2010 General Appropriations Act is~~
 1981 ~~contingent upon and payable to the school district upon the~~
 1982 ~~Department of Education's approval of the school district's~~
 1983 ~~bullying and harassment policy. The department's approval of~~
 1984 ~~each school district's bullying and harassment policy shall be~~
 1985 ~~granted upon certification by the department that the school~~
 1986 ~~district's policy has been submitted to the department and is in~~
 1987 ~~substantial conformity with the department's model bullying and~~
 1988 ~~harassment policy as mandated in subsection (5). Distribution of~~
 1989 ~~safe schools funds provided to a school district in fiscal year~~
 1990 ~~2010-2011 and thereafter shall be contingent upon and payable to~~
 1991 ~~the school district upon the school district's compliance with~~
 1992 ~~all reporting procedures contained in this section.~~

1993 Section 60. Subsection (2) of section 1006.148, Florida
 1994 Statutes, is repealed.

1995 Section 61. Paragraph (a) of subsection (3) of section
 1996 1006.15, Florida Statutes, is amended to read:

1997 1006.15 Student standards for participation in
 1998 interscholastic and intrascholastic extracurricular student

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1999 activities; regulation.—

2000 (3) (a) To be eligible to participate in interscholastic
 2001 extracurricular student activities, a student must:

2002 1. Maintain a grade point average of 2.0 or above on a 4.0
 2003 scale, or its equivalent, in the previous semester or a
 2004 cumulative grade point average of 2.0 or above on a 4.0 scale,
 2005 or its equivalent, in the courses required by s. 1002.3105(5)
 2006 ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.

2007 2. Execute and fulfill the requirements of an academic
 2008 performance contract between the student, the district school
 2009 board, the appropriate governing association, and the student's
 2010 parents, if the student's cumulative grade point average falls
 2011 below 2.0, or its equivalent, on a 4.0 scale in the courses
 2012 required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.
 2013 At a minimum, the contract must require that the student attend
 2014 summer school, or its graded equivalent, between grades 9 and 10
 2015 or grades 10 and 11, as necessary.

2016 3. Have a cumulative grade point average of 2.0 or above
 2017 on a 4.0 scale, or its equivalent, in the courses required by s.
 2018 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~ during his or her
 2019 junior or senior year.

2020 4. Maintain satisfactory conduct, including adherence to
 2021 appropriate dress and other codes of student conduct policies
 2022 described in s. 1006.07(2). If a student is convicted of, or is
 2023 found to have committed, a felony or a delinquent act that would
 2024 have been a felony if committed by an adult, regardless of
 2025 whether adjudication is withheld, the student's participation in

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2026 interscholastic extracurricular activities is contingent upon
 2027 established and published district school board policy.

2028 Section 62. Subsection (1) and paragraph (a) of subsection
 2029 (2) of section 1006.28, Florida Statutes, are amended to read:

2030 1006.28 Duties of district school board, district school
 2031 superintendent; and school principal regarding K-12
 2032 instructional materials.—

2033 (1) DISTRICT SCHOOL BOARD.—The district school board has
 2034 the duty to provide adequate instructional materials for all
 2035 students in accordance with the requirements of this part. The
 2036 term "adequate instructional materials" means a sufficient
 2037 number of student or site licenses or sets of materials that are
 2038 available in bound, unbound, kit, or package form and may
 2039 consist of hardbacked or softbacked textbooks, electronic
 2040 content, consumables, learning laboratories, manipulatives,
 2041 electronic media, and computer courseware or software that serve
 2042 as the basis for instruction for each student in the core
 2043 subject areas ~~courses~~ of mathematics, language arts, social
 2044 studies, science, reading, and literature. The district school
 2045 board has the following specific duties:

2046 (a) Courses of study; adoption.—Adopt courses of study for
 2047 use in the schools of the district.

2048 (b) Instructional materials.—Provide for proper
 2049 requisitioning, distribution, accounting, storage, care, and use
 2050 of all instructional materials and furnish such other
 2051 instructional materials as may be needed. ~~The district school~~
 2052 ~~board shall ensure that~~ Instructional materials used must be in

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2053 ~~the district~~ are consistent with the district goals and
 2054 objectives and the course descriptions established in rule of
 2055 the State Board of Education, as well as with the applicable
 2056 Next Generation Sunshine State and district performance
 2057 Standards provided for in s. 1003.41 ~~1001.03(1)~~.

2058 (c) Other instructional materials.—Provide such other
 2059 teaching accessories and aids as are needed for the school
 2060 district's educational program.

2061 (d) School library media services; establishment and
 2062 maintenance.—Establish and maintain a program of school library
 2063 media services for all public schools in the district, including
 2064 school library media centers, or school library media centers
 2065 open to the public, and, in addition such traveling or
 2066 circulating libraries as may be needed for the proper operation
 2067 of the district school system.

2068 (2) DISTRICT SCHOOL SUPERINTENDENT.—

2069 (a) The district school superintendent has the duty to
 2070 recommend such plans for improving, providing, distributing,
 2071 accounting for, and caring for instructional materials and other
 2072 instructional aids as will result in general improvement of the
 2073 district school system, as prescribed in this part, in
 2074 accordance with adopted district school board rules prescribing
 2075 the duties and responsibilities of the district school
 2076 superintendent regarding the requisition, purchase, receipt,
 2077 storage, distribution, use, conservation, records, and reports
 2078 of, and management practices and property accountability
 2079 concerning, instructional materials, and providing for an

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2080 evaluation of any instructional materials to be requisitioned
 2081 that have not been used previously in the district's schools.
 2082 The district school superintendent must keep adequate records
 2083 and accounts for all financial transactions for funds collected
 2084 pursuant to subsection (3), ~~as a component of the educational~~
 2085 ~~service delivery scope in a school district best financial~~
 2086 ~~management practices review under s. 1008.35.~~

2087 Section 63. Subsection (2) of section 1006.31, Florida
 2088 Statutes, is amended to read:

2089 1006.31 Duties of the Department of Education and school
 2090 district instructional materials reviewer.—The duties of the
 2091 instructional materials reviewer are:

2092 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use evaluate
 2093 ~~carefully all instructional materials submitted, in order to~~
 2094 ~~ascertain which instructional materials, if any, submitted for~~
 2095 ~~consideration implement~~ the selection criteria listed in s.
 2096 1006.34 (2) (b) developed by the department and recommend for
 2097 adoption only those instructional materials aligned with the
 2098 Next Generation Sunshine State those curricular objectives
 2099 ~~included within applicable performance~~ Standards provided for in
 2100 s. 1003.41 ~~1001.03(1)~~.

2101 (a) When recommending instructional materials for use in
 2102 the schools, each reviewer shall include only instructional
 2103 materials that accurately portray the ethnic, socioeconomic,
 2104 cultural, and racial diversity of our society, including men and
 2105 women in professional, career, and executive roles, and the role
 2106 and contributions of the entrepreneur and labor in the total

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2107 development of this state and the United States.

2108 (b) When recommending instructional materials for use in
 2109 the schools, each reviewer shall include only materials that
 2110 accurately portray, whenever appropriate, humankind's place in
 2111 ecological systems, including the necessity for the protection
 2112 of our environment and conservation of our natural resources and
 2113 the effects on the human system of the use of tobacco, alcohol,
 2114 controlled substances, and other dangerous substances.

2115 (c) When recommending instructional materials for use in
 2116 the schools, each reviewer shall require such materials as he or
 2117 she deems necessary and proper to encourage thrift, fire
 2118 prevention, and humane treatment of people and animals.

2119 (d) When recommending instructional materials for use in
 2120 the schools, each reviewer shall require, when appropriate to
 2121 the comprehension of students, that materials for social
 2122 science, history, or civics classes contain the Declaration of
 2123 Independence and the Constitution of the United States. A
 2124 reviewer may not recommend any instructional materials for use
 2125 in the schools which contain any matter reflecting unfairly upon
 2126 persons because of their race, color, creed, national origin,
 2127 ancestry, gender, or occupation.

2128 (e) Any instructional material recommended by each
 2129 reviewer for use in the schools shall be, to the satisfaction of
 2130 each reviewer, accurate, objective, and current and suited to
 2131 the needs and comprehension of students at their respective
 2132 grade levels. Reviewers shall consider for adoption materials
 2133 developed for academically talented students such as those

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2134 enrolled in advanced placement courses.

2135 Section 64. Paragraph (b) of subsection (2) of section
2136 1006.34, Florida Statutes, is amended to read:

2137 1006.34 Powers and duties of the commissioner and the
2138 department in selecting and adopting instructional materials.-

2139 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.-

2140 (b) In the selection of instructional materials, library
2141 media, and other reading material used in the public school
2142 system, the standards used to determine the propriety of the
2143 material shall include:

2144 1. The age of the students who normally could be expected
2145 to have access to the material.

2146 2. The educational purpose to be served by the material.

2147 ~~In considering instructional materials for classroom use,~~
2148 Priority shall be given to the selection of materials that align
2149 with the Next Generation Sunshine State Standards as provided
2150 for in s. 1003.41 which encompass the state and district school
2151 board performance standards provided for in s. 1001.03(1) and
2152 which include the instructional objectives contained within the
2153 curriculum frameworks for career and technical education and
2154 adult and adult general education adopted approved by rule of
2155 the State Board of Education under s. 1004.92.

2156 3. The degree to which the material would be supplemented
2157 and explained by mature classroom instruction as part of a
2158 normal classroom instructional program.

2159 4. The consideration of the broad racial, ethnic,
2160 socioeconomic, and cultural diversity of the students of this

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2161 state.

2162

2163 Any instructional material containing pornography or otherwise
 2164 prohibited by s. 847.012 may not be used or made available
 2165 within any public school.

2166 Section 65. Subsection (2) and paragraph (a) of subsection
 2167 (3) of section 1006.40, Florida Statutes, are amended, and
 2168 subsection (8) is added to that section, to read:

2169 1006.40 Use of instructional materials allocation;
 2170 instructional materials, library books, and reference books;
 2171 repair of books.-

2172 (2) Each district school board must purchase current
 2173 instructional materials to provide each student with a major
 2174 tool of instruction in core courses of the subject areas of
 2175 mathematics, language arts, science, social studies, reading,
 2176 and literature for kindergarten through grade 12. Such purchase
 2177 must be made within the first 3 years after the effective date
 2178 of the adoption cycle unless a district school board or a
 2179 consortium of school districts has implemented an instructional
 2180 materials program pursuant to s. 1006.283. For the 2012-2013
 2181 mathematics adoption, a district using a comprehensive
 2182 mathematics instructional materials program adopted in the 2009-
 2183 2010 adoption shall be deemed in compliance with this subsection
 2184 if it provides each student with such additional state-adopted
 2185 materials as may be necessary to align the previously adopted
 2186 comprehensive program to common core standards and the other
 2187 criteria of the 2012-2013 mathematics adoption.

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2188 (3) (a) Beginning with ~~By~~ the 2015-2016 fiscal year, each
 2189 district school board shall use at least 50 percent of the
 2190 annual allocation for the purchase of digital or electronic
 2191 instructional materials that align with state standards included
 2192 on the state-adopted list, except as otherwise authorized in
 2193 paragraphs (b) and (c). ~~This section does not apply to a~~
 2194 ~~district school board or a consortium of school districts which~~
 2195 ~~implements an instructional materials program pursuant to s.~~
 2196 ~~1006.283, except that by the 2015-2016 fiscal year, each~~
 2197 ~~district school board shall use at least 50 percent of the~~
 2198 ~~annual allocation for the purchase of digital or electronic~~
 2199 ~~instructional materials that align with state standards.~~

2200 (8) Subsections (3), (4), and (6) do not apply to a
 2201 district school board or a consortium of school districts that
 2202 implements an instructional materials program pursuant to s.
 2203 1006.283 except that, by the 2015-2016 fiscal year, each
 2204 district school board shall use at least 50 percent of the
 2205 annual instructional materials allocation for the purchase of
 2206 digital or electronic instructional materials that align with
 2207 state standards adopted by the State Board of Education pursuant
 2208 to s. 1003.41.

2209 Section 66. Section 1006.42, Florida Statutes, is amended
 2210 to read:

2211 1006.42 Responsibility of students and parents for
 2212 instructional materials.—

2213 ~~(1)~~ All instructional materials purchased under the
 2214 provisions of this part are the property of the district school

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2215 board. When distributed to the students, these instructional
 2216 materials are on loan to the students while they are pursuing
 2217 their courses of study and are to be returned at the direction
 2218 of the school principal or the teacher in charge. Each parent of
 2219 a student to whom or for whom instructional materials have been
 2220 issued, is liable for any loss or destruction of, or unnecessary
 2221 damage to, the instructional materials or for failure of the
 2222 student to return the instructional materials when directed by
 2223 the school principal or the teacher in charge, and shall pay for
 2224 such loss, destruction, or unnecessary damage as provided under
 2225 s. 1006.28(3) ~~by law.~~

2226 ~~(2) Nothing in this part shall be construed to prohibit~~
 2227 ~~parents from exercising their right to purchase instructional~~
 2228 ~~materials from the district school board.~~

2229 Section 67. Section 1007.02, Florida Statutes, is amended
 2230 to read:

2231 1007.02 ~~Access to postsecondary education and meaningful~~
 2232 ~~careers for~~ Students with disabilities; ~~popular name;~~
 2233 definition.-

2234 ~~(1) This section shall be known by the popular name the~~
 2235 ~~"Enhanced New Needed Opportunity for Better Life and Education~~
 2236 ~~for Students with Disabilities (ENNOBLES) Act."~~

2237 (2) For the purposes of this chapter act, the term
 2238 "student with a disability" means a ~~any~~ student who is
 2239 documented as having an intellectual disability; a hearing
 2240 impairment, including deafness; a speech or language impairment;
 2241 a visual impairment, including blindness; an emotional or

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2242 behavioral disability; an orthopedic or other health impairment;
 2243 an autism spectrum disorder; a traumatic brain injury; or a
 2244 specific learning disability, including, but not limited to,
 2245 dyslexia, dyscalculia, or developmental aphasia.

2246 Section 68. Paragraph (a) of subsection (1) and subsection
 2247 (3) of section 1007.2615, Florida Statutes, are amended to read:
 2248 1007.2615 American Sign Language; findings; foreign-
 2249 language credits authorized; teacher licensing.-

2250 (1) LEGISLATIVE FINDINGS; PURPOSE.-

2251 (a) The Legislature finds that:

2252 1. American Sign Language (ASL) is a fully developed
 2253 visual-gestural language with distinct grammar, syntax, and
 2254 symbols and is one of hundreds of signed languages of the world.

2255 2. ASL is recognized as the language of the American deaf
 2256 community and is the fourth most commonly used language in the
 2257 United States and Canada.

2258 3. The American deaf community is a group of citizens who
 2259 are members of a unique culture who share ASL as their common
 2260 language.

2261 ~~4. Thirty three state legislatures have adopted~~
 2262 ~~legislation recognizing ASL as a language that should be taught~~
 2263 ~~in schools.~~

2264 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF
 2265 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN
 2266 FOR POSTSECONDARY EDUCATION PROVIDERS.-

2267 ~~(a) The Commissioner of Education shall appoint a seven-~~
 2268 ~~member task force that includes representatives from two state~~

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2269 ~~universities and one private college or university located~~
 2270 ~~within this state which currently offer a 4 year deaf education~~
 2271 ~~or sign language interpretation program as a part of their~~
 2272 ~~respective curricula, two representatives from the Florida~~
 2273 ~~American Sign Language Teachers' Association (FASLTA), and two~~
 2274 ~~representatives from Florida College System institutions located~~
 2275 ~~within this state which have established Interpreter Training~~
 2276 ~~Programs (ITPs). This task force shall develop and submit to the~~
 2277 ~~Commissioner of Education a report that contains the most up to-~~
 2278 ~~date information about American Sign Language (ASL) and~~
 2279 ~~guidelines for developing and maintaining ASL courses as a part~~
 2280 ~~of the curriculum. This information must be made available to~~
 2281 ~~any administrator of a public or an independent school upon~~
 2282 ~~request of the administrator.~~

2283 ~~(a)~~ (b) ~~By January 1, 2005,~~ The State Board of Education
 2284 shall adopt rules establishing licensing/certification standards
 2285 to be applied to teachers who teach American Sign Language (ASL)
 2286 ASL as part of a school curriculum. ~~In developing the rules, the~~
 2287 ~~state board shall consult with the task force established under~~
 2288 ~~paragraph (a).~~

2289 ~~(b)~~ (e) An ASL teacher must be certified by the Department
 2290 of Education ~~by July 1, 2009.~~

2291 ~~(c)~~ (d) The Commissioner of Education shall work with
 2292 providers of postsecondary education, except for state
 2293 universities, to develop and implement a plan to ensure that
 2294 these institutions in this state will accept secondary school
 2295 credits in ASL as credits in a foreign language and to encourage

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2296 postsecondary institutions to offer ASL courses to students as a
 2297 fulfillment of the requirement for studying a foreign language.

2298 Section 69. Subsection (4) of section 1007.263, Florida
 2299 Statutes, is amended to read:

2300 1007.263 Florida College System institutions; admissions
 2301 of students.—Each Florida College System institution board of
 2302 trustees is authorized to adopt rules governing admissions of
 2303 students subject to this section and rules of the State Board of
 2304 Education. These rules shall include the following:

2305 (4) A student who has been awarded a special diploma under
 2306 ~~as defined in s. 1003.438~~ or a certificate of completion under
 2307 ~~as defined in s. 1003.4282 1003.428(7)(b)~~ is eligible to enroll
 2308 in certificate career education programs.

2309
 2310 Each board of trustees shall establish policies that notify
 2311 students about developmental education options for improving
 2312 their communication or computation skills that are essential to
 2313 performing college-level work, including tutoring, extended time
 2314 in gateway courses, free online courses, adult basic education,
 2315 adult secondary education, or private provider instruction.

2316 Section 70. Subsection (1) of section 1007.264, Florida
 2317 Statutes, is amended to read:

2318 1007.264 Persons with disabilities; admission to
 2319 postsecondary educational institutions; substitute requirements;
 2320 rules and regulations.—

2321 (1) A ~~Any~~ student with a disability, ~~as defined in s.~~
 2322 ~~1007.02(2)~~, who is otherwise eligible shall be eligible for

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2323 reasonable substitution for any requirement for admission into a
 2324 public postsecondary educational institution where documentation
 2325 can be provided that the person's failure to meet the admission
 2326 requirement is related to the disability.

2327 Section 71. Subsection (1) of section 1007.265, Florida
 2328 Statutes, is amended to read:

2329 1007.265 Persons with disabilities; graduation, study
 2330 program admission, and upper-division entry; substitute
 2331 requirements; rules and regulations.—

2332 (1) A ~~Any~~ student with a disability, ~~as defined in s.~~
 2333 ~~1007.02(2)~~, in a public postsecondary educational institution
 2334 shall be eligible for reasonable substitution for any
 2335 requirement for graduation, for admission into a program of
 2336 study, or for entry into the upper division where documentation
 2337 can be provided that the person's failure to meet the
 2338 requirement is related to the disability and where failure to
 2339 meet the graduation requirement or program admission requirement
 2340 does not constitute a fundamental alteration in the nature of
 2341 the program.

2342 Section 72. Subsections (2) and (9) of section 1007.271,
 2343 Florida Statutes, are amended to read:

2344 1007.271 Dual enrollment programs.—

2345 (2) For the purpose of this section, an eligible secondary
 2346 student is a student who is enrolled in any of grades 6 through
 2347 12 in a Florida public ~~secondary~~ school or in a Florida private
 2348 ~~secondary~~ school that ~~which~~ is in compliance with s. 1002.42(2)
 2349 and provides a secondary curriculum pursuant to ~~s. 1003.428 or~~

2350 s. 1003.4282. Students who are eligible for dual enrollment
 2351 pursuant to this section may enroll in dual enrollment courses
 2352 conducted during school hours, after school hours, and during
 2353 the summer term. However, if the student is projected to
 2354 graduate from high school before the scheduled completion date
 2355 of a postsecondary course, the student may not register for that
 2356 course through dual enrollment. The student may apply to the
 2357 postsecondary institution and pay the required registration,
 2358 tuition, and fees if the student meets the postsecondary
 2359 institution's admissions requirements under s. 1007.263.
 2360 Instructional time for dual enrollment may vary from 900 hours;
 2361 however, the full-time equivalent student membership value shall
 2362 be subject to the provisions in s. 1011.61(4). A ~~Any~~ student
 2363 enrolled as a dual enrollment student is exempt from the payment
 2364 of registration, tuition, and laboratory fees. Applied academics
 2365 for adult education instruction, developmental education, and
 2366 other forms of precollegiate instruction, as well as physical
 2367 education courses that focus on the physical execution of a
 2368 skill rather than the intellectual attributes of the activity,
 2369 are ineligible for inclusion in the dual enrollment program.
 2370 Recreation and leisure studies courses shall be evaluated
 2371 individually in the same manner as physical education courses
 2372 for potential inclusion in the program.

2373 (9) The Commissioner of Education shall appoint faculty
 2374 committees representing public school, Florida College System
 2375 institution, and university faculties to identify postsecondary
 2376 courses that meet the high school graduation requirements of s.

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2377 ~~1003.428~~ or s. 1003.4282 and to establish the number of
 2378 postsecondary semester credit hours of instruction and
 2379 equivalent high school credits earned through dual enrollment
 2380 pursuant to this section that are necessary to meet high school
 2381 graduation requirements. Such equivalencies shall be determined
 2382 solely on comparable course content and not on seat time
 2383 traditionally allocated to such courses in high school. The
 2384 Commissioner of Education shall recommend to the State Board of
 2385 Education those postsecondary courses identified to meet high
 2386 school graduation requirements, based on mastery of course
 2387 outcomes, by their course numbers, and all high schools shall
 2388 accept these postsecondary education courses toward meeting the
 2389 requirements of ~~s. 1003.428~~ or s. 1003.4282.

2390 Section 73. Subsections (3), (7), and (8) of section
 2391 1008.22, Florida Statutes, are amended to read:

2392 1008.22 Student assessment program for public schools.—

2393 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 2394 Commissioner of Education shall design and implement a
 2395 statewide, standardized assessment program aligned to the core
 2396 curricular content established in the Next Generation Sunshine
 2397 State Standards. The commissioner also must develop or select
 2398 and implement a common battery of assessment tools that will be
 2399 used in all juvenile justice education programs in the state.
 2400 These tools must accurately measure the core curricular content
 2401 established in the Next Generation Sunshine State Standards.
 2402 Participation in the assessment program is mandatory for all
 2403 school districts and all students attending public schools,

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2404 including adult students seeking a standard ~~an adult~~ high school
 2405 diploma under s. 1003.4282 and students in Department of
 2406 Juvenile Justice education programs, except as otherwise
 2407 provided by law ~~prescribed by the commissioner~~. If a student
 2408 does not participate in the assessment program, the school
 2409 district must notify the student's parent and provide the parent
 2410 with information regarding the implications of such
 2411 nonparticipation. The statewide, standardized assessment program
 2412 shall be designed and implemented as follows:

2413 (a) Statewide, standardized comprehensive assessments
 2414 ~~Florida Comprehensive Assessment Test (FCAT) until replaced by~~
 2415 ~~common core assessments.~~ The statewide, standardized FCAT
 2416 Reading assessment shall be administered annually in grades 3
 2417 through 10. The statewide, standardized Writing assessment shall
 2418 be administered annually at least once at the elementary,
 2419 middle, and high school levels. When the Reading and Writing
 2420 assessments are replaced by English Language Arts (ELA)
 2421 assessments, ELA assessments shall be administered to students
 2422 in grades 3 through 11. Retake opportunities for the grade 10
 2423 Reading assessment or, upon implementation, the grade 10 ELA
 2424 assessment must be provided. Students taking the ELA assessments
 2425 shall not take the statewide, standardized assessments in
 2426 Reading or Writing. ELA assessments shall be administered
 2427 online. The statewide, standardized, ~~FCAT~~ Mathematics assessment
 2428 shall be administered annually in grades 3 through 8. Students
 2429 taking a revised Mathematics assessment shall not take the
 2430 discontinued assessment. The statewide, standardized, ~~FCAT~~

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2431 ~~Writing shall be administered annually at least once at the~~
 2432 ~~elementary, middle, and high school levels; and FCAT Science~~
 2433 assessment shall be administered annually at least once at the
 2434 elementary and middle grades levels. In order to earn a standard
 2435 high school diploma, a student who has not earned a passing
 2436 score on the grade 10 FCAT Reading assessment or, upon
 2437 implementation, the grade 10 ELA assessment must earn a passing
 2438 score on the assessment retake or earn a concordant score as
 2439 authorized under subsection (7) must participate in each retake
 2440 ~~of the assessment until the student earns a passing score. The~~
 2441 ~~commissioner shall recommend and the State Board of Education~~
 2442 ~~must adopt a score on both the SAT and ACT that is concordant to~~
 2443 ~~a passing score on grade 10 FCAT Reading that, if achieved by a~~
 2444 ~~student, meets the must pass requirement for grade 10 FCAT~~
 2445 ~~Reading.~~

2446 (b) End-of-course (EOC) assessments.—EOC assessments must
 2447 be statewide, standardized, and developed or approved by the
 2448 Department of Education as follows:

2449 1. Statewide, standardized EOC assessments in mathematics
 2450 shall be administered according to this subparagraph. Beginning
 2451 with the 2010-2011 school year, all students enrolled in Algebra
 2452 I must take the Algebra I EOC assessment. Except as otherwise
 2453 provided in paragraph (c) this section, beginning with students
 2454 entering grade 9 in the 2011-2012 school year, a student who is
 2455 enrolled in Algebra I must earn a passing score on the Algebra I
 2456 EOC assessment or attain a comparative score as authorized under
 2457 subsection (8) in order to earn a standard high school diploma.

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2458 In order to earn a standard high school diploma, a student who
 2459 has not earned a passing score on the Algebra I EOC assessment
 2460 must earn a passing score on the assessment retake or a
 2461 comparative score as authorized under subsection (8) ~~must~~
 2462 ~~participate in each retake of the assessment until the student~~
 2463 ~~earns a passing score.~~ Beginning with the 2011-2012 school year,
 2464 all students enrolled in Geometry must take the Geometry EOC
 2465 assessment. Middle grades students enrolled in Algebra I, ~~or~~
 2466 Geometry, or Biology I must take the statewide, standardized EOC
 2467 assessment for those courses and shall are not ~~required to~~ take
 2468 the corresponding subject and grade-level statewide,
 2469 standardized assessment FCAT. When a statewide, standardized EOC
 2470 assessment in Algebra II is administered, all students enrolled
 2471 Algebra II must take the EOC assessment. Pursuant to the
 2472 commissioner's implementation schedule, student performance on
 2473 the Algebra II EOC assessment constitutes 30 percent of a
 2474 student's final course grade.

2475 2. Statewide, standardized EOC assessments in science
 2476 shall be administered according to this subparagraph. Beginning
 2477 with the 2011-2012 school year, all students enrolled in Biology
 2478 I must take the Biology I EOC assessment. Beginning with
 2479 students entering grade 9 in the 2013-2014 school year,
 2480 performance on the Biology I EOC assessment constitutes 30
 2481 percent of the student's final course grade.

2482 3. ~~During the 2012-2013 school year, an EOC assessment in~~
 2483 ~~civics education shall be administered as a field test at the~~
 2484 ~~middle grades level.~~ Beginning with the 2013-2014 school year,

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2485 each student's performance on the statewide, standardized middle
 2486 grades Civics EOC assessment ~~in civics education~~ constitutes 30
 2487 percent of the student's final course grade in civics education.

2488 4. The commissioner may select one or more nationally
 2489 developed comprehensive examinations, which may include
 2490 examinations for a College Board Advanced Placement course,
 2491 International Baccalaureate course, or Advanced International
 2492 Certificate of Education course, or industry-approved
 2493 examinations to earn national industry certifications identified
 2494 in the Industry Certification Funding List, for use as EOC
 2495 assessments under this paragraph if the commissioner determines
 2496 that the content knowledge and skills assessed by the
 2497 examinations meet or exceed the grade-level expectations for the
 2498 core curricular content established for the course in the Next
 2499 Generation Sunshine State Standards. Use of any such examination
 2500 as an EOC assessment must be approved by the state board in
 2501 rule.

2502 5. Contingent upon funding provided in the General
 2503 Appropriations Act, including the appropriation of funds
 2504 received through federal grants, the commissioner may establish
 2505 an implementation schedule for the development and
 2506 administration of additional statewide, standardized EOC
 2507 assessments that must be approved by the state board, in rule.
 2508 If approved by the state board, student performance on such
 2509 assessments constitutes 30 percent of a student's final course
 2510 grade.

2511 6. All statewide, standardized EOC assessments must be

2512 administered online except as otherwise provided in paragraph
 2513 (c).

2514 (c) Students with disabilities; Florida Alternate
 2515 Assessment.--

2516 1. Each district school board must provide instruction to
 2517 prepare students with disabilities in the core content knowledge
 2518 and skills necessary for successful grade-to-grade progression
 2519 and high school graduation.

2520 2. A student with a disability, as defined in s. 1007.02
 2521 ~~1007.02(2)~~, for whom the individual education plan (IEP) team
 2522 determines that the statewide, standardized assessments under
 2523 this section cannot accurately measure the student's abilities,
 2524 taking into consideration all allowable accommodations, shall
 2525 have assessment results waived for the purpose of receiving a
 2526 course grade and a standard high school diploma. Such waiver
 2527 shall be designated on the student's transcript. The statement
 2528 of waiver shall be limited to a statement that performance on an
 2529 assessment was waived for the purpose of receiving a course
 2530 grade or a standard high school diploma, as applicable.

2531 3. The State Board of Education shall adopt rules, based
 2532 upon recommendations of the commissioner, for the provision of
 2533 assessment accommodations for students with disabilities and for
 2534 students who have limited English proficiency.

2535 a. Accommodations that negate the validity of a statewide,
 2536 standardized assessment are not allowed during the
 2537 administration of the assessment. However, instructional
 2538 accommodations are allowed in the classroom if identified in a

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2539 student's IEP. Students using instructional accommodations in
 2540 the classroom that are not allowed on a statewide, standardized
 2541 assessment may have assessment results waived if the IEP team
 2542 determines that the assessment cannot accurately measure the
 2543 student's abilities.

2544 b. If a student is provided with instructional
 2545 accommodations in the classroom that are not allowed as
 2546 accommodations for statewide, standardized assessments, the
 2547 district must inform the parent in writing and provide the
 2548 parent with information regarding the impact on the student's
 2549 ability to meet expected performance levels. A parent must
 2550 provide signed consent for a student to receive classroom
 2551 instructional accommodations that would not be available or
 2552 permitted on a statewide, standardized assessment and
 2553 acknowledge in writing that he or she understands the
 2554 implications of such instructional accommodations.

2555 c. If a student's IEP states that online administration of
 2556 a statewide, standardized assessment will significantly impair
 2557 the student's ability to perform, the assessment shall be
 2558 administered in hard copy.

2559 4. For students with significant cognitive disabilities,
 2560 the Department of Education shall provide for implementation of
 2561 the Florida Alternate Assessment to accurately measure the core
 2562 curricular content established in the Next Generation Sunshine
 2563 State Standards.

2564 (d) Implementation schedule ~~Common core assessments in~~
 2565 ~~English Language Arts (ELA) and mathematics.~~

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2566 1. ~~Contingent upon funding, common core assessments in ELA~~
 2567 ~~shall be administered to students in grades 3 through 11. Retake~~
 2568 ~~opportunities for the grade 10 assessment must be provided.~~
 2569 ~~Students taking the ELA assessments are not required to take the~~
 2570 ~~assessments in FCAT Reading or FCAT Writing. Common core ELA~~
 2571 ~~assessments shall be administered online.~~

2572 2. ~~Contingent upon funding, common core assessments in~~
 2573 ~~mathematics shall be administered to all students in grades 3~~
 2574 ~~through 8, and common core assessments in Algebra I, Geometry,~~
 2575 ~~and Algebra II shall be administered to students enrolled in~~
 2576 ~~those courses. Retake opportunities must be provided for the~~
 2577 ~~Algebra I assessment. Students may take the common core~~
 2578 ~~mathematics assessments pursuant to the Credit Acceleration~~
 2579 ~~Program (CAP) under s. 1003.4295(3). Students taking common core~~
 2580 ~~assessments in mathematics are not required to take FCAT~~
 2581 ~~Mathematics or statewide, standardized EOC assessments in~~
 2582 ~~mathematics. Common core mathematics assessments shall be~~
 2583 ~~administered online.~~

2584 1.3. ~~The Commissioner State Board of Education shall~~
 2585 ~~establish and publish on the department's website adopt rules~~
 2586 ~~establishing an implementation schedule to transition from the~~
 2587 ~~statewide, standardized FCAT Reading and, FCAT Writing~~
 2588 ~~assessments to the ELA assessments and to the revised, FCAT~~
 2589 ~~Mathematics assessments, including the, and Algebra I and~~
 2590 ~~Geometry EOC assessments to common core assessments in English~~
 2591 ~~Language Arts and mathematics. The schedule must take into~~
 2592 ~~consideration funding, sufficient field and baseline data,~~

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2593 access to assessments, instructional alignment, and school
 2594 district readiness to administer the ~~common core~~ assessments
 2595 online. ~~Until the 10th grade common core ELA and Algebra I~~
 2596 ~~assessments become must pass assessments, students must pass~~
 2597 ~~10th grade FCAT Reading and the Algebra I EOC assessment, or~~
 2598 ~~achieve a concordant or comparative score as authorized under~~
 2599 ~~this section, in order to earn a standard high school diploma~~
 2600 ~~under s. 1003.4282. Students taking 10th grade FCAT Reading or~~
 2601 ~~the Algebra I EOC assessment are not required to take the~~
 2602 ~~respective common core assessments.~~

2603 2.4. The Department of Education shall publish minimum and
 2604 recommended technology requirements that include specifications
 2605 for hardware, software, networking, security, and broadband
 2606 capacity to facilitate school district compliance with the
 2607 requirement that ~~common core~~ assessments be administered online.

2608 (e) Assessment scores and achievement levels.—

2609 1. All statewide, standardized EOC assessments and FCAT
 2610 Reading, FCAT Writing, and FCAT Science assessments shall use
 2611 scaled scores and achievement levels. Achievement levels shall
 2612 range from 1 through 5, with level 1 being the lowest
 2613 achievement level, level 5 being the highest achievement level,
 2614 and level 3 indicating satisfactory performance on an
 2615 assessment. For purposes of the statewide, standardized FCAT
 2616 Writing assessment, student achievement shall be scored using a
 2617 scale of 1 through 6.

2618 2. The state board shall designate by rule a passing score
 2619 for each statewide, standardized ~~EOC and FCAT~~ assessment. ~~In~~

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2620 ~~addition, the state board shall designate a score for each~~
 2621 ~~statewide, standardized EOC assessment that indicates that a~~
 2622 ~~student is high achieving and has the potential to meet college-~~
 2623 ~~readiness standards by the time the student graduates from high~~
 2624 ~~school.~~

2625 3. If the commissioner seeks to revise a statewide,
 2626 standardized assessment and the revisions require the state
 2627 board to modify performance level scores, including the passing
 2628 score, the commissioner shall provide a copy of the proposed
 2629 scores and implementation plan to the President of the Senate
 2630 and the Speaker of the House of Representatives at least 90 days
 2631 before submission to the state board for review. Until the state
 2632 board adopts the modifications by rule, the commissioner shall
 2633 use calculations for scoring the assessment that adjust student
 2634 scores on the revised assessment for statistical equivalence to
 2635 student scores on the former assessment. The state board shall
 2636 adopt by rule the passing score for the revised assessment that
 2637 is statistically equivalent to the passing score on the
 2638 discontinued assessment for a student who is required to attain
 2639 a passing score on the discontinued assessment. The commissioner
 2640 may, with approval of the state board, discontinue
 2641 administration of the former assessment upon the graduation,
 2642 based on normal student progression, of students participating
 2643 in the final regular administration of the former assessment. If
 2644 the commissioner revises a statewide, standardized assessment
 2645 and the revisions require the state board to modify the passing
 2646 score, only students taking the assessment for the first time

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2647 after the rule is adopted are affected.

2648 (f) Assessment schedules and reporting of results.—The
 2649 Commissioner of Education shall establish schedules for the
 2650 administration of assessments and the reporting of student
 2651 assessment results. The commissioner shall consider the
 2652 observance of religious and school holidays when developing the
 2653 schedule. By August 1 of each year, the commissioner shall
 2654 notify each school district in writing and publish on the
 2655 department's website the assessment and reporting schedules for,
 2656 at a minimum, the school year following the upcoming school
 2657 year. The assessment and reporting schedules must provide the
 2658 earliest possible reporting of student assessment results to the
 2659 school districts. Assessment results for the statewide,
 2660 standardized FCAT Reading assessments, or upon implementation
 2661 the ELA assessments, and FCAT Mathematics assessments, including
 2662 the EOC assessments in Algebra I and Geometry, must be made
 2663 available no later than the week of June 8. The administration
 2664 of the statewide, standardized FCAT Writing assessment and the
 2665 Florida Alternate Assessment may be no earlier than the week of
 2666 March 1. School districts shall administer assessments in
 2667 accordance with the schedule established by the commissioner.

2668 (g) Prohibited activities.—A district school board shall
 2669 prohibit each public school from suspending a regular program of
 2670 curricula for purposes of administering practice assessments or
 2671 engaging in other assessment-preparation activities for a
 2672 statewide, standardized assessment. However, a district school
 2673 board may authorize a public school to engage in the following

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2674 assessment-preparation activities:

2675 1. Distributing to students sample assessment books and

2676 answer keys published by the Department of Education.

2677 2. Providing individualized instruction in assessment-

2678 taking strategies, without suspending the school's regular

2679 program of curricula, for a student who scores Level 1 or Level

2680 2 on a prior administration of an assessment.

2681 3. Providing individualized instruction in the content

2682 knowledge and skills assessed, without suspending the school's

2683 regular program of curricula, for a student who scores Level 1

2684 or Level 2 on a prior administration of an assessment or a

2685 student who, through a diagnostic assessment administered by the

2686 school district, is identified as having a deficiency in the

2687 content knowledge and skills assessed.

2688 4. Administering a practice assessment or engaging in

2689 other assessment-preparation activities that are determined

2690 necessary to familiarize students with the organization of the

2691 assessment, the format of assessment items, and the assessment

2692 directions or that are otherwise necessary for the valid and

2693 reliable administration of the assessment, as set forth in rules

2694 adopted by the State Board of Education with specific reference

2695 to this paragraph.

2696 (h) Contracts for assessments.—The commissioner shall

2697 provide for the assessments to be developed or obtained, as

2698 appropriate, through contracts and project agreements with

2699 private vendors, public vendors, public agencies, postsecondary

2700 educational institutions, or school districts. The commissioner

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2701 may enter into contracts for the continued administration of the
 2702 assessments authorized and funded by the Legislature. Contracts
 2703 may be initiated in 1 fiscal year and continue into the next
 2704 fiscal year and may be paid from the appropriations of either or
 2705 both fiscal years. The commissioner may negotiate for the sale
 2706 or lease of tests, scoring protocols, test scoring services, and
 2707 related materials developed pursuant to law.

2708 (7) ~~CONCORDANT SCORES FOR 10TH GRADE FCAT READING.~~ Until
 2709 ~~the state transitions to common core English Language Arts~~
 2710 ~~assessments,~~ The Commissioner of Education must identify scores
 2711 on the SAT and ACT that if achieved satisfy the graduation
 2712 requirement that a student pass the grade 10 statewide,
 2713 standardized 10th grade FCAT Reading assessment or, upon
 2714 implementation, the grade 10 ELA assessment. The commissioner
 2715 may identify concordant scores on ~~other~~ assessments other than
 2716 the SAT and ACT as well. If the content or scoring procedures
 2717 change for the grade 10 Reading assessment or, upon
 2718 implementation, the grade 10 ELA assessment ~~10th grade FCAT~~
 2719 ~~Reading,~~ new concordant scores must be determined. If new
 2720 concordant scores are not timely adopted, the last-adopted
 2721 concordant scores remain in effect until such time as new scores
 2722 are adopted. The state board shall adopt concordant scores in
 2723 rule.

2724 (8) COMPARATIVE SCORES FOR END-OF-COURSE (EOC) ASSESSMENT
 2725 ASSESSMENTS. The Commissioner of Education must identify one or
 2726 more comparative scores for the Algebra I EOC assessment ~~and may~~
 2727 ~~identify comparative scores for the other EOC assessments.~~ If

2728 | the content or scoring procedures change for the EOC assessment
 2729 | ~~assessments~~, new comparative scores must be determined. If new
 2730 | comparative scores are not timely adopted, the last-adopted
 2731 | comparative scores remain in effect until such time as new
 2732 | scores are adopted. The state board shall adopt comparative
 2733 | scores in rule.

2734 | Section 74. Paragraph (h) of subsection (2), paragraph (a)
 2735 | of subsection (4), paragraph (b) of subsection (6), and
 2736 | paragraph (b) of subsection (7) of section 1008.25, Florida
 2737 | Statutes, are amended to read:

2738 | 1008.25 Public school student progression; remedial
 2739 | instruction; reporting requirements.—

2740 | (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district
 2741 | school board shall establish a comprehensive plan for student
 2742 | progression which must:

2743 | (h) Provide instructional sequences by which students in
 2744 | kindergarten through high school may attain progressively higher
 2745 | levels of skill in the use of digital tools and applications.
 2746 | The instructional sequences must include participation in
 2747 | curricular and instructional options and the demonstration of
 2748 | competence of standards required pursuant to ss. 1003.41 and
 2749 | 1003.4203 through attainment of industry certifications and
 2750 | other means of demonstrating credit requirements identified
 2751 | under ss. 1002.3105, 1003.4203, ~~1003.428~~, and 1003.4282.

2752 | (4) ASSESSMENT AND REMEDIATION.—

2753 | (a) Each student must participate in the statewide,
 2754 | standardized assessment program required by s. 1008.22. Each

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2755 student who does not meet specific levels of performance on the
 2756 required assessments as determined by the district school board
 2757 or who scores below Level 3 on the statewide, standardized
 2758 Reading assessment or, upon implementation, the English Language
 2759 Arts assessment or on the statewide, standardized Mathematics
 2760 assessments in grades 3 through 8 and the Algebra I EOC
 2761 assessment ~~FCAT Reading or FCAT Mathematics or on the common~~
 2762 ~~core English Language Arts or mathematics assessments as~~
 2763 ~~applicable under s. 1008.22~~ must be provided with additional
 2764 diagnostic assessments to determine the nature of the student's
 2765 difficulty, the areas of academic need, and strategies for
 2766 appropriate intervention and instruction as described in
 2767 paragraph (b).

2768 (6) ELIMINATION OF SOCIAL PROMOTION.—

2769 (b) The district school board may only exempt students
 2770 from mandatory retention, as provided in paragraph (5)(b), for
 2771 good cause. Good cause exemptions shall be limited to the
 2772 following:

2773 1. Limited English proficient students who have had less
 2774 than 2 years of instruction in an English for Speakers of Other
 2775 Languages program.

2776 2. Students with disabilities whose individual education
 2777 plan indicates that participation in the statewide assessment
 2778 program is not appropriate, consistent with the requirements of
 2779 s. 1008.212 State Board of Education rule.

2780 3. Students who demonstrate an acceptable level of
 2781 performance on an alternative standardized reading or English

2782 Language Arts assessment approved by the State Board of
 2783 Education.

2784 4. A student who demonstrates through a student portfolio
 2785 that he or she is performing at least at Level 2 on the
 2786 statewide, standardized FCAT Reading assessment or, upon
 2787 implementation, the ~~common core~~ English Language Arts
 2788 assessment, ~~as applicable under s. 1008.22.~~

2789 5. Students with disabilities who take the statewide,
 2790 standardized participate in FCAT Reading assessment or, upon
 2791 implementation, the ~~common core~~ English Language Arts
 2792 assessment, ~~as applicable under s. 1008.22,~~ and who have an
 2793 individual education plan or a Section 504 plan that reflects
 2794 that the student has received intensive remediation in reading
 2795 or and English Language Arts for more than 2 years but still
 2796 demonstrates a deficiency and was previously retained in
 2797 kindergarten, grade 1, grade 2, or grade 3.

2798 6. Students who have received intensive remediation in
 2799 reading or and English Language Arts, ~~as applicable under s.~~
 2800 ~~1008.22,~~ for 2 or more years but still demonstrate a deficiency
 2801 and who were previously retained in kindergarten, grade 1, grade
 2802 2, or grade 3 for a total of 2 years. Intensive instruction for
 2803 students so promoted must include an altered instructional day
 2804 that includes specialized diagnostic information and specific
 2805 reading strategies for each student. The district school board
 2806 shall assist schools and teachers to implement reading
 2807 strategies that research has shown to be successful in improving
 2808 reading among low-performing readers.

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2809 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 2810 STUDENTS.—
 2811 (b) Each school district shall:
 2812 1. Provide third grade students who are retained under the
 2813 provisions of paragraph (5) (b) with intensive instructional
 2814 services and supports to remediate the identified areas of
 2815 reading deficiency, including participation in the school
 2816 district's summer reading camp as required under paragraph (a)
 2817 and a minimum of 90 minutes of daily, uninterrupted,
 2818 scientifically research-based reading instruction which includes
 2819 phonemic awareness, phonics, fluency, vocabulary, and
 2820 comprehension and other strategies prescribed by the school
 2821 district, which may include, but are not limited to:
 2822 a. Integration of science and social studies content
 2823 within the 90-minute block.
 2824 b. Small group instruction.
 2825 c. Reduced teacher-student ratios.
 2826 d. More frequent progress monitoring.
 2827 e. Tutoring or mentoring.
 2828 f. Transition classes containing 3rd and 4th grade
 2829 students.
 2830 g. Extended school day, week, or year.
 2831 2. Provide written notification to the parent of a any
 2832 student who is retained under the provisions of paragraph (5) (b)
 2833 that his or her child has not met the proficiency level required
 2834 for promotion and the reasons the child is not eligible for a
 2835 good cause exemption as provided in paragraph (6) (b). The

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2836 notification must comply with the provisions of s. 1002.20(15)
 2837 and must include a description of proposed interventions and
 2838 supports that will be provided to the child to remediate the
 2839 identified areas of reading deficiency.

2840 3. Implement a policy for the midyear promotion of a any
 2841 student retained under the provisions of paragraph (5)(b) who
 2842 can demonstrate that he or she is a successful and independent
 2843 reader and performing at or above grade level in reading or,
 2844 upon implementation of and English Language Arts assessments,
 2845 performing at or above grade level in English Language Arts, as
 2846 applicable under s. 1008.22. Tools that school districts may use
 2847 in reevaluating a any student retained may include subsequent
 2848 assessments, alternative assessments, and portfolio reviews, in
 2849 accordance with rules of the State Board of Education.

2850 4. Provide students who are retained under the provisions
 2851 of paragraph (5)(b) with a highly effective teacher as
 2852 determined by the teacher's performance evaluation under s.
 2853 1012.34.

2854 5. Establish at each school, when applicable, an Intensive
 2855 Acceleration Class for retained grade 3 students who
 2856 subsequently score Level 1 on the required statewide,
 2857 standardized assessment identified in s. 1008.22. The focus of
 2858 the Intensive Acceleration Class shall be to increase a child's
 2859 reading and English Language Arts skill level at least two grade
 2860 levels in 1 school year. The Intensive Acceleration Class shall:

2861 a. Be provided to a any student in grade 3 who scores
 2862 Level 1 on the statewide, standardized FCAT Reading assessment

2863 or, upon implementation, the ~~common-core~~ English Language Arts
 2864 ~~assessment, as applicable under s. 1008.22~~, and who was retained
 2865 in grade 3 the prior year because of scoring Level 1.

2866 b. Have a reduced teacher-student ratio.

2867 c. Provide uninterrupted reading instruction for the
 2868 majority of student contact time each day and incorporate
 2869 opportunities to master the grade 4 Next Generation Sunshine
 2870 State Standards in other core subject areas.

2871 d. Use a reading program that is scientifically research-
 2872 based and has proven results in accelerating student reading
 2873 achievement within the same school year.

2874 e. Provide intensive language and vocabulary instruction
 2875 using a scientifically research-based program, including use of
 2876 a speech-language therapist.

2877 Section 75. Paragraphs (b) and (c) of subsection (4) and
 2878 subsections (5) and (7) of section 1008.33, Florida Statutes,
 2879 are amended to read:

2880 1008.33 Authority to enforce public school improvement.-
 2881 (4)

2882 (b) ~~Except as provided in subsection (5)~~, The turnaround
 2883 options available to a school district to address a school that
 2884 earns a grade of "F" are:

2885 1. Convert the school to a district-managed turnaround
 2886 school;

2887 2. Reassign students to another school and monitor the
 2888 progress of each reassigned student;

2889 3. Close the school and reopen the school as one or more

2890 charter schools, each with a governing board that has a
 2891 demonstrated record of effectiveness;

2892 4. Contract with an outside entity that has a demonstrated
 2893 record of effectiveness to operate the school; or

2894 5. Implement a hybrid of turnaround options set forth in
 2895 subparagraphs 1.-4. or other turnaround models that have a
 2896 demonstrated record of effectiveness.

2897 ~~(c) Except for schools required to implement a turnaround~~
 2898 ~~option pursuant to subsection (5),~~ A school earning a grade of
 2899 "F" shall have a planning year followed by 2 full school years
 2900 to implement the initial turnaround option selected by the
 2901 school district and approved by the state board. Implementation
 2902 of the turnaround option is no longer required if the school
 2903 improves by at least one letter grade.

2904 ~~(5) A school that earns a grade of "F" within 2 years~~
 2905 ~~after raising its grade from a grade of "F" or that earns a~~
 2906 ~~grade of "F" within 2 years after exiting the lowest performing~~
 2907 ~~category under s. 3, chapter 2009-144, Laws of Florida, must~~
 2908 ~~implement one of the turnaround options in subparagraphs~~
 2909 ~~(4)(b)2.-5.~~

2910 ~~(7) A school classified in the lowest performing category~~
 2911 ~~under s. 3, chapter 2009-144, Laws of Florida, before July 1,~~
 2912 ~~2012, is not required to continue implementing any turnaround~~
 2913 ~~option unless the school earns a grade of "F" or a third~~
 2914 ~~consecutive "D" for the 2011-2012 school year. A school earning~~
 2915 ~~a grade of "F" or a third consecutive "D" for the 2011-2012~~
 2916 ~~school year may not restart the number of years it has been low~~

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2917 ~~performing by virtue of the 2012 amendments to this section.~~

2918 Section 76. Section 1008.331, Florida Statutes, is
 2919 repealed.

2920 Section 77. Subsection (2) of section 1008.3415, Florida
 2921 Statutes, is amended to read:

2922 1008.3415 School grade or school improvement rating for
 2923 exceptional student education centers.—

2924 (2) Notwithstanding s. 1008.34(3)(c)3., the achievement
 2925 scores and learning gains of a student with a disability who
 2926 attends an exceptional student education center and has not been
 2927 enrolled in or attended a public school other than an
 2928 exceptional student education center for grades K-12 within the
 2929 school district shall not be included in the calculation of the
 2930 home school's grade if the student is identified as an emergent
 2931 student on the alternate assessment ~~tool~~ described in s.
 2932 1008.22(3)(c) ~~1008.22(3)(e)13~~.

2933 Section 78. Section 1008.35, Florida Statutes, is
 2934 repealed.

2935 Section 79. Subsection (3) of section 1009.22, Florida
 2936 Statutes, is amended to read:

2937 1009.22 Workforce education postsecondary student fees.—

2938 (3)(a) Except as otherwise provided by law, fees for
 2939 students who are nonresidents for tuition purposes must offset
 2940 the full cost of instruction. Residency of students shall be
 2941 determined as required in s. 1009.21. Fee-nonexempt students
 2942 enrolled in applied academics for adult education instruction
 2943 shall be charged fees equal to the fees charged for adult

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2944 general education programs. Each Florida College System
 2945 institution that conducts developmental education and applied
 2946 academics for adult education instruction in the same class
 2947 section may charge a single fee for both types of instruction.

2948 (b) Fees for continuing workforce education shall be
 2949 locally determined by the district school board or Florida
 2950 College System institution board of trustees. Expenditures for
 2951 the continuing workforce education program provided by the
 2952 Florida College System institution or school district must be
 2953 fully supported by fees. Enrollments in continuing workforce
 2954 education courses may not be counted for purposes of funding
 2955 full-time equivalent enrollment.

2956 (c) ~~Effective July 1, 2011,~~ For programs leading to a
 2957 career certificate or an applied technology diploma, the
 2958 standard tuition shall be \$2.22 per contact hour for residents
 2959 and nonresidents and the out-of-state fee shall be \$6.66 per
 2960 contact hour. For adult general education programs, a block
 2961 tuition of \$45 per half year or \$30 per term shall be assessed
 2962 for residents and nonresidents, and the out-of-state fee shall
 2963 be \$135 per half year or \$90 per term. Each district school
 2964 board and Florida College System institution board of trustees
 2965 shall adopt policies and procedures for the collection of and
 2966 accounting for the expenditure of the block tuition. All funds
 2967 received from the block tuition shall be used only for adult
 2968 general education programs. Students enrolled in adult general
 2969 education programs may not be assessed the fees authorized in
 2970 subsection (5), subsection (6), or subsection (7).

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2971 (d) ~~Beginning with the 2008-2009 fiscal year and each year~~
 2972 ~~thereafter,~~ The tuition and the out-of-state fee per contact
 2973 hour shall increase at the beginning of each fall semester at a
 2974 rate equal to inflation, unless otherwise provided in the
 2975 General Appropriations Act. The Office of Economic and
 2976 Demographic Research shall report the rate of inflation to the
 2977 President of the Senate, the Speaker of the House of
 2978 Representatives, the Governor, and the State Board of Education
 2979 each year prior to March 1. For purposes of this paragraph, the
 2980 rate of inflation shall be defined as the rate of the 12-month
 2981 percentage change in the Consumer Price Index for All Urban
 2982 Consumers, U.S. City Average, All Items, or successor reports as
 2983 reported by the United States Department of Labor, Bureau of
 2984 Labor Statistics, or its successor for December of the previous
 2985 year. In the event the percentage change is negative, the
 2986 tuition and out-of-state fee shall remain at the same level as
 2987 the prior fiscal year.

2988 (e) Each district school board and each Florida College
 2989 System institution board of trustees may adopt tuition and out-
 2990 of-state fees that ~~may~~ vary no more than 5 percent below or and
 2991 5 percent above the combined total of the standard tuition and
 2992 out-of-state fees established in paragraph (c).

2993 ~~(f) The maximum increase in resident tuition for any~~
 2994 ~~school district or Florida College System institution during the~~
 2995 ~~2007-2008 fiscal year shall be 5 percent over the tuition~~
 2996 ~~charged during the 2006-2007 fiscal year.~~

2997 (f) ~~(g)~~ The State Board of Education may adopt, by rule,

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2998 the definitions and procedures that district school boards and
 2999 Florida College System institution boards of trustees shall use
 3000 in the calculation of cost borne by students.

3001 Section 80. Paragraph (a) of subsection (1) of section
 3002 1009.40, Florida Statutes, is amended to read:

3003 1009.40 General requirements for student eligibility for
 3004 state financial aid awards and tuition assistance grants.-

3005 (1)(a) The general requirements for eligibility of
 3006 students for state financial aid awards and tuition assistance
 3007 grants consist of the following:

3008 1. Achievement of the academic requirements of and
 3009 acceptance at a state university or Florida College System
 3010 institution; a nursing diploma school approved by the Florida
 3011 Board of Nursing; a Florida college or university which is
 3012 accredited by an accrediting agency recognized by the State
 3013 Board of Education; a ~~any~~ Florida institution the credits of
 3014 which are acceptable for transfer to state universities; a ~~any~~
 3015 career center; or a ~~any~~ private career institution accredited by
 3016 an accrediting agency recognized by the State Board of
 3017 Education.

3018 2. Residency in this state for no less than 1 year
 3019 preceding the award of aid or a tuition assistance grant for a
 3020 program established pursuant to s. 1009.50, s. 1009.505, s.
 3021 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.56~~, s. 1009.60, s.
 3022 1009.62, s. 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s.
 3023 1009.891. Residency in this state must be for purposes other
 3024 than to obtain an education. Resident status for purposes of

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3025 receiving state financial aid awards shall be determined in the
 3026 same manner as resident status for tuition purposes pursuant to
 3027 s. 1009.21.

3028 3. Submission of certification attesting to the accuracy,
 3029 completeness, and correctness of information provided to
 3030 demonstrate a student's eligibility to receive state financial
 3031 aid awards or tuition assistance grants. Falsification of such
 3032 information shall result in the denial of a any pending
 3033 application and revocation of an any award or grant currently
 3034 held to the extent that no further payments shall be made.
 3035 Additionally, students who knowingly make false statements in
 3036 order to receive state financial aid awards or tuition
 3037 assistance grants commit a misdemeanor of the second degree
 3038 subject to the provisions of s. 837.06 and shall be required to
 3039 return all state financial aid awards or tuition assistance
 3040 grants wrongfully obtained.

3041 Section 81. Subsection (1) of section 1009.531, Florida
 3042 Statutes, is amended to read:

3043 1009.531 Florida Bright Futures Scholarship Program;
 3044 student eligibility requirements for initial awards.—

3045 (1) ~~Effective January 1, 2008,~~ In order to be eligible for
 3046 an initial award from any of the three types of scholarships
 3047 under the Florida Bright Futures Scholarship Program, a student
 3048 must:

3049 (a) Be a Florida resident as defined in s. 1009.40 and
 3050 rules of the State Board of Education.

3051 (b) Earn a standard Florida high school diploma pursuant

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3052 to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 or a high
 3053 school equivalency diploma ~~its equivalent~~ pursuant to ~~s.~~
 3054 ~~1003.428, s. 1003.4281, s. 1003.4282, or s. 1003.435~~ unless:

3055 1. The student completes a home education program
 3056 according to s. 1002.41; or

3057 2. The student earns a high school diploma from a non-
 3058 Florida school while living with a parent or guardian who is on
 3059 military or public service assignment away from Florida.

3060 (c) Be accepted by and enroll in an eligible Florida
 3061 public or independent postsecondary education institution.

3062 (d) Be enrolled for at least 6 semester credit hours or
 3063 the equivalent in quarter hours or clock hours.

3064 (e) Not have been found guilty of, or entered a plea of
 3065 nolo contendere to, a felony charge, unless the student has been
 3066 granted clemency by the Governor and Cabinet sitting as the
 3067 Executive Office of Clemency.

3068 (f) Apply for a scholarship from the program by high
 3069 school graduation. However, a student who graduates from high
 3070 school midyear must apply no later than August 31 of the
 3071 student's graduation year in order to be evaluated for and, if
 3072 eligible, receive an award for the current academic year.

3073 Section 82. Paragraph (c) of subsection (3) of section
 3074 1009.532, Florida Statutes, is amended to read:

3075 1009.532 Florida Bright Futures Scholarship Program;
 3076 student eligibility requirements for renewal awards.—

3077 (3)

3078 (c) A student who is initially eligible in the 2012-2013

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3079 | academic year and thereafter may receive an award for a maximum
 3080 | of 100 percent of the number of credit hours required to
 3081 | complete an associate degree program, a baccalaureate degree
 3082 | program, or a postsecondary career certificate program or, for a
 3083 | Florida Gold Seal Vocational Scholars award, may receive an
 3084 | award for a maximum of 100 percent of the number of credit hours
 3085 | or equivalent clock hours required to complete one of the
 3086 | following at a Florida public or nonpublic education institution
 3087 | that offers these specific programs: for an applied technology
 3088 | diploma program as defined in s. 1004.02(7) ~~1004.02(8)~~, up to 60
 3089 | credit hours or equivalent clock hours; for a technical degree
 3090 | education program as defined in s. 1004.02(13) ~~1004.02(14)~~, up
 3091 | to the number of hours required for a specific degree not to
 3092 | exceed 72 credit hours or equivalent clock hours; or for a
 3093 | career certificate program as defined in s. 1004.02(20)
 3094 | ~~1004.02(21)~~, up to the number of hours required for a specific
 3095 | certificate not to exceed 72 credit hours or equivalent clock
 3096 | hours. A student who transfers from one of these program levels
 3097 | to another program level becomes eligible for the higher of the
 3098 | two credit hour limits.

3099 | Section 83. Paragraph (c) of subsection (4) of section
 3100 | 1009.536, Florida Statutes, is amended to read:

3101 | 1009.536 Florida Gold Seal Vocational Scholars award.—The
 3102 | Florida Gold Seal Vocational Scholars award is created within
 3103 | the Florida Bright Futures Scholarship Program to recognize and
 3104 | reward academic achievement and career preparation by high
 3105 | school students who wish to continue their education.

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3106 (4)

3107 (c) A student who is initially eligible in the 2012-2013

3108 academic year and thereafter may earn a Florida Gold Seal

3109 Vocational Scholarship for a maximum of 100 percent of the

3110 number of credit hours or equivalent clock hours required to

3111 complete one of the following at a Florida public or nonpublic

3112 education institution that offers these specific programs: for

3113 an applied technology diploma program as defined in s.

3114 1004.02(7) ~~1004.02(8)~~, up to 60 credit hours or equivalent clock

3115 hours; for a technical degree education program as defined in s.

3116 1004.02(13) ~~1004.02(14)~~, up to the number of hours required for

3117 a specific degree not to exceed 72 credit hours or equivalent

3118 clock hours; or for a career certificate program as defined in

3119 s. 1004.02(20) ~~1004.02(21)~~, up to the number of hours required

3120 for a specific certificate not to exceed 72 credit hours or

3121 equivalent clock hours.

3122 Section 84. Section 1009.56, Florida Statutes, is

3123 repealed.

3124 Section 85. Section 1009.69, Florida Statutes, is

3125 repealed.

3126 Section 86. Subsection (1) of section 1009.91, Florida

3127 Statutes, is amended to read:

3128 1009.91 Assistance programs and activities of the

3129 department.—

3130 (1) The department may contract for the administration of

3131 the student financial assistance programs as specifically

3132 provided in ss. 295.01, 1009.29, ~~1009.56~~, and 1009.78.

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3133 Section 87. Paragraph (c) of subsection (2) of section
3134 1009.94, Florida Statutes, is amended to read:

3135 1009.94 Student financial assistance database.—

3136 (2) For purposes of this section, financial assistance
3137 includes:

3138 (c) Any financial assistance provided under s. 1009.50, s.
3139 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, ~~s.~~
3140 ~~1009.56~~, s. 1009.60, s. 1009.62, s. 1009.70, s. 1009.701, s.
3141 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s.
3142 1009.891.

3143 Section 88. Part V of chapter 1009, Florida Statutes,
3144 consisting of sections 1009.99, 1009.991, 1009.992, 1009.993,
3145 1009.994, 1009.995, 1009.996, 1009.9965, 1009.997, 1009.9975,
3146 1009.9976, 1009.9977, 1009.9978, 1009.9979, 1009.998, 1009.9981,
3147 1009.9982, 1009.9983, 1009.9984, 1009.9985, 1009.9986,
3148 1009.9987, 1009.9988, 1009.9989, 1009.9990, 1009.9991,
3149 1009.9992, 1009.9993, and 1009.9994, is repealed.

3150 Section 89. Paragraphs (b) and (c) of subsection (3) of
3151 section 1011.71, Florida Statutes, are repealed.

3152 Section 90. Subsection (4) of section 1011.76, Florida
3153 Statutes, is repealed.

3154 Section 91. Paragraph (b) of subsection (1) of section
3155 1011.80, Florida Statutes, is amended to read:

3156 1011.80 Funds for operation of workforce education
3157 programs.—

3158 (1) As used in this section, the terms "workforce
3159 education" and "workforce education program" include:

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3160 (b) Career certificate programs, as defined in s.
 3161 1004.02(20) ~~1004.02(21)~~.

3162 Section 92. Paragraphs (b), (f), (j), (m), and (p) of
 3163 subsection (2) and subsection (6) of section 1012.05, Florida
 3164 Statutes, are amended to read:

3165 1012.05 Teacher recruitment and retention.—

3166 (2) The Department of Education shall:

3167 (b) Advertise in major newspapers, national professional
 3168 publications, and other professional publications and in public
 3169 and nonpublic postsecondary educational institutions, if needed.

3170 (f) Develop and distribute promotional materials related
 3171 to teaching as a career, if needed.

3172 ~~(j) Develop, in consultation with school district staff~~
 3173 ~~including, but not limited to, district school superintendents,~~
 3174 ~~district school board members, and district human resources~~
 3175 ~~personnel, a long range plan for educator recruitment and~~
 3176 ~~retention.~~

3177 ~~(m) Develop and implement a First Response Center to~~
 3178 ~~provide educator candidates one stop shopping for information on~~
 3179 ~~teaching careers in Florida and establish the Teacher Lifeline~~
 3180 ~~Network to provide online support to beginning teachers and~~
 3181 ~~those needing assistance.~~

3182 (n) ~~(p)~~ Notify each teacher, via e-mail, of each item in
 3183 the General Appropriations Act and legislation that affects
 3184 teachers, including, but not limited to, ~~the Excellent Teaching~~
 3185 ~~Program,~~ the Florida Teachers Classroom Supply Assistance
 3186 Program, ~~liability insurance protection for teachers, death~~

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3187 benefits for teachers, substantive legislation, rules of the
 3188 State Board of Education, and issues concerning student
 3189 achievement.

3190 ~~(6) The Commissioner of Education shall take steps that~~
 3191 ~~provide flexibility and consistency in meeting the highly~~
 3192 ~~qualified teacher criteria as defined in the No Child Left~~
 3193 ~~Behind Act of 2001 through a High, Objective, Uniform State~~
 3194 ~~Standard of Evaluation (HOUSSE).~~

3195 Section 93. Paragraph (b) of subsection (1) of section
 3196 1012.22, Florida Statutes, is amended to read:

3197 1012.22 Public school personnel; powers and duties of the
 3198 district school board.—The district school board shall:

3199 (1) Designate positions to be filled, prescribe
 3200 qualifications for those positions, and provide for the
 3201 appointment, compensation, promotion, suspension, and dismissal
 3202 of employees as follows, subject to the requirements of this
 3203 chapter:

3204 (b) Time to act on nominations.—The district school board
 3205 shall act no ~~not~~ later than 3 weeks following the receipt of
 3206 statewide, standardized assessment scores and data under s.
 3207 1008.22 and, ~~including~~ school grades, or June 30, whichever is
 3208 later, on the district school superintendent's nominations of
 3209 supervisors, principals, and members of the instructional staff.

3210 Section 94. Subsection (9) of section 1012.33, Florida
 3211 Statutes, is repealed.

3212 Section 95. Paragraph (b) of subsection (1), paragraph (a)
 3213 of subsection (3), and subsection (6) of section 1012.34,

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3214 Florida Statutes, are amended to read:

3215 1012.34 Personnel evaluation procedures and criteria.—

3216 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

3217 (b) The department must approve each school district's
 3218 instructional personnel and school administrator evaluation
 3219 systems. The department shall monitor each district's
 3220 implementation of its instructional personnel and school
 3221 administrator evaluation systems for compliance with the
 3222 requirements of this section and s. 1012.3401.

3223 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
 3224 personnel and school administrator performance evaluations must
 3225 be based upon the performance of students assigned to their
 3226 classrooms or schools, as provided in this section. Pursuant to
 3227 this section, a school district's performance evaluation is not
 3228 limited to basing unsatisfactory performance of instructional
 3229 personnel and school administrators solely upon student
 3230 performance, but may include other criteria approved to evaluate
 3231 instructional personnel and school administrators' performance,
 3232 or any combination of student performance and other approved
 3233 criteria. Evaluation procedures and criteria must comply with,
 3234 but are not limited to, the following:

3235 (a) A performance evaluation must be conducted for each
 3236 employee at least once a year, except that a classroom teacher,
 3237 as defined in s. 1012.01(2)(a), excluding substitute teachers,
 3238 who is newly hired by the district school board must be observed
 3239 and evaluated at least twice in the first year of teaching in
 3240 the school district. The performance evaluation must be based

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3241 upon sound educational principles and contemporary research in
 3242 effective educational practices. The evaluation criteria must
 3243 include:

3244 1. Performance of students.—At least 50 percent of a
 3245 performance evaluation must be based upon data and indicators of
 3246 student learning growth assessed annually by statewide
 3247 assessments or, for subjects and grade levels not measured by
 3248 statewide assessments, by school district assessments as
 3249 provided in s. 1008.22(6) ~~1008.22(8)~~. Each school district must
 3250 use the formula adopted pursuant to paragraph (7)(a) for
 3251 measuring student learning growth in all courses associated with
 3252 statewide assessments and must select an equally appropriate
 3253 formula for measuring student learning growth for all other
 3254 grades and subjects, except as otherwise provided in subsection
 3255 (7).

3256 a. For classroom teachers, as defined in s. 1012.01(2)(a),
 3257 excluding substitute teachers, the student learning growth
 3258 portion of the evaluation must include growth data for students
 3259 assigned to the teacher over the course of at least 3 years. If
 3260 less than 3 years of data are available, the years for which
 3261 data are available must be used and the percentage of the
 3262 evaluation based upon student learning growth may be reduced to
 3263 not less than 40 percent.

3264 b. For instructional personnel who are not classroom
 3265 teachers, the student learning growth portion of the evaluation
 3266 must include growth data on statewide assessments for students
 3267 assigned to the instructional personnel over the course of at

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3268 least 3 years, or may include a combination of student learning
 3269 growth data and other measurable student outcomes that are
 3270 specific to the assigned position, provided that the student
 3271 learning growth data accounts for not less than 30 percent of
 3272 the evaluation. If less than 3 years of student growth data are
 3273 available, the years for which data are available must be used
 3274 and the percentage of the evaluation based upon student learning
 3275 growth may be reduced to not less than 20 percent.

3276 c. For school administrators, the student learning growth
 3277 portion of the evaluation must include growth data for students
 3278 assigned to the school over the course of at least 3 years. If
 3279 less than 3 years of data are available, the years for which
 3280 data are available must be used and the percentage of the
 3281 evaluation based upon student learning growth may be reduced to
 3282 not less than 40 percent.

3283 2. Instructional practice.—Evaluation criteria used when
 3284 annually observing classroom teachers, as defined in s.
 3285 1012.01(2)(a), excluding substitute teachers, must include
 3286 indicators based upon each of the Florida Educator Accomplished
 3287 Practices adopted by the State Board of Education. For
 3288 instructional personnel who are not classroom teachers,
 3289 evaluation criteria must be based upon indicators of the Florida
 3290 Educator Accomplished Practices and may include specific job
 3291 expectations related to student support.

3292 3. Instructional leadership.—For school administrators,
 3293 evaluation criteria must include indicators based upon each of
 3294 the leadership standards adopted by the State Board of Education

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3295 | under s. 1012.986, including performance measures related to the
 3296 | effectiveness of classroom teachers in the school, the
 3297 | administrator's appropriate use of evaluation criteria and
 3298 | procedures, recruitment and retention of effective and highly
 3299 | effective classroom teachers, improvement in the percentage of
 3300 | instructional personnel evaluated at the highly effective or
 3301 | effective level, and other leadership practices that result in
 3302 | student learning growth. The system may include a means to give
 3303 | parents and instructional personnel an opportunity to provide
 3304 | input into the administrator's performance evaluation.

3305 | 4. Professional and job responsibilities.—For
 3306 | instructional personnel and school administrators, other
 3307 | professional and job responsibilities must be included as
 3308 | adopted by the State Board of Education. The district school
 3309 | board may identify additional professional and job
 3310 | responsibilities.

3311 | (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
 3312 | EVALUATION SYSTEMS.—The district school board shall establish a
 3313 | procedure for annually reviewing instructional personnel and
 3314 | school administrator evaluation systems to determine compliance
 3315 | with this section and s. 1012.3401. All substantial revisions to
 3316 | an approved system must be reviewed and approved by the district
 3317 | school board before being used to evaluate instructional
 3318 | personnel or school administrators. Upon request by a school
 3319 | district, the department shall provide assistance in developing,
 3320 | improving, or reviewing an evaluation system.

3321 | Section 96. Section 1012.44, Florida Statutes, is amended

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3322 to read:

3323 1012.44 Qualifications for certain persons providing
 3324 speech-language services.—The State Board of Education shall
 3325 adopt rules for speech-language services to school districts
 3326 that qualify for the sparsity supplement as described in s.
 3327 1011.62(7). These services may be provided by baccalaureate
 3328 degree level persons for a period of 3 years. The rules shall
 3329 authorize the delivery of speech-language services by
 3330 baccalaureate degree level persons under the direction of a
 3331 certified speech-language pathologist with a master's degree or
 3332 higher. ~~By October 1, 2003, these rules shall be reviewed by the~~
 3333 ~~State Board of Education.~~

3334 Section 97. Section 1012.561, Florida Statutes, is amended
 3335 to read:

3336 1012.561 Address of record.—Each certified educator or
 3337 applicant for certification is solely responsible for
 3338 maintaining his or her current address with the Department of
 3339 Education and for notifying the department in writing of a
 3340 change of address. ~~By January 1, 2005, each educator and~~
 3341 ~~applicant for certification must have on file with the~~
 3342 ~~department a current mailing address. Thereafter,~~ A certified
 3343 educator or applicant for certification who is employed by a
 3344 district school board shall notify his or her employing school
 3345 district within 10 days after a change of address. At a minimum,
 3346 the employing district school board shall notify the department
 3347 monthly of the addresses of the certified educators or
 3348 applicants for certification in the manner prescribed by the

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3349 department. A certified educator or applicant for certification
 3350 who is not employed by a district school board shall personally
 3351 notify the department in writing within 30 days after a change
 3352 of address. The department shall permit electronic notification;
 3353 however, it is the responsibility of the certified educator or
 3354 applicant for certification to ensure that the department has
 3355 received the electronic notification.

3356 Section 98. Section 1012.595, Florida Statutes, is
 3357 repealed.

3358 Section 99. Section 1012.72, Florida Statutes, is
 3359 repealed.

3360 Section 100. Subsections (2), (3), and (4) of section
 3361 1012.885, Florida Statutes, are amended to read:

3362 1012.885 Remuneration of Florida College System
 3363 institution presidents; limitations.-

3364 ~~(2) LIMITATION ON COMPENSATION. Notwithstanding any other~~
 3365 ~~law, resolution, or rule to the contrary, a Florida College~~
 3366 ~~System institution president may not receive more than \$225,000~~
 3367 ~~in remuneration annually from appropriated state funds. Only~~
 3368 ~~compensation, as defined in s. 121.021(22), provided to a~~
 3369 ~~Florida College System institution president may be used in~~
 3370 ~~calculating benefits under chapter 121.~~

3371 (2)(3) EXCEPTIONS.-This section does not prohibit a any
 3372 party from providing cash or cash-equivalent compensation from
 3373 funds that are not appropriated state funds to a Florida College
 3374 System institution president in excess of the limit in
 3375 subsection (3)(2). If a party is unable or unwilling to fulfill

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3376 an obligation to provide cash or cash-equivalent compensation to
 3377 a Florida College System institution president as permitted
 3378 under this subsection, appropriated state funds may not be used
 3379 to fulfill such obligation.

3380 (3)~~(4)~~ LIMITATION ON REMUNERATION.—Notwithstanding a law,
 3381 resolution, or rule to the contrary ~~the provisions of this~~
 3382 ~~section,~~ a Florida College System institution president may not
 3383 receive more than \$200,000 in remuneration from appropriated
 3384 state funds. Only compensation, as defined in s. 121.021(22),
 3385 provided to a Florida College System institution president may
 3386 be used in calculating benefits under chapter 121.

3387 Section 101. Subsections (2), (3), and (4) of section
 3388 1012.975, Florida Statutes, are amended to read:

3389 1012.975 Remuneration of state university presidents;
 3390 limitations.—

3391 ~~(2) LIMITATION ON COMPENSATION. Notwithstanding any other~~
 3392 ~~law, resolution, or rule to the contrary, a state university~~
 3393 ~~president may not receive more than \$225,000 in remuneration~~
 3394 ~~annually from public funds. Only compensation, as such term is~~
 3395 ~~defined in s. 121.021(22), provided to a state university~~
 3396 ~~president may be used in calculating benefits under chapter 121.~~

3397 (2)~~(3)~~ EXCEPTIONS.—This section does not prohibit a any
 3398 party from providing cash or cash-equivalent compensation from
 3399 funds that are not public funds to a state university president
 3400 in excess of the limit in subsection (3)~~(2)~~. If a party is
 3401 unable or unwilling to fulfill an obligation to provide cash or
 3402 cash-equivalent compensation to a state university president as

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3403 permitted under this subsection, public funds may not be used to
 3404 fulfill such obligation.

3405 (3)~~(4)~~ LIMITATION ON REMUNERATION.—Notwithstanding a law,
 3406 resolution, or rule to the contrary ~~the provisions of this~~
 3407 section, a state university president may not receive more than
 3408 \$200,000 in remuneration from public funds. Only compensation,
 3409 as defined in s. 121.021(22), provided to a state university
 3410 president may be used in calculating benefits under chapter 121.

3411 Section 102. Subsection (12) of section 1012.98, Florida
 3412 Statutes, is amended to read:

3413 1012.98 School Community Professional Development Act.—

3414 (12) The department shall require teachers in grades K-12
 3415 ~~1-12~~ to participate in continuing education training provided by
 3416 the Department of Children and Family Services on identifying
 3417 and reporting child abuse and neglect.

3418 Section 103. Paragraph (f) of subsection (2) of section
 3419 1013.35, Florida Statutes, is amended to read:

3420 1013.35 School district educational facilities plan;
 3421 definitions; preparation, adoption, and amendment; long-term
 3422 work programs.—

3423 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 3424 FACILITIES PLAN.—

3425 (f) Not less than once every 5 years, the district school
 3426 board shall have an ~~a financial management and performance~~ audit
 3427 conducted of the district's educational planning and
 3428 construction activities ~~of the district~~. An operational audit
 3429 conducted by ~~the Office of Program Policy Analysis and~~

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3430 ~~Government Accountability and the Auditor General pursuant to s.~~
 3431 11.45 ~~1008.35~~ satisfies this requirement.

3432 Section 104. Section 1013.47, Florida Statutes, is amended
 3433 to read:

3434 1013.47 Substance of contract; contractors to give bond;
 3435 penalties.—Each board shall develop contracts consistent with
 3436 this chapter and statutes governing public facilities. Such a
 3437 contract must contain the drawings and specifications of the
 3438 work to be done and the material to be furnished, the time limit
 3439 in which the construction is to be completed, the time and
 3440 method by which payments are to be made upon the contract, and
 3441 the penalty to be paid by the contractor for a ~~any~~ failure to
 3442 comply with the terms of the contract. The board may require the
 3443 contractor to pay a penalty for any failure to comply with the
 3444 terms of the contract and may provide an incentive for early
 3445 completion. Upon accepting a satisfactory bid, the board shall
 3446 enter into a contract with the party or parties whose bid has
 3447 been accepted. The contractor shall furnish the board with a
 3448 performance and payment bond as set forth in s. 255.05. A board
 3449 or other public entity may not require a contractor to secure a
 3450 surety bond under s. 255.05 from a specific agent or bonding
 3451 company. ~~Notwithstanding any other provision of this section, if~~
 3452 ~~25 percent or more of the costs of any construction project is~~
 3453 ~~paid out of a trust fund established pursuant to 31 U.S.C. s.~~
 3454 ~~1243(a)(1), laborers and mechanics employed by contractors or~~
 3455 ~~subcontractors on such construction will be paid wages not less~~
 3456 ~~than those prevailing on similar construction projects in the~~

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3457 ~~locality, as determined by the Secretary of Labor in accordance~~
 3458 ~~with the Davis Bacon Act, as amended.~~ A person, firm, or
 3459 corporation that constructs any part of any educational plant,
 3460 or addition thereto, on the basis of any unapproved plans or in
 3461 violation of any plans approved in accordance with the
 3462 provisions of this chapter and rules of the State Board of
 3463 Education or regulations of the Board of Governors relating to
 3464 building standards or specifications is subject to forfeiture of
 3465 the surety bond and unpaid compensation in an amount sufficient
 3466 to reimburse the board for any costs that will need to be
 3467 incurred in making any changes necessary to assure that all
 3468 requirements are met and is also guilty of a misdemeanor of the
 3469 second degree, punishable as provided in s. 775.082 or s.
 3470 775.083, for each separate violation.

3471 Section 105. Section 1013.49, Florida Statutes, is
 3472 repealed.

3473 Section 106. Section 1013.512, Florida Statutes, is
 3474 repealed.

3475 Section 107. Section 1013.54, Florida Statutes, is
 3476 repealed.

3477 Section 108. Section 20 of chapter 2010-24, Laws of
 3478 Florida, is repealed.

3479 Section 109. This act shall take effect upon becoming a
 3480 law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB KTS 14-01 Education
SPONSOR(S): K-12 Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Thomas <i>mt</i>	Ahearn <i>mt</i>

SUMMARY ANALYSIS

The proposed committee bill (PCB) repeals terminated or unfunded programs, corrects cross references, removes obsolete effective dates, eliminates duplicate reporting requirements, and repeals completed pilot programs.

The PCB clarifies the graduation requirements for certain high school students. Last session the Legislature passed SB 1076 which, in part, dealt with course and testing requirements for high school graduation. The PCB explains how the new graduation requirements impact students who were in high school before SB 1076 passed.

The PCB removes references to the common core standards and the Florida Comprehensive Assessment Test (FCAT) and adds a more generic reference to state standards and to statewide, standardized assessments, respectively.

The PCB removes references to repealed s. 1003.428, F.S., (Old high school graduation requirements) and s. 1003.429, F.S., (Old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (New standard high school diploma requirements), s. 1003.4281, F.S., (Early high school graduation), and s. 1002.3105(5), F.S., (New 18-credit high school graduation option).

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

The PCB takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Auditor General Reporting Requirements

Section 11.45, F.S., requires the Auditor General (AG) to annually conduct a financial audit of all state universities and state colleges.¹ The AG is also required to annually conduct a financial audit of the accounts and records of all district school boards in counties with a population of fewer than 150,000.² District school boards in counties with a population of more than 150,000 receive financial audits once every 3 years.³ The AG conducts operational audits of the accounts and records of state universities, state colleges, and district school boards at least every three years.⁴

Upon conclusion of an audit, the AG discusses the audit with the official whose office is subject to audit and if there are any findings provides a list of the AG's findings, which may be included in the audit report.⁵

However, the AG is only required to notify the Joint Legislative Auditing Committee (JLAC) of any audit review which indicates that a state university or state college has failed to take corrective action in response to a recommendation which was included in two preceding financial or operational audit reports.⁶ There is no requirement that the AG notify JLAC that a school district has failed to take corrective action in response to recommendations.

The proposed committee bill (PCB) amends s. 11.45, F.S., requiring the AG to notify the JLAC of any audit review which indicates that a school district has failed to take corrective action in response to a recommendation included in two preceding financial or operational audit reports.

Administrative Procedures Act - Agency Review, Revision, and Report

Chapter 120, F.S., the Administrative Procedures Act (APA), establishes the process for administrative rulemaking. Rulemaking authority is delegated by the Legislature⁷ through statute and authorizes or requires an agency to "adopt, develop, establish, or otherwise create" a rule.⁸

Section 120.74(1), F.S., requires agencies to review their rules and perform the following:

- Identify and correct deficiencies;
- Clarify and simplify rules;
- Delete obsolete or unnecessary rules;
- Delete rules that are redundant of statutes;
- Improve efficiency, reduce paperwork, or decrease cost to government and the private sector;
- Confer with agencies having concurrent jurisdiction and determine whether their rules can be coordinated; and
- Determine whether rules should be amended or repealed to reduce the impact on small business while meeting the stated objectives of the proposed rules.

¹ Section 11.45(2)(c), F.S.

² Section 11.45(2)(d), F.S.

³ Section 11.45(2)(e), F.S.

⁴ Section 11.45(2)(f), F.S.

⁵ Section 11.45(4)(d), F.S.

⁶ Section 11.45(7)(j), F.S.

⁷ *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).

⁸ Section 120.52(17), F.S.

By October 1 of each odd-numbered year, each agency must file a report with the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures Committee (JAPC), and each substantive committee of the Legislature, certifying, among other things, that the agency reviewed its rules in accordance with s. 120.74(1) F.S., and detailing changes made to the agency's rules as a result of the review.⁹

By July 1 of each year each agency must file with the President of the Senate, the Speaker of the House of Representatives, and the Administrative Procedures Committee a regulatory plan identifying and describing each rule the agency proposed to adopt for the 12 month period beginning on the July 1 reporting date and ending on the subsequent June 30,¹⁰ excluding emergency rules.¹¹

The PCB amends s. 120.74, F.S., to exclude school districts, Florida College System (FCS) institutions, the Florida School for the Deaf and the Blind, and State University System (SUS) institutions from the rule review and reporting requirements. These entities otherwise adopt and review rules pursuant to specific requirements of law and are subject to legislative oversight by the various education committees.

Learning Gateway

Sections 411.226, 411.227, and 411.228, F.S., enacted in 2002, established the Learning Gateway program, a 3-year demonstration program "to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9." An 18 member steering committee was to have been appointed to ensure that parents had access to necessary services and support.¹² The original appropriation for the program was vetoed in 2002 and no members were appointed to the Learning Gateway Steering Committee.¹³ This program has never been funded.

The PCB repeals ss. 411.226, 411.227, and 411.228, F.S., relating to the Learning Gateway program.

Truancy Petition; Prosecution; Disposition

Section 984.151(1), F.S., authorizes the district school superintendent to file a truancy petition if the school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90 calendar day period or has had more than 15 unexcused absences in a 90 calendar day period.

The PCB amends s. 984.151(1), F.S., allowing the district school superintendent's designee to file a truancy petition.

Education Governance Transfers

Section 1000.01(5), F.S.,¹⁴ abolished the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Committee effective July 1, 2001. The powers, duties, functions, records, personnel, property, unexpected balances of appropriation allocations, other funds, administrative authority; administrative rules; pending issues, and existing contracts of the Board of

⁹ Section 120.74(2), F.S.

¹⁰ Section 120.74(3), F.S.

¹¹ Section 120.54(4)(a), F.S. States that if an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger.

¹² Section 411.226, F.S.

¹³ Specific Appropriations 119A, s. 2, ch. 2002-394, L.O.F.

¹⁴ Formally s. 229.003, F.S., (Florida education governance reorganization) as amended by s. 3, ch. 2001-170, L.O.F.

Regents, the State Board of Community Colleges, the Articulation Coordinating Committee, and the Education Standards Commission were transferred to the State Board of Education (state board).

The PCB repeals s. 1000.01(5), F.S., relating to the education governance transfers because the transfers have already occurred. The language is obsolete.

Regional Education Compact and Interstate Compact on Educational Opportunity for Military Children

Sections 1000.33 and 1000.37, F.S., requires the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact.

Regional Education Compact

The Regional Education Compact promotes the development and maintenance of regional education services and facilities in the Southern States in the professional, technological, scientific, literary, and other fields so as to provide greater educational advantages.¹⁵ The Southern Regional Education Board's website provides information on which states are participating in the Regional Education Compact.¹⁶

Interstate Compact on Educational Opportunity for Military Children

The Interstate Compact on Educational Opportunity for Military Children enables 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.¹⁷ Member states are required to establish an "Interstate Commission on Educational Opportunity" to oversee the governance of the compact. The commission's website provides information on which states are participating in the compact.¹⁸

The PCB repeals ss. 1000.33 and 1000.37, F.S., requiring the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact. The information relating to the compacts and states that are members of the compacts can be located online.

Commissioner of Education

Section 1001.10(6)(h), F.S., provides the Commissioner of Education the power and duty to develop and implement a plan for cooperating with the federal government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes.

In 2006, this section of law was amended to require the commissioner to submit to the Legislature a proposed state plan for the reauthorization of the No Child Left Behind (NCLB) Act before the plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of

¹⁵ Section 1000.32, F.S.

¹⁶ Southern Regional Education Board (SREB), *About SREB*, http://www.sreb.org/page/1068/about_SREB.html (last visited Dec. 16, 2013).

¹⁷ Section 1000.36, F.S.

¹⁸ Military Interstate Children's Compact Commission (MIC3), *MIC3 In The United States*, http://mic3.net/pages/contact/contactmic3_map.aspx (last visited Dec. 16, 2013).

Representatives were to appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed state plan.¹⁹

Florida has never sent a state plan to the United States Department of Education for the reauthorization of the NCLB Act. The PCB repeals s. 1001.10(6)(h), F.S., due to the fact that states do not have authority to reauthorize or plan reauthorization of a federal law, only the United State Congress has that authority.

Section 1001.10(6)(k), F.S., requires the commissioner to maintain a Citizen Information Center responsible for the preparation, publication, and dissemination of user-friendly materials relating to K-12 scholarship programs and Voluntary Prekindergarten (VPK) Education programs. According to the Department of Education (DOE) there is no Citizen Information Center.²⁰

The PCB amends s. 1001.10(6), F.S., to remove the requirement for the commissioner to submit a reauthorization plan of the NCLB Act and removes the reference to the Citizen Information Center. However, the commissioner is still responsible for dissemination of materials relating to K-12 scholarship programs and VPK Education programs, which is done through various divisions within DOE.

Educational Television

Section 1001.25, F.S., authorizes DOE to establish a television network. DOE is required, through educational television or other electronic media, to extend educational services to all the state system of public education, except SUS institutions. DOE established a television network known as the Knowledge Network. The Knowledge Network was discontinued as of July 1, 2011. DOE only has on its website under public broadcasting links to public broadcasting system sites, the Florida Channel, and Florida Public Radio Stations.

The PCB repeals s. 1001.25, F.S.

Section 1001.26, F.S., provides that the public broadcasting system for Florida is administered by DOE pursuant to rules adopted by the state board. DOE has not adopted rules. However, the law is self-executing and no rules are necessary.

The PCB amends s. 1001.26, F.S., to:

- Remove the requirement that the state board adopt rules for the administration of the program.
- Revise DOE's administrative duties to simply distribute funds as appropriated by the Legislature.
- Remove the requirement that the public broadcasting system must complement and share resources with the instructional programming services of DOE and educational Ultra High Frequency (UHF), Very High Frequency (VHF), Educational Broadband Services (EBS), and Frequency Modulation (FM) stations in the state. DOE no longer provides instructional programming.
- Remove the requirement that the public broadcasting system must include support for new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or provide a significant new program service as defined by state board rule.²¹

¹⁹ Section 7, ch. 2006-74, L.O.F.

²⁰ Telephone conference with Deputy Director, Florida Department of Education, Governmental Relations and K-12 Subcommittee Policy Chief (Dec. 2013).

²¹ The Federal Communications Commission (FCC) issues licenses for any new noncommercial outlet which includes the public broadcasting stations. Noncommercial television stations are issued licenses for an eight-year period. Once the license is issued by the

The PCB imports from repealed s. 1001.25, F.S., that the facilities, plant, or personnel of any educational television station that is supported in whole or in part by state funds may not be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office; that fair, open and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the state's citizens are fully informed about issues and candidates in campaigns; and that violation of any prohibition contained in this section is a misdemeanor of the second degree.

District School Superintendent Salary

Section 1001.47(7), F.S., provides that for fiscal year 2009 - 2010 the salary of each elected district school superintendent be reduced by 2 percent.

The PCB repeals s. 1001.47(7), F.S., removing the authorization to reduce each elected district school superintendent's 2009 - 2010 salary by 2 percent. The reduction in the salaries of elected district school superintendents only applied to fiscal year 2009 - 2010.

Section 1001.50(6), F.S., encourages district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least 5 percent.

The PCB repeals s. 1001.50(6), F.S., removing the option for district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least 5 percent. The reduction in the salaries of superintendent's annual remuneration only applied to fiscal year 2009 - 2010.

Transfer of Benefits

Section 1001.62, F.S., requires: "All local or special acts in force on July 1, 1968, that provide benefits for a Florida College System institution through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the FCS institution board of trustees." The transfer of benefits arising under local or special acts occurred in 1968.

The PCB repeals s. 1001.62, F.S., removing outdated language relating to the transfer of benefits arising under local or specials acts.

Controlled Open Enrollment Plan

Section 1002.31, F.S., authorizes, but does not require, each school district to offer controlled open enrollment,²² yet requires each school district to develop a controlled open enrolment plan and submit the plan to the commissioner. Districts must develop a system of priorities for the controlled open enrollment plan that includes consideration of the following:

FCC, the Corporation for Public Broadcasting (CPB) "qualifies" the station to be a part of the public broadcasting system. Congress created the CPB and since 1968 has been the steward of the federal government's investment in public broadcasting and the largest single source of funding for public radio, television, and related online and mobile services. For a number of years, the CPB has not been "qualifying" new public broadcasting stations and, in fact, believe that the PBS market has long been completely saturated. Not only are they not qualifying any new stations or PBS affiliates, they are also not replacing any station or affiliate that goes "dark" because of budgetary reasons. E-mail, Florida House of Representatives, Appropriations Committee (Jan. 24, 2014).

²² Controlled open enrollment is the system by which school districts make student school assignments with parental preference as a significant factor. Any controlled open enrollment program must be offered in addition to existing choice programs such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.

- An application process required to participate in the controlled open enrollment program.
- A process that allows parents to declare school preferences.
- A process that encourages placements of siblings within the same school.
- A lottery procedure used by the school district to determine student assignment.
- An appeal process for hardship cases.
- Procedures to maintain socioeconomic, demographic, and racial balance.
- Availability of transportation.
- A process that promotes strong parental involvement, including the designation of a parent liaison.
- A strategy that establishes a clearing house of information designed to assist parents in making informed choices.²³

The PCB amends s. 1002.31, F.S., requiring only the school districts offering controlled open enrollment to submit a controlled open enrollment plan to the commissioner.

Charter Schools and Charter Technical Career Centers

Section 1002.33(6)(a), F.S., requires as part of the charter school application process that applicants provide documentation of participation in training provided by DOE, contrary to other law that requires training only after an applicant has been approved.²⁴ This required training would have to be done before the applicant was approved to open a charter school.

Section 1002.34(6)(d), F.S., requires DOE to offer or arrange for training and technical assistance to charter technical career center applicants in developing business plans and estimating costs and income. The assistance must address estimating startup cost, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the center may be eligible to receive. The training must include instruction in accurate financial planning and good business practices. Charter technical career center applicants are required to participate in training provided by DOE before filing an application.

The PCB amends ss. 1002.33(6)(a), and 1002.34(6)(d), F.S., removing the requirement that DOE train applicants before they have been approved in order to conform with changes made to the law in 2011²⁵ that simply requires DOE to offer or arrange for training and technical assistance to approved applicants. Approved applicants must participate in training at least 30 days before the first day of classes.²⁶

Charter Schools and Charter Technical Career Centers / Financial Conditions and Financial Emergencies

Section 1002.345, F.S., provides that a charter school or a charter technical career center is subject to an expedited review by the sponsor if one of the following occurs:

- Failure to provide for an audit.
- Failure to comply with reporting requirements.
- Receipt of an annual audit or monthly financial statement identifying a deteriorating financial condition, or notification of a financial emergency.

A sponsor must notify the charter school's or center's governing board within 7 business days after one of these conditions occurs.

²³ Section 1003.31(5), F.S.

²⁴ See s. 1003.33(6)(f), F.S.

²⁵ Section 3, ch. 2011-232, L.O.F. (CS/CS/CS/SB 1546).

²⁶ Section 1002.33(6)(f), F.S.

The PCB amends s. 1002.345, F.S., removing the word "monthly" before the reference to a financial statement because financial statements are not always monthly. High-performing charter schools can report quarterly.²⁷ The PCB also requires the sponsor to notify the commissioner of the need for an expedited review. This will provide the commissioner with a timeframe for when to expect the corrective action plan from the governing board and sponsor.

John M. McKay Scholarship

The John M. McKay Scholarships for Students with Disabilities Program provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. To be eligible to receive a McKay Scholarship, the student must:

- Have received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and have a current individual educational plan (IEP) or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973;
- Have spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind; or
- Have been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program (FEFP) surveys, in any of the 5 years prior to 2010 - 2011 fiscal year; have a current IEP no later than June 30, 2011; and receive a first-time McKay scholarship for the 2011 - 2012 school year.

Section 1002.39(2)(a)3., F.S., expanded the eligibility window for students to qualify for a McKay Scholarship for one year only. Students who spent any of the 5 years in public school prior to the 2010 - 2011 fiscal year could apply by June 30, 2011. This application period has expired. Students who qualified under this provision and received a McKay Scholarship will continue to receive the scholarship until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.

The PCB amends s. 1002.39(2)(a)3., F.S., removing the outdated language expanding the eligibility window for students to qualify for a McKay Scholarship. The time parameter has expired.

K-8 Virtual School Programs

In 2003, the Legislature authorized DOE to create a minimum of two pilot K-8 virtual schools. The schools were established as independent, statewide public schools that use online and distance learning technology to deliver instruction to full-time students in kindergarten through grade eight.²⁸

In 2006, the Legislature removed the program's pilot status and statutorily codified the K-8 Virtual School Program as a statewide educational choice program within DOE.²⁹ The K-8 Virtual School Program is subject to annual legislative appropriation. The K-8 Virtual School Program reported 0 FTE in the 2012 - 2013 FEFP third calculation and .17 FTE for the 2012 - 2013 fifth calculation.³⁰

The PCB repeals s. 1002.415, F.S., eliminating the K-8 Virtual School Program under this section because no students are enrolled. However, this does not eliminate the program because the program was transferred to Palm Beach and Palm Beach receives FEFP funding for this program.³¹

²⁷ Section 1002.331(2)(c), F.S.

²⁸ Specific Appropriation 4D, s. 1, ch. 2003-397, L.O.F.

²⁹ Section 1, ch. 2006-48, L.O.F., *codified at* s. 1002.415, F.S.

³⁰ E-mail, Florida House of Representatives, Education Appropriations Subcommittee (Aug. 14, 2013).

³¹ Telephone interview with Florida House of Representatives, Education Appropriations Subcommittee staff (Jan. 8, 2014).

Professional Credentials of Prekindergarten Instructors

Section 1002.65, F.S., enacted in 2004,³² established aspirational goals for the 2010 - 2011 academic year that included the following:

- Each prekindergarten class will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and
- Each prekindergarten class composed of 11 or more students, in addition to the prekindergarten instructor who meets the degree requirements, the class will have at least one prekindergarten instructor who meets each of the following requirements:
 - The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - A child development associates credential issued by the National Credentialing Program of the Council for Professional Recognition (NCPCPR); or
 - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential issued by the NCPCPR.
 - The prekindergarten instructor must successfully complete an emergent literacy training course and a student performance standards training course.³³

Aspirational goals were also set for the 2013 - 2014 academic year, that each prekindergarten class will have at least one kindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child-development.³⁴

The PCB repeals s. 1002.65, F.S., because the time parameter for meeting the aspirational goals for VPK instructors has expired.

Financial Literacy Cost Analysis

Section 1003.41(3), F.S., requires the commissioner to prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The commissioner is required to work with one or more nonprofit organizations with proven expertise in the area of personal finance, consider free resources that can be utilized for instructional materials, and provide data on the implementation of such a course in other states. The commissioner must provide the cost analysis to the President of the Senate and the Speaker of the House of Representatives by October 1, 2013.

On October 1, 2013, the commissioner provided the President of the Senate and the Speaker of the House of Representatives an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy.³⁵

³² Section 1, ch. 2004-484, L.O.F.

³³ Section 1002.55(3)(c), F.S.

³⁴ Section 1002.65(2)(b), F.S.

³⁵ The cost analysis contained four scenarios for implementing a separate, one-half course in financial literacy. The first scenario assumes that only a classroom set of hardback books will be purchased for the first year. The estimated cost of implementation if \$2,917,824 the first year, with a total cost of \$4,627,904 for the first five years. The second scenario assumes that a hardback book will be provided to every student that is enrolled in the course. The first year estimated cost is \$11,605,904, with a total cost of \$18,486,080 for the first five years. The third scenario assumes that the financial literacy course will be taken electronically through a free online course. The first year estimated cost is \$161,581, with no additional cost after the first year. The fourth scenario assumes that there are no instructional materials cost. The curriculum will be obtained online through a free certified online learning website. The first year estimated cost is \$134,944, with no additional cost after the first year. Florida Department of Education, Office of the Commissioner of Education, *Implementation of Financial Literacy Course* (Oct. 2013).

The PCB amends s. 1003.41(3), F.S., removing obsolete language requiring the commissioner to provide a cost analysis.

School Assessment and Promotion

Middle Grades Promotion

Section 1003.4156(1)(b), F.S., provides that in order to be promoted from middle school to high school a student must successfully complete 3 middle grades or higher courses in mathematics. A middle grades school must offer at least 1 high school level mathematics course for which a student may earn high school credit. Successful completion of high school level Algebra I or Geometry courses is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment or, upon transition to common core assessments, the common core Algebra I or Geometry assessment. Beginning with the 2011 - 2012 school year, to earn high school credit for Algebra I, a middle grades student was to have passed the Algebra I EOC assessment. Beginning in the 2012 - 2013 school year, to earn high school credit for Geometry a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade and earn a passing grade in the course.

The PCB amends s. 1003.4156, F.S., eliminating the must pass Algebra I EOC requirement for a middle grades student to earn high school credit, but beginning with the 2013 - 2014 school year and thereafter, like Geometry, student performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade.

Section 1003.4156(1)(c), F.S., provides that to be promoted from middle grades to high school a student must successfully complete 3 middle grades or higher courses in social studies. Beginning with students entering grade 6 in the 2012 - 2013 school year, one of these courses must be at least a one-semester civics education course.

The PCB establishes a transfer policy for a middle grades student who transfers into the state's public school system from out of the country, out of state, a private school, or a home education program. The policy provides that if a student transfers in after the beginning of the second term of the eighth grade the student is not required to meet the civics education requirement for promotion from middle grades, if the student's transcript documents passage of 3 courses in social studies or 2 year-long courses in social studies that included coverage of civics education.

Section 1008.22(3)(b)1., F.S., states that middle grades students enrolled in Algebra I or Geometry must take the statewide, standardized EOC assessment for those courses and are "not required" to take the corresponding grade-level Florida Comprehensive Assessment Test (FCAT). Because the law does not prohibit double testing some districts have so required.

The PCB amends s. 1008.22(3)(b)1., F.S., providing that middle grade students enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and "shall not take" the corresponding subject and grade-level statewide, standardized assessment.

High School Graduation Requirements

In 2013, the Legislature passed CS/CS/SB 1076. The bill, in part, created a new section of law, s. 1003.4282, F.S., establishing high school graduation requirements for students entering grade 9 in the 2013 - 2014 school year and thereafter.

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;³⁶ an 18-credit graduation option;³⁷ or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) program CS/CS/SB 1076 created s. 1002.3105(5), F.S., which established the new 18-credit graduation option and repealed the old 18-credit college preparatory and career preparatory graduation options contained in s. 1003.429, F.S.

In addition, current law provides, in s. 1003.4281, F.S., that each school district must adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.

The PCB removes references to repealed s. 1003.428, F.S., (Old high school graduation requirements) and s. 1003.429, F.S., (Old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (New standard high school diploma requirements), s. 1003.4281, F.S., (Early high school graduation), and s. 1002.3105(5), F.S. (New 18-credit high school graduation option).

Certificate of Completion

Section 1003.4282(7), F.S., provides that "a certificate of completion may be awarded to a student who fails to earn the required credits or achieve a 2.0 GPA must be awarded a certificate of completion by the state board."

The PCB amends s. 1003.4282, F.S., to correctly provide that a student who earns the required 24-credits or 18-credits but fails to pass the required assessments or earn a 2.0 GPA must be awarded a certificate of completion.

Cohort Transition to New Graduation Requirements

CS/CS/SB 1076 did not repeal s. 1003.428, F.S., the old law dealing with high school graduation requirements for students entering grade 9 in the 2007 - 2008 school year and thereafter. Certain provisions in s. 1003.4282, F.S., the new graduation requirements, beginning with students entering grade 9 in the 2013 - 2014 school year, created by CS/CS/SB 1076, did reference, in part, students in earlier grade 9 cohorts. As a result, confusion arose as to what provisions of law applied to students entering grade 9 prior to the 2013 - 2014 school year.

The PCB identifies, with specificity, all course and assessment requirements for students entering grade 9 before the 2010 - 2011 school year,³⁸ entering grade 9 in the 2010 - 2011 school year,³⁹ entering grade 9 in the 2011 - 2012 school year,⁴⁰ and entering grade 9 in the 2012 - 2013 school year.⁴¹

³⁶ Section 1003.428, F.S.

³⁷ Section 1002.3105(5), F.S. Effective July 1, 2013, students may earn a standard high school diploma in 18 credits by achieving a 2.0 GPA; earning credit in the same 15 ELA, mathematics, science, social studies, and fine and performing arts courses required under the traditional 24-credit option; and earning 3 elective credits, instead of the 6 electives required by the 24-credit option.

³⁸ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁹ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry school year; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

⁴⁰ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World
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The PCB adds an automatic repeal date of July 1, 2017, to the new subsection of law that identifies, by grade 9 cohorts, all course and assessment requirements for graduating from high school with a standard diploma. The grade 9 students in the identified cohorts will have graduated from high school by 2017. The PCB also provides that policy adopted in rule by a district school board may require for any cohort of students that performance on a statewide, standardized EOC assessment constitutes 30 percent of a student's final course grade.

Industry Certification

There are two ways in which students may use career education or industry certification courses to satisfy core academic credits required for a standard high school diploma. First, DOE is required to develop, for approval by the state board, multiple, career education courses, or a series of courses that allow students to simultaneously earn career education course and academic course credit in courses required for graduation.⁴² Second, students entering grade 9 in the 2013 - 2014 school year and thereafter may substitute industry certification courses that lead to college credit for up to 2 mathematics credits and up to 1 science credit.⁴³

The PCB amends s. 1003.4282, F.S., to add that the industry certification that can be substituted for credit must have a statewide college credit articulation agreement approved by the state board. The PCB provides that students who earn an industry certification for which there is a statewide college credit articulation agreement approved by the state board may not substitute certification for Algebra I, Geometry, or Biology I.

The PCB also requires that if a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or U. S. History, the transferring course final grade and credit must be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

Student Assessments

Section 1008.22, F.S., requires the commissioner to design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The statewide, standardized assessment program must be designed and implemented to include the FCAT until replaced by common core assessments in English Language Arts (ELA) and mathematic.

History, one credit in U. S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; and One online course.

⁴¹ The requirements are four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in world History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; One online course.

⁴² Section 1003.4282(9)(a), F.S. Such courses must include workforce and digital literacy skills, practical applications of academic course content, and lead to one or more industry certifications or clearly articulated credit or advanced standing in a two-year or four-year certificate or degree program, including work-related internships or apprenticeships. The state board must determine whether academic standards are sufficiently covered to warrant the award of academic credit. Additionally, school districts, postsecondary institutions, education consortia, local workforce boards, business, and industry may collaborate in creating career education courses that lead to academic course credit. Courses developed through this collaborative process must meet the same rigorous standards as those created by DOE and be approved by the state board. Section 1003.4282(9)(b)-(c), F.S.

⁴³ Section 1003.4282(3)(b) and (c), F.S. (Effective for students entering 9th grade in the 2013 - 2014 school year and thereafter).

The state board must adopt rules to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to common core assessments in ELA and mathematics.⁴⁴ The state board must also designate by rule a passing score for each statewide, standardized EOC and FCAT assessment. In addition the state board must designate a score for each statewide, standardized EOC assessment that indicates that a student is high achieving and has the potential to meet college readiness standards by the time the student graduates from high school.⁴⁵

The FCAT includes annual comprehensive assessments of reading in grades 3 through 10; comprehensive assessments of mathematics in grades 3 through 8; comprehensive assessments of writing at least once at the elementary, middle, and high school levels; and comprehensive assessments of science in the elementary and middle grades levels.⁴⁶ In 2010, the Legislature required the phased-in replacement of grades 9 and 10 FCAT Mathematics with the EOC assessments in Algebra I and Geometry and grade 11 FCAT Science with an EOC assessment in Biology I.⁴⁷

Section 1008.22(3)(c)2., F.S., states that a student with a disability for whom the IEP team determines that the statewide, standardized assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have assessment results waived for the purpose of receiving a course grade or a standard high school diploma. Such waiver must be designated on the student's transcript.

The PCB:

- Removes the requirement that the state board designate an additional cut score on EOC assessments that identifies a student as high achieving because how high achieving a student is can be determined by the score the student receives on the assessment, i.e. Levels 1 - 5.
- Clarifies that a student's performance on the Algebra II and Biology I EOC assessment constitutes 30 percent of a student's final course grade, in conformance with s. 1003.4282, F.S.
- Specifies that the waiver of assessment results on a student's transcript must be limited to a statement that "performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable."
- Removes rulemaking requirements for the state board to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to common core assessments in ELA and mathematics. The commissioner is required to establish and publish on DOE's website an implementation schedule to transition from the statewide, standardized Reading and writing assessments to the ELA assessments and to the revised Mathematics assessments including the Algebra I and Geometry EOC assessments.

Scholar Designations

Section 1003.4285, F.S., provides that students may earn a Scholar designation if they satisfy additional course testing requirements exceeding the requirements for a standard high school diploma.

Students pursuing a Scholar designation must:

- Pass the 11th grade ELA common core assessment, effective when the state transitions to common core assessments;

⁴⁴ Section 1008.22(3)(d)3., F.S.

⁴⁵ Section 1008.22(3)(d)2., F.S.

⁴⁶ Section 1008.22(3)(a), F.S.

⁴⁷ Section 1008.22(3)(b), F.S.

- Earn one credit in Algebra II and one credit in Statistics or an equally rigorous course. When the state transitions to common core assessments, students must pass the Algebra II common core assessment;
- Pass the Biology I EOC assessment and earn one credit in Chemistry or Physics and one credit in an equally rigorous course;
- Pass the U.S. History EOC assessment;
- Earn two credits in the same foreign language; and
- Earn at least one credit in an AP, IB, AICE, or a dual enrollment course.

The PCB amends s. 1003.4285, F.S., by adding a new requirement that beginning with students entering grade 9 in the 2014 - 2015 school year, a student must pass the statewide, standardized Geometry EOC assessment in order to earn a Scholar designation.

The PCB provides that a student enrolled in an AP, IB, or AICE Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit meets the Scholar designation science requirement without having to take the statewide, standardized Biology I EOC assessment. The PCB also provides that a student enrolled in an AP, IB, or AICE course that includes U.S. History topics, who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit meets the Scholar designation social studies requirement without having to take the statewide, standardized U.S. History EOC assessment.

Common Core State Standards

The Common Core State Standards Initiative is a state-led effort coordinated by the National Governors Association Center for Best Practices and the Council of Chief State School Officers to establish a shared set of educational standards for ELA and Mathematics that states may adopt.⁴⁸

DOE announced its intention to join the Common Core State Standards Initiative in July 2009, several months after K-16 Florida educators originally convened to draft the Next Generation Sunshine State Standards in ELA. DOE then worked to develop standards with the Common Core State Standards Initiative. Draft common core standards for ELA and Mathematics were submitted for public comment in March 2010 and the final standards were released in June 2010.⁴⁹ The state board adopted the common core standards in ELA and Mathematics as part of the Next Generation Sunshine State Standards July 27, 2010,⁵⁰ joining 44 other states.⁵¹

The common core state standards were to be assessed through an assessment system selected by the state board aligned with the Common Core Standards Initiative, beginning in the 2014 – 2015 school year. However, the state board is charged by law with continued review and adoption of all content standards for all subject areas and is in the process of reviewing and adopting new standards for ELA and Mathematics.

The PCB removes reference to the common core standards and FCAT and adds a more generic reference to state standards and statewide, standardized assessments, respectively. Reference to common core standards within the definition of Next Generation Sunshine State Standards is also deleted.

⁴⁸ Common Core State Standards Initiative, *Frequently Asked Questions*, <http://www.corestandards.org/resources/frequently-asked-questions> (last visited Dec. 8, 2013).

⁴⁹ Common Core State Standards Initiative, *Common Standards*, <http://www.corestandards.org/> (last visited Jan. 8, 2014).

⁵⁰ Florida Department of Education, *State Board of Education Agenda*, http://www.fldoe.org/board/meetings/2010_07_27/agenda.asp (last visited Jan. 8, 2014).

⁵¹ Common Core State Standards Initiative, *In the States*, <http://www.corestandards.org/in-the-states> (last visited Jan. 8, 2014). The only states that have not adopted the common core state standards are Alaska, Nebraska, Texas, and Virginia. Minnesota adopted common core standards in 2010, but kept the states own math standards.

Junior Reserve Officers' Training Corps

Section 1003.451, F.S., prohibits a school district from banning any branch of the United States Armed Forces or the U. S. Department of Homeland Security from establishing, maintaining, or operating a unit of the Junior Reserve Officers Training Corps (ROTC) at a public high school. A school district must grant military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to secondary school students, facilities, and grounds which the district grants to postsecondary educational institutions or prospective employers of students.

The state board is authorized to adopt rules and take enforcement action against school districts that do not comply with these requirements.⁵² However, the state board has not yet adopted rules to administer these provisions.

The PCB repeals s. 1003.451(5), F.S., removing the authority for the state board to adopt rules to administer the section. The law is self-executing, therefore no rule is necessary.

Academically High-Performing School Districts

Section 1003.621(1)(a), F.S., requires that academically high-performing school districts must have no material weakness or instances of material noncompliance noted in their annual financial audits conducted by the AG.

The PCB amends s. 1003.621(1)(a), F.S., to include a reference to s. 11.45, F.S., which requires the AG to conduct annual financial audits and operational audits of school districts every 3 years. The PCB also deletes reference to the 2004 – 2005 school year, which was the year school districts could begin meeting the criteria for designation as an academically high-performing school district.

Adult High School Credit Program

Section 1004.02(4), F.S., defines “adult high school credit program” for purposes of chapter 1004 as “the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law, the graduation standards for adults must be the same as those for secondary students.” The term “adult high school credit program” does not appear in chapter 1004.

The PCB removes the definition of “adult high school credit program” and adds the following 18 credit graduation option for adult students:

- Four credits in English Language Arts;
- Four credits in mathematics;
- Three credits in science, two of the required three credits must have laboratory component. The laboratory requirement may be waived by the district school board;
- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or practical arts, or one other elective credit; and
- Three credits in electives.

To be eligible for an 18-credit graduation option, the student must earn a cumulative GPA of 2.0 on a 4.0 scale.

An adult seeking a 24-credit standard high school diploma may also substitute one elective credit for required credit in fine or performing arts, speech and debate, or practical arts. In addition, the science laboratory requirement may be waived by the district school board. Finally, the one credit in physical education may be substituted with an elective credit.

State University Degree Programs

In 2010, the Legislature authorized Florida Atlantic University (FAU) to offer a Doctor of Medicine degree program, subject to the approval of the Board of Governor (BOG).⁵³ On April 7, 2010, BOG approved the program at FAU.

In 2010, the Legislature authorized a Doctor of Pharmacy degree program at the University of South Florida (USF) and required the program to be physically located on the campus of the University of South Florida Polytechnic (USF Polytechnic).⁵⁴ On January 29, 2009, BOG approved the program at USF.

The PCB repeals obsolete language authorizing a Doctor of Medicine degree program at FAU and a Doctor of Pharmacy degree program at USF. Both programs have been approved by BOG.

Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute

The Legislature created the Florida Alzheimer's Center and Research Institute in 2002,⁵⁵ and subsequently renamed it the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute (Byrd Institute) in 2004.⁵⁶ In 2009, the Legislature placed the Byrd Institute at the USF.⁵⁷ The board of directors for the Johnnie B. Byrd, Sr. Alzheimer's Center and Research Institute was created to oversee the establishment of the Institute.⁵⁸

The PCB repeals s. 1004.445(2), F.S., establishing the board of directors for the Johnnie Byrd Sr., Alzheimer's Center and Research Institute. Once the Byrd Institute was placed at USF there was no longer a need for a separate governing board.

Training School Consolidation Pilot Project

In 1999, the Legislature created the Training School Consolidation Pilot Projects.⁵⁹ The project established two "pilot training centers" to provide criminal justice training in Leon and St. Johns Counties: The Pat Thomas Center at Tallahassee Community College (now called the Pat Thomas Law Enforcement Academy) and The Criminal Justice Academy at St Johns River State College (now called the Criminal Justice Program). In 1999 the programs were transferred to FCS institutions. Accordingly, the programs are no longer pilot projects.

The PCB repeals s. 1004.75, F.S., relating to the Training School Consolidation Pilot Projects.

⁵³ Section 1004.3825, F.S.

⁵⁴ Section 6, ch. 2010-155, L.O.F.

⁵⁵ Section 191, ch. 2002-387, L.O.F.

⁵⁶ Section 5, ch. 2004-002, L.O.F.

⁵⁷ Section 6, ch. 2009-060, L.O.F.

⁵⁸ Section 1004.445(2), F.S.

⁵⁹ Section 1004.75, F.S. (Formerly s. 240.384, F.S.).

Statewide School Safety Hotline

In 1995, the Legislature created a statewide crime-watch program in the public schools for the purpose of reducing student actions that were in violation of the code of student conduct.⁶⁰ In 1996, the Legislature authorized DOE to contract with the Florida Sheriffs Association to establish and operate a statewide toll-free school safety hotline for the purpose of reporting incidents that affect the safety and well-being of the school's population.⁶¹ If a toll-free school safety hotline is established by contract with the Florida Sheriffs Association, the Florida Sheriffs Association must produce a quarterly report that evaluates the incidents that have been reported on the hotline.⁶²

The PCB repeals s. 1006.141, F.S., relating to the Statewide School Safety Hotline.

Dating Violence and Abuse Prohibited

Section 1006.148(2), F.S., requires that each district school board adopt and implement a dating violence and abuse policy to be integrated into each school district's discipline policies.⁶³ DOE was required to develop by January 1, 2011, a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policies. On October 22, 2010, DOE provided district school boards with the model policy and training requirements.⁶⁴

The PCB repeals s. 1006.148(2), F.S., requiring DOE to develop a dating violence and abuse model policy because DOE has already developed the model policy.

Use of Instructional Materials Allocation

Section 1006.40(2), F.S., requires each district school board to purchase current instructional materials to provide each student with a major tool of instruction in core courses. Such purchases must be made within the first 3 years after the effective date of the adoption cycle. For the 2012 - 2013 mathematics adoption, a district using comprehensive mathematics instructional materials adopted in 2009 - 2010 was to be deemed in compliance with the law if the district had provided each student with such additional state-adopted materials as was necessary to align the mathematics instructional materials to the new state standards.⁶⁵

The PCB removes the 2012 - 2013 mathematics adoption language option. The PCB amends s. 1006.40(2), F.S., specifying that a school board individually or as part of a consortium of school boards can purchase instructional materials if an instructional materials program has been implemented pursuant to s. 1006.283, F.S.⁶⁶

Student with Disabilities

Section 1007.02, F.S., defines the term "student with a disability," and establishes a popular name for the section, i.e., Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act. However, the section refers to itself as an "Act" rather than a section. A law should not refer to "an Act" but should specify the sections of law to which the section of law is applicable. The popular name and the acronym are not used anywhere else in law.

⁶⁰ Section 2, ch. 95-164, L.O.F.

⁶¹ Section 1006.141, F.S.; s. 5, ch. 96-276, L.O.F. (Formerly s. 230.23185, F.S.).

⁶² Section 1006.141, F.S.

⁶³ Section 1006.148(1), F.S.

⁶⁴ Florida Department of Education, Office of Safe Schools, Teen Dating Violence Prevention,

<http://www.fldoe.org/safeschools/TeenDatingViolence.asp> (last visited Jan. 23, 2014).

⁶⁵ Section 1006.40(2), F.S.

⁶⁶ Section 1006.283, F.S., establishes the district school board instructional materials review process.

The PCB amends s. 1007.02, F.S., by removing the popular name and acronym. In addition, s. 1007.02, F.S., is amended to state that the definition of "student with a disability" is applicable to all of chapter 2007, F.S.

Public School Improvement

Section 1008.33(5) and (7), F.S., requires a school to implement one of the turnaround options listed in this section if the school earns a grade of "F" within 2 years of raising its grade from a grade of "F" or that earns a grade of "F" within 2 years after exiting the lowest-performing category under s. 3, chapter 2009 -144, L.O.F. A school classified in the lowest performing category before July 2012 is not required to continue implementing any turnaround options unless the school earns a grade of "F" or a third consecutive "D" for the 2011 - 2012 school year. A school earning a grade of "F" or a third consecutive "D" for the 2011 - 2012 school year may not restart the number of years it has been considered low performing.

The PCB repeals s. 1008.33(5) and (7), F.S., removing the requirement to implement certain turnaround options because the time period for those options has expired.

Supplemental Educational Services

The federal requirement for Florida to provide supplemental educational services (SES) as originally prescribed by the No Child Left Behind Act of 2001 (NCLB) was waived with the approval of Florida's ESEA Flexibility Request on February 9, 2012.⁶⁷ Florida's ESEA Flexibility Request was subsequently amended on July 27, 2012, to allow Florida to continue providing SES for the 2012 - 2013 school year.⁶⁸

All SES providers had to be approved by the DOE before services could be provided in the district. Eligible candidates included nonprofit and for-profit entities, as well as school districts. Approved providers were allowed to:

- Set their fee for service within a specified range (\$5-\$70 per hour per student).
- Tutor up to 10 students simultaneously using the same instructor which is the equivalent of \$700 per hour for 10 students and 1 instructor.
- Self-report, to DOE, student learning gains, student attendance and completion data, and satisfaction surveys completed by parents, district administrators, and school principals. DOE used this information to apply a service designation to each provider of excellent, satisfactory, or unsatisfactory.⁶⁹

In 2011 - 2012, SES providers delivered an average of 19 hours of tutoring services per student at an average cost of \$1,050 per student.⁷⁰ However, a national study determined that SES programs delivering less than 40 hours of tutoring per year are unlikely to demonstrate statistically significant improvement in student growth math and reading gains.⁷¹

⁶⁷ See Letter of Approval for Florida's ESEA Waiver Request, (2012), available at <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>.

⁶⁸ See Letter of Approval for Florida's ESEA Waiver Exemption Request, (2012), available at <https://www.ed.gov/policy/eseaflex/secretary-letters/fl-amendment.pdf>.

⁶⁹ Rule 6A-1.039, F.A.C.

⁷⁰ Email, Florida Department of Education, Bureau of School Improvement (April 3, 2012).

⁷¹ American Enterprise Institute for Public Policy Research, Center for American Progress, *Tightening up Title I: The implementation and effectiveness of supplemental education services: A review and recommendations for program improvement*, (2012), available at http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services_17150915643.pdf.

The PCB repeals s. 1008.331, F.S., removing the SES which is no longer required by federal law and not funded by this state. School districts on their own authority and through their funding sources can otherwise provide supplemental educational services.

Best Financial Management Practices for Florida School Districts

Section 1008.35, F.S., requires the commissioner to adopt best financial management practices to be implemented by school districts. The practices must be developed for, but not limited to, efficient use of resources, compliance with general acceptable accounting principles, performance accountability, and cost control. The Office of Program Policy Analysis and Government Accountability (OPPAGA) and AG are tasked with developing a system by which to review school district implementation of the best practices.⁷² Furthermore, OPPAGA is responsible for conducting the reviews, subject to appropriation by the Legislature. The commissioner adopted the best financial management practices on September 4, 1997.⁷³ The entire best practices review was contingent upon funding. The Legislature has not funded the program since 2002.⁷⁴

The PCB repeals s. 1008.35, F.S., which removes the requirement that the commissioner adopt best financial management practices.

Workforce Education Postsecondary Student Fees

Section 1009.22(3)(f), F.S., establishes a maximum increase in resident tuition for any school district or Florida College System institution during the 2007 - 2008 fiscal year of 5 percent over the tuition charged during the 2006 - 2007 fiscal year.

The PCB repeals s. 1009.22(3)(f), F.S., regarding the obsolete 2007 - 2008 resident tuition increase language.

Seminole and Miccosukee Indian Scholarships

In 1963, the Legislature enacted the Seminole and Miccosukee Indian Scholarship program.⁷⁵ The purpose of the Seminole and Miccosukee Indian Scholarship program is to encourage and assist students from the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida to pursue postsecondary education. The program is administered by DOE and funding for the program must be provided in the General Appropriations Act (GAA).⁷⁶ The Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida determines the amount of the scholarship for their respective applicants within the amount of funds appropriated.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁷⁷ Funding for the Seminole and Miccosukee Indian Scholarship program was last appropriated in 2001.⁷⁸

The PCB repeals s. 1009.56, F.S., regarding the Seminole and Miccosukee Indian Scholarship program.

⁷² Section 1008.35(1), F.S.

⁷³ Office of Program Policy Analysis and Government Accountability, Report No. 97-08, *available at* <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/9708rpt.pdf>.

⁷⁴ E-mail, Florida House of Representative, Education Appropriations Subcommittee (July 25, 2013).

⁷⁵ Sections 1-6, ch. 63-404, L.O.F.

⁷⁶ Section 1009.56(1), F.S.

⁷⁷ Section 1009.96, F.S.

⁷⁸ Specific Appropriation 93, s. 2, ch. 2001-253, L.O.F.

Virgil Hawkins Fellows Assistance Program

In 1988, the Legislature enacted the Virgil Hawkins Fellows Assistance Program.⁷⁹ The Virgil Hawkins Fellows Assistance Program provides financial assistance for minority students to study law at the Florida State University, the University of Florida, the Florida Agricultural and Mechanical University, and the Florida International University.⁸⁰

Each student that remains in good standing as approved by the law school and pursuant to guidelines of the state board is entitled to receive an award for each academic term.⁸¹ Funding for the program must be as provided in the GAA.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁸² The Virgil Hawkins Fellows Assistance program was last appropriated funds in 2003.⁸³

The PCB repeals s. 1009.69, F.S., regarding to the Virgil Hawkins Fellows Assistance Program.

Florida Higher Education Loan Authority Act

Part V of chapter 1009 provides a short title: "Florida Higher Education Loan Authority Act." The Act, created in 1982⁸⁴ authorizes, by county ordinance or resolution, the creation of a "_____ County Education Loan Authority." The Florida Higher Education Loan Authority Act was created to make loans to participating higher education institutions for the purpose of providing student loans. If a county ordinance/resolution is established, the law requires the loan authority to report annually to the commissioner. The only county that adopted such an ordinance (St. Johns) repealed its ordinance in 1995. The commissioner has not received any annual reports.⁸⁵

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁸⁶ The program has been inactive since 1995.⁸⁷

The PCB repeals Part V of chapter 1009, relating to the authority to create an Education Loan Authority.

School District Discretionary Tax

In 2009, the Legislature authorized district school boards to levy an additional 0.25 mills for critical capital outlay needs. Alternatively, the additional 0.25 mills may be levied for critical operating needs based on a supermajority vote of the district school board and passage of a voter approved referendum in the 2010 general election.⁸⁸

⁷⁹ Section 1, ch. 88-099, L.O.F.

⁸⁰ Section 1009.69(1), F.S.

⁸¹ Section 1009.69(2), F.S.

⁸² Section 1009.96, F.S.

⁸³ Specific Appropriation 134 and 135, s. 2, ch. 2003-397, L.O.F.

⁸⁴ Sections 1-28, ch. 82-241, L.O.F. (Formerly chapter 240).

⁸⁵ E-mail, Florida Department of Education, Governmental Relations (Sept. 10, 2013).

⁸⁶ Section 1009.96, F.S.

⁸⁷ E-mail, Florida Department of Education, Governmental Relations (Sept. 10, 2013).

⁸⁸ Section 33, ch. 2009-059, L.O.F., *codified at* s. 1011.71(3)(b), F.S.

Legislation enacted in 2010, provided that in order for school districts to continue levying the additional 0.25 mills after the 2010 - 2011 fiscal year, the voters must have approved the referendum at the 2010 general election or at a subsequent election is held at any time. No more than one such election may be held during any 12-month period. Any millage so authorized could only be levied for a period not to exceed 2 years or until a change is made pursuant to another millage election, whichever occurs earlier.⁸⁹

In 2011, the Legislature amended the statute so that the authority for district school boards to levy the 0.25 mills would expire on June 30, 2011.⁹⁰

The PCB repeals s. 1011.71(3)(b) and (c), F.S., removing the authority for district school boards to levy the additional 0.25 mills.

Teacher Recruitment and Retention

Section 1012.05(2), F.S., requires DOE to develop, in consultation with school district staff, a long range plan for educator recruitment and retention and develop and implement a First Response Center and Teacher Lifeline Network to provide online support to beginning teachers and those that need assistance. The commissioner must take steps that provide flexibility and consistency in meeting the highly qualified teacher criteria defined in the NCLB Act of 2001 through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).⁹¹

The PCB amends s. 1012.05, F.S., by removing the requirement for DOE to develop a long-range plan for educator recruitment and retention. Many districts are not in need of teachers. Those districts needing teachers are better suited to develop recruitment and retention plans applicable to local needs.

The PCB eliminates reference to the Teacher Lifeline Network and the First Response Center because the center and network do not exist. The PCB removes reference to HOUSSE which no longer exists.

Professional Service Contract

Section 1012.33(9), F.S., provides that, for the 2009 - 2010 and 2010 - 2011 fiscal years, district school boards should not enter into a new professional services contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds. The restriction on district school boards does not extend past the 2010 - 2011 fiscal year.

The PCB repeals s. 1012.33(9), F.S., relating to obsolete language affecting fiscal years 2009 - 2010 and 2010 - 2011.

Speech Language Services

Section 1012.44, F.S., requires the state board to review rules it adopted regarding speech-language services to school districts by October 1, 2003. The state board has reviewed the rules for speech-language services.

The PCB amends s. 1012.44, F.S., removing the outdated language requiring the state board to review rules for speech-language services.

⁸⁹ Section 30, ch. 2010-154, L.O.F., amending s. 1011.71(3)(b), F.S.

⁹⁰ Section 36, ch. 2011-055, L.O.F., amending s. 1011.71(3)(b), F.S.

⁹¹ Section 1012.05(6), F.S.

Address of Record

Section 1012.561, F.S., requires by January 1, 2005, that each educator and applicant for certification have on file with DOE a current mailing address. The January 1, 2005, date requirement has passed.

The PCB amends s. 1012.561, F.S., removing the outdated reporting requirement.

Savings Clause

Section 1012.595, F.S., created in 1986,⁹² requires each applicant who was issued a certificate by DOE prior to June 25, 1986, to be entitled to hold such certificate. The certificates are renewed in accordance with the provisions of chapter 86-156 L.O.F.⁹³

The PCB amends s. 1012.595, F.S., removing the outdated language regarding applicants issued a certificate by DOE prior to June 25, 1986.

Dale Hickam Excellent Teaching Program

In 1985, Albert Shanker, then-president of the American Federation of Teachers, first articulated a need for an organization that would study what a teacher should know before becoming certified and determine the best way to measure that knowledge. In 1987, the Carnegie Corporation of New York funded this vision by creating the National Board of Professional Teaching Standards (NBPTS). The certification process can take from one to three years. Once a candidate passes his or her assessment, the teacher becomes a national board certified teacher.⁹⁴

In 1998, the Legislature created the Excellent Teaching Program⁹⁵ to provide bonuses to classroom teachers who earned NBPTS certification. The bonuses were provided for initial certification for up to one 10-year period.⁹⁶ The Excellent Teaching Program was re-named the Dale Hickam Excellent Teaching Program in 2002.⁹⁷ DOE distributed to each school district an amount as prescribed annually by the Legislature for the program.⁹⁸ Unless otherwise provided in the GAA, each NBPTS certified classroom teacher is to receive:

- An annual bonus equal to 10 percent of the prior fiscal year's statewide average classroom teacher salary for classroom teacher.
- An annual bonus equal to 10 percent of the prior fiscal year's statewide average classroom teacher salary if the teacher agrees in writing to provide 12 workdays of mentoring and related services to public school teachers who do not hold NBPTS certification.⁹⁹

⁹² Formerly s. 231.245 F.S.,

⁹³ Various sections of law relating to certification of educational personnel (ss. 231.15, 231.17, and 231.24, F.S.) were set for Sunset repeal on October 1, 1985, unless reviewed and reenacted by the Legislature. The Legislature passed CS/CS/HB 1357, which made various substantive and technical changes in the process used to grant initial and subsequent certificates. The Governor **vetoed** CS/CS/HB 1357 because it was not stringent enough. Afterwards, DOE readopted the certification rules but, instead of referencing the repealed sections of law as authority for the rule, referenced other sections of law. The Joint Administrative Procedures Committee raised concerns about the law referenced in the rules. DOE worked with the Legislature to resolve the issues and HB 1183 became law effective June 25, 1986.

⁹⁴ National Conference of State Legislatures, *National Board for Professional Teaching Standards Certifications – What Legislators Need to Know*, at 4 (2011).

⁹⁵ Section 1, ch. 98-309, L.O.F.

⁹⁶ Section 1012.72(2), F.S.

⁹⁷ Section 1, ch. 2002-402, L.O.F.

⁹⁸ Section 1012.72(2), F.S.

⁹⁹ Section 1012.72, F.S.

In the event the appropriation was insufficient to pay in full the annual bonuses for certification and for providing mentoring and related services, payments for providing mentoring and related services must be prorated among the eligible recipients. If the funds were insufficient to pay in full the annual bonuses for certification, payments of bonuses for certification were to be prorated among the eligible recipients.¹⁰⁰

The Dale Hickam Excellent Teaching Program was last funded in 2010 - 2011.¹⁰¹ In addition, the 2008 Legislature eliminated the one-time fee subsidy paid by DOE to the NBPTS on behalf of each eligible participant and the one-time portfolio preparation incentive of \$150 paid by DOE to each eligible participant.¹⁰²

The PCB repeals s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program.

Remuneration for State University and Florida College System Presidents

In 2010, s. 1012.885(2), F.S., was created to state that FCS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.¹⁰³

In 2003, s. 1012.975 (2), F.S., was created to state that SUS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.¹⁰⁴

Both sections of law continue to provide conflicting restrictions on the annual remuneration for SUS presidents and FCS presidents.

The PCB removes ss. 1012.885(2), and 1012.975(2), F.S., relating to the outdated \$225,000 remuneration provisions.

Continuing Education Training

Section 1012.98(12), F.S., requires teachers in grades 1 - 12 to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

The PCB amends s. 1012.98(12), F.S., to include kindergarten teacher participation in continuing education training provided by the Department of Children and Family.

Substance of Contract

Section 1013.47, F.S., requires: "If 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1) laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act."

¹⁰⁰ Section 1012.72(3), F.S.

¹⁰¹ E-mail, Florida House of Representatives, Education Appropriations Subcommittee (Dec. 23, 2013).

¹⁰² Section 14, ch. 2008-142, L.O.F.

¹⁰³ Section 39, ch. 2011-063, L.O.F., s. 38, ch. 2012-134, L.O.F., and s. 21, ch. 2013-405, L.O.F.

¹⁰⁴ Section 41, ch. 2011-063, L.O.F., s. 40, ch. 2012-134, L.O.F., and s. 23, ch. 2013-045, L.O.F.

The PCB amends s. 1013.47, F.S., to remove the above quoted language. Any federal (grant) funds appropriated for construction would include the necessary federal accountability requirements in accordance with the Davis-Bacon Act. There is no trust fund under 31 U.S.C. s. 1243(a)(1).

Toxic Substance in Construction

Section 1013.49, F.S., requires a contractor intending to use toxic substances enumerated in the Florida Substance List in the construction, repair, or maintenance of educational facilities to notify the district school superintendent or public postsecondary institution president in writing at least 3 working days prior to using the substance. Toxic substance usage is already governed by the Florida Building Code and the State Requirements for Educational Facilities.¹⁰⁵

The PCB repeals s. 1013.49, F.S., removing duplicative requirements related to toxic substance.

Land Acquisition and Facilities Advisory Board

Section 1013.512, F.S., requires OPPAGA and the Auditor General to certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and Governor when significant deficiencies exist in a school district's land acquisition and facilities operation processes. Upon receipt of certification, an advisory board must be appointed to help the district improve its deficient practices and report to the commissioner a district's progress and corrective actions. "Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded." Only one such board was ever appointed: The Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board. This board was dissolved in 2004.¹⁰⁶

The PCB repeals s. 1013.512, F.S., removing the authority to authorize a Land Acquisition and Facilities Advisory Board.

Cooperative Development

Section 1013.54, F.S., created in 1990¹⁰⁷ authorizes each district school board to submit prior to August 1 of each year a request to the commissioner for funds from the Public Education Capital Outlay (PECO) and Debt Service Trust Fund to construct, remodel, or renovate an educational facility within the industrial environment. The commissioner must appoint a review committee to make recommendations and prioritize requests. According to DOE, no school districts are utilizing this provision.¹⁰⁸

The PCB repeals s. 1013.54, F.S., removing the authorization for district school boards to request the use of PECO funds for new construction, remodeling, or renovation of private sector building that must be lease back to school board.

¹⁰⁵ E-mail, Florida Department of Education, Governmental Relations (Sept. 12, 2013).

¹⁰⁶ Office of Program Policy Analysis and Government Accountability, *Special Review - Land Acquisition Practices of the Miami-Dade County School Board*, Report No. 01-26 (May 2001), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0126rpt.pdf>.

¹⁰⁷ Formerly s. 235.198, F.S.

¹⁰⁸ E-mail, Florida House of Representatives, Education Appropriations Subcommittee (Sept. 23, 2013).

Emergency Rule Adoption

Section 20 of chapter 2010-24, L.O.F., authorizes the Department of Revenue (DOR) to adopt emergency rules for s. 1012.796, F.S.¹⁰⁹ DOR states that the authority to adopt emergency rules is no longer needed.¹¹⁰

The PCB repeals Section 20 of chapter 2010-24, L.O.F., removing outdated DOR emergency rulemaking authority.

B. SECTION DIRECTORY:

- Section 1. Amends s. 11.45, F.S., requiring the Auditor General to notify the Legislative Auditing Committee if a district school board fails to take corrective action subsequent to an audit.
- Section 2. Amends s. 120.74, F.S., exempting educational units from rule review and reporting requirements.
- Section 3. Amends s. 120.81, F.S., conforming cross-references.
- Section 4. Amends s. 409.1451, F.S., conforming cross-references.
- Section 5. Repeals s. 411.226, F.S., relating to the Learning Gateway program.
- Section 6. Repeals s. 411.227, F.S., relating to the Learning Gateway program.
- Section 7. Repeals s. 411.228, F.S., relating to the Learning Gateway program.
- Section 8. Amends s. 496.404, F.S., conforming cross-references.
- Section 9. Amends s. 775.215 F.S., conforming cross-references.
- Section 10. Amends s. 984.151, F.S., authorizing a district school superintendent's designee to submit a truancy petition.
- Section 11. Repeals s. 1000.01(5), F.S., relating to obsolete education governance transfers.
- Section 12. Amends s. 1000.21, F.S., revising the definition of the term "Next Generation Sunshine State Standards."
- Section 13. Repeals s. 1000.33, F.S., relating to the distribution of copies of educational compacts to other states.
- Section 14. Repeals s. 1000.37, F.S., relating to the distribution of copies of educational compacts to other states.
- Section 15. Amends s. 1001.10, F.S., deleting and revising certain duties of the Commissioner of Education relating to educational plans and programs.
- Section 16. Repeals s. 1001.25, F.S., relating to educational television.

¹⁰⁹ Section 1012.796, F. S. relating to complaints against teachers and administrators; procedure; penalties.

¹¹⁰ E-mail, Florida House of Representatives, Finance and Tax Subcommittee (Oct. 18, 2013).

- Section 17. Amends s. 1001.26, F.S., revising Department of Education duties relating to the public broadcasting program system, prohibiting the use of educational television stations for the advancement of political candidates; providing penalties.
- Section 18. Repeals s. 1001.47(7), F.S., relating to obsolete district school superintendent salary provisions.
- Section 19. Repeals s. 1001.50(6), F.S., relating to obsolete district school superintendent salary provisions.
- Section 20. Repeals s. 1001.62, F.S., relating to the transfer of benefits arising under local or special acts.
- Section 21. Repeals s. 1001.73(3), F.S., relating to the abolished Board of Regents as trustee.
- Section 22. Amends s. 1002.20, F.S., correcting cross-references and conforming provisions.
- Section 23. Amends s. 1002.31, F.S., revising provisions relating to school district controlled open enrollment.
- Section 24. Amends s. 1002.3105, F.S., conforming provisions.
- Section 25. Amends s. 1002.321, F.S., conforming cross-references.
- Section 26. Amends s. 1002.33, F.S., correcting cross-references and conforming provisions.
- Section 27. Amends s. 1002.34, F.S., correcting cross-references, revising provisions relating to department assistance to charter technical career centers.
- Section 28. Amends s. 1002.345, F.S., revising provisions relating to expedited review of deteriorating financial conditions for a charter school or charter technical career center.
- Section 29. Amends s. 1002.39, F.S., deleting obsolete provisions relating to eligibility for a John M. McKay Scholarship.
- Section 30. Amends s. 1002.41, F.S., correcting cross-references.
- Section 31. Repeals s. 1002.415, F.S., relating to the K-8 Virtual School Program.
- Section 32. Amends s. 1002.45, F.S., correcting cross-references.
- Section 33. Amends s. 1002.455, F.S., conforming provisions.
- Section 34. Repeals s. 1002.65, F.S., relating to aspirational goals for credentials of prekindergarten instructors.
- Section 35. Amends s. 1003.01, F.S., correcting a cross-reference.
- Section 36. Amends s. 1003.02, F.S., requiring instructional materials to be consistent with course descriptions.
- Section 37. Amends a. 1003.03, F.S., correcting cross-references.

- Section 38. Amends s. 1003.41, F.S., deleting a completed cost analysis requirement relating to a separate financial literacy course.
- Section 39. Amends s. 1003.4156, F.S., revising course and assessment requirements for middle grades students for promotion to high school; providing an exemption for transfer students from certain course grade and assessment requirements.
- Section 40. Repeals s. 1003.428, F.S., relating to general requirements for high school graduation.
- Section 41. Amends s. 1003.4281, F.S., correcting cross-references.
- Section 42. Amends s. 1003.4282, F.S., revising course and assessment requirements for the award of a standard high school diploma; providing requirements for an adult in an adult general education program to earn a standard high school diploma; providing an exemption for transfer students from certain course grade and assessment requirements; providing specificity regarding course and assessment requirements for graduation for certain cohorts of high school students transitioning to new graduation requirements; and providing for future repeal of transition requirements.
- Section 43. Amends s. 1003.4285, F.S., revising requirements for standard high school diploma designations.
- Section 44. Amends s. 1003.438, F.S., correcting cross-references.
- Section 45. Repeals s. 1003.451(5), F.S., relating to State Board of Education rulemaking.
- Section 46. Amends s. 1003.49, F.S., correcting cross-references.
- Section 47. Amends s. 1003.493, F.S., correcting a cross-reference.
- Section 48. Amends s. 1003.4935, F.S., correcting a cross-reference.
- Section 49. Amends s. 1003.57, F.S., relating to exceptional students instruction.
- Section 50. Amends s. 1003.621, F.S., revising audit criteria for academically high-performing school districts.
- Section 51. Repeals s. 1004.02(4), F.S., relating to the definition of the term "adult high school credit program."
- Section 52. Amends s. 1004.0961, F.S., providing for Board of Governors regulations.
- Section 53. Repeals s. 1004.3825, F.S., relating to authorization for a medical degree program.
- Section 54. Repeals s. 1004.387, F.S., relating to authorization for a pharmacy degree program.
- Section 55. Repeals s. 1004.445(2), F.S., relating to the board of directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.
- Section 56. Repeals s. 1004.75, F.S., relating to training school consolidation pilot projects.

- Section 57. Amends s. 1004.935, F.S., correcting a cross-reference.
- Section 58. Repeals s. 1006.141, F.S., relating to a statewide school safety hotline.
- Section 59. Amends s. 1006.147, F.S., revising provisions relating to school district bullying and harassment policies.
- Section 60. Repeals s. 1006.148(2), F.S., relating to a department-developed model dating violence and abuse policy.
- Section 61. Amends s. 1006.15, F.S., conforming cross-references.
- Section 62. Amends s. 1006.28, F.S., conforming provisions relating to instructional materials.
- Section 63. Amends s. 1006.31, F.S., conforming provisions relating to duties of an instructional materials reviewer.
- Section 64. Amends s. 1006.34, F.S., revising provisions relating to standards used in the selection of instructional materials.
- Section 65. Amends s. 1006.40, F.S., revising provisions relating to district school board purchase of instructional materials.
- Section 66. Amends s. 1006.42, F.S., conforming provisions relating to the responsibility of parents for instructional materials.
- Section 67. Amends s. 1007.02, F.S., deleting a popular name and providing applicability for the term "student with a disability."
- Section 68. Amends s. 1007.2615, F.S., deleting obsolete provisions relating to an American Sign Language task force.
- Section 69. Amends s. 1007.263, F.S., correcting a cross-reference.
- Section 70. Amends s. 1007.264, F.S., conforming provisions.
- Section 71. Amends s. 1007.265, F.S., conforming provisions.
- Section 72. Amends s. 1007.271, F.S., correcting cross-references.
- Section 73. Amends s. 1008.22, F.S., conforming and revising provisions relating to the implementation of statewide, standardized comprehensive assessments, end-of-course assessments, and waivers for students with disabilities; requiring the commissioner to publish an implementation schedule for transition to new assessments; conforming provisions relating to concordant scores and comparative scores for assessments.
- Section 74. Amends s. 1008.25, F.S., conforming assessment provisions for student progression.
- Section 75. Amends s. 1008.33, F.S., deleting obsolete provisions relating to implementation of certain school turnaround options.

- Section 76. Repeals s. 1008.331, F.S., relating to supplemental educational services in Title I schools.
- Section 77. Amends s. 1008.3415, F.S., correcting a cross-reference.
- Section 78. Repeals s. 1008.35, F.S., relating to best financial management practices for school districts.
- Section 79. Amends s. 1009.22, F.S., deleting obsolete provisions relating to workforce education postsecondary student fees.
- Section 80. Amends s. 1009.40, F.S., conforming cross-references.
- Section 81. Amends s. 1009.531, F.S., conforming cross-references.
- Section 82. Amends s. 1009.532, F.S., correcting cross-references.
- Section 83. Amends s. 1009.536, F.S., correcting cross-references.
- Section 84. Repeals s. 1009.56, F.S., relating to the Seminole and Miccosukee Indian Scholarship Program.
- Section 85. Repeals s. 1009.69, F.S., relating to the Virgil Hawkins Fellows Assistance Program.
- Section 86. Amends s. 1009.91, F.S., conforming a cross-reference.
- Section 87. Amends s. 1009.94, F.S., conforming a cross-reference.
- Section 88. Repeals part V of chapter 1009, F.S., relating to the Florida Higher Education Loan Authority.
- Section 89. Repeals s. 1011.71(3)(b) and (c), F.S., relating to expired authorization for certain millage levy.
- Section 90. Repeals s. 1011.76(4), F.S., relating to best financial management practices review under the Small School District Stabilization Program.
- Section 91. Amends s. 1011.80, F.S., correcting a cross-reference.
- Section 92. Amends s. 1012.05, F.S., deleting department and commissioner duties relating to teacher recruitment and retention.
- Section 93. Amends s. 1012.22, F.S., conforming provisions.
- Section 94. Repeals s. 1012.33(9), F.S., relating to obsolete provisions for payment of professional service contracts.
- Section 95. Amends s. 1012.34, F.S., correcting cross-references relating to measuring student performance in personnel evaluations.
- Section 96. Amends s. 1012.44, F.S., deleting an obsolete provision.
- Section 97. Amends s. 1012.561, F.S., deleting an obsolete provision.

- Section 98. Repeals s. 1012.595, F.S., relating to an obsolete saving clause for educator certificates.
- Section 99. Repeals s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program.
- Section 100. Amends s. 1012.885, F.S., deleting certain provisions relating to remuneration of Florida College System institution presidents.
- Section 101. Amends s. 1012.975, F.S., deleting certain provisions relating to remuneration of state university presidents.
- Section 102. Amends s. 1012.98, F.S., requiring continuing education training for kindergarten teachers.
- Section 103. Amends s. 1013.35, F.S., revising audit requirements for school district educational planning and construction activities.
- Section 104. Amends s. 1013.47, F.S., deleting provisions relating to payment of wages of certain persons employed by contractors.
- Section 105. Repeals s. 1013.49, F.S., relating to toxic substances in educational facilities.
- Section 106. Repeals s. 1013.512, F.S., relating to the Land Acquisition and Facilities Advisory Board.
- Section 107. Amends s. 1013.54, F.S., relating to the cooperative development and use of satellite educational facilities.
- Section 108. Repeals s. 20 of chapter 2010-24, Laws of Florida, relating to Department of Revenue authorization to adopt emergency rules.
- Section 109. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This PCB does not appear to require municipalities or counties to expend funds or to take any action requiring the expenditure of funds, reduce the authority that municipalities or counties have to raise revenues in the aggregate, or reduce the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

27 middle and high schools and distribute the appropriate code to
 28 all teachers, school personnel, students, and parents, at the
 29 beginning of every school year. Each code shall be organized and
 30 written in language that is understandable to students and
 31 parents and shall be discussed at the beginning of every school
 32 year in student classes, school advisory council meetings, and
 33 parent and teacher association or organization meetings. Each
 34 code shall be based on the rules governing student conduct and
 35 discipline adopted by the district school board and shall be
 36 made available in the student handbook or similar publication.
 37 Each code shall include, but is not limited to:

38 (g) Notice that the possession of a firearm or weapon as
 39 defined in chapter 790 by any student while the student is on
 40 school property or in attendance at a school function is grounds
 41 for disciplinary action and may also result in criminal
 42 prosecution. Simulating a firearm or weapon while playing or
 43 wearing clothing or accessories that depict a firearm or weapon
 44 or express an opinion regarding a right guaranteed by the Second
 45 Amendment to the United States Constitution is not grounds for
 46 disciplinary action or referral to the criminal justice or
 47 juvenile justice system under this section or s. 1006.13.
 48 Simulating a firearm or weapon while playing includes, but is
 49 not limited to:

50 1. Brandishing a partially consumed pastry or other food
 51 item to simulate a firearm or weapon.

52 2. Possessing a toy firearm or weapon that is 2 inches or

53 less in overall length.

54 3. Possessing a toy firearm or weapon made of plastic
 55 snap-together building blocks.

56 4. Using a finger or hand to simulate a firearm or weapon.

57 5. Vocalizing an imaginary firearm or weapon.

58 6. Drawing a picture, or possessing an image, of a firearm
 59 or weapon.

60 7. Using a pencil, pen, or other writing or drawing
 61 utensil to simulate a firearm or weapon.

62
 63 However, a student may be subject to disciplinary action if
 64 simulating a firearm or weapon while playing substantially
 65 disrupts student learning, causes bodily harm to another person,
 66 or places another person in reasonable fear of bodily harm. The
 67 severity of consequences imposed upon a student, including
 68 referral to the criminal justice or juvenile justice system,
 69 must be proportionate to the severity of the infraction and
 70 consistent with district school board policies for similar
 71 infractions. If a student is disciplined for such conduct, the
 72 school principal or his or her designee must call the student's
 73 parent. Disciplinary action resulting from a student's clothing
 74 or accessories shall be determined pursuant to paragraph (d)
 75 unless the wearing of the clothing or accessory causes a
 76 substantial disruption to student learning, in which case the
 77 infraction may be addressed in a manner that is consistent with
 78 district school board policies for similar infractions. This

PCB KTS 14-02

ORIGINAL

2014

79 | paragraph does not prohibit a public school from adopting a
80 | school uniform policy.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB KTS 14-02 Student Code of Conduct
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 <i>GB</i>	Ahearn <i>JA</i>

SUMMARY ANALYSIS

Florida law requires each district school board to adopt a code of student conduct that includes consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, and expulsion. Among other things, each school board must adopt a policy of zero tolerance for crime and victimization, which, among other things, requires that students found in possession of a firearm or weapon at school, at school functions, or on school transportation be expelled for a minimum of one year and referred to the criminal justice or juvenile justice system. Notice of the board's zero tolerance policy must be included in the student code of conduct. Additionally, the code must include standards for appropriate dress and boards must follow statutorily prescribed interventions when addressing dress code violations.

In recent years, news reports from across the country describe several incidents in which penalties applied to actual student firearm and weapon possession, such as suspension or expulsion, were imposed on students for simulating a firearm or weapon while playing or wearing clothing or accessories depicting firearms or support for firearms rights. A number of these incidents involved children under the age of 10 years old.

The bill clarifies that students should not be disciplined for simulating a firearm or weapon while playing or wearing clothing or accessories which depict a firearm or weapon or an opinion regarding Second Amendment rights. The bill defines simulating a firearm or weapon while playing to include:

- Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon;
- Possessing a toy firearm or weapon which is two inches or less in overall length;
- Possessing a toy firearm or weapon made of plastic snap-together building blocks;
- Using a finger or hand to simulate a firearm or weapon;
- Vocalizing an imaginary firearm or weapon;
- Drawing a picture of, or possessing an image of, a firearm or weapon; or
- Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

The bill preserves school board authority to discipline students when simulating a firearm or weapon substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. Consequences imposed upon a student must be proportionate to the severity of the infraction and consistent with school board policies for similar infractions.

Disciplinary actions involving student clothing or accessories must be addressed pursuant to the statutorily prescribed interventions for dress code violations, unless the wearing of the clothing item or accessory causes a substantial disruption to student learning. In such cases, the infraction may be addressed in a manner that is consistent with school board policies for similar infractions.

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:

Present Situation

Gun- and Weapon-Free Schools

Generally speaking, the disciplinary policies of public schools nationwide include measures for deterring student firearm and weapon possession in schools by imposing consistent and firm consequences for such behavior.¹ In recent years, news reports from across the country indicate several incidents in which penalties applied to actual student firearm and weapon possession, such as suspension or expulsion, were imposed on students for simulating a firearm or weapon while playing or wearing clothing or accessories depicting firearms or support for firearms rights. A number of these incidents involved children under the age of 10 years old.² Examples of these incidents include students who:

- Chewed a breakfast pastry into the shape of a gun;³
- Possessed a miniature gun keychain;⁴
- Possessed a tiny Lego action figure gun or built a gun with Lego blocks;⁵
- Used a finger as an imaginary gun and vocalized the sound of a gun;⁶
- Drew a picture of a gun or a person holding a gun;⁷ and
- Wore a National Rifle Association T-shirt to school.⁸

These incidents have fueled concerns regarding how best to balance the difficult job of maintaining an orderly and safe school environment with the need to exercise discretion when addressing student misconduct.⁹

¹ National Association of School Psychologists, *Zero Tolerance and Alternative Strategies: A Fact Sheet for Educators and Policy Makers*, http://www.nasponline.org/resources/factsheets/zt_fs.aspx (last visited Nov. 13, 2013).

² See, e.g., Aronson, Gavin. "Blam! These Tykes Got Busted for "Guns" Made of Legos, Pop-Tarts, and Paper," Mother Jones, (March 8, 2013), <http://www.motherjones.com/politics/2013/03/zero-tolerance-guns-schools-newtown>.

³ See, e.g., St. George, Donna. "Boy Suspended for Chewing Breakfast Pastry into a Gun Shape Will Get Hearing" (Sept. 13, 2013), http://articles.washingtonpost.com/2013-09-13/local/42025625_1_hearing-examiner-pastry-school-officials.

⁴ See, e.g., NBC 10, Cranston, RI, 7th Grader Suspended for Having Gun Keychain (Sept. 27, 2013), <http://www.turnto10.com/story/23551467/7th-grader-suspended-for-having-gun-keychain>.

⁵ See, e.g., ABC 40, Springfield, MA, "Toy Gun Causes Disturbance on Palmer Elementary School Bus" (May 24th, 2013), <http://www.wggb.com/2013/05/24/toy-gun-causes-disturbance-on-palmer-elementary-school-bus/>; see, e.g., Starnes, Todd. "Child Faces Suspension for Making Lego Gun," Fox News (Jan. 29, 2013), <http://radio.foxnews.com/toddstarnes/top-stories/child-faces-suspension-for-making-lego-gun.html>.

⁶ See, e.g., Fox News, "Florida Boy, 8, Suspended From School After Using Finger As Imaginary Gun" (Oct. 2, 2013), <http://www.foxnews.com/us/2013/10/02/florida-boy-8-suspended-from-school-after-using-finger-as-pretend-gun/>. This student's suspension was reversed by the school board. WKMG Local 6, Orlando, FL, "Pretend Gun Suspension Reversed," (Oct. 15, 2013), <http://www.clickorlando.com/news/pretend-gun-suspension-reversed/-/1637132/22456002/-/4tba6y/-/index.html>.

⁷ See, e.g., Owens, Eric. "Principal Threatens to Expel Third Grader Over These Awesome Drawings," The Daily Caller (Nov. 4, 2013), <http://dailycaller.com/2013/11/04/principal-threatens-to-expel-third-grader-over-these-awesome-drawings/>; see, e.g., CBS News, "13-Year-Old Suspended For Doodling Gun" (Feb. 11, 2009), http://www.cbsnews.com/2100-201_162-3197492.html; see, e.g., Fox News, "Second Grade Student Suspended for Drawing Stick Figure Firing Gun" (Oct. 21, 2007), <http://www.foxnews.com/story/2007/10/21/second-grade-student-suspended-for-drawing-stick-figure-firing-gun/>.

⁸ See, e.g., Ramsey, Pam. "Student Charged After Refusing To Remove NRA Shirt," Huffington Post (April 21, 2013), http://www.huffingtonpost.com/2013/04/21/student-nra-shirt_n_3128715.html.

⁹ See, e.g., Aronson Gavin. "Blam! These Tykes Got Busted for "Guns" Made of Legos, Pop-Tarts, and Paper," Mother Jones, (March 8, 2013), <http://www.motherjones.com/politics/2013/03/zero-tolerance-guns-schools-newtown>; see, e.g., Dunn, Joshua. "The Prohibition of Childhood," National Review (Oct. 28, 2013).

Zero Tolerance Policies

The federal Gun-Free Schools Act¹⁰ requires states receiving federal funds under the No Child Left Behind Act of 2001¹¹ to have in effect a state law requiring local education agencies (LEA)¹² to expel a student from school for a minimum of one year and refer him or her to the criminal justice or juvenile justice system if the LEA determines that the student brought a firearm to a school, or possessed a firearm at a school, under its jurisdiction.¹³ Among other things, the state law must allow the chief administering officer of the LEA to modify the expulsion requirement for a student on a case-by-case basis.¹⁴ A LEA, at its discretion, may provide educational services to an expelled student in an alternative educational setting.¹⁵

In compliance with the Gun Free Schools Act, Florida law requires each district school board to adopt a policy of zero tolerance for crime and victimization, which, among other things, requires that students found in possession of a firearm at school, at school functions, or on school transportation be expelled for a minimum of one year and referred to the criminal justice or juvenile justice system. Florida's zero tolerance law also applies to a student in possession of a weapon at school, at a school function, or on school transportation and threats or false reports regarding explosives, bombs, weapons of mass destruction, and destructive devices involving school or school personnel's property, school transportation, or school sponsored activities.¹⁶

Florida law defines the terms "firearm" and "weapon" as follows:

- "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.¹⁷
- "Weapon" means "any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife."¹⁸

School boards must adhere to these definitions when determining punishments for school-related firearms and weapons infractions.¹⁹

School boards have discretion to provide continuing educational services to an expelled student in an alternative educational setting. A district school superintendent may consider the one-year expulsion

¹⁰ Pub. L. No. 103-382, 108 Stat. 3518 (Oct. 20, 1994). States were required to comply with the Gun Free Schools Act by October 20, 1995. *Id.* The Florida Legislature enacted legislation in the 1995 General Session pursuant to the Act. Section 66, ch. 95-267, L.O.F., codified at s. 230.23(6)(d)10., F.S. (1995), now codified at ss. 1006.07 and 1006.13, F.S.

¹¹ Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

¹² Federal law broadly defines the term LEA to include state boards of education, state departments of education, local school boards, cities, counties, political subdivisions, public postsecondary institutions, or any other public entities that a state's law authorizes to administer public elementary and secondary schools. Each state determines which entities will serve as LEAs. *See, e.g.*, 34 C.F.R. s. 77.1.

¹³ 20 U.S.C. s. 7151(b)(1) and (h)(1).

¹⁴ 20 U.S.C. s. 7151(b)(1).

¹⁵ 20 U.S.C. s. 7151(b)(2).

¹⁶ Section 1006.13(3), F.S.; *see* s. 790.162 and 790.163, F.S. (relating to threats and false reports).

¹⁷ Section 790.001(6), F.S. The Gun-Free Schools Act applies only to firearms possession by students at school. In contrast, Florida's zero tolerance statute addresses both firearms and weapons possession. *See* 20 U.S.C. s. 7151(b)(3). The federal definition of "firearm" is similar to Florida's. *See* 18 U.S.C. s. 921(a).

¹⁸ Section 790.001(13), F.S.

¹⁹ Sections 1006.07(2)(g) and 1006.13(3), F.S.

requirement on a case-by-case basis and request that the school board modify the requirement by assigning the student to a disciplinary program or second chance school if it determines such modification is in the best interest of the student and the school system.²⁰

Florida law states that the purpose of zero tolerance policies is to protect students and staff from serious threats to school safety and the policies should not be applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances.²¹ Among other things, each district school board's zero tolerance policy must define acts that pose a serious threat to school safety and petty acts of misconduct.²²

The Florida Department of Education's policy statement on zero tolerance policies provides that it "is incumbent upon districts to use discretion and take a "common sense" approach to school discipline. District administrators must investigate and take into consideration mitigating circumstances (on a case-by-case basis) when determining appropriate disciplinary responses to student misconduct."²³

Student Codes of Conduct

Each district school board must adopt a code of student conduct that includes consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, disciplinary actions for possession or use of alcohol on school property or while attending a school function, or for the illegal use, sale, or possession of controlled substances.²⁴ Among other things, the code must include notice of disciplinary policies regarding student firearm and weapon possession.²⁵

Student codes of conduct must also include an explanation of student responsibilities regarding appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. The law prescribes an escalating series of interventions which school boards must apply when addressing dress code violations:

- For a first offense, a student must be given a verbal warning and the school principal must call the student's parent or guardian.
- For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed five days and the school principal must meet with the student's parent or guardian.
- For a third or subsequent offense, a student must receive an in-school suspension for a period not to exceed three days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal must call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.²⁶

Student codes of conduct must be distributed to teachers, school personnel, students, and parents at the beginning of each school year.²⁷

²⁰ Section 1006.13(3), F.S. (flush-left provision at end of subsection).

²¹ Section 1006.13(1), F.S.

²² Section 1006.13(2)(b) and (c), F.S.

²³ Florida Department of Education, *Florida Department of Education's Position on Zero Tolerance* (2009), available at http://www.fldoe.org/safeschools/pdf/FDOE_Position_On_Zero_Tolerance.pdf.

²⁴ Section 1006.07(2)(a)-(b), F.S.

²⁵ Section 1006.07(2)(g), (l), and (m), F.S.

²⁶ Section 1006.07(2)(d), F.S.

²⁷ Section 1006.07(2), F.S.

Effect of Proposed Changes

The bill clarifies that public school students should not be disciplined for simulating a firearm or weapon while playing or wearing clothing or accessories which depict a firearm or weapon or express an opinion regarding Second Amendment²⁸ rights. The bill defines simulating a firearm or weapon while playing to include, without limitation:

- Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon;
- Possessing a toy firearm or weapon which is two inches or less in overall length;
- Possessing a toy firearm or weapon made of plastic snap-together building blocks;
- Using a finger or hand to simulate a firearm or weapon;
- Vocalizing an imaginary firearm or weapon;
- Drawing a picture of, or possessing an image of, a firearm or weapon; or
- Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

The bill preserves district school board authority to discipline students when simulating a firearm or weapon substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. In such cases, the severity of any consequences imposed upon a student must be proportionate to the severity of the infraction and consistent with school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. This allows school officials to address conduct that is truly disruptive or dangerous, while protecting students from being disciplined for otherwise innocuous acts.

Disciplinary actions involving student clothing or accessories must be addressed pursuant to the statutorily prescribed interventions for dress code violations, unless the wearing of the clothing item or accessory causes a substantial disruption to student learning. In such cases, the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This provision of the bill may not be construed to prohibit a public school from adopting a school uniform policy.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.07, F.S.; relating to district school board duties relating to student discipline and school safety; clarifies that play involving simulated firearm or weapon use or wearing clothing or accessories depicting firearms or weapons images or messages are not actionable under certain district school board disciplinary policies; defines simulating a weapon while playing; provides criteria for determining whether certain conduct warrants disciplinary action.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

²⁸ The Second Amendment of the U.S. Constitution states that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const., Amend. 2.

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:

The bill does not provide new rule-making authority to district school boards; however, some boards may need to revise disciplinary policies and student codes of conduct to comply with the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

27 F.S.; providing requirements relating to professional
 28 development, including inservice plans and
 29 instructional strategies, for middle grades educators;
 30 requiring the Department of Education to disseminate
 31 professional development in the use of integrated
 32 digital instruction; providing an effective date.

33

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

35

36 Section 1. Subsection (18) of section 1001.42, Florida
 37 Statutes, is amended to read:

38 1001.42 Powers and duties of district school board.—The
 39 district school board, acting as a board, shall exercise all
 40 powers and perform all duties listed below:

41 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 42 Maintain a state system of school improvement and education
 43 accountability as provided by statute and State Board of
 44 Education rule. This system of school improvement and education
 45 accountability shall be consistent with, and implemented
 46 through, the district's continuing system of planning and
 47 budgeting required by this section and ss. 1008.385, 1010.01,
 48 and 1011.01. This system of school improvement and education
 49 accountability shall comply with the provisions of ss. 1008.33,
 50 1008.34, 1008.345, and 1008.385 and include the following:

51 (a) School improvement plans.—

52 1. The district school board shall annually approve and

53 require implementation of a new, amended, or continuation school
 54 improvement plan for each school in the district. If a school
 55 has a significant gap in achievement on statewide assessments
 56 pursuant to s. 1008.34(3)(b) by one or more student subgroups,
 57 as defined in the federal Elementary and Secondary Education Act
 58 (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly
 59 decreased the percentage of students scoring below satisfactory
 60 on statewide assessments; or has significantly lower graduation
 61 rates for a subgroup when compared to the state's graduation
 62 rate, that school's improvement plan shall include strategies
 63 for improving these results. The state board shall adopt rules
 64 establishing thresholds and for determining compliance with this
 65 subparagraph ~~paragraph~~.

66 2. A school that includes any of grades 6, 7, or 8 shall
 67 include annually in its school improvement plan information and
 68 data on the school's early warning system required under
 69 paragraph (b), including a list of the early warning indicators
 70 used in the system, the number of students identified by the
 71 system as exhibiting two or more early warning indicators, the
 72 number of students by grade level that exhibit each indicator,
 73 and a description of all intervention strategies employed by the
 74 school to improve the academic performance of students
 75 identified by the early warning system. In addition, a school
 76 that includes any of grades 6, 7, or 8 shall describe in its
 77 school improvement plan the strategies used by the school to
 78 implement the instructional practices for middle grades

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79 emphasized by the district's professional development system
80 pursuant to s. 1012.98(4)(b)9.

81 (b) Early warning system.-

82 1. A school that includes any of grades 6, 7, or 8 shall
83 implement an early warning system to identify students in grades
84 6, 7, and 8 who need additional support to improve academic
85 performance and stay engaged in school. The early warning system
86 must include the following early warning indicators:

87 a. Attendance below 90 percent, regardless of whether
88 absence is excused or a result of out-of-school suspension.

89 b. One or more suspensions, whether in school or out of
90 school.

91 c. Course failure in English language arts or mathematics.

92 d. A Level 1 score on the statewide, standardized
93 assessments in English language arts or mathematics.

94

95 A school district may identify additional early warning
96 indicators for use in a school's early warning system.

97 2. When a student exhibits two or more early warning
98 indicators, the school's child study team under s. 1003.02 or a
99 school-based team formed for the purpose of implementing the
100 requirements of this paragraph shall convene to determine
101 appropriate intervention strategies for the student. The school
102 shall provide at least 10 days' written notice of the meeting to
103 the student's parent, indicating the meeting's purpose, time,
104 and location, and provide the parent the opportunity to

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

V

105 participate.

106 (c) ~~(b)~~ Public disclosure.—The district school board shall
107 provide information regarding the performance of students and
108 educational programs as required pursuant to ss. 1008.22 and
109 1008.385 and implement a system of school reports as required by
110 statute and State Board of Education rule which shall include
111 schools operating for the purpose of providing educational
112 services to youth in Department of Juvenile Justice programs,
113 and for those schools, report on the elements specified in s.
114 1003.52(19). Annual public disclosure reports shall be in an
115 easy-to-read report card format and shall include the school's
116 grade, high school graduation rate calculated without GED tests,
117 disaggregated by student ethnicity, and performance data as
118 specified in state board rule.

119 (d) ~~(e)~~ School improvement funds.—The district school board
120 shall provide funds to schools for developing and implementing
121 school improvement plans. Such funds shall include those funds
122 appropriated for the purpose of school improvement pursuant to
123 s. 24.121(5)(c).

124 Section 2. Subsection (1) of section 1003.42, Florida
125 Statutes, is amended to read:

126 1003.42 Required instruction.—

127 (1) Each district school board shall provide all courses
128 required for middle grades promotion, high school graduation,
129 and appropriate instruction designed to ensure that students
130 meet State Board of Education adopted standards in the following

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131 subject areas: reading and other language arts, mathematics,
 132 science, social studies, foreign languages, health and physical
 133 education, and the arts. The state board must remove a middle
 134 grades course in the Course Code Directory that does not fully
 135 integrate all appropriate curricular content required by s.
 136 1003.41 and may approve a new course only if it meets the
 137 required curricular content.

138 Section 3. Subsection (4) is added to section 1003.4935,
 139 Florida Statutes, to read:

140 1003.4935 Middle grades career and professional academy
 141 courses and career-themed courses.—

142 (4) Industry certifications offered in the middle grades
 143 that are included in the Industry Certification Funding List are
 144 eligible for additional full-time equivalent membership pursuant
 145 to s. 1011.62(1).

146 Section 4. Paragraph (c) of subsection (1) of section
 147 1003.53, Florida Statutes, is amended to read:

148 1003.53 Dropout prevention and academic intervention.—

149 (1)

150 (c) A student shall be identified as being eligible to
 151 receive services funded through the dropout prevention and
 152 academic intervention program based upon one of the following
 153 criteria:

154 1. The student is academically unsuccessful as evidenced
 155 by low test scores, retention, failing grades, low grade point
 156 average, falling behind in earning credits, or not meeting the

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157 | state or district proficiency levels in reading, mathematics, or
 158 | writing.

159 | 2. The student has a pattern of excessive absenteeism or
 160 | has been identified as a habitual truant.

161 | 3. The student has a history of disruptive behavior in
 162 | school or has committed an offense that warrants out-of-school
 163 | suspension or expulsion from school according to the district
 164 | school board's code of student conduct. For the purposes of this
 165 | program, "disruptive behavior" is behavior that:

166 | a. Interferes with the student's own learning or the
 167 | educational process of others and requires attention and
 168 | assistance beyond that which the traditional program can provide
 169 | or results in frequent conflicts of a disruptive nature while
 170 | the student is under the jurisdiction of the school either in or
 171 | out of the classroom; or

172 | b. Severely threatens the general welfare of students or
 173 | others with whom the student comes into contact.

174 | 4. The student is identified by a school's early warning
 175 | system pursuant to s. 1001.42(18)(b).

176 | Section 5. Section 1006.135, Florida Statutes, is amended
 177 | to read:

178 | 1006.135 Hazing prohibited at ~~high~~ schools with any of
 179 | grades 6-12 ~~9-12 prohibited.~~

180 | (1) DEFINITION.—As used in this section, "hazing" means
 181 | any action or situation that ~~recklessly or intentionally~~
 182 | endangers the mental or physical health or safety of a student

183 at a ~~high~~ school with any of grades 6 ~~9~~ through 12 for purposes
 184 including, but not limited to, initiation or admission into or
 185 affiliation with any organization operating under the sanction
 186 of a ~~high~~ school with any of grades 6 ~~9~~ through 12. "Hazing"
 187 includes, but is not limited to:~~;~~

188 (a) Pressuring, ~~or~~ coercing, or forcing a ~~the~~ student
 189 into:

190 1. Violating state or federal law;~~;~~

191 2. Consuming any food, liquor, drug, or other substance;

192 or

193 3. Participating in physical activity that could adversely
 194 affect the health or safety of the student.

195 (b) Any brutality of a physical nature, such as whipping,
 196 beating, branding, or exposure to the elements,~~forced~~
 197 ~~consumption of any food, liquor, drug, or other substance, or~~
 198 ~~other forced physical activity that could adversely affect the~~
 199 ~~physical health or safety of the student, and also includes any~~
 200 ~~activity that would subject the student to extreme mental~~
 201 ~~stress, such as sleep deprivation, forced exclusion from social~~
 202 ~~contact, forced conduct that could result in extreme~~
 203 ~~embarrassment, or other forced activity that could adversely~~
 204 ~~affect the mental health or dignity of the student.~~

205
 206 Hazing does not include customary athletic events or other
 207 similar contests or competitions or any activity or conduct that
 208 furthers a legal and legitimate objective.

209 (2) SCHOOL DISTRICT POLICY.—Each school district shall
210 adopt in rule a policy that prohibits hazing and establishes
211 consequences for a student who commits an act of hazing. The
212 policy must include:

213 (a) A definition of hazing, which must include the
214 definition provided in this section.

215 (b) A procedure for reporting an alleged act of hazing,
216 including provisions that permit a person to anonymously report
217 such an act. However, disciplinary action may not be based
218 solely on an anonymous report.

219 (c) A requirement that a school with any of grades 9
220 through 12 report an alleged act of hazing to a local law
221 enforcement agency if the alleged act meets the criteria
222 established under subsection (3).

223 (d) A provision for referral of victims and perpetrators
224 of hazing to a certified school counselor.

225 (e) A requirement that each incident of hazing be reported
226 in the school's safety and discipline report required under s.
227 1006.09(6). The report must include the number of hazing
228 incidents reported, the number of incidents referred to a local
229 law enforcement agency, the number of incidents that result in
230 disciplinary action taken by the school, and the number of
231 incidents that do not result in either referral to a local law
232 enforcement agency or disciplinary action taken by the school.

233 (3) ~~(2)~~ CRIMINAL PENALTIES.—This subsection applies only to
234 students in any of grades 9 through 12.

235 (a)1. A person who commits an act of hazing, ~~a third~~
 236 ~~degree felony, punishable as provided in s. 775.082 or s.~~
 237 ~~775.083, when he or she intentionally or recklessly commits any~~
 238 ~~act of hazing as defined in subsection (1)~~ upon another person
 239 who is a member of or an applicant to any type of student
 240 organization commits a third degree felony, punishable as
 241 provided in s. 775.082 or s. 775.083, if the person knew or
 242 should have known the act would result in serious bodily injury
 243 or death of such other person and the act ~~hazing~~ results in
 244 serious bodily injury or death of such other person.

245 2.(3) A person who commits an act of hazing, ~~a first~~
 246 ~~degree misdemeanor, punishable as provided in s. 775.082 or s.~~
 247 ~~775.083, when he or she intentionally or recklessly commits any~~
 248 ~~act of hazing as defined in subsection (1)~~ upon another person
 249 who is a member of or an applicant to any type of student
 250 organization commits a first degree misdemeanor, punishable as
 251 provided in s. 775.082 or s. 775.083, if the person knew or
 252 should have known the act would create a potential risk of
 253 physical injury or death to such other person and the act ~~hazing~~
 254 creates a potential ~~substantial~~ risk of physical injury or death
 255 to such other person.

256 (b)(4) As a condition of any sentence imposed pursuant to
 257 paragraph (a) subsection (2) or subsection (3), the court:

258 1. Shall order the defendant to attend and complete a 4-
 259 hour hazing education course and may also impose a condition of
 260 drug or alcohol probation.

261 2. May require the defendant to make a public apology to
 262 the students and victims at the school.

263 3. May require the defendant to participate in a school-
 264 sponsored antihazing campaign to raise awareness of what
 265 constitutes hazing and the penalties for hazing.

266 (c)(5) It is not a defense to a charge of hazing that:

267 1.(a) Consent of the victim had been obtained;

268 2.(b) The conduct or activity that resulted in the death
 269 or injury of a person was not part of an official organizational
 270 event or was not otherwise sanctioned or approved by the
 271 organization; or

272 3.(e) The conduct or activity that resulted in death or
 273 injury of the person was not done as a condition of membership
 274 to an organization.

275 (4)(6) CONSTRUCTION.—This section shall not be construed
 276 to preclude prosecution for a more general offense resulting
 277 from the same criminal transaction or episode.

278 Section 6. Paragraph (o) of subsection (1) of section
 279 1011.62, Florida Statutes, is amended to read:

280 1011.62 Funds for operation of schools.—If the annual
 281 allocation from the Florida Education Finance Program to each
 282 district for operation of schools is not determined in the
 283 annual appropriations act or the substantive bill implementing
 284 the annual appropriations act, it shall be determined as
 285 follows:

286 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR

287 OPERATION.—The following procedure shall be followed in
 288 determining the annual allocation to each district for
 289 operation:

290 (o) Calculation of additional full-time equivalent
 291 membership based on successful completion of a career-themed
 292 course or a career and professional academy program, pursuant to
 293 ss. 1003.491, 1003.492, ~~and~~ 1003.493, and 1003.4935, and
 294 issuance of industry certification identified in the Industry
 295 Certification Funding List pursuant to rules adopted by the
 296 State Board of Education.—

297 1. A value of 0.1 or 0.2 full-time equivalent student
 298 membership shall be calculated for each student who completes a
 299 career-themed course, as defined in s. 1003.493(1)(b), or a
 300 career and professional academy or career-themed course,
 301 pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935, and
 302 who is issued the highest level of an industry certification
 303 identified annually in the Industry Certification Funding List
 304 approved under rules adopted by the State Board of Education
 305 upon completion of grade 8 pursuant to subparagraph 2. or upon
 306 earning a high school diploma. The maximum full-time equivalent
 307 student membership value for any student ~~in grades 9 through 12~~
 308 is 0.3. A value of 0.2 full-time equivalent membership shall be
 309 calculated for each student who is issued an industry
 310 certification that has a statewide articulation agreement for
 311 college credit approved by the State Board of Education. For
 312 industry certifications that do not articulate for college

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313 credit, the Department of Education shall assign a full-time
314 equivalent value of 0.1 for each certification. The State Board
315 of Education shall include the assigned values in the Industry
316 Certification Funding List under rules adopted by the state
317 board. Such value shall be added to the total full-time
318 equivalent student membership in secondary career education
319 programs for grades 9 through 12 in the subsequent year for
320 courses that were not provided through dual enrollment. Industry
321 certifications earned through dual enrollment must be reported
322 and funded pursuant to ss. 1011.80 and 1011.81.

323 2. Upon completion of grade 8, a value of 0.1 full-time
324 equivalent student membership shall be calculated for each
325 student who completes a career-themed course or a career and
326 professional academy course under s. 1003.4935 and who is issued
327 the highest level of industry certification identified in the
328 Industry Certification Funding List under rules adopted by the
329 state board.

330 ~~3.2-~~ Each district must allocate at least 80 percent of
331 the funds provided for industry certification, in accordance
332 with this paragraph, to the program that generated the funds.
333 This allocation may not be used to supplant funds provided for
334 basic operation of the program. Unless a different amount is
335 specified in the General Appropriations Act, the appropriation
336 for this calculation is limited to \$60 million annually. If the
337 appropriation is insufficient to fully fund the total
338 calculation, the appropriation shall be prorated.

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339 4.3. For industry certifications earned in the 2013-2014
 340 school year and in subsequent years, the school district shall
 341 distribute to each classroom teacher who provided direct
 342 instruction toward the attainment of an industry certification
 343 that qualified for additional full-time equivalent membership
 344 under subparagraph 1. or subparagraph 2.:

345 a. A bonus in the amount of \$25 for each student taught by
 346 a teacher who provided instruction in a course that led to the
 347 attainment of an industry certification on the Industry
 348 Certification Funding List with a weight of 0.1.

349 b. A bonus in the amount of \$50 for each student taught by
 350 a teacher who provided instruction in a course that led to the
 351 attainment of an industry certification on the Industry
 352 Certification Funding List with a weight of 0.2.

353 ~~4. For the 2013-2014 fiscal year, the additional FTE~~
 354 ~~membership calculation must include the additional FTE for any~~
 355 ~~student who earned a certification in the 2009-2010, 2010-2011,~~
 356 ~~and 2011-2012 fiscal years who was not previously funded and was~~
 357 ~~enrolled in 2012-2013.~~

358
 359 Bonuses awarded pursuant to this paragraph shall be provided to
 360 teachers who are employed by the district in the year in which
 361 the additional FTE membership calculation is included in the
 362 calculation. Bonuses shall be calculated based upon the
 363 associated weight of an industry certification on the Industry
 364 Certification Funding List for the year in which the

365 certification is earned by the student. Any bonus awarded to a
 366 teacher under this paragraph may not exceed \$2,000 in any given
 367 school year and is in addition to any regular wage or other
 368 bonus the teacher received or is scheduled to receive.

369 Section 7. Paragraph (d) is added to subsection (3) of
 370 section 1012.98, Florida Statutes, and subsections (4) and (7)
 371 of that section are amended, to read:

372 1012.98 School Community Professional Development Act.—

373 (3) The activities designed to implement this section
 374 must:

375 (d) Provide middle grades instructional personnel and
 376 school administrators with the knowledge, skills, and best
 377 practices necessary to support excellence in classroom
 378 instruction and educational leadership.

379 (4) The Department of Education, school districts,
 380 schools, Florida College System institutions, and state
 381 universities share the responsibilities described in this
 382 section. These responsibilities include the following:

383 (a)1. The department shall disseminate to the school
 384 community research-based professional development methods and
 385 programs that have demonstrated success in meeting identified
 386 student needs. The Commissioner of Education shall use data on
 387 student achievement to identify student needs. The methods of
 388 dissemination must include a web-based statewide performance
 389 support system, including a database of exemplary professional
 390 development activities, a listing of available professional

391 development resources, training programs, and available
 392 assistance.

393 2. The web-based statewide performance support system
 394 established pursuant to subparagraph 1. must include for middle
 395 grades, subject to appropriation, materials related to classroom
 396 instruction, including integrated digital instruction and
 397 competency-based instruction; classroom management; student
 398 behavior and interaction; extended learning opportunities for
 399 students; and instructional leadership.

400 (b) Each school district shall develop a professional
 401 development system as specified in subsection (3). The system
 402 shall be developed in consultation with teachers, teacher-
 403 educators of Florida College System institutions and state
 404 universities, business and community representatives, and local
 405 education foundations, consortia, and professional
 406 organizations. The professional development system must:

407 1. Be approved by the department. All substantial
 408 revisions to the system shall be submitted to the department for
 409 review for continued approval.

410 2. Be based on analyses of student achievement data and
 411 instructional strategies and methods that support rigorous,
 412 relevant, and challenging curricula for all students. Schools
 413 and districts, in developing and refining the professional
 414 development system, shall also review and monitor school
 415 discipline data; school environment surveys; assessments of
 416 parental satisfaction; performance appraisal data of teachers,

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417 managers, and administrative personnel; and other performance
418 indicators to identify school and student needs that can be met
419 by improved professional performance.

420 3. Provide inservice activities coupled with followup
421 support appropriate to accomplish district-level and school-
422 level improvement goals and standards. The inservice activities
423 for instructional personnel shall focus on analysis of student
424 achievement data, ongoing formal and informal assessments of
425 student achievement, identification and use of enhanced and
426 differentiated instructional strategies that emphasize rigor,
427 relevance, and reading in the content areas, enhancement of
428 subject content expertise, integrated use of classroom
429 technology that enhances teaching and learning, classroom
430 management, parent involvement, and school safety.

431 4. Include a master plan for inservice activities,
432 pursuant to rules of the State Board of Education, for all
433 district employees from all fund sources. The master plan shall
434 be updated annually by September 1, must be based on input from
435 teachers and district and school instructional leaders, and must
436 use the latest available student achievement data and research
437 to enhance rigor and relevance in the classroom. Each district
438 inservice plan must be aligned to and support the school-based
439 inservice plans and school improvement plans pursuant to s.
440 1001.42(18). Each district inservice plan must provide a
441 description of the training that middle grades instructional
442 personnel and school administrators receive on the district's

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443 code of student conduct adopted pursuant to s. 1006.07;
444 integrated digital instruction and competency-based instruction;
445 classroom management; student behavior and interaction; extended
446 learning opportunities for students; and instructional
447 leadership. District plans must be approved by the district
448 school board annually in order to ensure compliance with
449 subsection (1) and to allow for dissemination of research-based
450 best practices to other districts. District school boards must
451 submit verification of their approval to the Commissioner of
452 Education no later than October 1, annually. Each school
453 principal may establish and maintain an individual professional
454 development plan for each instructional employee assigned to the
455 school as a seamless component to the school improvement plans
456 developed pursuant to s. 1001.42(18). An individual professional
457 development plan must be related to specific performance data
458 for the students to whom the teacher is assigned, define the
459 inservice objectives and specific measurable improvements
460 expected in student performance as a result of the inservice
461 activity, and include an evaluation component that determines
462 the effectiveness of the professional development plan.

463 5. Include inservice activities for school administrative
464 personnel that address updated skills necessary for
465 instructional leadership and effective school management
466 pursuant to s. 1012.986.

467 6. Provide for systematic consultation with regional and
468 state personnel designated to provide technical assistance and

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469 evaluation of local professional development programs.

470 7. Provide for delivery of professional development by
 471 distance learning and other technology-based delivery systems to
 472 reach more educators at lower costs.

473 8. Provide for the continuous evaluation of the quality
 474 and effectiveness of professional development programs in order
 475 to eliminate ineffective programs and strategies and to expand
 476 effective ones. Evaluations must consider the impact of such
 477 activities on the performance of participating educators and
 478 their students' achievement and behavior.

479 9. For middle grades, emphasize:

480 a. Interdisciplinary planning, collaboration, and
 481 instruction.

482 b. Alignment of curriculum and instructional materials to
 483 the state academic standards adopted pursuant to s. 1003.41.

484 c. Use of small learning communities; problem-solving,
 485 inquiry-driven research and analytical approaches for students;
 486 strategies and tools based on student needs; competency-based
 487 instruction; integrated digital instruction; and project-based
 488 instruction.

489
 490 Each school that includes any of grades 6, 7, or 8 must include
 491 in its school improvement plan, required under s. 1001.42(18), a
 492 description of the specific strategies used by the school to
 493 implement each item listed in this subparagraph.

494 (7) (a) The Department of Education shall disseminate,

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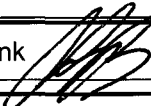
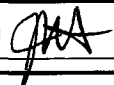
495 using web-based technology, research-based best practice methods
 496 by which the state and district school boards may evaluate and
 497 improve the professional development system. The best practices
 498 must include data that indicate the progress of all students.
 499 The department shall report annually to the State Board of
 500 Education and the Legislature any school district that, in the
 501 determination of the department, has failed to provide an
 502 adequate professional development system. This report must
 503 include the results of the department's investigation and of any
 504 intervention provided.

505 (b) The department shall also disseminate, using web-based
 506 technology, professional development in the use of integrated
 507 digital instruction at schools that include middle grades. The
 508 professional development must provide training and materials
 509 that districts can use to provide instructional personnel with
 510 the necessary knowledge, skills, and strategies to effectively
 511 blend digital instruction into subject-matter curricula. The
 512 professional development must emphasize online learning and
 513 research techniques, reading instruction, the use of digital
 514 devices to supplement the delivery of curricular content to
 515 students, and digital device management and security. Districts
 516 are encouraged to incorporate the professional development as
 517 part of their professional development system.

518 Section 8. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB KTS 14-03 Middle Grades Education
SPONSOR(S): K-12 Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

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

SUMMARY ANALYSIS

The bill requires each school that includes any of grades 6, 7, or 8 to implement an early warning system that uses early warning indicators to identify students at risk of not graduating from high school. The bill identifies early warning indicators for use in the early warning systems, including attendance below 90 percent, course failure in English language arts or mathematics, one or more in-school or out-of-school suspensions, and a Level 1 score on the statewide, standardized assessment for either reading or mathematics. The bill provides school districts the option to add additional indicators.

The bill requires a school's child study team or similar team to convene when a student exhibits two or more early warning indicators. The bill makes students identified by an early warning system eligible for dropout prevention and academic intervention programs.

The bill requires the Department of Education (DOE) to provide web-based professional development to districts to help teachers integrate digital instruction into their classrooms. The DOE must also provide access to web-based materials on middle grades instructional techniques.

The bill requires school districts to emphasize middle grades best practices in the districts' professional development systems and to describe the training middle grades instructional personnel and school administrators receive on these best practices.

The bill requires a school that includes any of grades 6, 7, or 8 to report in its school improvement plan information relating to professional development and the school's early warning system, including intervention strategies employed by the school for students identified through the early warning system.

The bill provides weighted full-time equivalent (FTE) funding to schools for industry certifications earned by middle grades students.

The bill requires the State Board of Education (SBE) to remove from the Course Code Directory any middle grades course that does not fully integrate all appropriate curricular content required by the state's academic standards and authorizes the SBE to approve a new course only if the course meets the required curricular content.

The bill extends anti-hazing provisions to include grades 6 through 8 and revises the definition of "hazing". School districts must adopt policies that prohibit hazing and set consequences for violations. The bill requires school districts to report incidents of hazing in grades 6 through 12 to the DOE and modifies existing criminal hazing provisions.

The bill has no fiscal impact on state or local governments.

The bill has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Middle Grades Reform

Legislative History

Middle grades¹ education is a relatively recent construct, originating in the early 1960's, designed to create schools responsive to the needs of young people.² Florida's Legislature first launched a statewide middle grades reform effort in 1984 by establishing the Florida Progress in Middle Childhood Education Program (PRIME). The purpose of PRIME was to establish programs that "recognize the developmental diversity and needs of [grades 4 through 8] students and which result in schools which have the structure, organization, curriculum, services, and personnel appropriate to facilitate" the transition from elementary to high school.³ These programs emphasized instructional practices including interdisciplinary teaming and instruction, middle grades curriculum development, planning and evaluating middle grades programs, in-service training on middle grades best practices, and student progress monitoring.⁴

In 2004, the Legislature enacted the Middle Grades Reform Act,⁵ the purpose of which was to add focus to middle school courses so students promoted from grade 8 would be ready to succeed in high school. The Act:

- Required the Department of Education (DOE) to review reading and language arts programs in the middle grades and assist the Commissioner of Education (commissioner) with recommendations for curricula changes;
- Instituted a rigorous reading requirement in schools where less than 75 percent of grade 6, 7, or 8 students were reading on grade level;
- Required the DOE to conduct a study on improving the overall academic performance of middle school students; and
- Established a personalized middle school success plan for all students entering grade 6 who scored below Level 3 on their most recent FCAT Reading assessment.

After the Middle Grades Reform Act was enacted, a Middle Grades Reform Task Force, convened by the DOE, published recommendations for further reforms,⁶ many of which were included in HB 7087 in 2006.⁷ Among other things, HB 7087 established middle grades course completion requirements for promotion to grade 9. In addition, the legislation required middle grades students to complete both a year-long exploratory wheel course and a career and education planning course which results in an academic and career plan for the student.⁸

In 2013, the Legislature enacted CS/CS/SB 1076, which amended provisions relating to weighted FTE funding for middle grades industry certifications, required that the career and education planning course be internet-based and emphasize entrepreneurship skills, adjusted end-of-course assessment provisions for the required

¹ In Florida, middle grades are comprised of grades 6, 7, and 8. Florida Department of Education, *2013-2014 Course Code Directory and Instructional Personnel Assignments*, available at <http://www.fldoe.org/articulation/CCD/files/CCDNarrative1314.pdf>.

² Peter Meyer, *The Middle School Mess*, EDUC. NEXT, Winter 2011, at 42, available at http://educationnext.org/files/ednext_20111_Meyer.pdf.

³ See s. 83, ch. 83-336, L.O.F.

⁴ See *id.*

⁵ See ch. 2004-255, L.O.F.

⁶ See Florida Department of Education, *Middle Grades Reform Recommendations* (Nov. 16, 2004), available at www.fldoe.org/board/meetings/2004_11_16/MiddleGrades_Pres.pdf.

⁷ Florida Department of Education, Press Release, *Governor Bush Announces Initiative to Increase Rigor and Change Culture of Middle Grades*, http://www.fldoe.org/news/2005/2005_01_10-5.asp (last visited Dec. 16, 2013).

⁸ Section 21, ch. 2006-74, L.O.F.

course in civics, and expanded remediation options for middle grades students who earn a Level 1 on the FCAT Reading assessment.

Research and Data

Recent research has identified practices that have proven instrumental in decreasing achievement gaps and propelling students into high school on track to graduate ready for college and career.⁹ Certain themes pervade the research, such as:

- The need to closely monitor students early in middle school using research-based indicators to identify students in need of additional support or interventions to stay on track to graduate high school college and career ready;
- The importance of small learning communities, interdisciplinary teaching teams, and common planning time so that teachers can better connect with students and understand students' strengths and areas for growth;
- The crucial role effective, relevant, and school-needs focused professional development plays in preparing middle grades teachers to effectively teach middle grades students;
- The connection between high performing schools and the use of data to make decisions about school improvement; and
- The need for high expectations for students and aligning curricula with state standards.¹⁰

Early Warning Systems

Research from Johns Hopkins University has shown that students who are at risk of dropping out or failing to graduate from high school on time can be identified, as early as sixth grade, using certain "early warning indicators".¹¹ These indicators include, for students in the sixth grade, attendance in the range of 80-90 percent or below, receipt of an out-of-school suspension, and course failure in English or mathematics.¹² The research found that students from high-poverty, urban schools in Philadelphia who exhibited any one of these indicators in the sixth grade had less than a 20 percent chance of graduating from high school on time (within one extra year of their expected graduation date).¹³ Furthermore, less than 75 percent of students exhibiting one or more of these indicators graduated from high school on time.¹⁴

Predictive power: % with this flag who...	Flag in Sixth Grade (in 1997)			
	Attended 80% or Less	Failed Math	Failed English	Suspended Out of School
Graduated on time	13	13	12	16
Graduated 1 year late	4	6	6	4
Did not graduate within 1 year late	83	81	82	80
Yield: % of nongraduates flagged	23	21	17	10

⁹ Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 3, available at https://www.amle.org/portals/0/pdf/articles/Policy_Brief_Balfanz.pdf.

¹⁰ See Office of Program Policy and Government Accountability, *Middle Grades Best Practices*, Research Memorandum (Sept. 30, 2013).

¹¹ See *Id.* See also Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 EDUCATIONAL PSYCHOLOGIST 223 (2007), available at web.jhu.edu/sebin/q/b/preventingstudentdisengagement.pdf.

¹² *Id.* at 227.

¹³ See *Id.* at 226-28, 230.

¹⁴ Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 4.

¹⁵ Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 EDUCATIONAL PSYCHOLOGIST 223, at 228 (using data from the School District of Philadelphia).

Early warning systems predicated on this research have been implemented at a number of middle schools nationwide.¹⁶ These systems are used to monitor students using the attendance, behavior, and course performance indicators shown by the research to be reliable indicators of students at risk of dropping out.¹⁷ Once a student is identified as being off track, research-based intervention techniques are initiated to help the student back on track to graduate on time.¹⁸ The systems have been identified as a key tool to promote student achievement and a benchmark against which the nation can chart its progress against problems with student dropouts.¹⁹

In the Miami-Dade County School District, a collaborative program called Diplomas Now, formed for the purpose of implementing the early warning research of Johns Hopkins University, has established early warning systems at six schools to identify at-risk students and provide interventions to help these students get back on track to graduate.²⁰ The program has helped 186 students improve their attendance, with 41 percent of those students improving their attendance significantly enough to no longer be identified as at risk based on the attendance indicator. Likewise, the program has helped 240 students improve their behavior, 64 percent of whom were put back on track for graduation by the end of the year. Finally, the program has helped 198 students improve their English grades and 212 improve their mathematics grades, with 54 percent in English and 46 percent of students in mathematics getting back on track.²¹

Additional research has reaffirmed the importance of utilizing early warning and intervention systems in improving student achievement in the middle grades.²² Benefits of these systems include:

- The ability to pinpoint and address student disengagement on an individual student basis;
- Decreased reliance on broader socioeconomic markers of demographics and economic status to identify at-risk students;
- The ability to target resources to improve student achievement by focusing on academic performance and thereby reduce the interference of unfavorable nonacademic factors on student success; and
- Identification of patterns in early warning indicators at the school and district levels to identify systemic weaknesses in schools that are increasing the likelihood of student dropouts.²³

¹⁶ Diplomas Now, *Where We Work*, <http://diplomasnow.org/about/where-we-work/> (last visited Jan. 22, 2014).

¹⁷ The 2007 report published in the *Educational Psychologist* journal states that the attendance, behavior, and course performance indicators were used to identify 60% of the participating students who would not graduate from high school. See Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 *EDUCATIONAL PSYCHOLOGIST* at 223.

¹⁸ Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 10-11; Diplomas Now, *Diplomas Now Benefits Students, their Schools, and Communities: hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

¹⁹ Everyone Graduates Center, *On Track for Success: The Use of Early Warning Indicator and Intervention Systems to Build a Grad Nation* (November 2011), available at http://new.every1graduates.org/wp-content/uploads/2012/03/on_track_for_success.pdf.

²⁰ Diplomas Now, *Where we Work*, <http://diplomasnow.org/about/where-we-work/> (last visited Jan. 22, 2014).

²¹ Diplomas Now, *Diplomas Now Benefits Students, their Schools, and Communities: hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

²² Trish Williams, Matthew Rosin, & Michael W. Kirst, *Gaining Ground in the Middle Grades*, *EDUC. OUTLOOK*, January 2011, at 1; Southern Regional Education Board, *Improved Middle Grades Schools for Improved High School Readiness: Ten Best Practices in the Middle Grades* (2012), at 17, available at publications.sreb.org/2012/12V05_MiddleGrades_10_Best_Practices.pdf; Southern Regional Education Board, *A New Mission for the Middle Grades: Preparing Students for a Changing World* (2011), at 13, available at publications.sreb.org/2011/11E15_Mid_Grades_Com.pdf; Education Commission of the States, *Middle Grades: 15 Actions Your State Can Take to Maximize Young Adolescents' Readiness for Grade 9—and College and Careers*, *THE PROGRESS OF EDUC. REFORM*, August 2009, at 2; Alliance for Excellent Education, *Using Early-Warning Data to Improve Graduation Rates: Closing Cracks in the Education System* (2008), available at <http://www.all4ed.org/wp-content/uploads/EWI.pdf>.

²³ Alliance for Excellent Education, *Using Early-Warning Data to Improve Graduation Rates: Closing Cracks in the Education System* (2008), at 2-3, available at <http://www.all4ed.org/wp-content/uploads/EWI.pdf>.

Professional Development

Research on middle grades reform emphasizes that professional development is crucial in improving student academic performance. The Southern Regional Education Board reported that the most improved middle schools surveyed as part of its *Making Middle Grades Work* initiative²⁴ provide extensive professional development to staff in a variety of areas, including use of project-based learning, active student participation in the learning process, adapting teaching methods to the learning styles of different students, use of reading and writing for learning in the content area and across curriculum, use of interdisciplinary themes or units, and other research-based areas.²⁵ The most-improved schools also sustained staff development programs over time while providing incentives that encourage teachers to participate, reflect on what they learn, and apply the practices in their classrooms.²⁶ Other research has shown that professional development is critical to integrating digital instruction into the classroom²⁷ and implementing interdisciplinary teaching.²⁸

Interdisciplinary Teaching and Small Learning Communities

Interdisciplinary teaching entails the formation of small teams of teachers who share students and meet regularly to discuss student progression.²⁹ This practice allows the teams to ease the transition between elementary school and middle school, provide a more accelerated curriculum, and create a more personalized learning environment for students.³⁰ Furthermore, interdisciplinary teaching has been proven to increase student achievement as measured on state reading and mathematics assessments, even in high-poverty schools.³¹

Small learning communities are individualized learning units within larger school settings.³² In a small learning community, a team of teachers instruct a smaller group of common students, which allows for greater interdisciplinary teaching, individualized instruction, and relationship building between students, teachers, and parents.³³ It has long been considered a best practice in middle grades instruction.³⁴

Integration of Digital Instruction

Recent middle grades reform research emphasizes the need for schools to have the technological capacity to prepare students for the information and digital age, handle increasing technological demands on teachers for tools to advance student learning, and sufficiently monitor student progression.³⁵ Furthermore, it is important that schools integrate digital instruction into the classroom and course curricula, offering a broad span of techniques and tools to individualize education and supplement classroom instruction. Blending technology

²⁴ Southern Regional Education Board, *Making Middle Grades Work*, http://www.sreb.org/page/1080/making_middle_grades_work.html (last visited Jan. 2, 2014).

²⁵ Southern Regional Education Board, *Improved Middle Grades Schools for Improved High School Readiness: Ten Best Practices in the Middle Grades*, at 24-25.

²⁶ *Id.* at 26.

²⁷ Advancing Education, Inc., *Commonalities of Georgia's Successful Middle Schools* (2011), available at http://www.gpee.org/fileadmin/files/PDFs/Middle_Sch._Rpt_-_SS.pdf.

²⁸ Christopher M. Cook & Shawn A. Faulkner, *The Use of Common Planning Time: A Case Study of Two Kentucky Schools to Watch*, 34 RESEARCH IN MIDDLE LEVEL EDUC. ONLINE (No. 2) 1 (2010).

²⁹ Office of Program Policy and Government Accountability, *Middle Grades Best Practices*, Research Memorandum, at 2 (Sept. 30, 2013).

³⁰ *Id.* at 2.

³¹ *Id.* at 2.

³² California Department of Education, *Small Learning Communities*, <http://pubs.cde.ca.gov/tcsii/ch5/smlrngcmunities.aspx> (last visited Jan. 23, 2014).

³³ *See Id.* *See also* Paul S. George, *What is a Middle School—Really?; hearing before hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

³⁴ California Department of Education, *Small Learning Communities*, <http://pubs.cde.ca.gov/tcsii/ch5/smlrngcmunities.aspx> (last visited Jan. 23, 2014).

³⁵ Southern Regional Education Board, *A New Mission for the Middle Grades: Preparing Students for a Changing World* (2011), at 7.

with classroom instruction can improve student performance and motivation beyond classroom or internet-based courses alone.³⁶

Integration of technology into the classroom, also called “blended learning,” allows for greater personalization of instruction to drive student engagement, helps reduce student dropouts, closes achievement gaps, and better prepares students for college and career.³⁷ Further, blended learning can accelerate educational opportunities through a wider variety of subjects, instructional strategies and delivery, and curriculum and content relevant to students.³⁸ A digitally enhanced personalized learning experience can build upon individual learning styles, connect with student interests and abilities, and allow students to work at their own pace.³⁹

Competency-Based Education

As blended learning has become more prevalent across the country, the expanded options for personalized instruction has resulted in a growing demand for student-centered digital learning using competency-based education.⁴⁰

Competency-based education, also known as proficiency-, standards-, mastery-, or performance-based education, is an instructional approach in which students progress to more advanced work upon demonstration of mastery of academic content, as opposed to time spent in a course.⁴¹ Virtual instruction is an example of competency-based instruction in Florida—high school students earn credits toward graduation and middle grades students progress from grade to grade by successfully completing courses, not by time spent in a class.⁴²

Competency-based education has been cited as a method to:

- Help traditionally underserved students learn to achieve high state standards;
- Increase college and career readiness;
- Strengthen the economy through a workforce prepared to succeed in a global, knowledge-based economy; and
- Increase student engagement and provide acceleration mechanisms for students at-risk of not graduating high school because they are significantly behind in credits, coursework, or skills.⁴³

When used in conjunction with integrated digital instruction, competency-based education can empower personalized instruction and allow students to learn at their own place at any time or any place.⁴⁴

Data on Middle Grades in Florida

Representatives of the DOE appeared before the House Education K-12 Subcommittee on November 5, 2013, to present data on the current state of middle grades education. Among other things, the data reflected the

³⁶ See *id.* at 8.

³⁷ Alliance for Excellent Education, *The Digital Imperative: How Technology and Teaching Meet Today’s Education Challenges* (June 2012), at 12, available at <http://all4ed.org/wp-content/uploads/2012/01/DigitalLearningImperative.pdf>

³⁸ *Id.*

³⁹ *Id.* at 12.

⁴⁰ International Association for K-12 Online Learning, *Re-Engineering Information Technology: Design Considerations for Competency Education* (2013), available at <http://www.inacol.org/resources/publications/competency-education/>.

⁴¹ Edudemic, *How Competency-Based Learning Actually Works* (2013), <http://www.edudemic.com/how-competency-based-learning-actually-works/> (last visited Jan. 3, 2014).

⁴² Sections 1002.37(a)1.-2. and 1001.42(23), F.S.

⁴³ International Association for K-12 Online Learning, *Necessary for Success, Building Mastery of World-Class Skills: A state Policymakers Guide to Competency Education* (2013), at 11, available at <http://www.inacol.org/resources/publications/competency-education/>.

⁴⁴ International Association for K-12 Online Learning, *Re-Engineering Information Technology: Design Considerations for Competency Education* (2013), at 5.

performance of Florida's 4th and 8th grade students on the National Assessment of Educational Progress (NAEP), learning gains as measured by state assessments for 4th through 8th grade students, statewide attendance numbers, the percentage of middle grades students reported as dropouts, and instances of student discipline (suspensions and expulsions).⁴⁵

The data presented on NAEP scores showed that, as of 2013, Florida's 8th grade students score lower than the national average in mathematics at both basic and proficient levels while nearly level with the national average in reading at both levels.⁴⁶ Data on student attendance indicated that, statewide, about 6.7 percent of 6th graders, 8.8 percent of 7th graders, and 9.9 percent of 8th graders were absent from school 21 or more days, a number correlated with a significant drop in student performance,⁴⁷ during the 2011-2012 school year. Moreover, in the 2011-2012 school year, 18.1 percent of 6th graders, 21.2 percent of 7th graders, and 21 percent of 8th graders statewide received an in-school suspension or out-of-school suspension or were expelled.⁴⁸ Finally, 0.7 percent of 6th grade students, 0.5 percent of 7th graders, and 0.9 percent of 8th graders were reported by districts as dropouts in the 2011-2012 school year.⁴⁹

Background

General Requirements

In order for a student to be promoted to grade 9,⁵⁰ the student must successfully complete the following academic courses:

- Three middle grades or higher courses in English language arts;
- Three middle grades or higher courses in mathematics;
- Three middle grades or higher courses in social studies, one semester of which must include the study of state and federal government and civics education;
- Three middle grades or higher courses in science; and
- One course in career and education planning to be completed in 6th, 7th, or 8th grade.⁵¹

Beginning in the 2013-14 school year, the required civics course must include an end-of-course (EOC) assessment in civics education which constitutes 30 percent of the student's final course grade.⁵²

Acceleration

Each school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit.⁵³ For high school level Algebra I, Geometry, and Biology I courses tested by a statewide, standardized, EOC assessment, a middle grades student's successful completion of that course is not contingent upon the student's performance on the EOC assessment. However, a middle grades student must earn a passing score on the Algebra I EOC assessment in order to receive high school credit in

⁴⁵ Florida Department of Education, *Middle Grades Descriptive Data; hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

⁴⁶ For reading, 33 percent of Florida 8th graders scored at or above proficient level against a national average of 34 percent. Seventy-seven percent scored at or above basic level, matching the national average of 77 percent. In mathematics, 31 percent of Florida's 8th graders scored at or above proficient level against a national average of 34 percent. Seventy percent scored at or above basic level

⁴⁷ Florida Department of Education, *Impact of Absenteeism in Early Grades; hearing before the House Education Committee* (Jan. 7, 2014).

⁴⁸ Florida Department of Education, *Middle Grades Descriptive Data; hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

⁴⁹ *Id.*

⁵⁰ Students in grades 6, 7, or 8 who are not enrolled in a school with a middle grades configuration are subject to the same promotion requirements as students enrolled in a school with a middle grades configuration. Section 1003.4156(2), F.S.

⁵¹ Section 1003.4156(1)(a), F.S.

⁵² Section 1003.4156(1)(c), F.S.

⁵³ Section 1003.4156(1)(b), F.S.

Algebra I. A middle grades student taking Geometry or Biology I must take the EOC assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course, in order to earn high school credit for the course.⁵⁴

Statewide Middle Grades Standards and Assessments

Legislation enacted in 2008 provided for the replacement of the Sunshine State Standards (SSS) with more rigorous Next Generation Sunshine State Standards (NGSSS).⁵⁵ Among other things, the legislation directed the Commissioner of Education to establish an expedited schedule for this transition, to be completed by December 1, 2011. The transition from the SSS to the NGSSS was completed in December 2010. The NGSSS establish the core curricular content for English language arts, Science, Mathematics, Social Studies, Visual and Performing Arts, Physical Education, and Foreign Languages for the public K-12 system, including middle grades.⁵⁶

The statewide assessment program measures student mastery of the NGSSS.⁵⁷ The statewide assessment program for public schools includes the FCAT and statewide, standardized EOC assessments.⁵⁸ FCAT assesses reading (grades 3-10), mathematics (grades 3-8), science (grades 5 and 8), and writing (grades 4, 8, and 10).⁵⁹ Florida transitioned to FCAT 2.0 assessments aligned to the more rigorous NGSSS in reading and mathematics in the 2010-2011 school year and in science in the 2011-2012 school year.⁶⁰ Administration of high school FCAT Mathematics was discontinued for students entering 9th grade in the 2010-2011 school year and thereafter.⁶¹

Public middle grades students are required to participate in the statewide assessment program. They fulfill this requirement by taking the FCAT 2.0 each year for their respective grade level.⁶² In addition, each middle grades student must successfully complete, prior to promotion to high school, a civics course that is at least one semester long. Beginning in 2013-2014, each student must take a statewide, standardized civics EOC assessment which constitutes 30 percent of the student's final grade.⁶³

Middle grades students who take Algebra I, Geometry, or Biology I must sit for the corresponding statewide standardized assessment.⁶⁴ Successful completion of the assessment for these courses for high school promotion purposes is not contingent upon the student passing the exam.⁶⁵ However, in order to earn high school credit, a middle grades student taking Algebra I must pass the statewide, standardized EOC assessment.⁶⁶ For Geometry and Biology I, a student's performance on the statewide, standardized assessment comprises 30 percent of the student's final grade, and the student must pass the course in order to earn high school credit.⁶⁷

⁵⁴ Section 1003.4156(1)(b) and (d), F.S.

⁵⁵ Section 8, ch. 2008.235, L.O.F.

⁵⁶ Section 1003.41(1)-(2), F.S.; *see, e.g.*, Florida Department of Education, *Next Generation Sunshine State Standards*, <http://www.fldoe.org/bii/curriculum/sss/> (last visited March 10, 2013).

⁵⁷ Section 1008.22(1)(a), F.S.

⁵⁸ Section 1008.22(3)(c)1. and 2., F.S.

⁵⁹ Section 1008.22(3)(a), F.S.

⁶⁰ Florida Department of Education, *2011 FCAT 2.0 Fact Sheet*, at 1 (Feb. 2011), available at <http://fc2.fldoe.org/fcat2/pdf/ffs2.pdf>; Rule 6A-1.09422(3)(b), F.A.C.

⁶¹ Section 1008.22(3)(c)2.a.

⁶² Section 1008.22(3)(a), F.S.

⁶³ Section 1003.4156(1)(c), F.S.

⁶⁴ Section 1003.4156(1), F.S.

⁶⁵ *Id.*

⁶⁶ Section 1003.4156(1)(b), F.S.

⁶⁷ Section 1003.4156(1)(b) and (d), F.S.

Remediation Requirements

Prior to the 2013-2014 school year, middle grades students who scored a Level 1 on FCAT Reading were required to receive remediation through an intensive remediation course. Legislation enacted in 2013 allows flexibility for these students to participate in the required remediation either through a remedial course or a content area course which incorporates remediation strategies.⁶⁸ In addition, students who score a Level 2 on the FCAT Reading are also subject to the remediation requirements.⁶⁹

Middle grades students who score a Level 1 or Level 2 on FCAT Mathematics or, when implemented, the new statewide, standardized mathematics assessment, must receive remediation the following year.⁷⁰ The remediation may be integrated into the student's required mathematics courses.⁷¹

Attendance Requirements

In Florida, children 6 to 16 years of age must regularly attend school.^{72,73} Upon attaining 16 years of age, a student is not subject to compulsory school attendance if he or she files with the district school board a formal declaration of intent to terminate school enrollment, which must be signed by the student's parent.⁷⁴ A student terminating school enrollment must complete an exit interview and survey prescribed by the Department of Education and explain the reasons for terminating enrollment.⁷⁵

In addition to attendance in public school, compulsory school attendance may be achieved through regular attendance in a private school; a parochial, religious, or denominational school; a home education program; or a private tutoring program.⁷⁶

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.⁷⁷ The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.⁷⁸ If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the absences to be excused. In such cases, the physician's excuse justifies absences beyond the maximum number of days permitted under the district school board's attendance policy.⁷⁹

State law and state board rule also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays, or because religious tenets forbid secular activity during the school day.⁸⁰

School districts must implement the following steps to enforce regular attendance:

⁶⁸ Section 13, ch. 2013-27, L.O.F.

⁶⁹ Section 1003.4156(2), F.S.

⁷⁰ Section 1003.4156(3), F.S.

⁷¹ *Id.*

⁷² Sections 1002.20(2)(a) and 1003.21(1)(a)1., F.S. (a child who is 6 years of age, or who will be 6 years old by February 1 of the school year, or older is subject to compulsory school attendance).

⁷³ Although not required to attend public school, children with disabilities who have attained the age of 3 years are eligible for admission to public special education programs. Similarly, children younger than 3 years of age with disabilities may be eligible for special programs and services. Section 1003.21(1)(e), F.S.

⁷⁴ Section 1003.21(1)(c), F.S. A student who is 18 years of age is not required to obtain parental consent when terminating school enrollment. *Id.*

⁷⁵ *Id.*

⁷⁶ Sections 1002.20(2)(b) and 1003.01(13), F.S.

⁷⁷ Section 1003.24, F.S. (flush-left provisions at end of section).

⁷⁸ Section 1003.26, F.S.

⁷⁹ Section 1003.24(4), F.S.

⁸⁰ Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; rule 6A-1.09514(1) and (2), F.A.C.

Contact: Each time a student has an unexcused absence or absence for which the reason is unknown, the school principal or his or her designee must contact the student's parent to determine the reason for the absence. If the reason for the absence is determined to fall within the district's policy for excused absences, the school must allow the student to make up assigned work. The student may not be penalized unless such work is not made up within a reasonable time.⁸¹

Refer: If a student exhibits a "pattern of nonattendance,"⁸² his or her teacher must report the behavior to the school principal. Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to the school's child study team⁸³ to determine whether early patterns of truancy are developing.⁸⁴ If a child study team finds a pattern of truancy developing, the principal must notify the district superintendent and the district contact for home education programs.⁸⁵

The child study team must meet with the student's parent to identify potential remedies and, if that meeting does not resolve the problem, the team must implement:

- Frequent attempts at communication between the teacher and the family;
- Evaluation for alternative education programs; and
- Attendance contracts.⁸⁶

The child study team may also implement other interventions, including referral to other agencies for family services or recommendations for filing a truancy petition,⁸⁷ and must report the case to the district superintendent only after all reasonable intervention efforts have been exhausted.⁸⁸

Florida law holds parents responsible for their student's regular school attendance and for participating in the efforts of a child study team.⁸⁹ A parent who knowingly refuses or fails to do either of the aforementioned requirements may be criminally prosecuted for a second degree misdemeanor, which is punishable by imprisonment for up to 60 days.⁹⁰ In addition to imprisonment, the court may require the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship, perform community service hours at the school, or participate in counseling or other services.^{91,92}

⁸¹ Section 1003.26(1)(a), F.S.

⁸² If a student has at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within 90 calendar days, the student's primary teacher must report to the school principal that the student may be exhibiting a "pattern of nonattendance." Section 1003.26(1)(b), F.S.

⁸³ A child study team is typically synonymous with other multidisciplinary school teams, such as "problem solving teams," intervention support teams, school based intervention teams, response to intervention teams, and student support teams. Along with its statutory duties concerning student attendance, the child study team meets to collect and review information about students who are referred for learning and/or behavioral concerns. See Florida Department of Education, *Glossary*, <http://www.fl DOE.org/military/generaled/glossary.asp> (last visited Aug. 15, 2013).

⁸⁴ Section 1003.26(1)(b), F.S.

⁸⁵ *Id.*

⁸⁶ Section 1003.26(1)(c), F.S.

⁸⁷ "Truancy petition" means a petition filed by the superintendent of schools alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151, F.S. Section 984.03(55), F.S.

⁸⁸ Section 1003.26(1), F.S.

⁸⁹ Section 1003.24, F.S.

⁹⁰ Sections 1003.24, 1003.26(1)(e) and (f), and 1003.27(2) and (7)(a), F.S.

⁹¹ Section 1003.27(7)(a)3., F.S.

⁹² A parent is not responsible for a child's nonattendance if the absence is: authorized by the head of the school; without the parent's knowledge or consent; due to the parent's financial inability to provide necessary clothing for the child; or due to the child's sickness, injury, or other insurmountable condition. Section 1003.27(7)(d)1., F.S.

If a student is found by the court to be a habitual truant,⁹³ the court must order him or her to make up all school work missed and may order him or her to pay a civil penalty of up to \$2 for each day of school missed; perform up to 25 community service hours at the school; or participate in counseling or other services, as appropriate.⁹⁴ For a second or subsequent finding of habitual truancy, the court must order the student to make up all school work missed and may order the him or her to pay a civil penalty of up to \$5 for each day of school missed; perform up to 50 community service hours at the school; or participate in counseling or other services, as appropriate.⁹⁵

Dropout Prevention and Academic Intervention

Present Situation

Each district school board may establish dropout prevention and academic intervention programs at the elementary, middle, or high school level.⁹⁶ These programs must use instructional teaching methods appropriate to the specific needs of each student participating in the program.⁹⁷ Any school that establishes a dropout prevention and academic intervention program must reflect the program in its school improvement plan.⁹⁸

Dropout prevention and academic intervention programs may differ from traditional programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and must employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students.⁹⁹

Eligibility for participation in a dropout prevention and academic intervention program is limited to students in grades 1 through 12.¹⁰⁰ Such students are eligible for dropout prevention and academic programs if they are academically unsuccessful, exhibit a pattern of excessive absenteeism or have been identified as a habitual truant, or have a history of disruptive behavior in school or have committed an offense that warrant out-of-school suspension or expulsion from school.¹⁰¹ Student participation in a dropout prevention and academic intervention program is voluntary.¹⁰²

School districts must report eligible students in the appropriate basic cost factor in the Florida Education Finance Program (FEFP), and the strategies and supports provided to eligible students are funded through the General Appropriations Act.¹⁰³ Such strategies and supports may include, but are not limited to, those services identified on a student's academic intervention plan.¹⁰⁴ Funding for these programs is paid from the Supplemental Academic Instruction (SAI) Categorical Fund and are in addition to the funds appropriated on the basis of full-time equivalent (FTE) student membership in the FEFP.¹⁰⁵ Each district with one or more of the

⁹³ "Habitual truant" is a legal status determined by the court upon the filing of a petition by the school superintendent. In order for the court to declare a student habitually truant, the court must find that the student is subject to compulsory school attendance; the student has had 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent; and a child study team has conducted intervention activities and attempted unsuccessfully to remediate the student's truant behavior. Section 1003.01(8), F.S.

⁹⁴ Section 1003.27(7)(d)1., F.S.

⁹⁵ Section 1003.27(7)(d)2., F.S.

⁹⁶ Section 1003.53(2)(a), F.S.

⁹⁷ *Id.*

⁹⁸ Section 1003.53(2)(b), F.S.

⁹⁹ Section 1003.53(1)(a), F.S.

¹⁰⁰ Section 1003.53(1)(b), F.S.

¹⁰¹ Section 1003.53(1)(c), F.S. Under certain circumstances, school districts may assign students in grades 6 through 10, who are habitually truant or who have been disruptive or violent, to a second chance school. *See s.* 1003.53(1)(d), F.S.

¹⁰² Section 1003.53(1)(a), F.S.

¹⁰³ Section 1003.53(1)(b), F.S.

¹⁰⁴ *Id.*

¹⁰⁵ Section 1011.62(1)(f)2., F.S.

100 lowest-performing elementary schools must first use SAI funds and funds from the district research-based reading instruction to provide an additional hour of intensive reading instruction each day.¹⁰⁶ After this requirement has been met, the SAI funds may be used for other purposes which may include dropout prevention and academic intervention.¹⁰⁷

District school boards that receive state funding for dropout prevention and academic intervention must submit an annual report to the DOE documenting the extent of the district's success in using dropout prevention and academic intervention programs to improve the district's graduation rate, dropout rate, attendance rate, and retention/promotion rate.¹⁰⁸ In addition, school boards that provide a dropout prevention and academic intervention program must maintain for each participating student records documenting the student's eligibility, the length of the student's participation, the type of program to which the student was assigned or type of academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program.¹⁰⁹

Prior to a student's placement in a dropout prevention and academic intervention program, the school principal must provide written notice to the student's parent.¹¹⁰ The student's parent must return acknowledgement of the written notice within 3 days of receipt. The notice must inform the parent that he or she is entitled to administrative review, under ch. 120, F.S., of any action by school personnel relating to the student's placement.¹¹¹

District school boards must establish procedures to ensure that teachers assigned to dropout prevention and academic intervention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of students placed in the program.¹¹²

Effect of Proposed Changes

The bill requires each school that includes any of grades 6, 7, or 8 to implement an early warning system to identify students who are at risk of not graduating from high school. The bill identifies four early warning indicators that schools must use to monitor students:

- Attendance below 90percent;
- Course failure in English language arts or mathematics;
- One or more in-school or out-of-school suspensions; and
- Scoring a Level 1 score on the statewide, standardized reading or mathematics assessments.

The bill allows each district to prescribe additional early warning indicators for use in its schools' early warning systems.

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,¹¹³ or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student. The school must provide to the student's parent at least 10

¹⁰⁶ *Id.* In the 2013 General Appropriations Act, Specific Appropriations 7 and 87, s. 2, ch. 2013-40, L.O.F., the Legislature allocated a total sum of \$639,296,226 for SAI. In each district with one or more of the 100 lowest-performing elementary schools, the first \$15,000,000 of the district's allocation was required to be first used to provide the additional hour of intensive reading instruction. See Specific Appropriation 87, s. 2, ch. 2013-40, L.O.F.

¹⁰⁷ *See id.*

¹⁰⁸ Section 1003.53(3), F.S.

¹⁰⁹ Section 1003.53(5), F.S.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Section 1003.53(4), F.S.

¹¹³ School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

days' written notice of the meeting. The notice must indicate the meeting's purpose, time, and location. The school must also provide the parent the opportunity to participate in the meeting.

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan the following information and data on the school's early warning system:

- A list of the early warning indicators used in the system;
- The number of students identified by the system as exhibiting two or more early warning indicators;
- The number of students by grade level that exhibit each indicator; and
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

The bill provides that students identified by a school's early warning system are eligible for dropout prevention and academic intervention programs.

Professional Development

Present Situation

Florida law requires a number of entities, including the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.¹¹⁴

Part of the DOE's responsibility in the professional development system is to disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs.¹¹⁵ At least one method of dissemination must be through a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.¹¹⁶ In addition, the DOE must disseminate, using the web-based statewide performance-support system, proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, and meeting identified school needs.¹¹⁷ The DOE must also disseminate, using web-based technology, research-based best practice methods by which the state and district school boards may evaluate and improve the professional development system.¹¹⁸

Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System (FCS) institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.¹¹⁹ The system must:

- Be approved by the DOE, with all substantial revisions thereto also approved by the DOE;
- Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students;
- Provide inservice activities with followup support appropriate to accomplish district-level and school-level improvement goals and standards;

¹¹⁴ Section 1012.98(1), F.S.

¹¹⁵ Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <http://www.cpalms.org/Public/>.

¹¹⁶ *Id.*

¹¹⁷ Section 1012.98(11), F.S.

¹¹⁸ Section 1012.98(7), F.S.

¹¹⁹ Section 1012.98(4)(b), F.S.

- Include a master plan for inservice activities, which must be aligned to and support school-based inservice plans and school improvement plans and be approved annually by the district school board;
- Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management;
- Provide for systemic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs;
- Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs; and
- Provide for the continuous evaluation of the quality and effectiveness of professional developmental programs in order to eliminate ineffective programs and strategies and expand effective ones.¹²⁰

A district school board may contract with independent entities for professional development services and inservice education if the district school board can demonstrate to the Commissioner of Education that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.¹²¹

Effect of Proposed Changes

The bill requires professional development activities designed to implement the School Community Professional Development Act¹²² to provide middle grades instructional personnel and school administrators the knowledge, skills, and best practices necessary to support excellence in classroom instruction and educational leadership.

The bill requires the DOE to include in its web-based statewide performance support system, subject to appropriation, materials related to middle grades classroom instruction, including integrated digital instruction and competency-based instruction, classroom management, student behavior and interaction, extended learning opportunities for students, and instructional leadership.

In addition, the DOE must disseminate, using web-based technology, professional development in the use of integrated digital instruction at schools that include middle grades. The professional development must provide training and materials that districts can use to provide instructional personnel with the necessary knowledge, skills, and strategies to effectively blend digital instruction into subject-matter curricula. The professional development must emphasize online learning and research techniques, reading instruction, the use of digital devices to supplement the delivery of curricular content to students, and digital device management and security. The bill encourages school districts to incorporate the professional development as part of their professional development system.

The bill requires each school district to include in the district's inservice plan a description of the training that middle grades instructional personnel and school administrators receive on:

- The district's code of student conduct;
- Integrated digital instruction and competency-based instruction;
- Classroom management;
- Student behavior and interaction;
- Extended learning opportunities for students; and
- Instructional leadership.

In addition, the district's professional development system must emphasize, for middle grades:

- Interdisciplinary planning, collaboration, and instruction;
- Alignment of curriculum and instructional materials to the state academic standards; and

¹²⁰ *Id.*

¹²¹ Section 1012.98(9), F.S.

¹²² Section 1012.98, F.S.

- Use of small learning communities;
- Problem-solving, inquiry-driven research and analytical approaches for students;
- Strategies and tools based on student needs;
- Integration of digital instruction and competency-based instruction; and
- Project-based instruction.

The bill requires each school that includes middle grades to include in its school improvement plan a description of the specific strategies used by the school to implement these items emphasized by the district inservice plan.

School Improvement Plans

Present Situation

District school boards are required to annually approve and require implementation of a school improvement plan for each school in the district.¹²³ School districts must provide funds to schools for developing and implementing school improvement plans.¹²⁴

Schools that earn a grade of D or F are required to prepare a school improvement plan using a form prescribed by the DOE.¹²⁵ The form outlines specific expected improvements and data reporting, including data related to early warning systems, and guides the school improvement problem-solving and planning process.¹²⁶ The DOE-prescribed school improvement plan also doubles as a Title I Schoolwide Plan, as it is embedded with all required components of a schoolwide and targeted assistance program under the federal No Child Left Behind Act.¹²⁷

Effect of Proposed Changes

The bill requires schools that include any of grades 6, 7, or 8 to report information and data on early warning systems¹²⁸ and professional development, which includes the strategies used by the school to implement each item emphasized by the district professional development system.

Middle Grades Career Education

Present Situation

Each district school board must develop a strategic 3-year plan, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, to address and meet local and regional workforce demands.¹²⁹ The strategic plan must include plans to implement a career and professional academy or career-themed course in at least one middle school in the district.¹³⁰ Further, the strategic plan must provide students the opportunity to transfer from a middle school career and professional academy¹³¹ or a

¹²³ Section 1001.42(18)(a), F.S.

¹²⁴ Section 1001.42(18)(c), F.S.

¹²⁵ See Rule 6A-1.09981, F.A.C.; Florida Department of Education, *Form SIP-1 School Improvement Plan* (2013), available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03056>.

¹²⁶ Rule 6A-1.09981(4) and (5), F.A.C.

¹²⁷ See 20 U.S.C. s. 6314(b)

¹²⁸ See *Early Warning Systems*, *supra* p. 13.

¹²⁹ Section 1003.491(2), F.S.

¹³⁰ Section 1003.4935, F.S.

¹³¹ A "career and professional academy" is defined in statute to mean a research-based program offered by a public school district or school that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(a), F.S.

career-themed course¹³² to a high school career and professional academy or a career-themed course currently operating within the school district.¹³³

Each course must be aligned with at least one high school career and professional academy or career-themed course offered in the district while maintaining partnerships with local business and industry and economic development boards. In addition, middle grades career and professional academies and career-themed courses must:

- Lead to careers in occupations designated as high-skill, high-wage, and high-demand in the Industry Certification Funding List approved under rules adopted by the State Board of Education (SBE);
- Integrate content from core subject areas;
- Integrate career and professional academy or career-themed course content with intensive reading, English language arts, and mathematics pursuant to ss. 1003.428 and 1003.4282, F.S.;
- Coordinate with high schools to maximize opportunities for middle grades students to earn high school credit;
- Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle grades students. The virtual instruction courses must be aligned to state curriculum standards for middle grades career and professional academy courses or career-themed courses, with priority given to students who have required course deficits;
- Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;
- Offer externships; and
- Provide personalized student advisement that includes a parent-participation component.¹³⁴

Students who complete a middle school career and professional academy or a career-themed course must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.¹³⁵

The DOE must collect and report student achievement data related to certain performance factors identified by statute for each middle school career and professional academy or career themed course implemented by a school district.¹³⁶

Prior to 2013, schools could receive a weighted FTE student membership calculation for each middle grades student who earned an industry certification identified by the SBE's Industry Certification Funding List.¹³⁷ If a middle grades student earned an industry certification in the fields of science, technology, engineering, or mathematics identified on the Industry Certification Funding List, the student's school would receive a 0.1 weighted FTE student membership calculation upon that student's promotion to grade 9.¹³⁸

Legislation enacted in 2013 eliminated the provisions that awarded weighted FTE funding to schools based on industry certifications earned by middle grades students.¹³⁹ Instead, as a result of the same legislation, schools were to have received bonuses amounting to \$50 for each middle grades student who earns a Florida

¹³² A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

¹³³ Section 1003.4935(1), F.S.

¹³⁴ Section 1003.4935(2), F.S.

¹³⁵ Section 1003.4935(1), F.S.

¹³⁶ Section 1003.4935(3), F.S.

¹³⁷ Section 1011.62(1)(o), F.S. (2012); *See* s. 39, ch. 2013-27, L.O.F.

¹³⁸ *Id.*

¹³⁹ *Id.*

Digital Tools Certificate, with a minimum of \$1,000 and maximum of \$15,000 per school.¹⁴⁰ Under the Florida Digital Tools Certificate program, a student who masters certain targeted, digital skills necessary to the student's academic work and which the student may need in future employment was to be awarded a certificate to indicate the students' digital skills.¹⁴¹ The program was to be created by one or more technology companies with DOE-approved industry certifications.¹⁴² However, funding for the Florida Digital Tools Certificates program was vetoed from the 2013 General Appropriations Act by the Governor.¹⁴³

Each district must allocate at least 80 percent of the funds provided for industry certification to the program that generated the funds.¹⁴⁴ The allocation may not be used to supplant funds provided for basic operation of the program.¹⁴⁵ Unless a different amount is specified in the General Appropriations Act, the appropriation for the industry certification calculation is limited to \$60 million annually.¹⁴⁶ If the appropriation is insufficient to fully fund the total calculation, the appropriation is prorated.¹⁴⁷

Effect of Proposed Changes

The bill restores language providing weighted FTE student membership for industry certifications earned by middle grades students. If a middle grades student earns an industry certification, the student's school will be awarded an additional 0.1 FTE student membership upon that student's completion of 8th grade. Unlike prior requirements, weighted funding for industry certifications is not limited to the areas of science, technology, engineering, or mathematics.

Middle Grades Courses and Curricular Content

Present Situation

In order for a student's enrollment in a course or program to generate FTE funding through the FEFP, the course or program must, among other requirements, be approved by the SBE for inclusion in its course code directory.¹⁴⁸ In addition, the curricular content for all subjects must integrate:¹⁴⁹

- Critical-thinking, problem-solving, and workforce-literacy skills;
- Communication, reading, and writing skills;
- Mathematics skills;
- Collaboration skills;
- Contextual and applied-learning skills;
- Technology-literacy skills;
- Information and media-literacy skills; and
- Civic-engagement skills.

Currently, there is no express requirement that any course approved by the SBE integrate all appropriate curricular content as prescribed by the state's academic standards.

¹⁴⁰ *Id.*

¹⁴¹ Section 1003.4203(4), F.S.

¹⁴² *Id.*

¹⁴³ See Specific Appropriation 102A, s. 2. ch. 2013-40, L.O.F.

¹⁴⁴ Section 1011.62(1)(o)2., F.S.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ See Rule 6A-1.09441, F.A.C. See also s. 1011.62(1)(c), F.S. The Course Code Directory and Instructional Personnel Assignments 2013-2014 can be found at <http://www.flrules.org/gateway/reference.asp?No=Ref-03096>.

¹⁴⁹ Section 1003.41(1), F.S.

Effect of Proposed Changes

The bill requires the SBE to remove any middle grades course in the Course Code Directory that does not fully integrate all appropriate curricular content required by the state's academic standards. Furthermore, the SBE may approve a new course for inclusion in the Course Code Directory only if the course contains the required curricular content.

Hazing¹⁵⁰

Present Situation

Hazing at a high school with grades 9 through 12 is criminally punishable as either a first degree misdemeanor or third degree felony, depending on the nature of the act of hazing.¹⁵¹ Hazing is defined as:

Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student at a high school with grades 9 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a high school with grades 9 through 12.¹⁵²

Hazing includes, but is not limited to:

- Pressuring or coercing the student into violating state or federal law;
- Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements;
- Forced consumption of any food, liquor, drug, or other substance;
- Forced physical activity that could adversely affect the physical health or safety of a student; or
- Any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a student.¹⁵³

The definition of hazing excludes customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.¹⁵⁴

Hazing constitutes a first degree misdemeanor if a person intentionally or recklessly commits an act of hazing upon another person who is a member of or applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to the other person.¹⁵⁵ If the act of hazing results in serious bodily injury or death of the other person, then the act constitutes a third degree felony.¹⁵⁶

Attendance and completion of a 4-hour hazing education course is a required condition of any sentence imposed on a person convicted of hazing.¹⁵⁷ A court may also impose a drug or alcohol probation as a condition of the sentence.¹⁵⁸

It is not a defense to a charge of hazing that:

- Consent of the victim had been obtained;

¹⁵⁰ This analysis does not address hazing at postsecondary institutions, which is subject to the provisions of s. 1006.63, F.S.

¹⁵¹ Section 1006.135(1), F.S.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Section 1006.135(3), F.S.

¹⁵⁶ Section 1006.135, (2), F.S.

¹⁵⁷ Section 1006.135,(4), F.S.

¹⁵⁸ *Id.*

- The conduct or activity that resulted in death or injury of the victim was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or
- The conduct or activity that resulted in death or injury of the victim was not done as a condition of membership to an organization.¹⁵⁹

Prosecution for hazing does not preclude prosecution for a more general offense resulting from the same criminal transaction or episode (e.g., battery).¹⁶⁰

Unlike incidents of bullying or harassment of K-12 students¹⁶¹ or postsecondary hazing,¹⁶² incidents of hazing at high schools are not reported by school districts to the DOE.

Effect of Proposed Changes

The bill extends the definition of hazing to include grades 6 through 8 and clarifies what conduct constitutes an act of hazing. The bill also requires each school district to establish a policy that prohibits hazing and sets consequences for violations. The district policy must also include:

- A definition of hazing which must include the definition of hazing provided by statute;
- A procedure for reporting an alleged act of hazing, including provisions that permit a person to anonymously report such an act;¹⁶³
- The requirement that a school with any of grades 9 through 12 report an alleged act of hazing to a local law enforcement agency if the alleged act meets the criteria for criminal hazing;
- A provision for referral of victims and perpetrators of hazing to a certified school counselor; and
- The requirement that each incident of hazing be reported to the DOE as part of the reporting school's safety and discipline report¹⁶⁴ through the School Environmental Safety Incident Reporting (SESIR) System.¹⁶⁵

The information provided to the DOE must include the number of hazing incidents reported, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.

The bill modifies criminal hazing provisions by changing the intent standard for misdemeanor and felony hazing from intentional or reckless to "knew or should have known." The bill maintains applicability of criminal penalties only to students in grades 9 through 12 and changes the level of risk required in misdemeanor hazing from "substantial" to "potential". The bill allows courts to require a defendant convicted of hazing to make a public apology to the students and victims at the school and/or participate in a school-sponsored anti-hazing campaign to raise awareness of what constitutes hazing and the penalties for hazing.

¹⁵⁹ Section 1006.135(5), F.S.

¹⁶⁰ Section 1006.135(6), F.S.

¹⁶¹ Bullying and harassment are prohibited under s. 1006.147, F.S.

¹⁶² Hazing at postsecondary institutions

¹⁶³ The bill specifies that disciplinary action for hazing may not be based solely on an anonymous report.

¹⁶⁴ Each school principal must report data concerning school safety and discipline to the DOE using forms prescribed by state board rule. Section 1006.09(6), F.S. The principal must develop a plan to verify the accuracy of reported incidents. *Id.*

¹⁶⁵ The SESIR system compiles data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. See Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited Jan. 16, 2014).

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.42, F.S.; requiring a school that includes certain grades to include information, data, and instructional strategies in its school improvement plan; requiring a school that includes certain grades to implement an early warning system based on indicators to identify students in need of additional academic support.

Section 2. Amends s. 1003.42, F.S.; providing the State Board of Education duties relating to middle grades courses.

Section 3. Amends s. 1003.4935, F.S.; authorizing additional FTE funding for certain industry certifications.

Section 4. Amends s. 1003.53, F.S.; authorizing dropout prevention and academic intervention services for a student identified by a school's early warning system.

Section 5. Amends s. 1006.135, F.S.; including middle grades schools under provisions prohibiting hazing; revising the definition of the term "hazing"; requiring a school district policy that prohibits hazing and establishes consequences for an act of hazing; revising penalty provisions and providing for applicability.

Section 6. Amends s. 1011.62, F.S.; specifying requirements related to additional FTE funding based on completion of certain courses or programs and issuance of industry certification; deleting obsolete provisions.

Section 7. Amends s. 1012.98, F.S.; providing requirements relating to professional development, including inservice plans and instructional strategies, for middle grades educators; requiring the Department of Education to disseminate professional development in the use of integrated digital instruction.

Section 8. Provides an effective date of July 1, 2014.

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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires school districts to adopt an anti-hazing policy in rule.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.