



K - 12
Subcommittee
Tuesday, January 14, 2014
1:00 p.m. – 3:00 p.m.
17 HOB

Meeting Packet

Will Weatherford
Speaker

Janet H. Adkins
Chair



AGENDA

K-12 Subcommittee
Tuesday, January 14, 2014
1:00 p.m. – 3:00 p.m.
17 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. HB 337 - Florida Teachers Classroom Supply Assistance Program by Fresen
- IV. Workshop Middle Grades Education language
- V. 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WITHDRAWN _____ (Y/N)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 bill: K-12 Subcommittee
2 Representative Fresen offered the following:

3
4 **Amendment**
5 Remove line 25 and insert:
6 school board may provide the teacher with his or her total

HB 337

2014

1 A bill to be entitled
 2 An act relating to the Florida Teachers Classroom
 3 Supply Assistance Program; amending s. 1012.71, F.S.;
 4 revising procedures for distributing program funds to
 5 classroom teachers; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Subsection (3) of section 1012.71, Florida
 10 Statutes, is amended to read:

11 1012.71 The Florida Teachers Classroom Supply Assistance
 12 Program.—


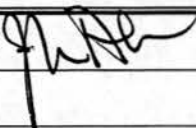
13 (3) From the funds allocated to each school district and
 14 any funds received from local contributions for the Florida
 15 Teachers Classroom Supply Assistance Program, the district
 16 school board shall calculate an identical amount for each
 17 classroom teacher who is estimated to be employed by the school
 18 district or a charter school in the district on September 1 of
 19 each year, which is that teacher's proportionate share of the
 20 total amount allocated to the district from state funds and
 21 funds received from local contributions. A job-share classroom
 22 teacher may receive a prorated share of the amount provided to a
 23 full-time classroom teacher. For a classroom teacher determined
 24 eligible on July 1, the district school board and each charter
 25 school board shall provide the teacher with his or her total
 26 proportionate share by August 1 based on the estimate of the

27 | number of teachers who will be employed on September 1. For a
 28 | classroom teacher determined eligible after July 1, the district
 29 | school board and each charter school board shall provide the
 30 | ~~each classroom~~ teacher with his or her total proportionate share
 31 | by September 30. The proportionate share may be provided ~~of each~~
 32 | ~~year~~ by any means determined appropriate by the district school
 33 | board or charter school board, including, but not limited to,
 34 | direct deposit, check, debit card, or purchasing card. If a
 35 | debit card is used, an identifier must be placed on the front of
 36 | the debit card which clearly indicates that the card has been
 37 | issued for the Florida Teachers Classroom Supply Assistance
 38 | Program. Expenditures under the program are not subject to state
 39 | or local competitive bidding requirements. Funds received by a
 40 | classroom teacher do not affect wages, hours, or terms and
 41 | conditions of employment and, therefore, are not subject to
 42 | collective bargaining. Any classroom teacher may decline receipt
 43 | of or return the funds without explanation or cause.

44 | Section 2. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 337 Florida Teachers Classroom Supply Assistance Program
SPONSOR(S): Fresen
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Brink 	Ahearn 
2) Appropriations Committee			
3) Education Committee			

SUMMARY ANALYSIS

The Florida Teachers Classroom Supply Assistance Program (Program) provides funding for teachers to purchase supplies and materials for their classrooms.

The bill requires school districts to estimate by July 1 each year the number of classroom teachers expected to be employed by the district or a charter school in the district, and thus eligible to receive funds through the Program, on September 1.

The bill establishes two dates by which Program funds must be disbursed to classroom teachers depending on when the teachers are determined to be eligible by the school district. The district must distribute by August 1 proportionate shares of Program funds to classroom teachers determined to be eligible as of July 1. Teachers who are determined eligible after July 1 must receive their proportionate shares by September 30, the current distribution date.

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:

Present Situation

The Florida Teachers Classroom Supply Assistance Program (Program), previously known as the Florida Teachers Lead Program,¹ was established in 1997 to provide eligible classroom teachers with funds to purchase classroom materials and supplies to supplement materials and supplies otherwise available to the teachers.² The funds are set annually by the General Appropriations Act and disbursed to each district by the Commissioner of Education based on each district's proportionate share of the state's total unweighted FTE student enrollment.³ Program funds may not be used to purchase equipment.⁴

Districts must distribute funds to their classroom teachers by September 30 each year, using any means determined appropriate by the district school board, including, but not limited to, direct deposit, check, debit card, or purchasing card.⁵ The funds must be distributed in identically proportionate shares to each teacher, as determined by the district school board or charter school board.⁶ If debit cards are used, the cards must have an identifier on the front indicating the card has been issued specifically for this program.⁷

Teachers must sign a statement acknowledging receipt of the funds, keep receipts for no less than four years to demonstrate compliance with expenditure requirements, and return any unused funds to the district school board at the end of the school year. Funds returned to the district must be deposited into the school advisory council account of the school at which the classroom teacher was employed when the teacher received the funds or, in the case of a charter school, deposited into the district's Program account of the school district in which the charter school is sponsored.⁸ The 2013 General Appropriations Act appropriated \$45,286,750 to be disbursed through the Program.⁹

Effect of Proposed Changes

The bill requires school districts to estimate by July 1 each year the number of classroom teachers that will be employed by the district or a charter school in the district, and thus eligible to receive Program funds, on September 1. If, as of July 1, a classroom teacher is estimated to be employed on September 1, the district must provide the teacher his or her proportionate share by August 1 of that year. If a teacher's employment is estimated by the district after July 1, then the district school board and each charter school board must provide the teacher his or her proportionate share by September 30, the current distribution date.

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.71, revising the date for program funding distribution.

Section 2. Provides an effective date of July 1, 2013.

¹ The program was renamed in 2013 under SB 1664, s. 10, ch. 2013-185, L.O.F.

² Section 18, ch. 97-384, L.O.F.

³ Section 1012.71(2), F.S.

⁴ *Id.*

⁵ Section 1012.71(3), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 1012.17(4), F.S.

⁹ Specific Appropriations 7 and 87, s. 2, ch. 2013-40, L.O.F.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

Draft Language for Middle Grades PCB

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

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.— Maintain a state system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include the following:

(a) School improvement plans.—

1. The district school board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. If a school has a significant gap in achievement on statewide assessments pursuant to s. 1008.34(3)(b) by one or more student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly decreased the percentage of students scoring below satisfactory on statewide assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate, that school's improvement plan shall include strategies for improving these results. The state board shall adopt rules establishing thresholds and for determining compliance with this subparagraph ~~paragraph~~.

2. A school that includes any of grades 6, 7, or 8 shall include annually in its school improvement plan information and data on the school's early warning system required under s. 1008.33(2)(d), including 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. In addition, a school that includes any of grades 6, 7, or 8 shall describe in its school improvement plan the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system pursuant to s. 1012.98(4)(b)9.

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1003.42 Required instruction.-

(1) Each district school board shall provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts. The state board may approve a middle grades course for inclusion in the Course Code Directory only if the course integrates the appropriate curricular content required by s. 1003.41.

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

(4) The State Board of Education shall adopt rules to identify industry certifications offered in middle grades to be included in the Industry Certification Funding List, which are eligible for additional full-time equivalent membership under s. 1011.62(1).

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1003.53 Dropout prevention and academic intervention.-

(1)

(c) A student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based upon one of the following criteria:

1. The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing.

2. The student has a pattern of excessive absenteeism or has been identified as a habitual truant.

3. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board's code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

4. The student is identified by a school's early warning system pursuant to s. 1008.33(2)(d).

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1008.33 Authority to enforce public school improvement.--

(2)

(d)1. Each school that includes any of grades 6, 7, or 8 shall implement an early warning system to identify students in grades 6, 7, and 8 who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

a. Attendance below 90 percent, regardless of whether absence is excused or a result of out-of-school suspension.

b. One or more suspensions, whether in school or out of school.

c. Course failure in English language arts or mathematics.

d. A Level 1 score on the statewide, standardized assessments in English language arts or mathematics.

A school district may identify additional early warning indicators for use in a school's early warning system.

2. When a student exhibits two or more early warning indicators, the school's child study team under s. 1003.02 or a school-based team formed for the purpose of implementing the requirements of this paragraph shall convene to determine appropriate intervention strategies for the student.

3. Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the school's early warning system implemented pursuant to this paragraph.

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1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) Calculation of additional full-time equivalent membership based on successful completion of a career-themed course or a career and professional academy program, pursuant to ss. 1003.491, 1003.492, ~~and~~ 1003.493, and 1003.4935, and issuance of industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education.—

1. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a career-themed course, as defined in s. 1003.493 (1) (b), or a career and professional academy or career-themed course, pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935, and who is issued the highest level of an industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education upon attainment of an industry certification. The maximum full-time equivalent student membership value for any student in grades 9 through 12 is 0.3. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued an industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. The State Board of Education shall include the assigned values in the Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not provided through dual enrollment. Industry certifications earned through dual enrollment must be reported and funded pursuant to ss. 1011.80 and 1011.81.

2. Upon attainment of an industry certification, a value of 0.1 full-time equivalent student membership shall be calculated for each student who completes a career-themed course or a career and professional academy course under s. 1003.4935 and who is issued the highest level of industry certification identified in the Industry Certification Funding List under rules adopted by the state board.

3.2- Each district must allocate at least 80 percent of the funds provided for industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to \$60 million annually. If the

appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

~~4.3-~~ For industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of an industry certification that qualified for additional full-time equivalent membership under subparagraph 1. or subparagraph 2.:

a. A bonus in the amount of \$25 for each student taught by a teacher who provided instruction in a course that led to the attainment of an industry certification on the Industry Certification Funding List with a weight of 0.1.

b. A bonus in the amount of \$50 for each student taught by a teacher who provided instruction in a course that led to the attainment of an industry certification on the Industry Certification Funding List with a weight of 0.2.

~~5.4-~~ For the 2013-2014 fiscal year, the additional FTE membership calculation must include the additional FTE for any student who earned a certification in the 2009-2010, 2010-2011, and 2011-2012 fiscal years who was not previously funded and was enrolled in 2012-2013.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of an industry certification on the Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher under this paragraph may not exceed \$2,000 in any given school year and is in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

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1012.98 School Community Professional Development Act.-

(3) The activities designed to implement this section must:

(d) Provide middle grades instructional personnel and school administrators with the knowledge, skills, and best practices necessary to support excellence in classroom instruction and educational leadership.

(4) The Department of Education, school districts, schools, Florida College System institutions, and state universities share the responsibilities described in this section. These responsibilities include the following:

(a)1. The department shall disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs. The Commissioner of Education shall use data on student achievement to identify student needs. The methods of dissemination must include 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.

2. The web-based statewide performance support system established pursuant to subparagraph 1. must include for middle grades, at a minimum, materials related to classroom instruction, including integrated digital instruction and competency-based instruction; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership.

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous,

relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). Each district inservice plan must provide a description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s. 1006.07; integrated digital instruction and competency-based instruction, classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of

Education no later than October 1, annually. Each school principal may establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). An individual professional development plan must be related to specific performance data for the students to whom the teacher is assigned, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the professional development plan.

5. Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

6. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

7. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

8. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

9. For middle grades, emphasize:

a. Interdisciplinary planning, collaboration, and instruction.

b. Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41.

c. Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based

instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

(7) (a) The Department of Education shall 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. The best practices must include data that indicate the progress of all students. The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

(b) The department shall also 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, the use of digital devices to supplement the delivery of curricular content to students, and digital device management and security. Districts are encouraged to incorporate the professional development as part of their professional development system.

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1006.135 Hazing prohibited at high schools with any of grades 6-12 ~~9-12 prohibited.~~

(1) DEFINITION.—As used in this section, "hazing" means any action or situation that ~~recklessly or intentionally~~ endangers the mental or physical health or safety of a student

at a ~~high~~ school with any of grades 6 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 any of grades 6 9 through 12. "Hazing" includes, but is not limited to:⁷

(a) ~~p~~Pressuring, ~~or~~ coercing, or forcing ~~the~~ a student into:

1. ~~v~~Violating state or federal law;

2. Consuming any food, liquor, drug, or other substance;
or

3. Participating in physical activity that could adversely affect the health or safety of the student.⁷

(b) ~~any~~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, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes 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 the student.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

(2) SCHOOL DISTRICT POLICY.—Each school district shall adopt in rule a policy that prohibits hazing and establishes consequences for a student who commits an act of hazing. The policy must include:

(a) A definition of hazing that includes the definition provided in this section.

(b) A procedure for reporting an alleged act of hazing, including provisions that permit a person to anonymously report such an act. However, disciplinary action may not be based solely on an anonymous report.

(c) A requirement that a school with any of grades 9-12 report an alleged act of hazing to a local law enforcement agency if the alleged act meets the criteria established under subsection (3).

(d) A provision for referral of victims and perpetrators of hazing to a certified school counselor.

(e) A requirement that each incident of hazing be reported in the school's safety and discipline report required under s. 1006.09(6). The report must include the number of hazing incidents reported, the number of incidents referred to a local law enforcement agency, 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.

(3)(2) CRIMINAL PENALTIES.-

(a) This subsection applies only to students in any of grades 9-12.

(b)1. A person who commits an act of hazing, a third degree felony, punishable as provided in s. 775.082 or s. 775.083, when he or she intentionally or recklessly commits any act of hazing as defined in subsection (1) upon another person who is a member of or an applicant to any type of student organization commits a third degree felony, punishable as provided in s. 775.082 or s. 775.083, if the person knew or should have known the act would result in serious bodily injury or death of such other person and the act hazing results in serious bodily injury or death of such other person.

2.(3) A person who commits an act of hazing, a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, when he or she intentionally or recklessly commits any act of hazing as defined in subsection (1) upon another person who is a member of or an applicant to any type of student organization commits a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, if the person knew or should have known the act would create a potential risk of physical injury or death to such other person and the act hazing

creates a ~~substantial~~ potential risk of physical injury or death to such other person.

(c)(4) As a condition of any sentence imposed pursuant to paragraph (b) subsection (2) or subsection (3), the court:

1. Shall order the defendant to attend and complete a 4-hour hazing education course and may also impose a condition of drug or alcohol probation.

2. May require the defendant to make a public apology to the students and victims at the school.

3. May require the defendant to participate in a school-sponsored antihazing campaign to raise awareness of what constitutes hazing and the penalties for hazing.

(d)(5) It is not a defense to a charge of hazing that:

1.(a) Consent of the victim had been obtained;

2.(b) The conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or

3.(c) The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.

(e)(6) This section shall not be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode.