



PreK-12 Appropriations Subcommittee Meeting Packet

**March 28, 2017
3:30 p.m. – 6:30 p.m.
Reed Hall**



AGENDA
PreK-12
Appropriations Subcommittee

March 28, 2017
3:30 p.m. – 6:30 p.m.
Reed Hall

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of Bills:

CS/HB 15 Educational Options by PreK-12 Innovation Subcommittee, Sullivan, Fischer

HB 293 Middle School Study by Burton

HB 655 Exceptional Student Instruction by Porter

HB 773 K-12 Student Assessments by Diaz, M., Sprowls

HB 833 Student Eligibility for K-12 Virtual Instruction by Sullivan

HB 1111 Teacher Certification by Plasencia

CS/HB 1331 Education by PreK-12 Quality Subcommittee, Grall

HB 7057 Civic Literacy by PreK-12 Quality Subcommittee, Raburn

- IV. Presentation of the **Chair's Proposed Budget for FY 2017-2018**

- V. Consideration of Proposed Committee Bills:

PCB PKA 17-01 - Charter Schools and Fixed Capital Outlay Funding

PCB PKA 17-02 - Educational Funding

- VI. Closing Remarks/Adjournment

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB PKA 17-01 (2017)

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WITHDRAWN	___	(Y/N)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: PreK-12 Appropriations
2 Subcommittee

3 Representative Diaz, M. offered the following:



4
5 **Amendment**
6 Remove lines 203-208 and insert:
7 organization under s. 501(c)(3) of the Internal Revenue Code; or
8

PCB PKA 17-01 a1

Published On: 3/27/2017 5:10:22 PM

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PKA 17-01 Charter Schools and Fixed Capital Outlay Funding
SPONSOR(S): PreK-12 Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Appropriations Subcommittee		Seifert 	Potvin 

SUMMARY ANALYSIS

The bill specifies that both district schools and charter schools are eligible to receive the revenue generated from the discretionary 1.5 millage authorized in s. 1011.71(2), Florida Statutes and clarifies the authorized uses of such revenue. The bill amends the eligibility criteria for charter schools to receive capital outlay funds to require the school to:

- Uses facilities that are:
 - Owned by a school district, political subdivision of the state, municipality, Florida College System institution, or state university;
 - Owned by an organization qualified as an exempt organization under s. 501(c)(3) of the Internal Revenue Code; or
 - Owned by and leased from a person or entity that is not an affiliated party of the charter school.
- Be in operation for 2 or more years;
- Not have more than two consecutive school grades lower than "B" unless the school serves a student population at least 50 percent of which is eligible for the National School Lunch Program;
- Have an annual audit with no financial emergency conditions.
- Have received final approval from its sponsor for operation during that fiscal year; and
- Serve students in facilities that are not provided by the charter school sponsor.

The bill clarifies the calculation methodology for the Department of Education (DOE) to allocate state funds appropriated to eligible charter schools for capital outlay purposes. The bill also establishes the calculation methodology for DOE to determine the amount of the discretionary 1.5 millage revenue a school district must distribute to each eligible charter school.

The bill adjusts the capital outlay full-time equivalent (COFTE) calculations to be consistent with Florida Education Finance Program (FEFP) full-time equivalent (FTE) membership calculations for facility space needs and COFTE determination procedures.

Except for the section pertaining to capital outlay FTE calculation which takes effect upon becoming law, this bill takes effect July 1, 2017.

This bill conforms to the proposed House General Appropriations Act

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Charter School Capital Outlay

Present Situation

Funding for charter school capital outlay is primarily provided by state funds when such funds are appropriated in the General Appropriations Act. Section 1013.62, Florida Statutes, describes charter school eligibility for capital outlay funding, how such funds must be allocated, and allowable capital outlay funding uses.

To be eligible for charter school capital outlay funding, a charter school must:

- Have been in operation for at least three years and:
 - Be governed by a governing board established in Florida for three or more years which operates both charter schools and conversion charter schools within the state
 - Be part of an expanded feeder chain¹ with an existing charter school in the district that is currently receiving charter school capital outlay funds,
 - Be accredited by the Commission on Schools of the Southern Association of Colleges and Schools, or
 - Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace;
- Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1), Florida Statutes, for the most recent fiscal year for which such audit results are available.
- Have satisfactory student achievement based upon the state accountability standards applicable to charter schools.
- Have received final approval from its sponsor pursuant to s. 1002.33, Florida Statutes, for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school sponsor.²

Capital outlay funds may be used by a charter school's governing board for the:

- Purchase of real property.
- Construction of school facilities.
- Purchase, lease-purchase, or lease of permanent or relocatable school facilities.
- Purchase of vehicles to transport students to and from the charter school.
- Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of five years or longer.
- Purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software applications.³

¹ A charter school may be considered a part of an expanded feeder chain under s. 1013.62, F.S., if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to Section 1013.62, F.S. Rule 6A-2.0020 (1), F.A.C.

² Section 1013.62(1)(a), F.S. A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. Section 1013.62(1)(d), F.S.

³ Enterprise resource software applications must be "classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support schoolwide administration or state-mandated reporting requirements." Section 1013.62(2)(f), F.S.

- Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.
- Purchase, lease-purchase, or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment.⁴

Beginning in Fiscal Year 2016-2017, charter schools receive a weight of 1.0 per full-time equivalent (FTE) student, with an additional weight for schools that meet one or both of the following criteria:

- 75 percent or more of the school's students are eligible for free or reduced-price lunch.
- 25 percent or more of the school's students are students with disabilities.

Schools that meet only one of the above criteria receive capital outlay funding weighted at 1.25. Schools that meet both criteria receive capital outlay funding weighted at 1.5. Eligible schools that do not meet either of the criteria receive capital outlay funding weighted at 1.0.

In the most recent five fiscal years, the Legislature appropriated the following charter school capital outlay funds:

Fiscal Year	Appropriation	Total Charter Schools Funded
2012-13	\$55.2 million ⁵	432
2013-14	\$90.6 million ⁶	473
2014-15	\$75.0 million ⁷	487
2015-16	\$50.0 million ⁸	535
2016-17	\$75.0 million ⁹	556

In addition to the appropriated state funds for charter school capital outlay, the law authorizes, but does not require, school districts to share the discretionary 1.5 mills revenue with charter schools.¹⁰ At least three school districts, Franklin, Sarasota, and Sumter, have shared revenue generated from the discretionary 1.5 millage with charter schools within their districts¹¹; however, it is unknown the extent school districts currently share such revenue as the Department of Education does not collect this data.

Effect of Proposed Changes

The bill specifies that both district schools and charter schools are eligible for the revenue generated from the discretionary 1.5 millage authorized in s. 1011.71(2), Florida Statutes.

The bill clarifies that charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2), Florida Statutes, and state funds when such funds are appropriated in the General Appropriations Act. To be eligible to receive both types of capital outlay funds, a charter school must:

- Use facilities that are:

⁴ Section 1013.62(3)(a)-(h), F.S.

⁵ Specific Appropriation 16, s. 2, ch. 2012-118, L.O.F.

⁶ Specific Appropriation 18, s. 2, ch. 2013-40, L.O.F.

⁷ Specific Appropriation 25, s. 2, ch. 2014-51, L.O.F.

⁸ Specific Appropriation 18, s. 2, ch. 2015-232, L.O.F.

⁹ Specific Appropriation 19, s. 2, ch. 2016-66, L.O.F.

¹⁰ Section 1011.71(2), F.S.

¹¹ Florida Department of Education Office of Funding and Financial Reporting, Source: Survey of Florida District School Boards, December 2011; Report Prepared May 17, 2012.

- Owned by a school district, political subdivision of the state, municipality, Florida College System institution, or state university;
- Owned by an organization qualified as an exempt organization under s. 501(c)(3) of the Internal Revenue Code; or
- Owned by and leased from a person or entity that is not an affiliated party of the charter school. The bill defines "affiliated party of the charter school" to mean:
 - The applicant for the charter school pursuant to s. 1002.33, Florida Statutes;
 - The governing board of the charter school or a member of the governing board;
 - The charter school owner;
 - The charter school principal;
 - An employee of the charter school;
 - An independent contractor of the charter school or charter school governing board;
 - A relative as defined in s. 1002.33(24)(a)2., Florida Statutes, of a charter school governing board member, a charter school owner, a charter school principal, a charter school employee, or an independent contractor of a charter school or charter school governing board;
 - A subsidiary corporation, a service corporation, an affiliated corporation, a parent corporation, a limited liability company, a limited partnership, a trust, a partnership, or a related party that, individually or through one or more entities:
 - Shares common ownership or control; and
 - Directly or indirectly manages, administers, controls, or oversees the operation of the charter school; or
 - Any person or entity, individually or through one or more entities that share common ownership, which directly or indirectly manages, administers, controls, or oversees the operation of any of the foregoing.
- Be in operation for 2 or more years.
- Not have more than two consecutive school grades lower than "B" unless the school serves a student population at least 50 percent of which is eligible for free or reduced-price meals.
- Have an annual audit with no financial emergency conditions.
- Have received final approval from its sponsor for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school's sponsor.

The bill clarifies the calculation methodology for the Department of Education (DOE) to use to allocate state capital outlay funds to eligible charter schools. The bill also establishes a calculation methodology for the DOE to use to determine the amount of the discretionary 1.5 millage revenue a school district must distribute to each eligible charter school.

The bill adds as allowable uses of capital outlay funds the purchase or lease of computer hardware necessary for gaining access to electronic content or to serve purposes specified in the charter schools and non-charter public schools digital classrooms plan. Charter schools are also aligned with non-charter public schools to allow payment of the cost of the opening day collection for the library media center of a new school.

Capital Outlay Full-Time Equivalent Membership

Present Situation

Public school capital outlay full-time equivalent (COFTE) is comprised of kindergarten through grade 12 students for which the school districts provide the educational facility. The COFTE membership is determined by averaging the unweighted full-time equivalent student membership for the second and third FTE surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses.¹²

¹² s.1013.64(3), F.S.
 STORAGE NAME: pcb01.PKA
 DATE: 3/27/2017

Effect of Proposed Changes

The bill aligns s.1013.64(3), Florida Statutes, with the actual COFTE membership calculation by:

- Changing kindergarten to pre-kindergarten for students funded for the Florida Education Finance Program.
- Limiting the second and third surveys to 0.5 FTE membership per student.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.33, F.S.; conforming provisions to changes made by the act.

Section 2. Amends s. 1011.71, F.S.; providing charter schools are eligible for school districts discretionary millage for specified purposes; revising the approved uses of the discretionary millage; and authorizing the acquisition of enterprise resource software through specified means.

Section 3. Amends s. 1013.62, F.S.; providing that charter school capital outlay funds shall consist of specified funds; revising charter school eligibility criteria for capital outlay funds; revising the calculation methodology for state funds appropriated for charter school capital outlay; providing the calculation methodology for the distribution of specified revenue to eligible charter schools; and revising the authorized uses of charter school capital outlay funds.

Section 4. Amends s. 1013.64, F.S.; revising the calculation of capital outlay membership for school districts for the Public Education Capital Outlay and Debt Service Trust Fund.

Section 5. Except as otherwise provided, provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill establishes the calculation methodology for the Department of Education to determine the amount of the discretionary 1.5 millage revenue a school district would be required to distribute to each eligible charter school. This methodology includes reducing from the calculated 1.5 mills capital outlay

amount the total amount of state funds allocated to the eligible charter school. The following chart shows the estimated required payment of the 1.5 millage revenue under different scenarios of appropriated state funds:

Estimated Share of 1.5 Mills	
State Funds	District Funds
\$0	\$147.9 million
\$50 million	\$96.4 million
\$75 million	\$71.4 million
\$100 million	\$50.4 million

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to capital outlay funding; amending s.
 3 1002.33, F.S.; conforming provisions to changes made
 4 by the act; amending s. 1011.71, F.S.; providing that
 5 charter schools are eligible for school districts
 6 discretionary millage for specified purposes; revising
 7 the approved uses of the discretionary millage;
 8 authorizing the acquisition of enterprise resource
 9 software through specified means; amending s. 1013.62,
 10 F.S.; providing that charter school capital outlay
 11 funds shall consist of specified funds; revising
 12 charter school eligibility criteria for capital outlay
 13 funds; providing a definition; revising the
 14 calculation methodology for state funds appropriated
 15 for charter school capital outlay; providing the
 16 calculation methodology for the distribution of
 17 specified revenue to eligible charter schools;
 18 revising the authorized uses of charter school capital
 19 outlay funds; amending s. 1013.64, F.S.; revising the
 20 calculation of capital outlay membership for
 21 allocations to school districts from the Public
 22 Education Capital Outlay and Debt Service Trust Fund;
 23 providing for the expenditure of funds; providing
 24 effective dates.
 25

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

27

28 Section 1. Subsection (19) and paragraph (a) of subsection
29 (20) of section 1002.33, Florida Statutes, are amended to read:

30 1002.33 Charter schools.—

31 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
32 for capital outlay funds pursuant to ss. 1011.71(2) and s.
33 1013.62. Capital outlay funds authorized in ss. 1011.71(2) and
34 1013.62 which have been shared with a charter school-in-the-
35 workplace prior to July 1, 2010, are deemed to have met the
36 authorized expenditure requirements for such funds.

37 (20) SERVICES.—

38 (a)1. A sponsor shall provide certain administrative and
39 educational services to charter schools. These services shall
40 include contract management services; full-time equivalent and
41 data reporting services; exceptional student education
42 administration services; services related to eligibility and
43 reporting duties required to ensure that school lunch services
44 under the National School ~~federal~~ Lunch Program, consistent with
45 the needs of the charter school, are provided by the school
46 district at the request of the charter school, that any funds
47 due to the charter school under the National School ~~federal~~
48 Lunch Program be paid to the charter school as soon as the
49 charter school begins serving food under the National School
50 ~~federal~~ Lunch Program, and that the charter school is paid at

51 | the same time and in the same manner under the National School
 52 | ~~federal~~ Lunch Program as other public schools serviced by the
 53 | sponsor or the school district; test administration services,
 54 | including payment of the costs of state-required or district-
 55 | required student assessments; processing of teacher certificate
 56 | data services; and information services, including equal access
 57 | to student information systems that are used by public schools
 58 | in the district in which the charter school is located. Student
 59 | performance data for each student in a charter school,
 60 | including, but not limited to, FCAT scores, standardized test
 61 | scores, previous public school student report cards, and student
 62 | performance measures, shall be provided by the sponsor to a
 63 | charter school in the same manner provided to other public
 64 | schools in the district.

65 | 2. A total administrative fee for the provision of such
 66 | services shall be calculated based upon up to 5 percent of the
 67 | available funds defined in paragraph (17)(b) for all students,
 68 | except that when 75 percent or more of the students enrolled in
 69 | the charter school are exceptional students as defined in s.
 70 | 1003.01(3), the 5 percent of those available funds shall be
 71 | calculated based on unweighted full-time equivalent students.
 72 | However, a sponsor may only withhold up to a 5-percent
 73 | administrative fee for enrollment for up to and including 250
 74 | students. For charter schools with a population of 251 or more
 75 | students, the difference between the total administrative fee

76 calculation and the amount of the administrative fee withheld
 77 may only be used for capital outlay purposes specified in s.
 78 1013.62(4) ~~1013.62(3)~~.

79 3. For high-performing charter schools, as defined in s.
 80 1002.331, a sponsor may withhold a total administrative fee of
 81 up to 2 percent for enrollment up to and including 250 students
 82 per school.

83 4. In addition, a sponsor may withhold only up to a 5-
 84 percent administrative fee for enrollment for up to and
 85 including 500 students within a system of charter schools which
 86 meets all of the following:

- 87 a. Includes both conversion charter schools and
- 88 nonconversion charter schools;
- 89 b. Has all schools located in the same county;
- 90 c. Has a total enrollment exceeding the total enrollment
- 91 of at least one school district in the state;
- 92 d. Has the same governing board; and
- 93 e. Does not contract with a for-profit service provider
- 94 for management of school operations.

95 5. The difference between the total administrative fee
 96 calculation and the amount of the administrative fee withheld
 97 pursuant to subparagraph 4. may be used for instructional and
 98 administrative purposes as well as for capital outlay purposes
 99 specified in s. 1013.62(4) ~~1013.62(3)~~.

100 6. For a high-performing charter school system that also

101 meets the requirements in subparagraph 4., a sponsor may
 102 withhold a 2-percent administrative fee for enrollments up to
 103 and including 500 students per system.

104 7. Sponsors shall not charge charter schools any
 105 additional fees or surcharges for administrative and educational
 106 services in addition to the maximum 5-percent administrative fee
 107 withheld pursuant to this paragraph.

108 8. The sponsor of a virtual charter school may withhold a
 109 fee of up to 5 percent. The funds shall be used to cover the
 110 cost of services provided under subparagraph 1. and
 111 implementation of the school district's digital classrooms plan
 112 pursuant to s. 1011.62.

113 Section 2. Subsection (2) of section 1011.71, Florida
 114 Statutes, is amended to read:

115 1011.71 District school tax.—

116 (2) In addition to the maximum millage levy as provided in
 117 subsection (1), each school board may levy not more than 1.5
 118 mills against the taxable value for school purposes for ~~district~~
 119 ~~schools, including~~ charter schools pursuant to s. 1013.62(3) and
 120 for district schools at the discretion of the school board, to
 121 fund:

122 (a) New construction and remodeling projects, as set forth
 123 in s. 1013.64(3)(b) and (6)(b) and included in the district's
 124 educational plant survey pursuant to s. 1013.31, without regard
 125 to prioritization, sites and site improvement or expansion to

126 new sites, existing sites, auxiliary facilities, athletic
 127 facilities, or ancillary facilities.

128 (b) Maintenance, renovation, and repair of existing school
 129 plants or of leased facilities to correct deficiencies pursuant
 130 to s. 1013.15(2).

131 (c) The purchase, lease-purchase, or lease of school
 132 buses.

133 (d) The purchase, lease-purchase, or lease of computer and
 134 device ~~new and replacement equipment; computer hardware and~~
 135 ~~operating system software, including electronic hardware and~~
 136 ~~other hardware devices~~ necessary for gaining access to or
 137 enhancing the use of electronic and digital instructional
 138 content and resources ~~or to facilitate the access to and the use~~
 139 ~~of a school district's digital classrooms plan pursuant to s.~~
 140 ~~1011.62, excluding software other than the operating system~~
 141 ~~necessary to operate the hardware or device;~~ and enterprise
 142 resource software applications that are classified as capital
 143 assets in accordance with definitions of the Governmental
 144 Accounting Standards Board, have a useful life of at least 5
 145 years, and are used to support districtwide administration or
 146 state-mandated reporting requirements. Enterprise resource
 147 software may be acquired by annual license fees, maintenance
 148 fees, or lease agreements.

149 (e) Payments for educational facilities and sites due
 150 under a lease-purchase agreement entered into by a district

151 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
 152 exceeding, in the aggregate, an amount equal to three-fourths of
 153 the proceeds from the millage levied by a district school board
 154 pursuant to this subsection. The three-fourths limit is waived
 155 for lease-purchase agreements entered into before June 30, 2009,
 156 by a district school board pursuant to this paragraph.

157 (f) Payment of loans approved pursuant to ss. 1011.14 and
 158 1011.15.

159 (g) Payment of costs directly related to complying with
 160 state and federal environmental statutes, rules, and regulations
 161 governing school facilities.

162 (h) Payment of costs of leasing relocatable educational
 163 facilities, of renting or leasing educational facilities and
 164 sites pursuant to s. 1013.15(2), or of renting or leasing
 165 buildings or space within existing buildings pursuant to s.
 166 1013.15(4).

167 (i) Payment of the cost of school buses when a school
 168 district contracts with a private entity to provide student
 169 transportation services if the district meets the requirements
 170 of this paragraph.

171 1. The district's contract must require that the private
 172 entity purchase, lease-purchase, or lease, and operate and
 173 maintain, one or more school buses of a specific type and size
 174 that meet the requirements of s. 1006.25.

175 2. Each such school bus must be used for the daily

176 transportation of public school students in the manner required
 177 by the school district.

178 3. Annual payment for each such school bus may not exceed
 179 10 percent of the purchase price of the state pool bid.

180 4. The proposed expenditure of the funds for this purpose
 181 must have been included in the district school board's notice of
 182 proposed tax for school capital outlay as provided in s.
 183 200.065(10).

184 (j) Payment of the cost of the opening day collection for
 185 the library media center of a new school.

186 Section 3. Section 1013.62, Florida Statutes, is amended
 187 to read:

188 1013.62 Charter schools capital outlay funding.—

189 (1) Charter school capital outlay funding shall consist of
 190 revenue resulting from the discretionary millage authorized in
 191 s. 1011.71(2) and state funds when such funds are appropriated
 192 in the General Appropriations Act ~~In each year in which funds~~
 193 ~~are appropriated for charter school capital outlay purposes, the~~
 194 ~~Commissioner of Education shall allocate the funds among~~
 195 ~~eligible charter schools as specified in this section.~~

196 (a) To be eligible to receive capital outlay funds ~~for a~~
 197 ~~funding allocation~~, a charter school must:

198 1. Use facilities that are:

199 a. Owned by a school district, political subdivision of
 200 the state, municipality, Florida College System institution, or

201 | state university;
 202 | b. Owned by an organization, qualified as an exempt
 203 | organization under s. 501(c)(3) of the Internal Revenue Code,
 204 | whose articles of incorporation specify that upon the
 205 | organization's dissolution the subject property will be
 206 | transferred to a school district, political subdivision of the
 207 | state, municipality, Florida College System institution, or
 208 | state university; or
 209 | c. Owned by and leased, at a fair market value in the
 210 | school district in which the charter school is located, from a
 211 | person or entity that is not an affiliated party of the charter
 212 | school. For purposes of this sub-subparagraph, the term
 213 | "affiliated party of the charter school" means the applicant for
 214 | the charter school pursuant to s. 1002.33; the governing board
 215 | of the charter school or a member of the governing board; the
 216 | charter school owner; the charter school principal; an employee
 217 | of the charter school; an independent contractor of the charter
 218 | school or the governing board of the charter school; a relative,
 219 | as defined in s. 1002.33(24)(a)2., of a charter school governing
 220 | board member, a charter school owner, a charter school
 221 | principal, a charter school employee, or an independent
 222 | contractor of a charter school or charter school governing
 223 | board; a subsidiary corporation, a service corporation, an
 224 | affiliated corporation, a parent corporation, a limited
 225 | liability company, a limited partnership, a trust, a

226 | partnership, or a related party, individually or through one or
 227 | more entities that share common ownership or control, that
 228 | directly or indirectly manages, administers, controls, or
 229 | oversees the operation of the charter school; or any person or
 230 | entity, individually or through one or more entities that share
 231 | common ownership, that directly or indirectly manages,
 232 | administers, controls, or oversees the operation of any of the
 233 | foregoing.

234 | 2. Have been in operation for 2 or more years.

235 | 3. Have earned no more than two consecutive school grades
 236 | lower than "B" unless the school serves a student population at
 237 | least 50 percent of which is eligible for free or reduced-price
 238 | school lunch under the National School Lunch Program or, for
 239 | schools operating programs under the Community Eligibility
 240 | Provision of the Health, Hunger-Free Kids Act of 2010, an
 241 | equivalent percentage of the student population eligible for
 242 | free and reduced-price meals as determined by applying the
 243 | multiplier authorized under the National School Lunch Act, 42
 244 | U.S.C. s. 1759a(a)(1)(F)(vii), to the number of students
 245 | reported for direct certification.

246 | ~~1.a. Have been in operation for 2 or more years;~~

247 | ~~b. Be governed by a governing board established in the~~
 248 | ~~state for 3 or more years which operates both charter schools~~
 249 | ~~and conversion charter schools within the state;~~

250 | ~~e. Be an expanded feeder chain of a charter school within~~

251 ~~the same school district that is currently receiving charter~~
 252 ~~school capital outlay funds;~~

253 ~~d. Have been accredited by the Commission on Schools of~~
 254 ~~the Southern Association of Colleges and Schools; or~~

255 ~~e. Serve students in facilities that are provided by a~~
 256 ~~business partner for a charter school in the workplace pursuant~~
 257 ~~to s. 1002.33(15)(b).~~

258 4.2. Have an annual audit that does not reveal any of the
 259 financial emergency conditions provided in s. 218.503(1) for the
 260 most recent fiscal year for which such audit results are
 261 available.

262 ~~3. Have satisfactory student achievement based on state~~
 263 ~~accountability standards applicable to the charter school.~~

264 5.4. Have received final approval from its sponsor
 265 pursuant to s. 1002.33 for operation during that fiscal year.

266 6.5. Serve students in facilities that are not provided by
 267 the charter school's sponsor.

268 (b) A charter school is not eligible to receive capital
 269 outlay funds ~~for a funding allocation~~ if it was created by the
 270 conversion of a public school and operates in facilities
 271 provided by the charter school's sponsor for a nominal fee, or
 272 at no charge, or if it is directly or indirectly operated by the
 273 school district.

274 (2)(c) The department shall use the following calculation
 275 methodology to allocate state funds appropriated in the General

276 Appropriations Act to eligible charter schools ~~The funding~~
 277 ~~allocation for eligible charter schools shall be calculated as~~
 278 ~~follows:~~

279 (a)1. Eligible charter schools shall be grouped into
 280 categories based on their student populations according to the
 281 following criteria:

282 1.a. Seventy-five percent or greater who are eligible for
 283 free or reduced-price school meals under the National School
 284 Lunch Program or, for schools operating programs under the
 285 Community Eligibility Provision of the Healthy, Hunger-Free Kids
 286 Act of 2010, an equivalent percentage of the student population
 287 eligible for free and reduced-price meals as determined by
 288 applying the multiplier authorized under the National School
 289 Lunch Act, 42 U.S.C. s. 1759a(a)(1)(F)(vii), to the number of
 290 students reported for direct certification ~~lunch.~~

291 2.b. Twenty-five percent or greater with disabilities as
 292 defined in state board rule and consistent with the requirements
 293 of the Individuals with Disabilities Education Act.

294 (b)2. If an eligible charter school does not meet the
 295 criteria for either category under paragraph (a) ~~subparagraph~~
 296 ~~1.~~, its FTE shall be provided as the base amount of funding and
 297 shall be assigned a weight of 1.0. An eligible charter school
 298 that meets the criteria under subparagraph (a)1. or subparagraph
 299 (a)2. ~~sub-subparagraph 1.a. or sub-subparagraph 1.b.~~ shall be
 300 provided an additional 25 percent above the base funding amount,

301 and the total FTE shall be multiplied by a weight of 1.25. An
 302 eligible charter school that meets the criteria under both
 303 subparagraphs (a)1. and (a)2. ~~sub-subparagraphs 1.a. and b.~~
 304 shall be provided an additional 50 percent above the base
 305 funding amount, and the FTE for that school shall be multiplied
 306 by a weight of 1.5.

307 (c)3- The state appropriation for charter school capital
 308 outlay shall be divided by the total weighted FTE for all
 309 eligible charter schools to determine the base charter school
 310 per weighted FTE allocation amount. The per weighted FTE
 311 allocation amount shall be multiplied by the weighted FTE to
 312 determine each charter school's capital outlay allocation.

313 (d)(2)(a) The department shall calculate the eligible
 314 charter school funding allocations. Funds shall be allocated
 315 using full-time equivalent membership from the second and third
 316 enrollment surveys and free and reduced-price school meals under
 317 the National School Lunch Program data. The department shall
 318 recalculate the allocations periodically based on the receipt of
 319 revised information, on a schedule established by the
 320 Commissioner of Education.

321 (e)(b) The department shall distribute capital outlay
 322 funds monthly, beginning in the first quarter of the fiscal
 323 year, based on one-twelfth of the amount the department
 324 reasonably expects the charter school to receive during that
 325 fiscal year. The commissioner shall adjust subsequent

326 distributions as necessary to reflect each charter school's
 327 recalculated allocation.

328 (3) If the school board levies the discretionary millage
 329 authorized in s. 1011.71(2), the department shall use the
 330 following calculation methodology to determine the amount of
 331 revenue that a school district must distribute to each eligible
 332 charter school:

333 (a) Reduce the total discretionary millage revenue by the
 334 school district's annual debt service obligation incurred as of
 335 March 1, 2017.

336 (b) Divide the school district's adjusted discretionary
 337 millage revenue by the district's total capital outlay full-time
 338 equivalent membership and the total number of unweighted full-
 339 time equivalent students of each eligible charter school to
 340 determine a capital outlay allocation per full-time equivalent
 341 student.

342 (c) Multiply the capital outlay allocation per full-time
 343 equivalent student by the total number of full-time equivalent
 344 students of each eligible charter school to determine the
 345 capital outlay allocation for each charter school.

346 (d) If applicable, reduce the capital outlay allocation
 347 identified in paragraph (c) by the total amount of state funds
 348 allocated to each eligible charter school in subsection (2) to
 349 determine the maximum calculated capital outlay allocation.

350 (e) School districts shall distribute capital outlay funds

351 | to charter schools no later than February 1 of each year,
 352 | beginning on February 1, 2018, for the 2017-2018 fiscal year.

353 | ~~(4)(3)~~ A charter school's governing body may use charter
 354 | school capital outlay funds for the following purposes:

355 | (a) Purchase of real property.

356 | (b) Construction of school facilities.

357 | (c) Purchase, lease-purchase, or lease of permanent or
 358 | relocatable school facilities.

359 | (d) Purchase of vehicles to transport students to and from
 360 | the charter school.

361 | (e) Renovation, repair, and maintenance of school
 362 | facilities that the charter school owns or is purchasing through
 363 | a lease-purchase or long-term lease of 5 years or longer.

364 | ~~(f) Effective July 1, 2008, purchase, lease-purchase, or~~
 365 | ~~lease of new and replacement equipment, and enterprise resource~~
 366 | ~~software applications that are classified as capital assets in~~
 367 | ~~accordance with definitions of the Governmental Accounting~~
 368 | ~~Standards Board, have a useful life of at least 5 years, and are~~
 369 | ~~used to support schoolwide administration or state-mandated~~
 370 | ~~reporting requirements.~~

371 | (f)(g) Payment of the cost of premiums for property and
 372 | casualty insurance necessary to insure the school facilities.

373 | (g)(h) Purchase, lease-purchase, or lease of driver's
 374 | education vehicles; motor vehicles used for the maintenance or
 375 | operation of plants and equipment; security vehicles; or

376 | vehicles used in storing or distributing materials and
 377 | equipment.

378 | (h) Purchase, lease-purchase, or lease of computer and
 379 | device hardware and operating system software necessary for
 380 | gaining access to or enhancing the use of electronic and digital
 381 | instructional content and resources; and enterprise resource
 382 | software applications that are classified as capital assets in
 383 | accordance with definitions of the Governmental Accounting
 384 | Standards Board, have a useful life of at least 5 years, and are
 385 | used to support schoolwide administration or state-mandated
 386 | reporting requirements. Enterprise resource software may be
 387 | acquired by annual license fees, maintenance fees, or lease
 388 | agreement.

389 | (i) Payment of the cost of the opening day collection for
 390 | the library media center of a new school.

391 |

392 | Conversion charter schools may use capital outlay funds received
 393 | through the reduction in the administrative fee provided in s.
 394 | 1002.33(20) for renovation, repair, and maintenance of school
 395 | facilities that are owned by the sponsor.

396 | (5)~~(4)~~ If a charter school is nonrenewed or terminated,
 397 | any unencumbered funds and all equipment and property purchased
 398 | with district public funds shall revert to the ownership of the
 399 | district school board, as provided for in s. 1002.33(8)(e) and
 400 | (f). In the case of a charter lab school, any unencumbered funds

401 and all equipment and property purchased with university public
 402 funds shall revert to the ownership of the state university that
 403 issued the charter. The reversion of such equipment, property,
 404 and furnishings shall focus on recoverable assets, but not on
 405 intangible or irrecoverable costs such as rental or leasing
 406 fees, normal maintenance, and limited renovations. The reversion
 407 of all property secured with public funds is subject to the
 408 complete satisfaction of all lawful liens or encumbrances. If
 409 there are additional local issues such as the shared use of
 410 facilities or partial ownership of facilities or property, these
 411 issues shall be agreed to in the charter contract prior to the
 412 expenditure of funds.

413 (6)~~(5)~~ The Commissioner of Education shall specify
 414 procedures for submitting and approving requests for funding
 415 under this section and procedures for documenting expenditures.

416 (7)~~(6)~~ The annual legislative budget request of the
 417 Department of Education shall include a request for capital
 418 outlay funding for charter schools. The request shall be based
 419 on the projected number of students to be served in charter
 420 schools who meet the eligibility requirements of this section.

421 Section 4. Effective upon this act becoming a law,
 422 paragraphs (a), (b), and (c) of subsection (3) of section
 423 1013.64, Florida Statutes, are amended to read:

424 1013.64 Funds for comprehensive educational plant needs;
 425 construction cost maximums for school district capital

426 projects.—Allocations from the Public Education Capital Outlay
 427 and Debt Service Trust Fund to the various boards for capital
 428 outlay projects shall be determined as follows:

429 (3) (a) Each district school board shall receive an amount
 430 from the Public Education Capital Outlay and Debt Service Trust
 431 Fund to be calculated by computing the capital outlay membership
 432 as determined by the department. Such membership must include,
 433 but is not limited to, prekindergarten through grade 12+

434 1. K-12 students whose instruction is funded by the
 435 Florida Education Finance Program and prekindergarten
 436 ~~exceptional students~~ for whom the school district provides the
 437 educational facility, ~~except hospital- and homebound part-time~~
 438 ~~students, and~~

439 ~~2. Students who are career education students, and adult~~
 440 ~~disabled students and who are enrolled in school district career~~
 441 ~~centers.~~

442 (b) The capital outlay full-time equivalent membership
 443 shall be determined ~~for prekindergarten exceptional education~~
 444 ~~students, kindergarten through the 12th grade, and for career~~
 445 ~~centers~~ by counting the reported unweighted full-time equivalent
 446 student membership for the second and third surveys with each
 447 survey limited to 0.5 full-time equivalent student membership
 448 per student and comparing the results on a school-by-school
 449 basis with the Florida Inventory of School Houses. Funds
 450 accruing to a district school board from the provisions of this

451 section shall be expended on needed projects as shown by survey
 452 or surveys under the rules of the State Board of Education. ~~If~~
 453 ~~the prior academic year's third survey count is higher than the~~
 454 ~~current year's second survey count when comparing the results on~~
 455 ~~a school-by-school basis with the Florida Inventory of School~~
 456 ~~Houses, the prior year's third survey count shall be used on a~~
 457 ~~school-by-school basis for determining the current capital~~
 458 ~~outlay membership. The Florida Inventory of School Houses shall~~
 459 ~~be updated with the current capital outlay membership count as~~
 460 ~~soon as practicable after verification of the capital outlay~~
 461 ~~membership.~~

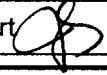

462 (c) The capital outlay full-time equivalent membership by
 463 grade level organization shall be used in making calculations.
 464 The capital outlay full-time equivalent membership by grade
 465 level organization for the 4th prior year must be used to
 466 compute the base-year allocation. The capital outlay full-time
 467 equivalent membership by grade-level organization for the prior
 468 year must be used to compute the growth over the highest of the
 469 3 years preceding the prior year. From the total amount
 470 appropriated by the Legislature pursuant to this subsection, 40
 471 percent shall be allocated among the base capital outlay full-
 472 time equivalent membership and 60 percent among the growth
 473 capital outlay full-time equivalent membership. The allocation
 474 within each of these groups shall be prorated to the districts
 475 based upon each district's percentage of base and growth capital

476 outlay full-time equivalent membership. The most recent 4-year
 477 capital outlay full-time equivalent membership data shall be
 478 used in each subsequent year's calculation for the allocation of
 479 funds pursuant to this subsection. If a change, correction, or
 480 recomputation of data during any year results in a reduction or
 481 increase of the calculated amount previously allocated to a
 482 district, the allocation to that district shall be adjusted
 483 accordingly. If such recomputation results in an increase or
 484 decrease of the calculated amount, such additional or reduced
 485 amounts shall be added to or reduced from the district's future
 486 appropriations. However, no change, correction, or recomputation
 487 of data shall be made subsequent to 2 years following the
 488 initial annual allocation.

489 Section 5. Except as otherwise expressly provided in this
 490 act and except for this section, which shall take effect upon
 491 this act becoming a law, this act shall take effect July 1,
 492 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PKA 17-02 Educational Funding
SPONSOR(S): PreK-12 Appropriations Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Appropriations Subcommittee		Seifert 	Potvin 

SUMMARY ANALYSIS

The bill conforms applicable statutes to the appropriations provided in the House proposed General Appropriations Act for Prekindergarten through grade 12 education for Fiscal Year 2017-2018.

The bill:

- Repeals the requirement for the Just Read, Florida! Office to review the K-12 comprehensive reading plan.
- Limits the amendatory period for the reporting of FTE for payment to providers and schools by early learning coalitions for the voluntary prekindergarten program.
- Removes obsolete language referencing the Florida School for Boys in Okeechobee.
- Modifies the Florida Education Finance Program (FEFP) by:
 - Requiring that the Supplemental Academic Instruction allocation for schools that earned a grade of "D" or "F" be used to implement the required intervention and support strategies.
 - Codifying the Sparsity Supplement current calculation methodology.
 - Requiring that the K-12 comprehensive reading plans in the Research-Based Reading Instruction allocation only be submitted by a school that earned a grade of "D" or "F" and prioritizing the use of funds for the 300 lowest performing elementary schools.
 - Repealing the requirement that a school district submit a digital classrooms plan to receive funding from the Digital Classrooms Allocation and aligning the use of the allocation to the eligible services list authorized by the federal Schools and Libraries Program, commonly referred to as the federal E-rate program.
 - Codifying the Safe Schools categorical.
 - Providing clarification of FEFP reporting requirements and audit adjustments.
- Amends the required components of a school district's standard student attire policy for purposes of school district receiving incentive payment.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Just Read, Florida! Office

Florida's history of reading instruction reform dates back to the early 1970s.¹ Since then, the state has implemented a number of initiatives to improve the reading performance of Florida's students. By 2001, Florida established statewide, standardized assessments to measure how well students in grades 3 through 10 had learned the state's reading standards² and the Just Read, Florida! Initiative which was aimed at helping students become successful, independent readers.³ In 2006, the Legislature formally created the Just Read, Florida! Office within the Department of Education.⁴

One of the office's many duties is to review, evaluate, and provide technical assistance to school districts' implementation of their required K-12 comprehensive reading plans.

Effect of the Bill

The bill amends s. 1001.215, Florida Statutes, to repeal the requirement for the Just Read, Florida! Office to review and approve K-12 comprehensive reading plans. Such plans will instead be done as part of the monitoring, intervention, and support strategies required as part of school improvement pursuant to s. 1008.33, Florida Statute.

Voluntary Prekindergarten (VPK)

In November 2002 Florida voters passed a constitutional amendment to establish the Voluntary Prekindergarten (VPK) program; statutes implementing the amendment were enacted January 2, 2005. The VPK program is designed to prepare every four-year-old in Florida for kindergarten and build the foundation for their educational success.

The VPK program employs a decentralized approach in which early learning coalitions throughout the state administer the program through providers from both the private and public sectors. The early learning coalitions have authority to administer the VPK program to meet the needs of their local community. The Office of Early Learning (OEL) is responsible for managing the VPK program at the state level.

The Legislature allocates a fixed dollar amount per VPK child that will be paid to providers delivering the VPK program. VPK providers are paid in advance with a reconciliation of attendance conducted at the end of each month. The current reporting process allows VPK providers to amend prior fiscal year student enrollments no later than December 31 of the subsequent fiscal year.

Effect of the Bill

The bill amends s. 1002.71, Florida Statutes, to limit the time frame for VPK providers to amend prior fiscal year student enrollments no later than September 1 of the subsequent fiscal year.

Washington Special School District

The Florida School for Boys was a school operated by the state of Florida in Marianna from January 1, 1900, to June 30, 2011. A second campus was opened in Okeechobee in 1955.

¹ Florida Department of Education, *History of Reading Policy in Florida: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

² Florida Department of Education, *A Chronology of Events: 2001*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/history-of-fls-statewide-assessment/assessment-chronology/hsap01.stml> (last visited on March 18, 2017).

³ Exec. Order No. 01-260 (2001).

⁴ Section 8, ch. 2006-74, L.O.F.

In 1981, legislation was passed that required the Department of Education (DOE), either directly or through grants or contractual agreements with other public educational agencies, to provide educational services to these two schools.⁵ After a competitive bid process, the DOE awarded a contract to Washington school district to provide such educational services. To differentiate Washington school district's Florida Education Finance Program (FEFP) funds appropriated in the General Appropriations Act, Washington Special school district was created in the FEFP to fund Washington school district's FEFP funds to provide educational services to the Florida School for Boys. The Florida School for Boys in Marianna and Okeechobee no longer exists.

Effect of the Bill

The bill repeals section 1003.52(21), Florida Statutes, requiring the DOE to provide or contract for services to the Florida School for Boys in Okeechobee.

Supplemental Academic Instruction Allocation

In 1999, the Legislature created the Supplemental Academic Instruction (SAI) Categorical Fund as part of the A+ Education Plan⁶ for the purpose of assisting school districts in providing supplemental instruction to students in kindergarten through grade 12.⁷

The SAI categorical funds are allocated annually to each school district in the amount provided in the General Appropriations Act. These funds are provided in addition to the funds appropriated on the basis of full-time equivalent (FTE) student membership in the FEFP and are included in the total funds for each district. For Fiscal Year 2016-2017, each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment must use these funds, together with the funds provided in the district's research-based reading instruction allocation, to provide an additional hour of instruction for intensive reading instruction⁸. After this requirement has been met, school districts may use these funds for: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement.

Effect of the Bill

The bill modifies the FEFP SAI allocation by requiring each school district that has a school earning a grade of "D" or "F" pursuant to s. 1008.34, Florida Statutes, to use that school's portion of the SAI to implement the intervention and support strategies required under s. 1008.33, Florida Statutes. For all other schools, the school district may use the SAI for eligible purposes currently described in law. The bill also codifies in law the SAI allocation funding formula.

Sparsity Supplement Allocation

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the FTE of the district by the number of permanent senior high school centers. For districts with FTE student memberships between 20,000 and 24,000, the number of high school centers is reduced to four. The number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. By General Appropriations Act proviso, participation is limited to districts of 24,000 or fewer FTE students.

Effect of the Bill

The bill codifies in law the current calculation methodology.

Researched-Based Reading Instruction Allocation

⁵ Chapter 81-272, L.O.F.

⁶ Section 23, ch. 99-398, L.O.F.

⁷ Florida House of Representatives, Council for Lifelong Learning, Supplemental Academic Instruction Fact Sheet (Sept. 2001) available at

<http://archive.flsenate.gov/data/publications/2002/house/reports/EdFactSheets/fact%20sheets/supplementalacademicinstruction.pdf>.

⁸ Section 1011.62(1)(f), F.S.

Funds for comprehensive, research-based reading instruction are allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district receives the same minimum amount as specified in the General Appropriations Act, and any remaining funds are distributed to eligible school districts based on each school district's proportionate share of K-12 base funding. These funds must be used to provide a system of comprehensive reading instruction to students enrolled in K-12 programs.

Currently priority of the funds is to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year for the students in the 300 lowest performing elementary schools based on the state reading assessment pursuant to sections 1008.22(3) and 1011.62(9), Florida Statutes. This additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching reading. Students enrolled in these schools that have level 5 reading assessment scores may choose to participate in the additional hour of instruction on an optional basis.

Annually school districts must submit a K-12 comprehensive reading plan that outlines their specific use of the research-based reading instruction allocation for review and approval by the Department of Education's Just Read, Florida! Office. On or before June 1 of each year, the office must approve or reject a district's plan. If a school district and the office cannot reach agreement on the plan's contents, the school district may appeal to the State Board of Education for resolution. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan.⁹

Effect of the Bill

The bill:

- Modifies the Research-Based Reading Instruction Allocation to prioritize, but not require, use of the funds for the extra hour of intensive reading instruction for the 300 lowest performing elementary schools based on a three year average of the state reading assessment data.
- Allows the extra hour to be optional for students scoring level 4 or level 5 on reading assessments.
Requires summer reading camps to be taught by someone certified or endorsed in reading.
- Requires reading plans to only be submitted by school districts that have a school earning a grade of "D" or "F". The review and approval process will now be done as part of the monitoring, intervention, and support strategies required as part of school improvement under s. 1008.33, Florida Statutes.
- Eliminates the department's ability to withhold funds.

Digital Classroom Allocation

Currently funds are provided to school districts to support school and district efforts and strategies to improve outcomes related to student performance by integrating technology in classroom teaching and learning. Each district school board must adopt a district digital classrooms plan that meets the unique needs of students, schools and personnel, and submit the plan for approval by the Department of Education. Each plan must be within the general parameters established in the Florida digital classrooms plan pursuant to section 1001.20, Florida Statutes, and the funds must be used to support the implementation of these plans. Plans must be submitted to the department annually by October 1.

Effect of the Bill

The bill repeals the requirement of submitting a digital classrooms plan. The bill aligns the use of these funds to items on the eligible services list authorized by the Universal Service Administration Company E-rate program.¹⁰ Allowable uses of the funds will also include computer and device hardware and associated operating system software.

⁹ s. 1011.62(9), F.S.

¹⁰ <http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx>

Safe Schools Allocation

In 1994 the Legislature funded safe schools activities through proviso language in the General Appropriations Act. This funding has continued each year into the present year. The purpose of the funding is to provide resources for safe schools activities. Presently, each school district receives a minimum amount towards safe schools activities. The balance of the Safe Schools Allocation is distributed based upon the following formula: two-thirds based on the latest official Florida Department of Law Enforcement Crime Index and one-third on each district's share of the state's total unweighted student enrollment. The Safe Schools Allocation has continued to be a major source of funding for school districts toward developing, implementing and enforcing school safety and security programs and activities. The Safe Schools Appropriation allows districts to use their allocation in a manner that best fits their individual school needs.

Effect of the Bill

The bill codifies the safe schools allocation funding formula and the use of the safe schools allocation.

FTE Reporting

The bill removes the requirement for an adjustment to be made to a district's funding in the FEFP based on an FTE reporting error that is not corrected by the district within the FTE reporting amendment periods.

Standard Student Attire

The Standard Student Attire Incentive Program provides funding for school districts that implement a districtwide, standard student attire policy for all students in kindergarten through grade 8. To qualify a district for the incentive payment, the district's school superintendent had to certify to the Commissioner of Education that the district school board implemented a policy meeting the requirements. Qualifying districts receive a payment of \$10 per each student in kindergarten through grade 8.¹¹

A qualifying standard student attire policy must:

- Apply to all students in kindergarten through grade 8 in the school district or charter school.¹²
- Prohibit certain types of clothing and require solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long-sleeved shirts with collars.
- Allow reasonable accommodations based on a student's religion, disability, or medical condition.

School districts and charter schools received incentive funds of \$4,199,295 for the 2016-2017 school year for implementing qualifying policies.¹³

Effect of Proposed Changes

The bill removes the specific requirement of solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long-sleeved shirts with collars. The removal of this requirement allows plaids, stripes, or other multi-color options to be available as standard attire options.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.215, F.S. revising the duties of the Just Read, Florida! Office to conform to changes made by the act.

Section 2. Amends s. 1002.71, F.S. revising the deadline for the amendment of a student enrollment count for specified purposes.

¹¹ s. 1011.78, F.S.

¹² Any students in kindergarten through grade 8 served by a school are included, regardless of the school's grade configuration (e.g., kindergarten through grade 2 or grades 6 through 12).

¹³ Email, Florida Department of Education, Office of Governmental Relations (Dec. 15, 2016).

Section 3. Amends s. 1003.52, F.S. deleting provisions relating to the Florida Schools for Boys in Okeechobee

Section 4. Amends s. 1011.62, F.S. revising requirements for the use of supplemental academic instruction allocation to include specified purposes; deleting a provision authorizing the Florida State University School to expend specified funds for certain purposes; providing an alternate district sparsity index calculation for certain school districts; revising and providing provisions relating to the research-based reading instruction allocation; revising and providing provisions relating to the Florida digital classrooms allocation; creating the safe schools categorical; and providing that certain underallocations may not be the basis for a positive allocation adjustment in the current year.

Section 5. Amends s. 1011.78, F.S. revising requirements for standard student attire.

Section 6. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill conforms applicable statutes to the appropriations provided in the General Appropriations Act for Prekindergarten through grade 12 education for the 2017-2018 fiscal year.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to educational funding; amending s.
 3 1001.215, F.S.; revising the duties of the Just Read,
 4 Florida! Office to conform to changes made by the act;
 5 amending s. 1002.71, F.S.; revising the deadline for
 6 the amendment of a student enrollment count for
 7 specified purposes; amending s. 1003.52, F.S.;
 8 deleting provisions relating to the Florida School for
 9 Boys in Okeechobee; amending s. 1011.62, F.S.;
 10 revising requirements for the use of supplemental
 11 academic instruction allocation to include specified
 12 purposes; deleting a provision authorizing the Florida
 13 State University School to expend specified funds for
 14 certain purposes; deleting a provision including
 15 certain dropout prevention programs in certain funding
 16 categories; providing an alternate district sparsity
 17 index calculation for certain school districts;
 18 revising provisions relating to the research-based
 19 reading instruction allocation and the use of such
 20 funds; revising provisions relating to the Florida
 21 digital classrooms allocation and the use of such
 22 funds; creating the safe schools allocation and
 23 providing the purpose of the allocation; providing
 24 that certain underallocations may not be the basis for
 25 a positive allocation adjustment in the current year;

26 providing for the allocation of funds; amending s.
 27 1011.78, F.S.; revising school district and charter
 28 school requirements to qualify for a standard student
 29 attire incentive payment; providing an effective date.

30
 31 Be It Enacted by the Legislature of the State of Florida:

32
 33 Section 1. Subsections (5) and (6) of section 1001.215,
 34 Florida Statutes, are amended to read:

35 1001.215 Just Read, Florida! Office.—There is created in
 36 the Department of Education the Just Read, Florida! Office. The
 37 office shall be fully accountable to the Commissioner of
 38 Education and shall:

39 ~~(5) Provide technical assistance to school districts in~~
 40 ~~the development and implementation of district plans for use of~~
 41 ~~the research-based reading instruction allocation provided in s.~~
 42 ~~1011.62(9) and annually review and approve such plans.~~

43 ~~(6) Review, evaluate, and provide technical assistance to~~
 44 ~~school districts' implementation of the K-12 comprehensive~~
 45 ~~reading plan required in s. 1011.62(9).~~

46 Section 2. Paragraph (c) of subsection (3) of section
 47 1002.71, Florida Statutes, is amended to read:

48 1002.71 Funding; financial and attendance reporting.—

49 (3)

50 (c) The initial allocation shall be based on estimated

51 student enrollment in each coalition service area. The Office of
 52 Early Learning shall reallocate funds among the coalitions based
 53 on actual full-time equivalent student enrollment in each
 54 coalition service area. Each coalition shall report student
 55 enrollment pursuant to subsection (2) on a monthly basis. A
 56 student enrollment count for the prior fiscal year may not be
 57 amended after September 1 ~~December 31~~ of the subsequent fiscal
 58 year.

59 Section 3. Subsection (21) of section 1003.52, Florida
 60 Statutes, is amended to read:

61 1003.52 Educational services in Department of Juvenile
 62 Justice programs.-

63 ~~(21) The education programs at the Florida School for Boys
 64 in Okeechobee shall be operated by the Department of Education,
 65 either directly or through grants or contractual agreements with
 66 other public or duly accredited education agencies approved by
 67 the Department of Education.~~

68 Section 4. Paragraph (f) of subsection (1), paragraph (b)
 69 of subsection (7), paragraphs (a), (c), and (d) of subsection
 70 (9), subsection (12) are amended and new subsection (15) is
 71 created and subsections (15) and (16) are renumbered of section
 72 1011.62, Florida Statutes, are amended to read:

73 1011.62 Funds for operation of schools.-If the annual
 74 allocation from the Florida Education Finance Program to each
 75 district for operation of schools is not determined in the

76 | annual appropriations act or the substantive bill implementing
 77 | the annual appropriations act, it shall be determined as
 78 | follows:

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

83 | (f) Supplemental academic instruction allocation~~+~~
 84 | ~~category~~ fund.—

85 | 1. There is created the supplemental academic instruction
 86 | allocation ~~a categorical fund~~ to provide supplemental academic
 87 | instruction to students in kindergarten through grade 12. ~~This~~
 88 | ~~paragraph may be cited as the "Supplemental Academic Instruction~~
 89 | ~~Categorical Fund."~~

90 | 2. ~~The Categorical funds for~~ supplemental academic
 91 | instruction allocation shall be provided ~~allocated~~ annually in
 92 | the Florida Education Finance Program as specified to each
 93 | ~~school district in the amount provided~~ in the General
 94 | Appropriations Act. These funds are ~~shall be~~ in addition to the
 95 | funds appropriated on the basis of FTE student membership in the
 96 | Florida Education Finance Program and shall be included in the
 97 | total potential funds of each school district. ~~These funds shall~~
 98 | ~~be used to provide supplemental academic instruction to students~~
 99 | ~~enrolled in the K-12 program.~~ For the 2017-2018 ~~2014-2015~~ fiscal
 100 | year, each school district that has a school earning a grade of

101 "D" or "F" pursuant to s. 1008.34 must use that school's portion
 102 of the supplemental academic instruction allocation to implement
 103 the intervention and support strategies required under s.
 104 1008.33 and for salary incentives pursuant to s. 1012.2315(3) or
 105 salary supplements pursuant to s. 1012.22(1)(c)5.c. that are
 106 provided through a memorandum of understanding between the
 107 collective bargaining agent and the school board that addresses
 108 the selection, placement, and expectations of instructional
 109 personnel and school administrators. For all other schools, the
 110 school district's use of the supplemental academic instruction
 111 ~~allocation one or more of the 300 lowest performing elementary~~
 112 ~~schools based on the state reading assessment shall use these~~
 113 ~~funds, together with the funds provided in the district's~~
 114 ~~research-based reading instruction allocation and other~~
 115 ~~available funds, to provide an additional hour of instruction~~
 116 ~~beyond the normal school day for each day of the entire school~~
 117 ~~year for intensive reading instruction for the students in each~~
 118 ~~of these schools. This additional hour of instruction must be~~
 119 ~~provided by teachers or reading specialists who are effective in~~
 120 ~~teaching reading or by a K-5 mentoring reading program that is~~
 121 ~~supervised by a teacher who is effective at teaching reading.~~
 122 ~~Students enrolled in these schools who have level 5 assessment~~
 123 ~~scores may participate in the additional hour of instruction on~~
 124 ~~an optional basis. Exceptional student education centers shall~~
 125 ~~not be included in the 300 schools. After this requirement has~~

126 ~~been met, supplemental instruction strategies~~ may include, but
 127 is ~~are~~ not limited to: modified curriculum, reading instruction,
 128 after-school instruction, tutoring, mentoring, class size
 129 reduction, extended school year, intensive skills development in
 130 summer school, dropout prevention programs as defined in ss.
 131 1003.52 and 1003.53(1)(a), (b), and (c), and other methods for
 132 improving student achievement. Supplemental academic instruction
 133 may be provided to a student in any manner and at any time
 134 during or beyond the regular 180-day term identified by the
 135 school as being the most effective and efficient way to best
 136 help that student progress from grade to grade and to graduate.

137 3. The supplemental academic instruction allocation shall
 138 consist of a base amount that shall have a workload adjustment
 139 based on changes in unweighted FTE. In addition, school
 140 districts that have a school that earns a grade of "D" or "F"
 141 pursuant to s. 1008.34 shall be allocated additional funds to
 142 assist those schools in implementing the provisions of
 143 subparagraph 2. to improve student academic performance. The
 144 amount provided shall be based on each district's level of per-
 145 student funding in the reading instruction allocation and the
 146 supplemental academic instruction allocation and on the total
 147 FTE for each of the schools. The supplemental academic
 148 instruction allocation shall be recalculated once during the
 149 fiscal year and shall be based on actual student membership from
 150 the October FTE survey. Upon recalculation of funding for the

151 supplemental academic instruction allocation, if the total
 152 allocation is greater than the amount provided in the General
 153 Appropriations Act, the allocation shall be prorated to the
 154 level provided to support the appropriation, based on each
 155 school district's share of the total.

156 ~~4.3. Effective with the 1999-2000 fiscal year,~~ Funding on
 157 the basis of FTE membership beyond the 180-day regular term
 158 shall be provided in the FEFP only for students enrolled in
 159 juvenile justice education programs or in education programs for
 160 juveniles placed in secure facilities or programs under s.
 161 985.19. Funding for instruction beyond the regular 180-day
 162 school year for all other K-12 students shall be provided
 163 through the supplemental academic instruction allocation
 164 ~~category fund~~ and other state, federal, and local fund
 165 sources with ample flexibility for schools to provide
 166 supplemental instruction to assist students in progressing from
 167 grade to grade and graduating.

168 ~~4. The Florida State University School, as a lab school,~~
 169 ~~is authorized to expend from its FEFP or Lottery Enhancement~~
 170 ~~Trust Fund allocation the cost to the student of remediation in~~
 171 ~~reading, writing, or mathematics for any graduate who requires~~
 172 ~~remediation at a postsecondary educational institution.~~

173 ~~5. Beginning in the 1999-2000 school year, dropout~~
 174 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~
 175 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~

176 ~~under subparagraph (d)3.~~

177 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

178 (b) The district sparsity index shall be computed by
 179 dividing the total number of full-time equivalent students in
 180 all programs in the district by the number of senior high school
 181 centers in the district, not in excess of three, which centers
 182 are approved as permanent centers by a survey made by the
 183 Department of Education. For districts with a full-time
 184 equivalent student membership of at least 20,000, but no more
 185 than 24,000, the index shall be computed by dividing the total
 186 number of full-time equivalent students in all programs by the
 187 number of permanent senior high school centers in the district,
 188 not in excess of four.

189 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

190 (a) The research-based reading instruction allocation is
 191 created to provide comprehensive reading instruction to students
 192 in kindergarten through grade 12. Beginning with the 2017-2018
 193 ~~For the 2014-2015~~ fiscal year, in each school district that has
 194 one or more of the 300 lowest-performing elementary schools
 195 based on a 3-year average of the state reading assessment data,
 196 priority shall be given to providing an additional hour per day
 197 of intensive reading instruction ~~beyond the normal school day~~
 198 ~~for each day of the entire school year~~ for the students in each
 199 school. Students enrolled in these schools who have level 4 or
 200 level 5 assessment scores may participate in the additional hour

201 | of instruction ~~on an optional basis~~. Exceptional student
 202 | education centers shall not be included in the 300 schools. The
 203 | intensive reading instruction delivered in this additional hour
 204 | ~~and for other students~~ shall include: research-based reading
 205 | instruction that has been proven to accelerate progress of
 206 | students exhibiting a reading deficiency; differentiated
 207 | instruction based on screening, diagnostic, progress monitoring,
 208 | or student assessment data to meet students' specific reading
 209 | needs; explicit and systematic reading strategies to develop
 210 | ~~development in~~ phonemic awareness, phonics, fluency, vocabulary,
 211 | and comprehension, with more extensive opportunities for guided
 212 | practice, error correction, and feedback; and the integration of
 213 | social studies, science, and mathematics-text reading, text
 214 | discussion, and writing in response to reading. ~~For the 2012-~~
 215 | ~~2013 and 2013-2014 fiscal years, a school district may not hire~~
 216 | ~~more reading coaches than were hired during the 2011-2012 fiscal~~
 217 | ~~year unless all students in kindergarten through grade 5 who~~
 218 | ~~demonstrate a reading deficiency, as determined by district and~~
 219 | ~~state assessments, including students scoring Level 1 or Level 2~~
 220 | ~~on the statewide, standardized reading assessment or, upon~~
 221 | ~~implementation, the English Language Arts assessment, are~~
 222 | ~~provided an additional hour per day of intensive reading~~
 223 | ~~instruction beyond the normal school day for each day of the~~
 224 | ~~entire school year.~~

225 | (c) Funds allocated under this subsection must be used to

226 provide a system of comprehensive reading instruction to
 227 students enrolled in the K-12 programs, which may include the
 228 following:

229 1. ~~The provision of~~ An additional hour per day of
 230 intensive reading instruction ~~to students in the 300 lowest-~~
 231 ~~performing elementary schools~~ by teachers and reading
 232 specialists who have demonstrated effectiveness ~~are effective~~ in
 233 teaching reading.

234 2. Kindergarten through grade 5 reading intervention
 235 teachers to provide intensive intervention during the school day
 236 and in the ~~required~~ extra hour for students identified as having
 237 a reading deficiency.

238 3. ~~The provision of~~ Highly qualified reading coaches to
 239 specifically support teachers in making instructional decisions
 240 based on student data, and improve teacher delivery of effective
 241 reading instruction, intervention, and reading in the content
 242 areas based on student need.

243 4. Professional development for school district teachers
 244 in scientifically based reading instruction, including
 245 strategies to teach reading in content areas and with an
 246 emphasis on technical and informational text, to help school
 247 district teachers earn a certification or an endorsement in
 248 reading.

249 5. ~~The provision of~~ Summer reading camps, using only
 250 teachers or other district personnel who are certified or

251 | endorsed in reading, for all students in kindergarten through
 252 | grade 2 who demonstrate a reading deficiency as determined by
 253 | district and state assessments, and students in grades 3 through
 254 | 5 who score at Level 1 on the statewide, standardized reading
 255 | assessment or, upon implementation, the English Language Arts
 256 | assessment.

257 | 6. ~~The provision of~~ Supplemental instructional materials
 258 | that are grounded in scientifically based reading research.

259 | 7. ~~The provision of~~ Intensive interventions for students
 260 | in kindergarten through grade 12 who have been identified as
 261 | having a reading deficiency or who are reading below grade level
 262 | as determined by the statewide, standardized assessment.

263 | (d) Each school district that has a school that earns a
 264 | grade of "D" or "F" pursuant to s. 1008.34 shall annually, ~~by a~~
 265 | ~~date determined by the Department of Education but before May 1,~~
 266 | ~~school districts shall~~ submit a K-12 comprehensive reading plan
 267 | for the specific use of the research-based reading instruction
 268 | allocation in the format prescribed by the department for review
 269 | and approval by the department as part of the monitoring,
 270 | intervention, and support strategies required under s. 1008.33
 271 | ~~the Just Read, Florida! Office created pursuant to s. 1001.215.~~
 272 | ~~The plan annually submitted by school districts shall be deemed~~
 273 | ~~approved unless the department rejects the plan on or before~~
 274 | ~~June 1. If a school district and the Just Read, Florida! Office~~
 275 | ~~cannot reach agreement on the contents of the plan, the school~~

276 ~~district may appeal to the State Board of Education for~~
 277 ~~resolution. School districts shall be allowed reasonable~~
 278 ~~flexibility in designing their plans and shall be encouraged to~~
 279 ~~offer reading intervention through innovative methods, including~~
 280 ~~career academies.~~ The plan format shall be developed with input
 281 from school district personnel, including teachers and
 282 principals, and shall allow courses in core, career, and
 283 alternative programs that deliver intensive reading remediation
 284 through integrated curricula, provided that the teacher is
 285 deemed highly qualified to teach reading or working toward that
 286 status. ~~No later than July 1 annually, the department shall~~
 287 ~~release the school district's allocation of appropriated funds~~
 288 ~~to those districts having approved plans. A school district that~~
 289 ~~spends 100 percent of this allocation on its approved plan shall~~
 290 ~~be deemed to have been in compliance with the plan. The~~
 291 ~~department may withhold funds upon a determination that reading~~
 292 ~~instruction allocation funds are not being used to implement the~~
 293 ~~approved plan. The department shall monitor and track the~~
 294 ~~implementation of each district plan, including conducting site~~
 295 ~~visits and collecting specific data on expenditures and reading~~
 296 ~~improvement results. By February 1 of each year, the department~~
 297 ~~shall report its findings to the Legislature.~~

298 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.-

299 (a) The Florida digital classrooms allocation is created
 300 to support the efforts of school districts ~~district~~ and schools,

301 including charter schools, school efforts and strategies to
 302 integrate ~~improve outcomes related to student performance by~~
 303 ~~integrating~~ technology in classroom teaching and learning to
 304 ensure students have access to high-quality electronic and
 305 digital instructional materials and resources, and empower
 306 classroom teachers to help their students succeed. Each school
 307 district shall receive a minimum digital classrooms allocation
 308 in the amount provided in the General Appropriations Act. The
 309 remaining balance of the digital classrooms allocation shall be
 310 allocated based on each school district's proportionate share of
 311 the state's total unweighted full-time equivalent student
 312 enrollment.

313 (b) Funds allocated under this subsection must be used for
 314 costs associated with:

315 1. Acquiring and maintaining the items on the eligible
 316 services list authorized by the Universal Service Administrative
 317 Company for the Schools and Libraries Program, more commonly
 318 referred to as the federal E-rate program.

319 2. Acquiring computer and device hardware and associated
 320 operating system software that complies with the requirements of
 321 s. 1001.20(4)(a)1.b. ~~The outcomes must be measurable and may~~
 322 ~~also be unique to the needs of individual schools and school~~
 323 ~~districts within the general parameters established by the~~
 324 ~~Department of Education.~~

325 ~~(b) Each district school board shall adopt a district~~

326 | ~~digital classrooms plan that meets the unique needs of students,~~
 327 | ~~schools, and personnel and submit the plan for approval to the~~
 328 | ~~Department of Education. In addition, each district school board~~
 329 | ~~must, at a minimum, seek input from the district's~~
 330 | ~~instructional, curriculum, and information technology staff to~~
 331 | ~~develop the district digital classrooms plan. The district's~~
 332 | ~~plan must be within the general parameters established in the~~
 333 | ~~Florida digital classrooms plan pursuant to s. 1001.20. In~~
 334 | ~~addition, if the district participates in federal technology~~
 335 | ~~initiatives and grant programs, the district digital classrooms~~
 336 | ~~plan must include a plan for meeting requirements of such~~
 337 | ~~initiatives and grant programs. Funds allocated under this~~
 338 | ~~subsection must be used to support implementation of district~~
 339 | ~~digital classrooms plans. By October 1, 2014, and by March 1 of~~
 340 | ~~each year thereafter, on a date determined by the department,~~
 341 | ~~each district school board shall submit to the department, in a~~
 342 | ~~format prescribed by the department, a digital classrooms plan.~~
 343 | ~~At a minimum, such plan must include, and be annually updated to~~
 344 | ~~reflect, the following:~~

- 345 | ~~1. Measurable student performance outcomes. Outcomes~~
 346 | ~~related to student performance, including outcomes for students~~
 347 | ~~with disabilities, must be tied to the efforts and strategies to~~
 348 | ~~improve outcomes related to student performance by integrating~~
 349 | ~~technology in classroom teaching and learning. Results of the~~
 350 | ~~outcomes shall be reported at least annually for the current~~

351 | ~~school year and subsequent 3 years and be accompanied by an~~
 352 | ~~independent evaluation and validation of the reported results.~~

353 | ~~2. Digital learning and technology infrastructure~~
 354 | ~~purchases and operational activities. Such purchases and~~
 355 | ~~activities must be tied to the measurable outcomes under~~
 356 | ~~subparagraph 1., including, but not limited to, connectivity,~~
 357 | ~~broadband access, wireless capacity, Internet speed, and data~~
 358 | ~~security, all of which must meet or exceed minimum requirements~~
 359 | ~~and protocols established by the department. For each year that~~
 360 | ~~the district uses funds for infrastructure, a third-party,~~
 361 | ~~independent evaluation of the district's technology inventory~~
 362 | ~~and infrastructure needs must accompany the district's plan.~~

363 | ~~3. Professional development purchases and operational~~
 364 | ~~activities. Such purchases and activities must be tied to the~~
 365 | ~~measurable outcomes under subparagraph 1., including, but not~~
 366 | ~~limited to, using technology in the classroom and improving~~
 367 | ~~digital literacy and competency.~~

368 | ~~4. Digital tool purchases and operational activities. Such~~
 369 | ~~purchases and activities must be tied to the measurable outcomes~~
 370 | ~~under subparagraph 1., including, but not limited to,~~
 371 | ~~competency-based credentials that measure and demonstrate~~
 372 | ~~digital competency and certifications; third-party assessments~~
 373 | ~~that demonstrate acquired knowledge and use of digital~~
 374 | ~~applications; and devices that meet or exceed minimum~~
 375 | ~~requirements and protocols established by the department.~~

376 ~~5. Online assessment-related purchases and operational~~
 377 ~~activities. Such purchases and activities must be tied to the~~
 378 ~~measurable outcomes under subparagraph 1., including, but not~~
 379 ~~limited to, expanding the capacity to administer assessments and~~
 380 ~~compatibility with minimum assessment protocols and requirements~~
 381 ~~established by the department.~~

382 ~~(c) The Legislature shall annually provide in the General~~
 383 ~~Appropriations Act the FEFP allocation for implementation of the~~
 384 ~~Florida digital classrooms plan to be calculated in an amount up~~
 385 ~~to 1 percent of the base student allocation multiplied by the~~
 386 ~~total K-12 full-time equivalent student enrollment included in~~
 387 ~~the FEFP calculations for the legislative appropriation or as~~
 388 ~~provided in the General Appropriations Act. Each school district~~
 389 ~~shall be provided a minimum of \$250,000, with the remaining~~
 390 ~~balance of the allocation to be distributed based on each~~
 391 ~~district's proportion of the total K-12 full-time equivalent~~
 392 ~~student enrollment. Distribution of funds for the Florida~~
 393 ~~digital classrooms allocation shall begin following submittal of~~
 394 ~~each district's digital classrooms plan, which must include~~
 395 ~~formal verification of the superintendent's approval of the~~
 396 ~~digital classrooms plan of each charter school in the district,~~
 397 ~~and approval of the plan by the department. Prior to the~~
 398 ~~distribution of the Florida digital classrooms allocation funds,~~
 399 ~~each district school superintendent shall certify to the~~
 400 ~~Commissioner of Education that the district school board has~~

401 ~~approved a comprehensive district digital classrooms plan that~~
 402 ~~supports the fidelity of implementation of the Florida digital~~
 403 ~~classrooms allocation. District allocations shall be~~
 404 ~~recalculated during the fiscal year consistent with the periodic~~
 405 ~~recalculation of the FEFP. School districts shall provide a~~
 406 ~~proportionate share of the digital classrooms allocation to each~~
 407 ~~charter school in the district, as required for categorical~~
 408 ~~programs in s. 1002.33(17)(b). A school district may use a~~
 409 ~~competitive process to distribute funds for the Florida digital~~
 410 ~~classrooms allocation to the schools within the school district.~~

411 ~~(d) To facilitate the implementation of the district~~
 412 ~~digital classrooms plans and charter school digital classrooms~~
 413 ~~plans, the commissioner shall support statewide, coordinated~~
 414 ~~partnerships and efforts of this state's education practitioners~~
 415 ~~in the field, including, but not limited to, superintendents,~~
 416 ~~principals, and teachers, to identify and share best practices,~~
 417 ~~corrective actions, and other identified needs.~~

418 ~~(e) Beginning in the 2015-2016 fiscal year and each year~~
 419 ~~thereafter, each district school board shall report to the~~
 420 ~~department its use of funds provided through the Florida digital~~
 421 ~~classrooms allocation and student performance outcomes in~~
 422 ~~accordance with the district's digital classrooms plan. The~~
 423 ~~department may contract with an independent third-party entity~~
 424 ~~to conduct an annual independent verification of the district's~~
 425 ~~use of Florida digital classrooms allocation funds in accordance~~

426 | ~~with the district's digital classrooms plan. In the event an~~
 427 | ~~independent third party verification is not conducted, the~~
 428 | ~~Auditor General shall, during scheduled operational audits of~~
 429 | ~~the school districts, verify compliance of the use of Florida~~
 430 | ~~digital classrooms allocation funds in accordance with the~~
 431 | ~~district's digital classrooms plan. No later than October 1 of~~
 432 | ~~each year, beginning in the 2015-2016 fiscal year, the~~
 433 | ~~commissioner shall provide to the Governor, the President of the~~
 434 | ~~Senate, and the Speaker of the House of Representatives a~~
 435 | ~~summary of each district's use of funds, student performance~~
 436 | ~~outcomes, and progress toward meeting statutory requirements and~~
 437 | ~~timelines.~~

438 | ~~(f) Each school district shall provide teachers,~~
 439 | ~~administrators, students, and parents with access to:~~

440 | ~~1. Instructional materials in digital or electronic~~
 441 | ~~format, as defined in s. 1006.29.~~

442 | ~~2. Digital materials, including those digital materials~~
 443 | ~~that enable students to earn certificates and industry~~
 444 | ~~certifications pursuant to ss. 1003.4203 and 1008.44.~~

445 | ~~3. Teaching and learning tools and resources, including~~
 446 | ~~the ability for teachers and administrators to manage, assess,~~
 447 | ~~and monitor student performance data.~~

448 | ~~(g) For the 2016-2017 fiscal year, notwithstanding~~
 449 | ~~paragraph (c), each school district shall be provided a minimum~~
 450 | ~~of \$500,000, with the remaining balance of the allocation to be~~

451 ~~distributed based on each district's proportion of the total K-~~
 452 ~~12 full-time equivalent enrollment. Each district's digital~~
 453 ~~classrooms allocation plan must give preference to funding the~~
 454 ~~number of devices that comply with the requirements of s.~~
 455 ~~1001.20(4)(a)1.b. and that are needed to allow each school to~~
 456 ~~administer the Florida Standards Assessments to an entire grade~~
 457 ~~at the same time. If the district's digital classrooms~~
 458 ~~allocation plan does not include the purchase of devices, the~~
 459 ~~district must certify in the plan that the district currently~~
 460 ~~has sufficient devices to allow each school to administer the~~
 461 ~~Florida Standards Assessments in the manner described in this~~
 462 ~~paragraph. This paragraph expires July 1, 2017.~~

463 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is
 464 created to provide funding to assist school districts in their
 465 compliance with ss. 1006.07-1006.148, with priority given to
 466 establishing a school resource officer program pursuant to s.
 467 1006.12. Each school district shall receive a minimum safe
 468 schools allocation in an amount provided in the General
 469 Appropriations Act. Of the remaining balance of the safe schools
 470 allocation, two-thirds shall be allocated to school districts
 471 based on the most recent official Florida Crime Index provided
 472 by the Department of Law Enforcement and one-third shall be
 473 allocated based on each school district's proportionate share of
 474 the state's total unweighted full-time equivalent student
 475 enrollment.

476 (16)~~(15)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
 477 FOR CURRENT OPERATION.—The total annual state allocation to each
 478 district for current operation for the FEFP shall be distributed
 479 periodically in the manner prescribed in the General
 480 Appropriations Act.

481 (b) The amount thus obtained shall be the net annual
 482 allocation to each school district. However, if it is determined
 483 that any school district received an underallocation or
 484 overallocation for any prior year because of an arithmetical
 485 error, assessment roll change required by final judicial
 486 decision, full-time equivalent student membership error, or any
 487 allocation error revealed in an audit report, the allocation to
 488 that district shall be appropriately adjusted. An
 489 underallocation in a prior year caused by a school district's
 490 error may not be the basis for a positive allocation adjustment
 491 for the current year. ~~Beginning with the 2011-2012 fiscal year,~~
 492 If a special program cost factor is less than the basic program
 493 cost factor, an audit adjustment may not result in the
 494 reclassification of the special program FTE to the basic program
 495 FTE. If the Department of Education audit adjustment
 496 recommendation is based upon controverted findings of fact, the
 497 Commissioner of Education is authorized to establish the amount
 498 of the adjustment based on the best interests of the state.

499 (17)~~(16)~~ COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL
 500 EFFORT.—Calculations required in this section shall be based on

501 | 95 percent of the taxable value for school purposes for fiscal
 502 | years prior to the 2010-2011 fiscal year.

503 | Section 5. Paragraph (b) of subsection (3) of section
 504 | 1011.78, Florida Statutes, is amended to read:

505 | 1011.78 Standard student attire incentive payments.—There
 506 | is created an incentive payment for school districts and charter
 507 | schools that implement a standard student attire policy for all
 508 | students in kindergarten through grade 8 in accordance with this
 509 | section.

510 | (3) QUALIFICATIONS.—To qualify for the incentive payment,
 511 | a school district or charter school must, at a minimum,
 512 | implement a standard attire policy that:

513 | (b) Prohibits certain types or styles of clothing ~~and~~
 514 | ~~requires solid colored clothing and fabrics for pants, skirts,~~
 515 | ~~shorts, or similar clothing and short- or long-sleeved shirts~~
 516 | ~~with collars.~~

517 | Section 6. This act shall take effect July 1, 2017.

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: PreK-12 Appropriations
 2 Subcommittee
 3 Representative Sullivan offered the following:

Amendment (with title amendment)

Remove lines 50-920

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

Remove lines 2-19 and insert:

An act relating to educational options; amending s. 1002.395,

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 bill: PreK-12 Appropriations
 2 Subcommittee
 3 Representative Sullivan offered the following:

Amendment (with title amendment)


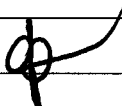
Remove lines 1170-1180

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

11 Remove lines 45-46 and insert:
 12 specified professional development system; providing an
 13 effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 15 Educational Options
SPONSOR(S): PreK-12 Innovation Subcommittee; Sullivan and Fischer
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	12 Y, 3 N, As CS	Dehmer	Healy
2) PreK-12 Appropriations Subcommittee		Seifert 	Potvin 
3) Education Committee			

SUMMARY ANALYSIS

The bill expands access to the Gardiner Scholarship Program (GSP) and strengthens accountability by:

- expanding student eligibility;
- expanding the authorized uses of scholarship funds;
- revising the eligibility requirements of private schools participating in the GSP; and
- clarifying a student's eligibility to receive scholarship payments.

The bill expands access to the John M. McKay Scholarship for Students with Disabilities Program by allowing students to be reported in either the October or February Florida Education Finance Program (FEFP) survey, in order to be eligible. The bill also clarifies that the instructional and work experience hours that a transition-to-work student must receive are on a per week basis.

The bill revises the Florida Tax Credit (FTC) Scholarship Program by:

- increasing the base annual scholarship amount, differentiated by grade level, for students enrolled in eligible private schools;
- increasing the amount of a transportation scholarship for a student who chooses a public school outside their district from \$500 to \$750;
- allowing a dependent child of a parent who is a member of the U.S. Armed Forces to apply for a scholarship at any time;
- authorizing a Scholarship Funding Organization (SFO) to make scholarship payments on behalf of a parent only if the SFO receives prior approval from the parent each time;
- providing that a private school that has consecutive years of material exceptions listed in their annual financial reports may be ineligible to participate in the FTC;
- requiring the Department of Revenue (DOR) to provide a copy of a denial letter to the SFO specified by the taxpayer seeking the tax credit;
- revising the date that a private school's agreed upon procedures report from a CPA is due to the SFO from September 15, to August 15, of each year; and
- removing obsolete language regarding student eligibility and funding.

The bill appropriates \$200 million for Gardiner scholarship funds and \$6 million for administrative fees for eligible SFO's to administer the GSP.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Gardiner Scholarship (GSP)

Present Situation

The GSP provides parents of eligible students with disabilities more flexibility to customize their child's education.¹ Funds are distributed to qualified² Scholarship Funding Organizations to establish accounts for eligible students.³ Parents can use funds from their account to choose from a variety of approved items for their student including, but not limited to: specialized services, curriculum, instructional materials, tuition and contracted services.⁴

A student participating in the GSP must meet the requirements for regular school attendance by enrolling in:

- a parochial, religious or denominational school;
- a private school supported in whole or in part by tuition charges or by endowments or gifts; or
- a home education program.⁵

The parent of a student, who is a resident of this state, may request and receive an account if the student:

- is 3- or 4-years-old or eligible to enroll in kindergarten through 12th grade in a public school in this state;
- has one of the following disabilities: autism spectrum disorder, cerebral palsy, Down syndrome, an intellectual disability, Phelan-McDermid syndrome, Prader-Willi syndrome, spina bifida, muscular dystrophy, is identified as a high-risk child, or Williams syndrome;⁶ and
- has an Individual Education Plan (IEP) written in accordance with rules of the State Board of Education (SBE) or has received a diagnosis of one of the above disabilities from a licensed physician or a licensed psychologist.⁷

The parent of a student with a disability who does not have an IEP or who seeks a reevaluation of an existing IEP may request an IEP meeting and evaluation from the school district in order to obtain or revise a matrix of services.⁸

Parents must apply to an eligible SFO to participate in the program by February 1, before the school year in which the student wishes to participate or an alternative date set by the SFO.⁹ The scholarship is provided on a first-come, first-served basis.¹⁰

¹ Section 1002.385(1), F.S.

² Section 1002.385(2)(e), F.S.

³ Section 1002.385, F.S.

⁴ Section 1002.385(5), F.S.

⁵ Section 1003.01(13)(b)-(d), F.S.

⁶ Section 1002.385(2)(d), F.S.

⁷ Section 1002.385(3)(a), F.S.

⁸ Section 1002.385(7)(a)1., F.S.

⁹ Section 1002.385(3)(b), F.S.

¹⁰ Section 1002.385(12)(b), F.S.

A student is not eligible for the program:

- while enrolled in a public school;
- while enrolled in a Department of Juvenile Justice school commitment program;
- while receiving a scholarship from the Florida Tax Credit (FTC) or the McKay Scholarship; or
- while receiving any other educational scholarship pursuant to chapter 1002.¹¹

Program funds must be used to meet the individual educational needs of the student. Program funds may be spent for the following purposes:

- Instructional materials and curriculum.
- Specialized services by approved providers, including but not limited to, applied behavior analysis, speech language pathologist, occupational therapy, physical therapy and services provided by listening and spoken language specialists.
- Enrollment in, or tuition and fees for enrollment in a home education program, an eligible private school or postsecondary education institution or a program offered by the institution, a private tutoring program or virtual education programs or courses.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement examinations, industry certification examinations, assessments related to postsecondary education or other assessments.
- Contributions to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program.
- Contracted services provided by a public school or school district, including classes tuition and fees for part-time tutoring services provided by an individual who has a valid Florida educator's certificate, an adjunct teaching certificate or has demonstrated mastery of subject area knowledge.
- Fees for specialized summer or after-school education programs.
- Fees for transition services provided by job coaches.
- Fees for an annual evaluation utilized by home education students.
- Tuition and fees associated with programs offered by Voluntary Pre-Kindergarten education and school readiness providers.¹²

Entities eligible to provide specialized services or educational programs include:

- a provider approved by the Agency for Persons with Disabilities, a health care practitioner or a provider approved by the Department of Education to offer specialized instructional services for children with disabilities;¹³
- a postsecondary educational institution including a Florida College System institution; a state university; a school district technical center; a school district adult general education center; an independent college or university eligible to participate in the William L. Boyd, IV Florida Resident Access Grant Program; or an accredited, independent postsecondary educational institution which is licensed to operate in this state;¹⁴
- a private school that is located in this state, offers education to students in any grade from kindergarten to grade 12, meets all the requirements of a private school operating in Florida and meets all the requirements of a private school participating in the McKay Scholarship Program or the FTC Program;¹⁵

¹¹ Section 1002.385(4), F.S.

¹² Section 1002.385(5)(m), F.S.

¹³ Section 1002.385(2)(a), F.S. See list of eligible providers at <http://www.fl DOE.org/schools/school-choice/k-12-scholarship-programs/gardiner/>.

¹⁴ Section 1002.385(2)(f), F.S.

¹⁵ Section 1002.385(2)(g), F.S.

Eligible providers may not share, refund or rebate any money from a student's GSP account with the parent or participating student.¹⁶

Effect of Proposed Changes

The bill expands access to the GSP by:

- including rare diseases (diseases which affect patient populations of fewer than 200,000 individuals in the United States) anaphylaxis, orthopedically impaired, deaf, visually impaired, hospital or homebound, dual sensory impaired, traumatic brain injured or other health impaired within the definition of disability;
- providing that an IEP used to qualify for a scholarship does not need to be reviewed or revised within the past 12 months;
- removing the requirement that a student be 3 or 4 years of age by September 1, before applying to the GSP;
- allowing those who enter the program with a high-risk disability to remain in the program without being reassessed to document another eligible disability when they turn 6 years old; and
- extending eligibility to any student who has an IEP written in Florida or in another state; or who has a diagnosis of a disability by a physician or a psychologist licensed in Florida or a physician licensed in another state. A student with an IEP whose sole exceptionality is gifted is not eligible for a GSP.

The bill includes Florida hospitals as approved providers and expands eligible uses of funds to include fees for services provided by:

- members of the Professional Association of Therapeutic Horsemanship International; and
- a therapist certified by the Certification Board of Music Therapists or credentialed by the Art Therapy Credentials Boards.

The bill increases accountability by:

- prohibiting parents, students or a provider of services from billing an insurance company, Medicaid or any other agency for the same services that are paid using GSP funds;
- providing that a private school may not be eligible to participate in the program if its financial reports have consecutive years of material exceptions;
- defining "inactive" to mean that no eligible expenditures have been made from the scholarship account and requiring that payments from the state into the account stop if the account has been inactive for two consecutive fiscal years. When an SFO verifies eligible expenditures have been made from the account, payments may resume based on available funds; and
- providing that a scholarship account be closed and funds revert to the state (becoming available for other eligible students) if the account has been inactive for three consecutive years.

Additionally, the bill clarifies that, beginning with the 2017-2018 fiscal year, for students with a matrix, the GSP scholarship amount must be based on that matrix and revises the date that a private school's agreed upon procedures report is due to the SFO from September 15, to August 15, each year.

John M. McKay Scholarship

Present Situation

¹⁶ Section 1002.385(5), F.S.
STORAGE NAME: h0015b.PKA.DOCX
DATE: 3/10/2017

The McKay Scholarship Program provides scholarships for eligible students with disabilities to attend a public or private school of their choice. Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; an other health impairment; an emotional or behavioral disability; a specific learning disability, including but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay or autism spectrum disorder.¹⁷

The parent of an eligible student with disabilities may choose to:

- Attend another public school within the school district.
- Attend an eligible public school in an adjacent school district that has space and provides the services identified in the student's IEP or 504 Accommodation Plan (504 Plan).
- Attend an eligible private school.¹⁸

A student with a disability may receive a McKay Scholarship to attend a public or private school if he or she has an IEP or a 504 plan¹⁹ and:

- received specialized instructional services under Voluntary Prekindergarten Program²⁰ during the previous school year; or
- spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind.²¹

For purposes of scholarship eligibility, the term "prior school year in attendance" means the student was enrolled and reported by:

- a school district for funding during the preceding October and February FEFP surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the FEFP;
- the Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or
- a school district for funding during the preceding October and February FEFP surveys and the student was at least four years old when enrolled and reported and eligible for services under the school attendance requirements for prekindergarten aged children with disabilities.²²

The student's parent must file a notice of intent with the Department of Education (DOE) by completing an online application using the DOE's website. If the parent chooses the private school option, the notice must be filed prior to withdrawing the student from public school. Once a completed notice has been filed, the parent will receive immediate online confirmation, which includes a notice of potential eligibility or ineligibility. If a student is deemed ineligible to participate, the reason for the ineligibility and instructions for contacting the school district to address the ineligibility will be provided.²³

A private school may offer a transition-to-work program in which a student must receive 15 hours of academic instruction and work skills training. The student must also participate in 10 hours of work at

¹⁷ Section 1002.39(1), F.S.

¹⁸ Section 1002.39(2) and (8), F.S.

¹⁹ A student's 504 plan must be at least six months in duration in order for the student to be eligible for a scholarship. Rule 6A-6.0970(1)(b)3.a., F.S.

²⁰ A child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK Program and has a current IEP developed by the district school board. Section 1002.66, F.S.; *see also* s. 1002.53, F.S.

²¹ Section 1002.39(2)(a), F.S.

²² Section 1002.39(2)(a)2., F.S. Although not required to attend a public school, children with disabilities who attain the age of three years are eligible for admission to public special education programs and related services. Section 1003.21(1)(e), F.S.

²³ Section 1002.39(1), F.S.; rule 6A-6.0970(1)(a), F.A.C.

the student's work experience program. Consequently, the student does not need to have regular and direct contact with the teacher at the private school's physical location.²⁴

Effect of Proposed Changes

The bill redefines "prior year" to mean that a student must be enrolled and reported for funding in either the October or February FEFP survey immediately preceding the request to participate, in order to be eligible for the program.

The bill also clarifies that the instructional and work experience hours that a student participating in the transition-to-work program student must receive are on a per week basis.

The Florida Tax Credit Scholarship Program (FTC)

Present Situation

The FTC Program²⁵ was established to encourage taxpayers to make private, voluntary contributions to Scholarship Funding Organizations, expand educational opportunities for families that have limited financial resources and enable Florida's children to achieve a greater level of excellence in their education.²⁶ The FTC Program is funded with contributions to private nonprofit SFOs from taxpayers who receive a tax credit for use against their liability for corporate income tax; insurance premium tax; severance taxes on oil and gas production; self-accrued sales tax liabilities of direct pay permit holders; or alcoholic beverage taxes on beer, wine and spirits.²⁷ The tax credit is equal to 100 percent of the eligible contributions made.²⁸

SFOs use contributions to award scholarships to eligible low-income students for private school tuition and fees or transportation expenses to a Florida public school located outside of the school district in which the student resides.²⁹ During the 2016-17 school year, 98,457 students were awarded FTC Program scholarships. Of that number, 50,408 students were female students and 48,049 students were male.³⁰

Contingent upon available funds, a student is eligible for a FTC Program scholarship if he or she meets one or more of the following criteria:

- The student is on the direct certification list or the student's household income level does not exceed 185 percent of the federal poverty level.
- The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care.
- The student's household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.³¹

A student who receives a scholarship based upon placement in foster care or out-of-home care remains eligible until he or she graduates from high school or turns 21, whichever occurs first,

²⁴ Section 1002.39(10)(b), F.S.

²⁵ Section 1002.395, F.S.

²⁶ Section 1002.395(1)(b), F.S.

²⁷ Section 1002.395(1) and (5), F.S.

²⁸ Sections 220.1875 and 1002.395(5), F.S.

²⁹ Section 1002.3953 (6)(d), F.S. An eligible contribution is a monetary contribution from a taxpayer to an eligible nonprofit SFO. The taxpayer may not designate a specific child as the beneficiary of the contribution. Section 1002.395(2)(e), F.S.

³⁰ Florida Department of Education, *Florida Tax Credit Scholarship Program: February 2017 Quarterly Report*, at 1-3, available at <http://www.fl DOE.org/core/fileparse.php/7558/urlt/FTC-Feb-2017-Q-Report.pdf>.

³¹ Section 1002.395(3)(c)1-3., F.S.

regardless of his or her household income level. A sibling of a participating student is eligible for a scholarship if he or she resides in the same household as the sibling.³²

Priority is given to students who received a scholarship in the previous year, to new applicants whose household income levels do not exceed 185 percent of poverty, and to students who are in foster care or out-of-home care.³³

The law caps the amount of tax credits that may be made for scholarships and places limits on the per-student scholarship amount.³⁴

Tax Credit Cap

The tax credit cap amount is the amount in the prior state fiscal year unless the actual tax credit amount for the prior state fiscal year is equal to or greater than 90 percent of the tax credit cap amount applicable to that state fiscal year, in which case the tax credit cap amount increases by 25 percent.³⁵ The tax credit cap for Fiscal Year 2016-2017 is \$559,000,000 and the estimated scholarship amount is \$5,886.³⁶

Scholarship Amount

The amount of a scholarship awarded to a student enrolled in an eligible private school is equal to 82 percent of the unweighted FTE funding amount for that state fiscal year and thereafter.³⁷ The scholarship amount is adjusted based on family income, unless the student is receiving a scholarship based upon placement in foster care or out-of-home care.³⁸ Eligible income levels for the 2016-2017 school year are as follows:

FTC Scholarship Income Guidelines ³⁹					
2016-2017 School Year					
Household size	Monthly Maximum Income for a 100% Scholarship	Monthly Maximum Income for an 88% Scholarship	Monthly Maximum Income for a 74% Scholarship	Monthly Maximum Income for a 60% Scholarship	Monthly Maximum Income for a 50% Scholarship
1	\$1,980	\$2,129	\$2,277	\$2,426	\$2,574
2	\$2,670	\$2,871	\$3,071	\$3,271	\$3,471
3	\$3,360	\$3,612	\$3,864	\$4,116	\$4,368
4	\$4,050	\$4,354	\$4,658	\$4,962	\$5,265
5	\$4,740	\$5,096	\$5,451	\$5,807	\$6,162
6	\$5,430	\$5,838	\$6,245	\$6,652	\$7,059
7	\$6,122	\$6,581	\$7,040	\$7,500	\$7,959
8	\$6,815	\$7,327	\$7,838	\$8,349	\$8,860
9	\$7,509	\$8,072	\$8,635	\$9,198	\$9,761
10	\$8,202	\$8,817	\$9,432	\$10,048	\$10,663
11	\$8,895	\$9,563	\$10,230	\$10,897	\$11,564

³² Section 1002.395(3), F.S. (flush left provision at end of subsection).

³³ Section 1002.395(6)(e), F.S.

³⁴ Section 1002.395(5), F.S.

³⁵ Section 1002.395(5)(a)2., F.S.

³⁶ Step Up For Students, *2015-16 Fact Sheet*, available at, <https://www.stepupforstudents.org/newsroom/basic-program-facts/> (last visited March 1, 2017), Florida Department of Education, *Fact Sheet, Florida Tax Credit Scholarship Program*, available at http://www.fldoe.org/core/fileparse.php/15230/urlt/FTC_Sep_2016.pdf, (last visited February 13, 2017).

³⁷ Section 1002.395(12)(a)1.a., F.S.

³⁸ Section 1002.395(12)(a)3., F.S.

³⁹ Step Up For Students, *FTC Scholarship Income Guidelines*, available at, <https://www.stepupforstudents.org/for-parents/income-based/how-the-scholarship-works/>.

12	\$9,589	\$10,308	\$11,027	\$11,746	\$12,465
13	\$10,282	\$11,053	\$11,824	\$12,596	\$13,367
	Each additional member, add +693	Each additional member, add +745	Each additional member, add +797	Each additional member, add +849	Each additional member, add +901

For a scholarship awarded to a student for transportation to a Florida public school that is located outside the district in which the student resides, the limit is \$500.⁴⁰

To participate in the FTC Program, a private school must:

- comply with all of the requirements for private schools participating in state school choice scholarship programs;
- provide the SFO, upon request, all documentation required for student participation, including its fee schedule;
- annually provide the parent with a written explanation of the student's progress;
- annually administer or make provisions for students in grades three through 10 to participate in one of the nationally norm-referenced tests identified by the DOE or the statewide assessments⁴¹ and report the student's scores to the parent and to the Learning System Institute at Florida State University;
- cooperate with a student whose parent chooses to have the student participate in statewide assessments; and
- require each student receiving a scholarship to have regular and direct contact with his or her teachers at the school's physical location.⁴²

Participating private schools that receive more than \$250,000 in funds from FTC Program scholarships in any state fiscal year must annually contract with an independent certified public accountant to perform agreed-upon procedures⁴³ and produce a report of the results. The procedures must determine whether the private school has been verified as eligible by the Department of Education (DOE); has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds and has properly expended scholarship funds for education-related expenses. The private school must submit the report annually on September 15, to the SFO that awarded the majority of the private school's scholarships and the SFO must monitor a private school's compliance. The SFO must notify the commissioner of a private school's failure to submit its annual report or of any material exceptions set forth in the report.⁴⁴

DOE may remove a private school's eligibility to participate in the FTC program if the school fails to meet any of these requirements.⁴⁵

⁴⁰ Section 1002.395(12)(a)1.b., F.S.

⁴¹ The statewide assessment program for public schools includes statewide, standardized comprehensive assessments and end-of-course (EOC) assessments and the Florida Alternate Assessment for students with disabilities. The statewide, standardized comprehensive assessment tests reading (grades 3-10), mathematics (grades 3-8), science (once in elementary and middle school), and writing (once at the elementary, middle and high school level). EOC assessments for high school students include Algebra I, Biology I, Geometry, and U.S. History. Middle school students must take an EOC assessment if they are enrolled in any of the above listed high school courses and in Civics. Section 1008.22(3), F.S.

⁴² Section 1002.395(8)(a)-(d), F.S.

⁴³ An agreed-upon procedure analysis is not a full financial statement audit. Instead, the certified public accountant is engaged by the client to examine specific financial or operational aspects of its company or organization. The client and the practitioner agree upon the procedures to be performed by the practitioner and the subject matter that they will cover. *See* American Institute of Certified Public Accountants, *Audit and Attest Standards, Statements on Standards for Attestation Agreements, Agreed-Upon Procedures Engagements*, at AT s. 201.02 (June 1, 2009), available at <http://www.aicpa.org/Research/Standards/AuditAttest/DownloadableDocuments/AT-00201.pdf>.

⁴⁴ Section 1002.395(6)(o) and (8)(e), F.S.

⁴⁵ Section 1002.395(8), F.S. (flush-left provision at end of the subsection).

Effect of Proposed Changes

The bill removes obsolete language regarding student eligibility and funding and increases the base annual scholarship limits for students enrolled in eligible private schools from 82 percent of the unweighted FTE to:

- eighty-eight percent of unweighted FTE for grades K-5;
- ninety-two percent of unweighted FTE for grades 6-8;
- ninety-six percent of unweighted FTE for grades 9-12.

The amount of a transportation scholarship for a student, who chooses a public school outside his or her district, also increases from \$500 to \$750.

The bill authorizes an SFO to make scholarship payments to eligible private schools by funds transfer (including debit cards, electronic payment cards, or any other means the DOE deems commercially viable). Payments must be approved by the parent before the funds are deposited and a parent may not designate an entity or individual associated with the participating private school as their attorney to approve a fund transfer.

The bill permits a dependent child of a parent who is a member of the U.S. Armed Forces to apply for a scholarship at any time.

The bill revises the date that a private school's agreed upon procedures report is due to the SFO from September 15, to August 15, each year and provides that a private school may be ineligible to participate if it has consecutive years of material exceptions identified in its report.

The bill requires Department of Revenue to provide a copy of the denial or approval letter to the SFO within 10 days after approving or denying any of the following transactions:

- An application for a carryforward tax credit.
- The conveyance, transfer, or assignment of a tax credit.
- The rescindment of a tax credit.
- Acknowledgement of tax credits.

Finally, the bill authorizes an SFO to develop a professional development system that includes a master plan for in-service activities under the School Community Professional Development Act. The system and in service plan must be submitted to the commissioner of the State Board of Education for approval.

B. SECTION DIRECTORY:

Section 1. Amends s.1002.385, F.S., relating to the Gardiner Scholarship Program.

Section 2. Amends s. 1002.39, F.S., relating to the John M. McKay Scholarship for Students with Disabilities.

Section 3. Amends s. 1002.395, F.S., relating to the Florida Tax Credit Scholarship Program.

Section 4. Amends s. 1012.98, F.S., relating to the School Community Professional Development Act.

Section 5. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$200 million dollars in recurring funds from the General Revenue Fund to Department of Education (DOE) for scholarship awards under the Gardiner Scholarship Program. In addition, the sum of \$6 million dollars in recurring funds from the General Revenue Fund is appropriated to DOE to each Scholarship Funding Organization for reasonable and necessary administrative expenses to manage and distribute scholarship awards. The amount paid to each SFO may not exceed three percent of the amount of each scholarship award.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 7, 2017, the PreK-12 Innovation Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment provides that a licensed physician from any state or

territory may diagnose a student with a disability for purposes of Gardiner Scholarship Program eligibility. The bill analysis is drafted to the committee substitute as passed by the PreK-12 Innovation Subcommittee.

1 A bill to be entitled
 2 An act relating to educational options; amending s.
 3 1002.385, F.S.; revising definitions for the Gardiner
 4 Scholarship Program; defining the term "inactive" for
 5 the purposes of the program; revising student
 6 eligibility criteria; authorizing program funds to be
 7 used for specified purposes and by specified entities;
 8 prohibiting billing of certain entities for services
 9 paid for through the program; revising private school
 10 eligibility requirements; providing that consecutive
 11 years of certain material exceptions constitutes
 12 program ineligibility for certain private schools;
 13 prohibiting certain students from receiving additional
 14 scholarship payments until certain conditions are met;
 15 revising funding calculations; amending s. 1002.39,
 16 F.S.; revising eligibility criteria for the John M.
 17 McKay Scholarships for Students with Disabilities
 18 Program; revising requirements for certain students in
 19 a transition-to-work program; amending s. 1002.395,
 20 F.S.; revising student eligibility criteria for the
 21 Florida Tax Credit Scholarship Program; requiring the
 22 Department of Education to provide a letter of denial
 23 to participate in the program to a specified entity
 24 within a certain period; requiring the department to
 25 provide a letter of acceptance or denial of specified

26 actions related to a tax credit to a specified entity
 27 and include that entity on certain letters and
 28 correspondence; authorizing a child of a parent who is
 29 a member of the United States Armed Forces to apply
 30 for a scholarship at any time; requiring a parent to
 31 approve each payment made by funds transfer;
 32 prohibiting a parent from designating certain entities
 33 or individuals to approve a funds transfer; requiring
 34 certain private schools to submit a report by a
 35 specified date; providing that consecutive years of
 36 certain material exceptions constitutes program
 37 ineligibility for certain private schools; revising
 38 the annual limits of a scholarship awarded to certain
 39 students; authorizing payment of the scholarship to be
 40 made by funds transfer; specifying approved means of
 41 funds transfer; requiring a parent to approve a funds
 42 transfer before funds are deposited; amending s.
 43 1012.98, F.S.; authorizing certain nonprofit
 44 scholarship-funding organizations to develop a
 45 specified professional development system; providing
 46 appropriations; providing an effective date.

47

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

49

50 Section 1. Paragraphs (i) and (j) of subsection (2) of

51 section 1002.385, Florida Statutes, are redesignated as
 52 paragraphs (j) and (k), respectively, paragraphs (d) and (h) of
 53 subsection (2), paragraph (a) of subsection (3), subsection (5),
 54 paragraph (b) of subsection (6), subsection (8), paragraphs (e)
 55 and (f) of subsection (11), paragraph (j) of subsection (12),
 56 and paragraph (a) of subsection (13) are amended, and a new
 57 paragraph (i) is added to subsection (2) of that section, to
 58 read:

59 1002.385 The Gardiner Scholarship.—

60 (2) DEFINITIONS.—As used in this section, the term:

61 (d) "Disability" means, for a 3- or 4-year-old child or
 62 for a student in kindergarten to grade 12, autism spectrum
 63 disorder, as defined in the Diagnostic and Statistical Manual of
 64 Mental Disorders, Fifth Edition, published by the American
 65 Psychiatric Association; cerebral palsy, as defined in s.
 66 393.063(6); Down syndrome, as defined in s. 393.063(15); an
 67 intellectual disability, as defined in s. 393.063(24); Phelan-
 68 McDermid syndrome, as defined in s. 393.063(28); Prader-Willi
 69 syndrome, as defined in s. 393.063(29); spina bifida, as defined
 70 in s. 393.063(40); being a high-risk child, as defined in s.
 71 393.063(23) (a); muscular dystrophy; rare diseases which affect
 72 patient populations of fewer than 200,000 individuals in the
 73 United States; anaphylaxis; and Williams syndrome or
 74 identification as orthopedically impaired, deaf, visually
 75 impaired, hospital or homebound, dual sensory impaired,

76 traumatic brain injured, or other health impaired, as defined by
 77 rules of the State Board of Education and evidenced by reports
 78 from the local school district.

79 (h) "IEP" means individual education plan, regardless of
 80 whether the plan has been reviewed or revised within the last 12
 81 months.

82 (i) "Inactive" means that no eligible expenditures have
 83 been made from an account funded pursuant to paragraph (13)(d).

84 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
 85 disability may request and receive from the state a Gardiner
 86 Scholarship for the purposes specified in subsection (5) if:

87 (a) The student:

88 1. Is a resident of this state;

89 2. Is ~~3 or 4~~ years of age or older when ~~on or before~~
 90 ~~September 1 of the year in which~~ the student applies for program
 91 participation or is eligible to enroll in kindergarten through
 92 grade 12 in a public school in this state; and

93 3. Meets one or more of the following criteria:

94 a. Has a disability as defined in paragraph (2)(d) which
 95 is documented by an IEP or by a diagnosis of a disability from a
 96 physician who is licensed under chapter 458 or chapter 459, a
 97 psychologist who is licensed under chapter 490, or a physician
 98 who holds an active license issued by another state or territory
 99 of the United States or the District of Columbia;

100 b. Is currently participating in the program, is 5 years

101 of age or older, and has previously been identified as a high-
 102 risk child, as defined in s. 393.063(23)(a); ~~or and~~

103 c.4- Is the subject of an IEP written in accordance with
 104 rules of the State Board of Education or with the applicable
 105 rules of another state. However, a student with an IEP whose
 106 sole exceptionality is gifted is not eligible for the Gardiner
 107 Scholarship ~~has received a diagnosis of a disability from a~~
 108 physician who is licensed under chapter 458 or chapter 459 or a
 109 psychologist who is licensed under chapter 490.

110 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
 111 be used to meet the individual educational needs of an eligible
 112 student and may be spent for the following purposes:

113 (a) Instructional materials, including digital devices,
 114 digital periphery devices, and assistive technology devices that
 115 allow a student to access instruction or instructional content
 116 and training on the use of and maintenance agreements for these
 117 devices.

118 (b) Curriculum as defined in paragraph (2)(b).

119 (c) Specialized services by approved providers or a
 120 Florida hospital that are selected by the parent. These
 121 specialized services may include, but are not limited to:

122 1. Applied behavior analysis services as provided in ss.
 123 627.6686 and 641.31098.

124 2. Services provided by speech-language pathologists as
 125 defined in s. 468.1125.

126 3. Occupational therapy services as defined in s. 468.203.

127 4. Services provided by physical therapists as defined in
 128 s. 486.021.

129 5. Services provided by listening and spoken language
 130 specialists and an appropriate acoustical environment for a
 131 child who is deaf or hard of hearing and who has received an
 132 implant or assistive hearing device.

133 (d) Enrollment in, or tuition or fees associated with
 134 enrollment in, a home education program, an eligible private
 135 school, an eligible postsecondary educational institution or a
 136 program offered by the institution, a private tutoring program
 137 authorized under s. 1002.43, a virtual program offered by a
 138 department-approved private online provider that meets the
 139 provider qualifications specified in s. 1002.45(2)(a), the
 140 Florida Virtual School as a private paying student, or an
 141 approved online course offered pursuant to s. 1003.499 or s.
 142 1004.0961.

143 (e) Fees for nationally standardized, norm-referenced
 144 achievement tests, Advanced Placement Examinations, industry
 145 certification examinations, assessments related to postsecondary
 146 education, or other assessments.

147 (f) Contributions to the Stanley G. Tate Florida Prepaid
 148 College Program pursuant to s. 1009.98 or the Florida College
 149 Savings Program pursuant to s. 1009.981, for the benefit of the
 150 eligible student.

151 (g) Contracted services provided by a public school or
 152 school district, including classes. A student who receives
 153 services under a contract under this paragraph is not considered
 154 enrolled in a public school for eligibility purposes as
 155 specified in subsection (4).

156 (h) Tuition and fees for part-time tutoring services
 157 provided by a person who holds a valid Florida educator's
 158 certificate pursuant to s. 1012.56; a person who holds an
 159 adjunct teaching certificate pursuant to s. 1012.57; or a person
 160 who has demonstrated a mastery of subject area knowledge
 161 pursuant to s. 1012.56(5). As used in this paragraph, the term
 162 "part-time tutoring services" does not qualify as regular school
 163 attendance as defined in s. 1003.01(13)(e).

164 (i) Fees for specialized summer education programs.

165 (j) Fees for specialized after-school education programs.

166 (k) Transition services provided by job coaches.

167 (l) Fees for an annual evaluation of educational progress
 168 by a state-certified teacher under s. 1002.41(1)(c), if this
 169 option is chosen for a home education student.

170 (m) Tuition and fees associated with programs offered by
 171 Voluntary Prekindergarten Education Program providers approved
 172 pursuant to s. 1002.55 and school readiness providers approved
 173 pursuant to s. 1002.88.

174 (n) Fees for services provided at a center that is a
 175 member of the Professional Association of Therapeutic

176 Horsemanship International.

177 (o) Fees for services provided by a therapist who is
 178 certified by the Certification Board for Music Therapists or
 179 credentialed by the Art Therapy Credentials Board.

180

181 A provider of any services receiving payments pursuant to this
 182 subsection may not share, refund, or rebate any moneys from the
 183 Gardiner Scholarship with the parent or participating student in
 184 any manner. A parent, student, or provider of any services may
 185 not bill an insurance company, Medicaid, or any other agency for
 186 the same services that are paid for using Gardiner Scholarship
 187 funds.

188 (6) TERM OF THE PROGRAM.—For purposes of continuity of
 189 educational choice and program integrity:

190 (b)1. A student's scholarship account must be closed and
 191 any remaining funds, including, but not limited to,
 192 contributions made to the Stanley G. Tate Florida Prepaid
 193 College Program or earnings from or contributions made to the
 194 Florida College Savings Program using program funds pursuant to
 195 paragraph (5)(f), shall revert to the state after ~~upon~~:

196 a. Denial or revocation of program eligibility by the
 197 commissioner for fraud or abuse, including, but not limited to,
 198 the student or student's parent accepting any payment, refund,
 199 or rebate, in any manner, from a provider of any services
 200 received pursuant to subsection (5); ~~or~~

201 b. ~~After~~ Any period of 3 consecutive years after high
 202 school completion or graduation during which the student has not
 203 been enrolled in an eligible postsecondary educational
 204 institution or a program offered by the institution; or

205 c. Three consecutive fiscal years in which an account has
 206 been inactive.

207 2. The commissioner must notify the parent and the
 208 organization when a Gardiner Scholarship account is closed and
 209 program funds revert to the state.

210 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 211 eligible private school may be sectarian or nonsectarian and
 212 shall:

213 (a) Comply with all requirements for private schools
 214 participating in state school choice scholarship programs
 215 pursuant to s. 1002.421.

216 (b) Provide to the organization, upon request, all
 217 documentation required for the student's participation,
 218 including the private school's and student's fee schedules.

219 (c) Be academically accountable to the parent for meeting
 220 the educational needs of the student by:

221 1. At a minimum, annually providing to the parent a
 222 written explanation of the student's progress.

223 2. Annually administering or making provision for students
 224 participating in the program in grades 3 through 10 to take one
 225 of the nationally norm-referenced tests identified by the

226 Department of Education or the statewide assessments pursuant to
 227 s. 1008.22. Students with disabilities for whom standardized
 228 testing is not appropriate are exempt from this requirement. A
 229 participating private school shall report a student's scores to
 230 the parent.

231 3. Cooperating with the scholarship student whose parent
 232 chooses to have the student participate in the statewide
 233 assessments pursuant to s. 1008.22 or, if a private school
 234 chooses to offer the statewide assessments, administering the
 235 assessments at the school.

236 a. A participating private school may choose to offer and
 237 administer the statewide assessments to all students who attend
 238 the private school in grades 3 through 10.

239 b. A participating private school shall submit a request
 240 in writing to the Department of Education by March 1 of each
 241 year in order to administer the statewide assessments in the
 242 subsequent school year.

243 (d) Employ or contract with teachers who have regular and
 244 direct contact with each student receiving a scholarship under
 245 this section at the school's physical location.

246 (e) Provide a report from ~~Annually contract with~~ an
 247 independent certified public accountant who performs ~~to perform~~
 248 the agreed-upon procedures developed under s. 1002.395(6)(o) ~~and~~
 249 ~~produce a report of the results~~ if the private school receives
 250 more than \$250,000 in funds from scholarships awarded under this

251 | section in ~~the 2014-2015 state fiscal year or~~ a state fiscal
 252 | year ~~thereafter~~. A private school subject to this paragraph must
 253 | submit the report by August 15, 2017 ~~September 15, 2015~~, and
 254 | annually thereafter to the organization that awarded the
 255 | majority of the school's scholarship funds. The agreed-upon
 256 | procedures must be conducted in accordance with attestation
 257 | standards established by the American Institute of Certified
 258 | Public Accountants.

259 |
 260 | If The inability of a private school is unable to meet the
 261 | requirements of this subsection or has consecutive years of
 262 | material exceptions listed in the report required under
 263 | paragraph (e), the commissioner may determine that ~~constitutes a~~
 264 | ~~basis for the ineligibility of the private school~~ is ineligible
 265 | to participate in the program as determined by the commissioner.

266 | (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 267 | PARTICIPATION.—A parent who applies for program participation
 268 | under this section is exercising his or her parental option to
 269 | determine the appropriate placement or the services that best
 270 | meet the needs of his or her child. The scholarship award for a
 271 | student is based on a matrix that assigns the student to support
 272 | Level III services. If a parent receives an IEP and a matrix of
 273 | services from the school district pursuant to subsection (7),
 274 | the amount of the payment shall be adjusted as needed, when the
 275 | school district completes the matrix.

276 (e) The parent must annually renew participation in the
 277 program. Notwithstanding any changes to the student's IEP, a
 278 student who was previously eligible for participation in the
 279 program shall remain eligible to apply for renewal. ~~However, for~~
 280 ~~a high-risk child to continue to participate in the program in~~
 281 ~~the school year after he or she reaches 6 years of age, the~~
 282 ~~child's application for renewal of program participation must~~
 283 ~~contain documentation that the child has a disability defined in~~
 284 ~~paragraph (2) (d) other than high-risk status.~~

285 (f) The parent is responsible for procuring the services
 286 necessary to educate the student. If a parent does not procure
 287 the necessary educational services for the student and the
 288 student's account has been inactive for 2 consecutive fiscal
 289 years, the student is ineligible for additional scholarship
 290 payments until the scholarship funding organization verifies
 291 that expenditures from the account have occurred. When the
 292 student receives a Gardiner Scholarship, the district school
 293 board is not obligated to provide the student with a free
 294 appropriate public education. For purposes of s. 1003.57 and the
 295 Individuals with Disabilities in Education Act, a participating
 296 student has only those rights that apply to all other
 297 unilaterally parentally placed students, except that, when
 298 requested by the parent, school district personnel must develop
 299 an individual education plan or matrix level of services.

300

301 | A parent who fails to comply with this subsection forfeits the
 302 | Gardiner Scholarship.

303 | (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An
 304 | organization may establish Gardiner Scholarships for eligible
 305 | students by:

306 | (j) Documenting each scholarship student's eligibility for
 307 | a fiscal year before granting a scholarship for that fiscal year
 308 | pursuant to paragraph (3) (b). A student is ineligible for a
 309 | scholarship if the student's account has been inactive for 2
 310 | consecutive fiscal years. However, once an eligible expenditure
 311 | is made pursuant to paragraph (11) (f), the student is eligible
 312 | for a scholarship based on available funds.

313 | (13) FUNDING AND PAYMENT.—

314 | (a)1. The maximum funding amount granted for an eligible
 315 | student with a disability, pursuant to subsection (3), shall be
 316 | equivalent to the base student allocation in the Florida
 317 | Education Finance Program multiplied by the appropriate cost
 318 | factor for the educational program that ~~which~~ would have been
 319 | provided for the student in the district school to which he or
 320 | she would have been assigned, multiplied by the district cost
 321 | differential.

322 | 2. In addition, an amount equivalent to a share of the
 323 | guaranteed allocation for exceptional students in the Florida
 324 | Education Finance Program shall be determined and added to the
 325 | amount in subparagraph 1. The calculation shall be based on the

326 methodology and the data used to calculate the guaranteed
 327 allocation for exceptional students for each district in chapter
 328 2000-166, Laws of Florida. Except as provided in subparagraph
 329 3., the calculation shall be based on the student's grade, the
 330 matrix level of services, and the difference between the 2000-
 331 2001 basic program and the appropriate level of services cost
 332 factor, multiplied by the 2000-2001 base student allocation and
 333 the 2000-2001 district cost differential for the sending
 334 district. The calculated amount must also include an amount
 335 equivalent to the per-student share of supplemental academic
 336 instruction funds, instructional materials funds, technology
 337 funds, and other categorical funds as provided in the General
 338 Appropriations Act.

339 3. Beginning with the 2017-2018 fiscal year and each
 340 fiscal year thereafter, the calculation for a new student
 341 entering the program shall be based on the student's matrix
 342 level of services. The funding for a student without a matrix of
 343 services ~~Except as otherwise provided in subsection (7), the~~
 344 ~~calculation for all students participating in the program shall~~
 345 be based on the matrix that assigns the student to support Level
 346 III of services. If a parent chooses to request and receive a
 347 matrix of services from the school district, when the school
 348 district completes the matrix, the amount of the payment shall
 349 be adjusted as needed.

350 Section 2. Section 1002.39, Florida Statutes, is amended

351 to read:

352 1002.39 The John M. McKay Scholarships for Students with
 353 Disabilities Program. ~~There is established a program that is~~
 354 ~~separate and distinct from the Opportunity Scholarship Program~~
 355 ~~and is named the John M. McKay Scholarships for Students with~~
 356 ~~Disabilities Program.~~

357 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 358 DISABILITIES PROGRAM.—The John M. McKay Scholarships for
 359 Students with Disabilities Program is established to provide the
 360 option to attend a public school other than the one to which
 361 assigned, or to provide a scholarship to a private school of
 362 choice, for students with disabilities for whom:

363 (a) An individual educational plan has been written in
 364 accordance with rules of the State Board of Education; or

365 (b) A 504 accommodation plan has been issued under s. 504
 366 of the Rehabilitation Act of 1973.

367
 368 Students with disabilities include K-12 students who are
 369 documented as having an intellectual disability; a speech
 370 impairment; a language impairment; a hearing impairment,
 371 including deafness; a visual impairment, including blindness; a
 372 dual sensory impairment; an orthopedic impairment; an other
 373 health impairment; an emotional or behavioral disability; a
 374 specific learning disability, including, but not limited to,
 375 dyslexia, dyscalculia, or developmental aphasia; a traumatic

376 brain injury; a developmental delay; or autism spectrum
 377 disorder.

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

382 (a) The student ~~has~~:

383 1. Has received specialized instructional services under
 384 the Voluntary Prekindergarten Education Program pursuant to s.
 385 1002.66 during the previous school year and the student has a
 386 current individual educational plan developed by the local
 387 school board in accordance with rules of the State Board of
 388 Education for the John M. McKay Scholarships for Students with
 389 Disabilities Program or a 504 accommodation plan has been issued
 390 under s. 504 of the Rehabilitation Act of 1973; or

391 2. ~~Spent the prior school year in attendance at a Florida~~
 392 ~~public school or the Florida School for the Deaf and the Blind.~~
 393 ~~For purposes of this subparagraph, prior school year in~~
 394 ~~attendance means that the student~~ Was enrolled and reported for
 395 funding in the October or February Florida Education Finance
 396 Program survey immediately preceding the request to participate
 397 in the program pursuant to paragraph (b) by:

398 a. A school district, ~~for funding during the preceding~~
 399 ~~October and February Florida Education Finance Program surveys~~
 400 in kindergarten through grade 12, which includes time spent in a

401 Department of Juvenile Justice commitment program if funded
 402 under the Florida Education Finance Program;

403 b. The Florida School for the Deaf and the Blind, during
 404 ~~the preceding October and February student membership surveys~~ in
 405 kindergarten through grade 12; or

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

410

411 However, a dependent child of a member of the United States
 412 Armed Forces who transfers to a school in this state from out of
 413 state or from a foreign country due to a parent's permanent
 414 change of station orders or a foster child is exempt from this
 415 paragraph but must meet all other eligibility requirements to
 416 participate in the program.

417 (b) The parent has obtained acceptance for admission of
 418 the student to a private school that is eligible for the program
 419 under subsection (8) and has requested from the department a
 420 scholarship at least 60 days before the date of the first
 421 scholarship payment. The request must be communicated directly
 422 to the department in a manner that creates a written or
 423 electronic record of the request and the date of receipt of the
 424 request. The department must notify the district of the parent's
 425 intent upon receipt of the parent's request.

426 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
 427 not eligible for a John M. McKay Scholarship:

428 (a) While he or she is enrolled in a school operating for
 429 the purpose of providing educational services to youth in
 430 Department of Juvenile Justice commitment programs;

431 (b) While he or she is receiving a Florida tax credit
 432 scholarship under s. 1002.395;

433 (c) While he or she is receiving an educational
 434 scholarship pursuant to this chapter;

435 (d) While he or she is participating in a home education
 436 program as defined in s. 1002.01(1);

437 (e) While he or she is participating in a private tutoring
 438 program pursuant to s. 1002.43;

439 (f) While he or she is participating in a virtual school,
 440 correspondence school, or distance learning program that
 441 receives state funding pursuant to the student's participation
 442 unless the participation is limited to no more than two courses
 443 per school year;

444 (g) While he or she is enrolled in the Florida School for
 445 the Deaf and the Blind;

446 (h) While he or she is not having regular and direct
 447 contact with his or her private school teachers at the school's
 448 physical location unless he or she is enrolled in the private
 449 school's transition-to-work program pursuant to subsection (10);
 450 or

451 (i) If he or she has been issued a temporary 504
 452 accommodation plan under s. 504 of the Rehabilitation Act of
 453 1973 which is valid for 6 months or less.

454 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

455 (a) For purposes of continuity of educational choice, a
 456 John M. McKay Scholarship shall remain in force until the
 457 student returns to a public school, graduates from high school,
 458 or reaches the age of 22, whichever occurs first. A scholarship
 459 student who enrolls in a public school or public school program
 460 is considered to have returned to a public school for the
 461 purpose of determining the end of the scholarship's term.
 462 However, if a student enters a Department of Juvenile Justice
 463 detention center for a period of no more than 21 days, the
 464 student is not considered to have returned to a public school
 465 for that purpose.

466 (b) Upon reasonable notice to the department and the
 467 school district, the student's parent may remove the student
 468 from the private school and place the student in a public school
 469 in accordance with this section.

470 (c) Upon reasonable notice to the department, the
 471 student's parent may move the student from one participating
 472 private school to another participating private school.

473 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

474 (a)1. By April 1 of each year and within 10 days after an
 475 individual education plan meeting or a 504 accommodation plan is

476 issued under s. 504 of the Rehabilitation Act of 1973, a school
 477 district shall notify the parent of the student of all options
 478 available pursuant to this section, inform the parent of the
 479 availability of the department's telephone hotline and Internet
 480 website for additional information on John M. McKay
 481 Scholarships, and offer that student's parent an opportunity to
 482 enroll the student in another public school in the district.

483 2. The parent is not required to accept the offer of
 484 enrolling in another public school in lieu of requesting a John
 485 M. McKay Scholarship to a private school. However, if the parent
 486 chooses the public school option, the student may continue
 487 attending a public school chosen by the parent until the student
 488 graduates from high school.

489 3. If the parent chooses a public school consistent with
 490 the district school board's choice plan under s. 1002.31, the
 491 school district shall provide transportation to the public
 492 school selected by the parent. The parent is responsible to
 493 provide transportation to a public school chosen that is not
 494 consistent with the district school board's choice plan under s.
 495 1002.31.

496 (b)1. For a student with disabilities who does not have a
 497 matrix of services under s. 1011.62(1)(e), the school district
 498 must complete a matrix that assigns the student to one of the
 499 levels of service as they existed prior to the 2000-2001 school
 500 year.

501 2.a. Within 10 school days after it receives notification
502 of a parent's request for a John M. McKay Scholarship, a school
503 district must notify the student's parent if the matrix of
504 services has not been completed and inform the parent that the
505 district is required to complete the matrix within 30 days after
506 receiving notice of the parent's request for a John M. McKay
507 Scholarship. This notice should include the required completion
508 date for the matrix.

509 b. The school district must complete the matrix of
510 services for any student who is participating in the John M.
511 McKay Scholarships for Students with Disabilities Program and
512 must notify the department of the student's matrix level within
513 30 days after receiving notification of a request to participate
514 in the scholarship program. The school district must provide the
515 student's parent with the student's matrix level within 10
516 school days after its completion.

517 c. The department shall notify the private school of the
518 amount of the scholarship within 10 days after receiving the
519 school district's notification of the student's matrix level.

520 d. A school district may change a matrix of services only
521 if the change is to correct a technical, typographical, or
522 calculation error.

523 (c) A school district shall provide notification to
524 parents of the availability of a reevaluation at least every 3
525 years of each student who receives a John M. McKay Scholarship.

526 (d) If the parent chooses the private school option and
 527 the student is accepted by the private school pending the
 528 availability of a space for the student, the parent of the
 529 student must notify the department 60 days prior to the first
 530 scholarship payment and before entering the private school in
 531 order to be eligible for the scholarship when a space becomes
 532 available for the student in the private school.

533 (e) The parent of a student may choose, as an alternative,
 534 to enroll the student in and transport the student to a public
 535 school in an adjacent school district which has available space
 536 and has a program with the services agreed to in the student's
 537 individual education plan or 504 accommodation plan already in
 538 place, and that school district shall accept the student and
 539 report the student for purposes of the district's funding
 540 pursuant to the Florida Education Finance Program.

541 (f) For a student who participates in the John M. McKay
 542 Scholarships for Students with Disabilities Program whose parent
 543 requests that the student take the statewide assessments under
 544 s. 1008.22, the district in which the student attends private
 545 school shall provide locations and times to take all statewide
 546 assessments.

547 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 548 shall:

549 (a) Establish a toll-free hotline that provides parents
 550 and private schools with information on participation in the

551 | John M. McKay Scholarships for Students with Disabilities
 552 | Program.

553 | (b) Annually verify the eligibility of private schools
 554 | that meet the requirements of subsection (8).

555 | (c) Establish a process by which individuals may notify
 556 | the department of any violation by a parent, private school, or
 557 | school district of state laws relating to program participation.
 558 | The department shall conduct an inquiry of any written complaint
 559 | of a violation of this section, or make a referral to the
 560 | appropriate agency for an investigation, if the complaint is
 561 | signed by the complainant and is legally sufficient. A complaint
 562 | is legally sufficient if it contains ultimate facts that show
 563 | that a violation of this section or any rule adopted by the
 564 | State Board of Education has occurred. In order to determine
 565 | legal sufficiency, the department may require supporting
 566 | information or documentation from the complainant. A department
 567 | inquiry is not subject to the requirements of chapter 120.

568 | (d) Require an annual, notarized, sworn compliance
 569 | statement by participating private schools certifying compliance
 570 | with state laws and shall retain such records.

571 | (e) Cross-check the list of participating scholarship
 572 | students with the public school enrollment lists prior to each
 573 | scholarship payment to avoid duplication.

574 | (f)1. Conduct random site visits to private schools
 575 | participating in the John M. McKay Scholarships for Students

576 with Disabilities Program. The purpose of the site visits is
 577 solely to verify the information reported by the schools
 578 concerning the enrollment and attendance of students, the
 579 credentials of teachers, background screening of teachers, and
 580 teachers' fingerprinting results, which information is required
 581 by rules of the State Board of Education, subsection (8), and s.
 582 1002.421. The Department of Education may not make more than
 583 three random site visits each year and may not make more than
 584 one random site visit each year to the same private school.

585 2. Annually, by December 15, report to the Governor, the
 586 President of the Senate, and the Speaker of the House of
 587 Representatives the Department of Education's actions with
 588 respect to implementing accountability in the scholarship
 589 program under this section and s. 1002.421, any substantiated
 590 allegations or violations of law or rule by an eligible private
 591 school under this program concerning the enrollment and
 592 attendance of students, the credentials of teachers, background
 593 screening of teachers, and teachers' fingerprinting results and
 594 the corrective action taken by the Department of Education.

595 (7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

596 (a) The Commissioner of Education:

597 1. Shall deny, suspend, or revoke a private school's
 598 participation in the scholarship program if it is determined
 599 that the private school has failed to comply with the provisions
 600 of this section. However, if the noncompliance is correctable

601 within a reasonable amount of time and if the health, safety, or
 602 welfare of the students is not threatened, the commissioner may
 603 issue a notice of noncompliance which provides the private
 604 school with a timeframe within which to provide evidence of
 605 compliance before taking action to suspend or revoke the private
 606 school's participation in the scholarship program.

607 2. May deny, suspend, or revoke a private school's
 608 participation in the scholarship program if the commissioner
 609 determines that an owner or operator of the private school is
 610 operating or has operated an educational institution in this
 611 state or in another state or jurisdiction in a manner contrary
 612 to the health, safety, or welfare of the public.

613 a. In making such a determination, the commissioner may
 614 consider factors that include, but are not limited to, acts or
 615 omissions by an owner or operator which led to a previous denial
 616 or revocation of participation in an education scholarship
 617 program; an owner's or operator's failure to reimburse the
 618 Department of Education for scholarship funds improperly
 619 received or retained by a school; imposition of a prior criminal
 620 sanction related to an owner's or operator's management or
 621 operation of an educational institution; imposition of a civil
 622 fine or administrative fine, license revocation or suspension,
 623 or program eligibility suspension, termination, or revocation
 624 related to an owner's or operator's management or operation of
 625 an educational institution; or other types of criminal

626 | proceedings in which an owner or operator was found guilty of,
 627 | regardless of adjudication, or entered a plea of nolo contendere
 628 | or guilty to, any offense involving fraud, deceit, dishonesty,
 629 | or moral turpitude.

630 | b. For purposes of this subparagraph, the term "owner or
 631 | operator" includes an owner, operator, superintendent, or
 632 | principal of, or a person who has equivalent decisionmaking
 633 | authority over, a private school participating in the
 634 | scholarship program.

635 | (b) The commissioner's determination is subject to the
 636 | following:

637 | 1. If the commissioner intends to deny, suspend, or revoke
 638 | a private school's participation in the scholarship program, the
 639 | department shall notify the private school of such proposed
 640 | action in writing by certified mail and regular mail to the
 641 | private school's address of record with the department. The
 642 | notification shall include the reasons for the proposed action
 643 | and notice of the timelines and procedures set forth in this
 644 | paragraph.

645 | 2. The private school that is adversely affected by the
 646 | proposed action shall have 15 days from receipt of the notice of
 647 | proposed action to file with the department's agency clerk a
 648 | request for a proceeding pursuant to ss. 120.569 and 120.57. If
 649 | the private school is entitled to a hearing under s. 120.57(1),
 650 | the department shall forward the request to the Division of

651 Administrative Hearings.

652 3. Upon receipt of a request referred pursuant to this
 653 paragraph, the director of the Division of Administrative
 654 Hearings shall expedite the hearing and assign an administrative
 655 law judge who shall commence a hearing within 30 days after the
 656 receipt of the formal written request by the division and enter
 657 a recommended order within 30 days after the hearing or within
 658 30 days after receipt of the hearing transcript, whichever is
 659 later. Each party shall be allowed 10 days in which to submit
 660 written exceptions to the recommended order. A final order shall
 661 be entered by the agency within 30 days after the entry of a
 662 recommended order. The provisions of this subparagraph may be
 663 waived upon stipulation by all parties.

664 (c) The commissioner may immediately suspend payment of
 665 scholarship funds if it is determined that there is probable
 666 cause to believe that there is:

667 1. An imminent threat to the health, safety, or welfare of
 668 the students; or

669 2. Fraudulent activity on the part of the private school.
 670 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
 671 activity pursuant to this section, the Department of Education's
 672 Office of Inspector General is authorized to release personally
 673 identifiable records or reports of students to the following
 674 persons or organizations:

675 a. A court of competent jurisdiction in compliance with an

676 order of that court or the attorney of record in accordance with
 677 a lawfully issued subpoena, consistent with the Family
 678 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

679 b. A person or entity authorized by a court of competent
 680 jurisdiction in compliance with an order of that court or the
 681 attorney of record pursuant to a lawfully issued subpoena,
 682 consistent with the Family Educational Rights and Privacy Act,
 683 20 U.S.C. s. 1232g.

684 c. Any person, entity, or authority issuing a subpoena for
 685 law enforcement purposes when the court or other issuing agency
 686 has ordered that the existence or the contents of the subpoena
 687 or the information furnished in response to the subpoena not be
 688 disclosed, consistent with the Family Educational Rights and
 689 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

690

691 The commissioner's order suspending payment pursuant to this
 692 paragraph may be appealed pursuant to the same procedures and
 693 timelines as the notice of proposed action set forth in
 694 paragraph (b).

695 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 696 eligible to participate in the John M. McKay Scholarships for
 697 Students with Disabilities Program, a private school may be
 698 sectarian or nonsectarian and must:

699 (a) Comply with all requirements for private schools
 700 participating in state school choice scholarship programs

701 | pursuant to s. 1002.421.

702 | (b) Provide to the department all documentation required
 703 | for a student's participation, including the private school's
 704 | and student's fee schedules, at least 30 days before any
 705 | quarterly scholarship payment is made for the student pursuant
 706 | to paragraph (11)(e). A student is not eligible to receive a
 707 | quarterly scholarship payment if the private school fails to
 708 | meet this deadline.

709 | (c) Be academically accountable to the parent for meeting
 710 | the educational needs of the student by:

711 | 1. At a minimum, annually providing to the parent a
 712 | written explanation of the student's progress.

713 | 2. Cooperating with the scholarship student whose parent
 714 | chooses to participate in the statewide assessments pursuant to
 715 | s. 1008.22.

716 | (d) Maintain in this state a physical location where a
 717 | scholarship student regularly attends classes.

718 |

719 | The inability of a private school to meet the requirements of
 720 | this subsection shall constitute a basis for the ineligibility
 721 | of the private school to participate in the scholarship program
 722 | as determined by the department.

723 | (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 724 | PARTICIPATION.—A parent who applies for a John M. McKay
 725 | Scholarship is exercising his or her parental option to place

726 his or her child in a private school.

727 (a) The parent must select the private school and apply
728 for the admission of his or her child.

729 (b) The parent must have requested the scholarship at
730 least 60 days prior to the date of the first scholarship
731 payment.

732 (c) Any student participating in the John M. McKay
733 Scholarships for Students with Disabilities Program must remain
734 in attendance throughout the school year unless excused by the
735 school for illness or other good cause.

736 (d) Each parent and each student has an obligation to the
737 private school to comply with the private school's published
738 policies.

739 (e) If the parent requests that the student participating
740 in the John M. McKay Scholarships for Students with Disabilities
741 Program take all statewide assessments required pursuant to s.
742 1008.22, the parent is responsible for transporting the student
743 to the assessment site designated by the school district.

744 (f) Upon receipt of a scholarship warrant, the parent to
745 whom the warrant is made must restrictively endorse the warrant
746 to the private school for deposit into the account of the
747 private school. The parent may not designate any entity or
748 individual associated with the participating private school as
749 the parent's attorney in fact to endorse a scholarship warrant.
750 A participant who fails to comply with this paragraph forfeits

751 the scholarship.

752 (10) TRANSITION-TO-WORK PROGRAM.—A student participating
 753 in the John M. McKay Scholarships for Students with Disabilities
 754 Program who is at least 17 years, but not older than 22 years,
 755 of age and who has not received a high school diploma or
 756 certificate of completion is eligible for enrollment in his or
 757 her private school's transition-to-work program. A transition-
 758 to-work program shall consist of academic instruction, work
 759 skills training, and a volunteer or paid work experience.

760 (a) To offer a transition-to-work program, a participating
 761 private school must:

762 1. Develop a transition-to-work program plan, which must
 763 include a written description of the academic instruction and
 764 work skills training students will receive and the goals for
 765 students in the program.

766 2. Submit the transition-to-work program plan to the
 767 Office of Independent Education and Parental Choice.

768 3. Develop a personalized transition-to-work program plan
 769 for each student enrolled in the program. The student's parent,
 770 the student, and the school principal must sign the personalized
 771 plan. The personalized plan must be submitted to the Office of
 772 Independent Education and Parental Choice upon request by the
 773 office.

774 4. Provide a release of liability form that must be signed
 775 by the student's parent, the student, and a representative of

776 the business offering the volunteer or paid work experience.

777 5. Assign a case manager or job coach to visit the
 778 student's job site on a weekly basis to observe the student and,
 779 if necessary, provide support and guidance to the student.

780 6. Provide to the parent and student a quarterly report
 781 that documents and explains the student's progress and
 782 performance in the program.

783 7. Maintain accurate attendance and performance records
 784 for the student.

785 (b) A student enrolled in a transition-to-work program
 786 must, at a minimum:

787 1. Receive 15 instructional hours per week at the private
 788 school's physical facility, which must include academic
 789 instruction and work skills training.

790 2. Participate in 10 hours of work per week at the
 791 student's volunteer or paid work experience.

792 (c) To participate in a transition-to-work program, a
 793 business must:

794 1. Maintain an accurate record of the student's
 795 performance and hours worked and provide the information to the
 796 private school.

797 2. Comply with all state and federal child labor laws.

798 (11) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

799 (a)1. The maximum scholarship granted for an eligible
 800 student with disabilities shall be equivalent to the base

801 student allocation in the Florida Education Finance Program
 802 multiplied by the appropriate cost factor for the educational
 803 program that would have been provided for the student in the
 804 district school to which he or she was assigned, multiplied by
 805 the district cost differential.

806 2. In addition, a share of the guaranteed allocation for
 807 exceptional students shall be determined and added to the amount
 808 in subparagraph 1. The calculation shall be based on the
 809 methodology and the data used to calculate the guaranteed
 810 allocation for exceptional students for each district in chapter
 811 2000-166, Laws of Florida. Except as provided in subparagraphs
 812 3. and 4., the calculation shall be based on the student's
 813 grade, matrix level of services, and the difference between the
 814 2000-2001 basic program and the appropriate level of services
 815 cost factor, multiplied by the 2000-2001 base student allocation
 816 and the 2000-2001 district cost differential for the sending
 817 district. The calculated amount shall include the per-student
 818 share of supplemental academic instruction funds, instructional
 819 materials funds, technology funds, and other categorical funds
 820 as provided in the General Appropriations Act.

821 3. The scholarship amount for a student who is eligible
 822 under sub-subparagraph (2)(a)2.b. shall be calculated as
 823 provided in subparagraphs 1. and 2. However, the calculation
 824 shall be based on the school district in which the parent
 825 resides at the time of the scholarship request.

826 4. Until the school district completes the matrix required
 827 by paragraph (5) (b), the calculation shall be based on the
 828 matrix that assigns the student to support Level I of service as
 829 it existed prior to the 2000-2001 school year. When the school
 830 district completes the matrix, the amount of the payment shall
 831 be adjusted as needed.

832 5. The scholarship amount for a student eligible under s.
 833 504 of the Rehabilitation Act of 1973 shall be based on the
 834 program cost factor the student currently generates through the
 835 Florida Education Finance Program.

836 6. The scholarship amount granted for an eligible student
 837 with disabilities is not subject to the maximum value for
 838 funding a student under s. 1011.61(4).

839 (b) The amount of the John M. McKay Scholarship shall be
 840 the calculated amount or the amount of the private school's
 841 tuition and fees, whichever is less. The amount of any
 842 assessment fee required by the participating private school may
 843 be paid from the total amount of the scholarship.

844 (c)1. The school district shall report all students who
 845 are attending a private school under this program. The students
 846 with disabilities attending private schools on John M. McKay
 847 Scholarships shall be reported separately from other students
 848 reported for purposes of the Florida Education Finance Program.

849 2. For program participants who are eligible under sub-
 850 subparagraph (2) (a)2.b., the school district that is used as the

851 | basis for the calculation of the scholarship amount as provided
 852 | in subparagraph (a)3. shall:

853 | a. Report to the department all such students who are
 854 | attending a private school under this program.

855 | b. Be held harmless for such students from the weighted
 856 | enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b.
 857 | during the first school year in which the students are reported.

858 | (d) Following notification on July 1, September 1,
 859 | December 1, or February 1 of the number of program participants,
 860 | the department shall transfer, from General Revenue funds only,
 861 | the amount calculated under paragraph (b) from the school
 862 | district's total funding entitlement under the Florida Education
 863 | Finance Program and from authorized categorical accounts to a
 864 | separate account for the scholarship program for quarterly
 865 | disbursement to the parents of participating students. Funds may
 866 | not be transferred from any funding provided to the Florida
 867 | School for the Deaf and the Blind for program participants who
 868 | are eligible under sub-subparagraph (2)(a)2.b. For a student
 869 | exiting a Department of Juvenile Justice commitment program who
 870 | chooses to participate in the scholarship program, the amount of
 871 | the John M. McKay Scholarship calculated pursuant to paragraph
 872 | (b) shall be transferred from the school district in which the
 873 | student last attended a public school before commitment to the
 874 | Department of Juvenile Justice. When a student enters the
 875 | scholarship program, the department must receive all

876 documentation required for the student's participation,
 877 including the private school's and the student's fee schedules,
 878 at least 30 days before the first quarterly scholarship payment
 879 is made for the student.

880 (e) Upon notification by the department that it has
 881 received the documentation required under paragraph (d), the
 882 Chief Financial Officer shall make scholarship payments in four
 883 equal amounts no later than September 1, November 1, February 1,
 884 and April 1 of each academic year in which the scholarship is in
 885 force. The initial payment shall be made after department
 886 verification of admission acceptance, and subsequent payments
 887 shall be made upon verification of continued enrollment and
 888 attendance at the private school. Payment must be by individual
 889 warrant made payable to the student's parent and mailed by the
 890 department to the private school of the parent's choice, and the
 891 parent shall restrictively endorse the warrant to the private
 892 school for deposit into the account of the private school.

893 (f) Subsequent to each scholarship payment, the department
 894 shall request from the Department of Financial Services a sample
 895 of endorsed warrants to review and confirm compliance with
 896 endorsement requirements.

897 (12) LIABILITY.—No liability shall arise on the part of
 898 the state based on the award or use of a John M. McKay
 899 Scholarship.

900 (13) SCOPE OF AUTHORITY.—The inclusion of eligible private

901 | schools within options available to Florida public school
 902 | students does not expand the regulatory authority of the state,
 903 | its officers, or any school district to impose any additional
 904 | regulation of private schools beyond those reasonably necessary
 905 | to enforce requirements expressly set forth in this section.

906 | (14) RULES.—The State Board of Education shall adopt rules
 907 | pursuant to ss. 120.536(1) and 120.54 to administer this
 908 | section, including rules that school districts must use to
 909 | expedite the development of a matrix of services based on an
 910 | active individual education plan from another state or a foreign
 911 | country for a transferring student with a disability who is a
 912 | dependent child of a member of the United States Armed Forces.
 913 | The rules must identify the appropriate school district
 914 | personnel who must complete the matrix of services. For purposes
 915 | of these rules, a transferring student with a disability is one
 916 | who was previously enrolled as a student with a disability in an
 917 | out-of-state or an out-of-country public or private school or
 918 | agency program and who is transferring from out of state or from
 919 | a foreign country pursuant to a parent's permanent change of
 920 | station orders.

921 | Section 3. Paragraph (f) of subsection (5) of section
 922 | 1002.395, Florida Statutes, is redesignated as paragraph (g),
 923 | subsection (3), paragraph (b) of subsection (5), paragraph (h)
 924 | of subsection (6), paragraph (f) of subsection (7), subsection
 925 | (8), and paragraphs (a) and (b) of subsection (12) are amended,

926 and a new paragraph (f) is added to subsection (5) of that
 927 section, to read:

928 1002.395 Florida Tax Credit Scholarship Program.—

929 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

930 (a) The Florida Tax Credit Scholarship Program is
 931 established.

932 ~~(b) For the 2014-2015 and 2015-2016 school years,~~
 933 ~~contingent upon available funds, a student is eligible for a~~
 934 ~~Florida tax credit scholarship under this section if the student~~
 935 ~~meets one or more of the following criteria:~~

936 1. ~~The student qualifies for free or reduced-price school~~
 937 ~~lunches under the National School Lunch Act or is on the direct~~
 938 ~~certification list;~~

939 2. ~~The student is currently placed, or during the previous~~
 940 ~~state fiscal year was placed, in foster care or in out-of-home~~
 941 ~~care as defined in s. 39.01; or~~

942 3. ~~The student continues in the scholarship program as~~
 943 ~~long as the student's household income level does not exceed 230~~
 944 ~~percent of the federal poverty level.~~

945 (b)(c) ~~For the 2016-2017 school year and thereafter,~~
 946 ~~contingent upon available funds,~~ A student is eligible for a
 947 Florida tax credit scholarship under this section if the student
 948 meets one or more of the following criteria:

949 1. The student is on the direct certification list or the
 950 student's household income level does not exceed 185 percent of

951 | the federal poverty level; or

952 | 2. The student is currently placed, or during the previous
 953 | state fiscal year was placed, in foster care or in out-of-home
 954 | care as defined in s. 39.01.

955 | 3. The student's household income level is greater than
 956 | 185 percent of the federal poverty level but does not exceed 260
 957 | percent of the federal poverty level.

958 |

959 | A student who initially receives a scholarship based on
 960 | eligibility under subparagraph (b)2. ~~or subparagraph (c)2.~~
 961 | remains eligible to participate until the student graduates from
 962 | high school or attains the age of 21 years, whichever occurs
 963 | first, regardless of the student's household income level. A
 964 | sibling of a student who is participating in the scholarship
 965 | program under this subsection is eligible for a scholarship if
 966 | the student resides in the same household as the sibling.

967 | (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

968 | (b) A taxpayer may submit an application to the department
 969 | for a tax credit or credits under one or more of s. 211.0251, s.
 970 | 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

971 | 1. The taxpayer shall specify in the application each tax
 972 | for which the taxpayer requests a credit and the applicable
 973 | taxable year for a credit under s. 220.1875 or s. 624.51055 or
 974 | the applicable state fiscal year for a credit under s. 211.0251,
 975 | s. 212.1831, or s. 561.1211. The department shall approve tax

976 credits on a first-come, first-served basis and must obtain the
 977 division's approval before approving a tax credit under s.
 978 561.1211.

979 2. Within 10 days after approving or denying an
 980 application, the department shall provide a copy of its approval
 981 or denial letter to the eligible nonprofit scholarship-funding
 982 organization specified by the taxpayer in the application.

983 (f) Within 10 days after approving or denying an
 984 application for a carryforward tax credit under paragraph (c),
 985 the conveyance, transfer, or assignment of a tax credit under
 986 paragraph (d), or the rescindment of a tax credit under
 987 paragraph (e), the department shall provide a copy of its
 988 approval or denial letter to the eligible nonprofit scholarship-
 989 funding organization specified by the taxpayer. The department
 990 shall also include the eligible nonprofit scholarship-funding
 991 organization specified by the taxpayer on all letters or
 992 correspondence of acknowledgment for tax credits under s.
 993 212.1831.

994 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 995 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 996 organization:

997 (h) Must allow a student in foster care or out-of-home
 998 care or a dependent child of a parent who is a member of the
 999 United States Armed Forces to apply for a scholarship at any
 1000 time.

1001
 1002 Information and documentation provided to the Department of
 1003 Education and the Auditor General relating to the identity of a
 1004 taxpayer that provides an eligible contribution under this
 1005 section shall remain confidential at all times in accordance
 1006 with s. 213.053.

1007 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 1008 PARTICIPATION.—

1009 (f) Upon receipt of a scholarship warrant from the
 1010 eligible nonprofit scholarship-funding organization, the parent
 1011 to whom the warrant is made must restrictively endorse the
 1012 warrant to the private school for deposit into the account of
 1013 the private school. If payments are made by funds transfer, the
 1014 parent must approve each payment before the scholarship funds
 1015 may be deposited. The parent may not designate any entity or
 1016 individual associated with the participating private school as
 1017 the parent's attorney in fact to endorse a scholarship warrant
 1018 or approve a funds transfer. A participant who fails to comply
 1019 with this paragraph forfeits the scholarship.

1020 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 1021 eligible private school may be sectarian or nonsectarian and
 1022 must:

1023 (a) Comply with all requirements for private schools
 1024 participating in state school choice scholarship programs
 1025 pursuant to s. 1002.421.

1026 (b) Provide to the eligible nonprofit scholarship-funding
 1027 organization, upon request, all documentation required for the
 1028 student's participation, including the private school's and
 1029 student's fee schedules.

1030 (c) Be academically accountable to the parent for meeting
 1031 the educational needs of the student by:

1032 1. At a minimum, annually providing to the parent a
 1033 written explanation of the student's progress.

1034 2. Annually administering or making provision for students
 1035 participating in the scholarship program in grades 3 through 10
 1036 to take one of the nationally norm-referenced tests identified
 1037 by the Department of Education or the statewide assessments
 1038 pursuant to s. 1008.22. Students with disabilities for whom
 1039 standardized testing is not appropriate are exempt from this
 1040 requirement. A participating private school must report a
 1041 student's scores to the parent. A participating private school
 1042 must annually report by August 15 the scores of all
 1043 participating students to the Learning System Institute
 1044 described in paragraph (9)(j).

1045 3. Cooperating with the scholarship student whose parent
 1046 chooses to have the student participate in the statewide
 1047 assessments pursuant to s. 1008.22 or, if a private school
 1048 chooses to offer the statewide assessments, administering the
 1049 assessments at the school.

1050 a. A participating private school may choose to offer and

1051 administer the statewide assessments to all students who attend
 1052 the private school in grades 3 through 10.

1053 b. A participating private school must submit a request in
 1054 writing to the Department of Education by March 1 of each year
 1055 in order to administer the statewide assessments in the
 1056 subsequent school year.

1057 (d) Employ or contract with teachers who have regular and
 1058 direct contact with each student receiving a scholarship under
 1059 this section at the school's physical location.

1060 (e) Provide a report from ~~Annually contract with~~ an
 1061 independent certified public accountant who performs ~~to perform~~
 1062 the agreed-upon procedures developed under paragraph (6)(o) ~~and~~
 1063 ~~produce a report of the results~~ if the private school receives
 1064 more than \$250,000 in funds from scholarships awarded under this
 1065 section in ~~the 2010-2011 state fiscal year or~~ a state fiscal
 1066 year ~~thereafter~~. A private school subject to this paragraph must
 1067 submit the report by August 15, 2017 ~~September 15, 2011~~, and
 1068 annually thereafter to the scholarship-funding organization that
 1069 awarded the majority of the school's scholarship funds. The
 1070 agreed-upon procedures must be conducted in accordance with
 1071 attestation standards established by the American Institute of
 1072 Certified Public Accountants.

1073

1074 If ~~The inability of~~ a private school is unable to meet the
 1075 requirements of this subsection or has consecutive years of

1076 material exceptions listed in the report required under
 1077 paragraph (e), the commissioner may determine that shall
 1078 ~~constitute a basis for the ineligibility of~~ the private school
 1079 is ineligible to participate in the scholarship program as
 1080 determined by the Department of Education.

1081 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

1082 (a) Except as provided in subparagraph 2., the scholarship
 1083 amount ~~of a scholarship~~ provided to any student for any single
 1084 school year by an eligible nonprofit scholarship-funding
 1085 organization from eligible contributions shall be for total
 1086 costs authorized under paragraph (6) (d), not to exceed annual
 1087 limits, which shall be determined as follows:

1088 1.a. The base amount ~~For a scholarship~~ awarded to a
 1089 student enrolled in an eligible private school, ~~the limit~~ shall
 1090 be determined as a percentage ~~by multiplying the unweighted FTE~~
 1091 ~~funding amount in that state fiscal year by the percentage used~~
 1092 ~~to determine the limit in the prior state fiscal year. However,~~
 1093 ~~in each state fiscal year that the tax credit cap amount~~
 1094 ~~increases pursuant to paragraph (5) (a), the prior year~~
 1095 ~~percentage shall be increased by 4 percentage points and the~~
 1096 ~~increased percentage shall be used to determine the limit for~~
 1097 ~~that state fiscal year. If the percentage so calculated reaches~~
 1098 ~~80 percent in a state fiscal year, no further increase in the~~
 1099 ~~percentage is allowed and the limit shall be 80 percent of the~~
 1100 ~~unweighted FTE funding amount for that state fiscal year and~~

1101 ~~thereafter. Beginning in the 2016-2017 state fiscal year, the~~
 1102 ~~amount of a scholarship awarded to a student enrolled in an~~
 1103 ~~eligible private school shall be equal to 82 percent of the~~
 1104 ~~unweighted FTE funding amount for that state fiscal year and~~
 1105 ~~thereafter as follows:-~~

1106 (I) Eighty-eight percent for a student enrolled in
 1107 kindergarten through grade 5.

1108 (II) Ninety-two percent for a student enrolled in grade 6
 1109 through grade 8.

1110 (III) Ninety-six percent for a student enrolled in grade 9
 1111 through grade 12.

1112 b. The For a scholarship amount awarded to a student
 1113 enrolled in a Florida public school that is located outside the
 1114 district in which the student resides or in a lab school as
 1115 defined in s. 1002.32, is limited to \$750 ~~the limit shall be~~
 1116 ~~\$500.~~

1117 ~~2. The annual limit for a scholarship under sub-~~
 1118 ~~subparagraph 1.a. shall be reduced by:~~

1119 a. ~~Twenty five percent if the student's household income~~
 1120 ~~level is equal to or greater than 200 percent, but less than 215~~
 1121 ~~percent, of the federal poverty level.~~

1122 b. ~~Fifty percent if the student's household income level~~
 1123 ~~is equal to or greater than 215 percent, but equal to or less~~
 1124 ~~than 230 percent, of the federal poverty level.~~

1125 2.3. For the 2016-2017 state fiscal year and thereafter,

1126 The annual limit for a scholarship under sub-subparagraph 1.a.
 1127 shall be reduced by:

1128 a. Twelve percent if the student's household income level
 1129 is greater than or equal to 200 percent, but less than 215
 1130 percent, of the federal poverty level.

1131 b. Twenty-six percent if the student's household income
 1132 level is greater than or equal to 215 percent, but less than 230
 1133 percent, of the federal poverty level.

1134 c. Forty percent if the student's household income level
 1135 is greater than or equal to 230 percent, but less than 245
 1136 percent, of the federal poverty level.

1137 d. Fifty percent if the student's household income level
 1138 is greater than or equal to 245 percent, but less than or equal
 1139 to 260 percent, of the federal poverty level.

1140 (b) Payment of the scholarship by the eligible nonprofit
 1141 scholarship-funding organization shall be by individual warrant
 1142 made payable to the student's parent or by funds transfer,
 1143 including, but not limited to, debit cards, electronic payment
 1144 cards, or any other means of payment that the department deems
 1145 to be commercially viable or cost-effective. If the payment is
 1146 made by warrant ~~parent chooses that his or her child attend an~~
 1147 ~~eligible private school~~, the warrant must be delivered by the
 1148 eligible nonprofit scholarship-funding organization to the
 1149 private school of the parent's choice, and the parent shall
 1150 restrictively endorse the warrant to the private school. An

1151 eligible nonprofit scholarship-funding organization shall ensure
 1152 that the parent to whom the warrant is made restrictively
 1153 endorsed the warrant to the private school for deposit into the
 1154 account of the private school or that the parent has approved a
 1155 funds transfer before any scholarship funds are deposited.

1156 Section 4. Subsection (6) of section 1012.98, Florida
 1157 Statutes, is amended to read:

1158 1012.98 School Community Professional Development Act.—

1159 (6) An organization of private schools, a ~~or~~ consortium of
 1160 charter schools which has no fewer than 10 member schools in
 1161 this state, or an eligible nonprofit scholarship-funding
 1162 organization as defined in s. 1002.395, which publishes and
 1163 files with the Department of Education copies of its standards,
 1164 and the member schools of which comply with the provisions of
 1165 part II of chapter 1003, relating to compulsory school
 1166 attendance, may also develop a professional development system
 1167 that includes a master plan for inservice activities. The system
 1168 and inservice plan must be submitted to the commissioner for
 1169 approval pursuant to state board rules.

1170 Section 5. For the 2017-2018 fiscal year, the sum of \$200
 1171 million in recurring funds from the General Revenue Fund is
 1172 appropriated to the Department of Education for scholarship
 1173 awards under the Gardiner Scholarship Program in s. 1002.385,
 1174 Florida Statutes. In addition to the funds appropriated for the
 1175 scholarship awards, the sum of \$6 million in recurring funds

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1176 from the General Revenue Fund is appropriated to the Department
1177 of Education for each nonprofit scholarship-funding
1178 organization's reasonable and necessary administrative expenses
1179 to manage and distribute scholarship awards under the program
1180 pursuant to s. 1002.385(13)(g).

1181 Section 6. This act shall take effect July 1, 2017.

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: PreK-12 Appropriations
 2 Subcommittee

3 Representative Raburn offered the following:

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

6 Between lines 78 and 79, insert:

7 For fiscal year 2017-2018 the nonrecurring sum of \$50,000 from
 8 the General Revenue Fund is hereby appropriated to the
 9 Department of Education to implement the provisions of this act.

10

11

12

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

13

Remove line 8 and insert:

14

providing for expiration; providing an appropriation; providing

15

an effective date.

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 bill: PreK-12 Appropriations
 2 Subcommittee

3 Representative Raburn offered the following:

4

5 **Amendment**

6 Remove line 46 and insert:

7 (1) The Department of Education shall issue a competitive
 8 solicitation for a contract to conduct a

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	_____	

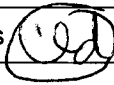

1 Committee/Subcommittee hearing bill: PreK-12 Appropriations
 2 Subcommittee

3 Representative Raburn offered the following:

4
 5 **Amendment**
 6 Remove line 72 and insert:
 7 (3) The department shall submit a report on the findings of the
 8 comprehensive study

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 293 Middle School Study
SPONSOR(S): Burton and others
TIED BILLS: None IDEN./SIM. BILLS: SB 360

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	13 Y, 0 N	McAlarney	Duncan
2) PreK-12 Appropriations Subcommittee		Deweese 	Potvin 
3) Education Committee			

SUMMARY ANALYSIS

HB 293 directs the Florida Department of Education to conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress. The findings of the study must be reported to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives by December 2017. The study must include a review of the following general topics:

- Academic expectations and instructional strategies.
- Availability of student support services.
- Attendance policies and student mobility issues.
- Teacher quality.
- Middle school administrator leadership and performance.
- Parental and community involvement.

The bill is estimated to have a fiscal impact of \$50,000 to the Department of Education.

The bill provides an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

National and International Assessments

In addition to the administration of statewide, standardized assessments, Florida school districts are required to participate in the administration of the National Assessment of Educational Progress, or similar national or international assessments, both for the national sample and for any state-by-state comparison programs, as directed by the Commissioner of Education.¹

The National Assessment of Educational Progress (NAEP)

The NAEP is the largest nationally representative assessment of students' knowledge and performance in a variety of subject areas, including but not limited to mathematics, reading, and writing.² The NAEP provides results on subject matter achievement or student populations, subgroups of student populations, and under certain circumstances, by selected large urban school districts.³ The NAEP in reading and mathematics is administered to a representative sample of students in grades 4 and 8 every two years.⁴ The NAEP reports assessment results using three achievement levels:⁵

- Basic – A student achieving the Basic level demonstrates a partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.
- Proficient – A student achieving the Proficient level demonstrates solid academic performance at the grade assessed. Students reaching this level have demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real-world situations, and analytical skills appropriate to the subject matter.
- Advanced – A student achieving the Advanced level demonstrates superior performance.

According to the Department of Education, participation in the NAEP provides a basis for comparing the knowledge and skills of Florida students with students in other states, jurisdictions, and with the nation as a whole.⁶

The most recent results available are from 2015, which were released in October 2015. NAEP reading and mathematics were administered in March 2017; however, the results are not yet available.⁷

NAEP Reading

The following table shows performance trends of students in grade 8 on the NAEP reading assessment compared to the national average.⁸

¹ Section 1008.22(2), F.S.

² National Center for Education Statistics, National Assessment of Educational Progress (NAEP), *NAEP Overview*, <https://nces.ed.gov/nationsreportcard/about/> (last visited March 10, 2017). Additional NAEP subject area assessments include science, the arts, civics, economics, geography, U.S. History, and Technology and Engineering Literacy. *Id.*

³ *Id.*

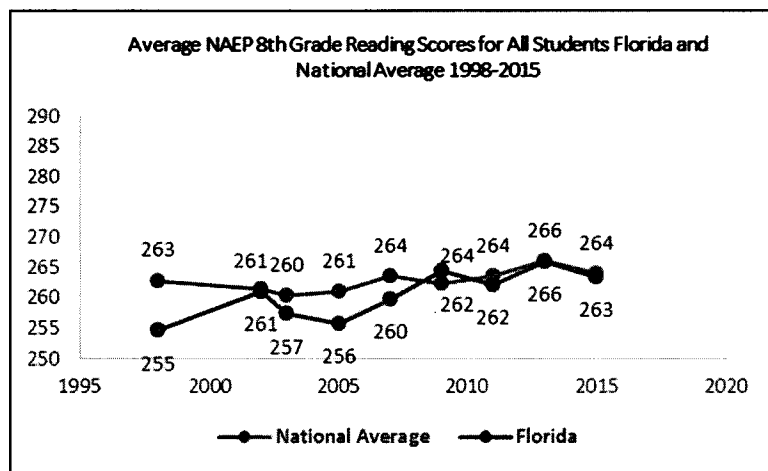
⁴ The Nation's Report Card, *Overview of the Nation's Report Card – What subjects does NAEP assess, and how are subjects chosen?*, <https://nationsreportcard.gov/faq.aspx#q9> (last visited March 10, 2017).

⁵ National Center for Education Statistics, NAEP Achievement Levels, <https://nces.ed.gov/nationsreportcard/achievement.aspx> (last visited March 10, 2017).

⁶ Florida Department of Education, National & International Assessments, <http://www.fldoe.org/accountability/assessments/national-international-assessments/> (last visited March 10, 2017).

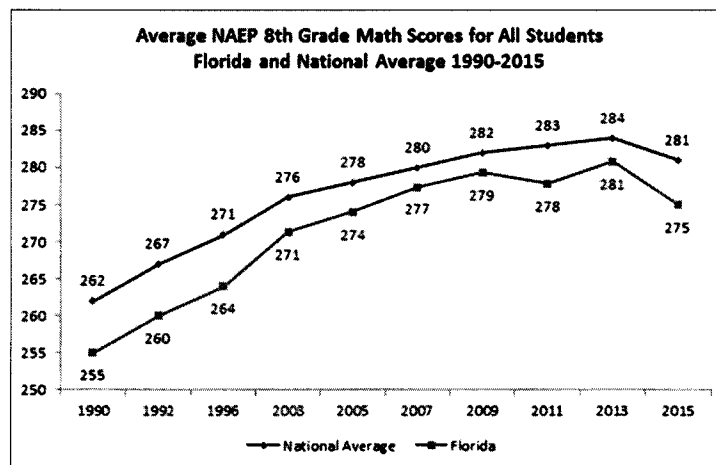
⁷ Email, Florida Department of Education, 2017 Agency Legislative Bill Analysis, HB 293 (March 8, 2017).

⁸ Email, Foundation for Florida's Future, (Feb. 27, 2017).



NAEP Mathematics

The following table shows performance trends of students in grade 8 on the NAEP mathematics assessment compared to the national average.⁹



Florida's Statewide, Standardized Assessment Program

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for English Language Arts (ELA) (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment (grades 5 and 8).¹⁰

The assessments measure the extent to which students have mastered Florida's academic content standards, the Next-Generation Sunshine State Standards (NGSSS) and Florida Standards.¹¹ The grade-level ELA and math assessments and Algebra I, Geometry, and Algebra II EOC assessments are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.¹²

⁹ *Id.*

¹⁰ Sections 1008.22(3), 1003.4156, and 1003.4282, F.S. Retake administrations are offered for the Grade 10 FSA ELA and Algebra I EOC assessment. Florida Department of Education, Division of Public Schools, *2016-17 Statewide Assessment Schedule Revisions and 2017-18 Preliminary Schedule Release*, Memorandum (August 1, 2016), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7699/dps-2016-125.pdf>.

¹¹ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf> [hereinafter referred to as *ESEA Flexibility Request*].

¹² Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

Results from the assessments are used to calculate school grades and school improvement ratings¹³ and determine student readiness for promotion to 4th grade and high school graduation.¹⁴ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.¹⁵

Florida and federal law require that all public school students participate in statewide, standardized ELA and math assessments at least annually beginning in the 3rd grade.¹⁶ Federal law also requires that students participate in a standardized science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.¹⁷ The requirements for students in Florida are as follows.¹⁸

- ELA
 - Grades 3-10: annual participation in the FSA-ELA
- Math
 - Grades 3-8: annual participation in the math FSA
 - High school:
 - Algebra I EOC and Geometry assessments
 - (If enrolled) Algebra II EOC assessment
- Science
 - Grades 5 and 8: Statewide Science Assessment
 - High school: Biology I EOC assessment
- Social Studies
 - Middle school: Civics EOC assessment
 - High school: U.S. History EOC assessment

The law also provides that middle school students enrolled in a course with an associated EOC assessment must take the EOC assessment for that course and may not take the corresponding grade-level statewide, standardized assessment.¹⁹ For example, an 8th grade student who is enrolled in Algebra I must take the Algebra I EOC assessment and may not be administered the 8th grade FSA math assessment.²⁰

All statewide, standardized assessments and EOC assessments must use scaled scores and achievement levels.²¹ Achievement levels must range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.²²

Trends in student performance on statewide, standardized reading, ELA, and mathematics assessments for the middle grades are indicated below.

Reading and English Language Arts

The following table shows performance trends of students in grade 6 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.²³

Grade 6 Student Performance on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5

¹³ See ss. 1008.34 and 1008.341, F.S.

¹⁴ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

¹⁵ See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

¹⁶ See s. 1008.22(3)(a); 20 U.S.C. s. 6311(b)(2)(v)(I).

¹⁷ See 20 U.S.C. s. 6311(b)(2)(B)(v)(II).

¹⁸ See s. 1008.22(3)(a) and (b), F.S.

¹⁹ Section 1008.22(3)(b)2., F.S. For example, an 8th grade student who is enrolled in Algebra I must take the Algebra I EOC assessment and may not be administered the 8th grade FSA math assessment.

²⁰ Section 1008.22(3)(b)2., F.S.

²¹ Section 1008.22(3)(e), F.S. and Rule 6A-1.09422, F.A.C.

²² *Id.*

²³ Email, Florida Department of Education (Feb. 28, 2017).

2010-11	FCAT 2.0 Reading	17%	24%	29%	19%	10%
2011-12	FCAT 2.0 Reading	19%	24%	28%	19%	10%
2012-13	FCAT 2.0 Reading	19%	23%	28%	20%	10%
2013-14	FCAT 2.0 Reading	16%	23%	28%	20%	11%
2014-15	FSA ELA	24%	26%	22%	21%	8%
2015-16	FSA ELA	22%	26%	22%	21%	8%

The following table shows performance trends of students in grade 7 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.²⁴

Grade 7 Student Performance on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0 Reading	18%	24%	29%	19%	10%
2011-12	FCAT 2.0 Reading	18%	25%	29%	19%	11%
2012-13	FCAT 2.0 Reading	20%	23%	27%	19%	11%
2013-14	FCAT 2.0 Reading	21%	23%	27%	19%	11%
2014-15	FSA ELA	25%	24%	23%	18%	11%
2015-16	FSA ELA	27%	24%	22%	17%	10%

The following table shows performance trends of students in grade 8 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.²⁵

Grade 8 Student Performance on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0 Reading	19%	28%	26%	17%	10%
2011-12	FCAT 2.0 Reading	17%	27%	26%	18%	12%
2012-13	FCAT 2.0 Reading	17%	27%	26%	19%	11%
2013-2014	FCAT 2.0 Reading	18%	25%	25%	19%	12%
2014-2015	FSA ELA	23%	22%	26%	18%	11%
2015-2016	FSA ELA	22%	21%	26%	19%	12%

Mathematics

The following table shows performance trends of students in grade 6 scoring at each achievement level on the statewide, standardized mathematics assessment.²⁶

Grade 6 Student Performance on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	22%	24%	26%	18%	9%
2011-12	FCAT 2.0	23%	25%	25%	18%	10%
2012-13	FCAT 2.0	23%	24%	25%	18%	10%
2013-14	FCAT 2.0	23%	23%	24%	19%	11%
2014-15	FSA	26%	24%	23%	19%	8%
2015-16	FSA	26%	24%	23%	18%	8%

The following table shows performance trends of students in grade 7 scoring at each achievement level on the statewide, standardized mathematics assessment.²⁷

Grade 7 Student Performance on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	20%	24%	28%	18%	10%

²⁴ *Id.*

²⁵ *Id.*

²⁶ Email, Florida Department of Education (Feb. 28, 2017).

²⁷ *Id.*

2011-12	FCAT 2.0	20%	24%	27%	18%	10%
2012-13	FCAT 2.0	21%	24%	27%	18%	9%
2013-14	FCAT 2.0	21%	23%	28%	19%	9%
2014-15	FSA	25%	23%	27%	16%	9%
2015-16	FSA	27%	21%	27%	17%	9%

The following table shows performance trends of students in grade 8 scoring at each achievement level on the statewide, standardized mathematics assessment.²⁸

Grade 8 Student Performance on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	22%	22%	30%	16%	10%
2011-12	FCAT 2.0	22%	21%	30%	16%	11%
2012-13	FCAT 2.0	25%	24%	31%	14%	6%
2013-14	FCAT 2.0	28%	25%	29%	12%	6%
2014-15	FSA	29%	26%	26%	12%	7%
2015-16	FSA	28%	24%	26%	12%	10%

Effect of Proposed Changes

The bill requires the Department of Education (DOE) to conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress (NAEP).

The study must include a review, at a minimum, of the following:

- Academic expectation and instructional strategies. These strategies include the:
 - alignment of elementary and middle grades expectations with high school graduation requirements;
 - research-based instructional practices in reading and mathematics, including those targeting low-performing students;
 - rigor of the curriculum and courses and the availability of accelerated courses; and
 - availability of student support services.
- Attendance policies and student mobility issues.
- Teacher quality, which includes:
 - teacher certification and recertification requirements;
 - teacher preparedness to teach rigorous courses;
 - teacher recruitment and vacancy issues; and
 - staff development requirements and the availability of effective training.
- Middle school administrator leadership and performance; and
- Parental and community involvement.

The bill requires the DOE to submit a report on its findings and make recommendations to improve middle school student performance, to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives by December 2017. The bill provides for expiration of the provisions related to the comprehensive study after the submission of the final report.

The bill provides an effective date of July 1, 2017.

B. SECTION DIRECTORY:

²⁸ *Id.*

Section 1 Directs the Department of Education to conduct a comprehensive study of states with high-performing students in grades 6-8 in reading and mathematics, based upon the states' performance on the National Assessment of Educational Progress.

Section 2 Provides an effective date of July 1, 2017

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department of Education estimates a \$50,000 fiscal for the comprehensive study.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the Florida Department of Education:

In November 2015, the department analyzed how other high-performing states define and report their state assessment achievement level results. This study used *Education Week's Quality Counts* (2015) rank, which was based on the National Assessment of Educational Progress (NAEP) 2013 results, to determine the top 10 ranked states in grades 4 and 8 reading and mathematics and looked at the percentage at or above the 2015 NAEP Proficient level, the percentage at or above the state's cut point for proficiency/meeting expectations, and the difference between these two

measurements. The study also performed this analysis on the most populated states (California, Texas, New York and Illinois). The results of the analysis were presented to the State Board of Education on December 4, 2015, and are posted at <http://fldoe.org/core/fileparse.php/13152/urll/NAEPANALYSIS.pdf>.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to a middle school study; requiring
 3 the Department of Education to conduct a comprehensive
 4 study of states with nationally recognized high-
 5 performing middle schools in reading and mathematics;
 6 requiring a report to the Governor, the State Board of
 7 Education, and the Legislature by a specified time;
 8 providing for expiration; providing an effective date.

9
 10 WHEREAS, since 1998, Florida has seen a continuing trend of
 11 reading improvement in the elementary school grades, which has
 12 led to an increase of 17 percentage points in reading at or
 13 above proficiency for 4th grade students on the National
 14 Assessment of Educational Progress, while Florida's 8th grade
 15 students achieved only an increase of 7 percentage points, and

16 WHEREAS, since 2003, Florida's 4th grade students have
 17 demonstrated an increase of 11 percentage points in mathematics
 18 at or above proficiency on the national assessment, while
 19 Florida's 8th grade students have shown an increase of only 3
 20 percentage points, and

21 WHEREAS, since 2013, Florida's middle school students'
 22 proficiencies on the national assessment in both reading and
 23 mathematics have remained flat or decreased, and

24 WHEREAS, Massachusetts, New Hampshire, Vermont,
 25 Connecticut, and New Jersey are the top performing states in the

26 percentage of 4th and 8th grade students scoring at or above
 27 proficiency in reading on the national assessment, and

28 WHEREAS, Massachusetts, Minnesota, New Hampshire, New
 29 Jersey, and Washington are the top performing states in the
 30 percentage of 4th and 8th grade students scoring at or above
 31 proficiency in mathematics on the national assessment, and

32 WHEREAS, Florida's academic expectations for students in
 33 both reading and mathematics were raised in 2010 and 2014, and

34 WHEREAS, the performance of Florida's middle school
 35 students on the state assessments in reading has remained flat
 36 since the state's standards were raised, while their performance
 37 in mathematics increased slightly between 2015 and 2016, and

38 WHEREAS, success in the middle school grades is a predictor
 39 of academic success in high school and college and career
 40 readiness, NOW, THEREFORE,

41

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

43

44 Section 1. Comprehensive study on middle school
 45 performance.—

46 (1) The Department of Education shall conduct a
 47 comprehensive study of states with high-performing students in
 48 grades 6 through 8 in reading and mathematics, based on the
 49 states' performance on the National Assessment of Educational
 50 Progress.

51 (2) The study must include a review, at a minimum, of all
 52 of the following:

53 (a) Academic expectations and instructional strategies,
 54 including:

55 1. Alignment of elementary and middle grades expectations
 56 with high school graduation requirements;

57 2. Research-based instructional practices in reading and
 58 mathematics, including those targeting low-performing students;

59 3. The rigor of the curriculum and courses and the
 60 availability of accelerated courses; and

61 4. The availability of student support services.

62 (b) Attendance policies and student mobility issues.

63 (c) Teacher quality, including:

64 1. Teacher certification and recertification requirements;

65 2. Teacher preparedness to teach rigorous courses;

66 3. Teacher recruitment and vacancy issues; and

67 4. Staff development requirements and the availability of
 68 effective training.

69 (d) Middle school administrator leadership and
 70 performance.

71 (e) Parental and community involvement.

72 (3) The department shall submit a report on its findings
 73 and make recommendations to improve middle school student

74 performance to the Governor, the State Board of Education, the
 75 President of the Senate, and the Speaker of the House of

76 Representatives by December 2017.

77 (4) This section expires upon submission of the final
78 report.


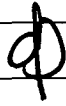
79 Section 2. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 655 Exceptional Student Instruction

SPONSOR(S): Porter and others

TIED BILLS: None IDEN./SIM. BILLS: SB 1368

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 0 N	Dehmer	Healy
2) PreK-12 Appropriations Subcommittee		Seifert 	Potvin 
3) Education Committee			

SUMMARY ANALYSIS

Exceptional Student Education (ESE) is specially designed instruction and services that are provided to students with disabilities and students identified as gifted. Student enrollment in ESE programs is one factor considered in determining the funding a school district receives. With regard to students with disabilities, the federal Individuals with Disabilities Education Act (IDEA) requires school districts to make free appropriate public education (FAPE) available to such students ages three through 21.

An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident.

Within 10 business days after receiving the notification that an exceptional student is located in a residential facility, the receiving school district must review the student's individual educational plan (IEP) to determine if it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district. The receiving school district must:

- provide educational instruction to the student;
- contract with another provider or facility to provide the educational instruction;
- contract with the residential care facility in which the student resides to provide the educational instruction; or
- decline to provide or contract for educational instruction.

The bill removes the option for the school district receiving an exceptional student with a disability who resides in a residential facility to decline to provide or contract for educational instruction.

There is no fiscal impact to the state.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Educational Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.¹ Student enrollment in ESE programs is one factor considered in determining the funding a school district receives.²

With regard to students with disabilities, the Individuals with Disabilities Education Act (IDEA) requires school districts to make free appropriate public education (FAPE) available to such students ages three through 21.³ A school district, at its discretion, may provide services to eligible infants and toddlers below three years of age with disabilities.⁴ A FAPE must include special education and related services⁵ that are provided by the public school district at no cost to the parent, which meet the standards of the state and which are in conformity with the student's IEP.⁶

Each district school board must provide an appropriate program of special instruction, facilities and services for exceptional students. Each district program must:

- provide the necessary professional services for diagnosis and evaluation of exceptional students;
- provide the special instruction, classes and services within the district school system, in cooperation with the other district school systems or through contractual arrangements with the approved private school or community facilities;
- annually provide information describing all programs and methods of instruction available to parents of a sensory impaired student; and
- provide instruction to homebound or hospitalized students.⁷

An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident. The cost of such instruction, facilities and services for a nonresident student with a disability shall be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority or parent. A nonresident student with a disability may not be reported by any school district for full-time equivalent student funding in the Florida Education Finance Program.⁸

Within 10 business days after an exceptional student is placed in a residential care facility, the agency or private residential care facility licensed by the agency, as appropriate, shall provide written notification of the placement to the school district where the student is currently counted for funding and

¹ Section 1003.57(1)(b), F.S.; rule 6A-6.03411(1)(m) and (n), F.A.C. The Office of Program Policy Analysis and Government Accountability (OPPAGA) identified the advantages and disadvantages of classifying gifted students as exceptional students by reviewing available research and holding focus group discussions with parents, gifted students, teachers, and district administrators. See Office of Program Policy Analysis and Government Accountability, *Florida Gifted Grew Faster Than the Overall School Enrollment*, Report No. 08-01, at 11 (Jan. 2008), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0801rpt.pdf> [hereinafter *OPPAGA Report No. 08-01*].

² See s. 1011.62(1)(c), F.S.

³ 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

⁴ Rules 6A-6.0331 and 6A-6.03026, F.A.C.

⁵ "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34 (a).

⁶ 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C.

⁷ Section 1003.57(1)(b), F.S.

⁸ Section 1003.57(2)(a), F.S.

the receiving school district. The exceptional student shall be enrolled in school and receive a FAPE, special education and related services while the notice and procedures regarding payment are pending.⁹

Within 10 business days after receiving the notification, the receiving school district must review the student's IEP to determine if it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district. The receiving school district must:

- provide educational instruction to the student;
- contract with another provider or facility to provide the educational instruction;
- contract with the private residential care facility in which the student resides to provide the educational instruction; or
- decline to provide or contract for educational instruction.¹⁰

If the receiving school district declines to provide or contract for the educational instruction, the school district in which the legal residence of the student is located shall provide or contract for the educational instruction to the student. The school district that provides educational instruction or contracts to provide educational instruction shall report the student for funding purposes.

Effect of Proposed Changes

The bill removes the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.57, F.S., relating to exceptional students.

Section 2. Provides an effective date of July 1, 2017.

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.

⁹ Section 1003.57(3)(b), F.S.

¹⁰ Section 1003.57(3)(c), F.S.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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A bill to be entitled
An act relating to exceptional student instruction;
amending s. 1003.57, F.S.; prohibiting certain school
districts from declining to provide or contract for
certain students' educational instruction; providing
for funding of such students; providing an effective
date.

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

Section 1. Subsection (3) of section 1003.57, Florida
Statutes, is amended to read:

1003.57 Exceptional students instruction.—

(3)(a) For purposes of this subsection and subsection (4),
the term:

1. "Agency" means the Department of Children and Families
or its contracted lead agency, the Agency for Persons with
Disabilities, and the Agency for Health Care Administration.

2. "Exceptional student" means an exceptional student, as
defined in s. 1003.01, who has a disability.

3. "Receiving school district" means the district in which
a private residential care facility is located.

4. "Placement" means the funding or arrangement of funding
by an agency for all or a part of the cost for an exceptional
student to reside in a private residential care facility and the

26 placement crosses school district lines.

27 (b) Within 10 business days after an exceptional student
 28 is placed in a private residential care facility by an agency,
 29 the agency or private residential care facility licensed by the
 30 agency, as appropriate, shall provide written notification of
 31 the placement to the school district where the student is
 32 currently counted for funding purposes under s. 1011.62 and the
 33 receiving school district. The exceptional student shall be
 34 enrolled in school and receive a free and appropriate public
 35 education, special education, and related services while the
 36 notice and procedures regarding payment are pending. This
 37 paragraph applies when the placement is for the primary purpose
 38 of addressing residential or other noneducational needs and the
 39 placement crosses school district lines.

40 (c) Within 10 business days after receiving the
 41 notification, the receiving school district must review the
 42 student's individual educational plan (IEP) to determine if the
 43 student's IEP can be implemented by the receiving school
 44 district or by a provider or facility under contract with the
 45 receiving school district. The receiving school district shall:

- 46 1. Provide educational instruction to the student;
- 47 2. Contract with another provider or facility to provide
 48 the educational instruction; or
- 49 3. Contract with the private residential care facility in
 50 which the student resides to provide the educational

51 | instruction; ~~or~~

52 | 4. ~~Decline to provide or contract for educational~~
 53 | ~~instruction.~~

54 |
 55 | ~~If the receiving school district declines to provide or contract~~
 56 | ~~for the educational instruction, the school district in which~~
 57 | ~~the legal residence of the student is located shall provide or~~
 58 | ~~contract for the educational instruction to the student. The~~
 59 | receiving school district providing ~~that provides~~ educational
 60 | instruction or contracting ~~contracts~~ to provide educational
 61 | instruction shall report the student for funding purposes
 62 | pursuant to s. 1011.62.

63 | (d)1. The Department of Education, in consultation with
 64 | the agencies and school districts, shall develop procedures for
 65 | written notification to school districts regarding the placement
 66 | of an exceptional student in a residential care facility. The
 67 | procedures must:

68 | a. Provide for written notification of a placement that
 69 | crosses school district lines; and

70 | b. Identify the entity responsible for the notification
 71 | for each facility that is operated, licensed, or regulated by an
 72 | agency.

73 | 2. The State Board of Education shall adopt the procedures
 74 | by rule pursuant to ss. 120.536(1) and 120.54, and the agencies
 75 | shall implement the procedures.

76
77 The requirements of paragraphs (c) and (d) do not apply to
78 written agreements among school districts which specify each
79 school district's responsibility for providing and paying for
80 educational services to an exceptional student in a residential
81 care facility. However, each agreement must require a school
82 district to review the student's IEP within 10 business days
83 after receiving the notification required under paragraph (b).

84 Section 2. This act shall take effect July 1, 2017.

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: PreK-12 Appropriations
 2 Subcommittee

3 Representative Diaz, M. offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 168 and 169, insert:

7 For fiscal year 2017-2018 the nonrecurring sum of \$339,611 from
 8 the General Revenue Fund is hereby appropriated to the
 9 Department of Education to implement the provisions of Section 1
 10 of this act. For fiscal year 2017-2018 the recurring sum of
 11 \$1,247,251 from the General Revenue Fund is hereby appropriated
 12 to the Department of Education to implement the provisions of
 13 Section 2 of this act.

14

15

16

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

Amendment No. 1



17 Remove line 20 and insert:
18 results; providing an appropriation; providing an effective
19 date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 773 K-12 Student Assessments

SPONSOR(S): Diaz, Jr; Sprowls and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 926

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	14 Y, 0 N	Brink	Duncan
2) PreK-12 Appropriations Subcommittee		Seifert 	Potvin 
3) Education Committee			

SUMMARY ANALYSIS

The bill revises requirements relating to the statewide assessment program as follows:

- Beginning with the 2017-2018 school year, the statewide, standardized English language arts (ELA) assessment in grades 3 through 10 and mathematics assessment in grades 3 through 8 must be administered no earlier than the last 3 weeks of the school year.
- The bill exempts the “grade 3 Reading assessment” from the new testing window.
- The results from the statewide, standardized ELA and mathematics assessments must be reported to the student’s current teacher and to the student’s teacher for the subsequent school year before the start of the school year. It must contain information related to the student’s performance, including:
 - identification of areas of strength and areas in need of improvement;
 - ways the student’s parent can assist his or her child based on the results;
 - if available, longitudinal data based on the student’s previous performance;
 - a comparison of the student’s score with other students in the school district, state, and, if available, other states; and
 - predictive information on how the student might perform on college entrance assessments.

The bill requires that any new contract for the statewide, standardized ELA and mathematics assessments must define a Level 3 achievement score as “proficient.”

The bill requires the Commissioner of Education to review the SAT and ACT to determine their alignment with Florida’s academic standards for ELA and mathematics. The commissioner must submit a report with the review’s findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017.

The bill also requires school districts to provide results from a district-required local assessment to a student’s teacher within 7 days after the assessment is administered.

This bill has a fiscal impact of \$339,611 in nonrecurring General Revenue funds to implement the provisions of Section 1 and \$1,247,251 in recurring General Revenue funds to implement the provisions of Section 2.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Statewide Assessment Program

Present Situation

Assessments and Assessment Schedules

As of the beginning of the 2016-2017 school year, Florida's statewide accountability system is comprised of the following:

- **Rigorous academic standards** that establish what knowledge and skills students in kindergarten through grade 12 need to learn.¹
- **Statewide, standardized assessments** to measure student achievement of the standards in specified subject areas and grade levels.²
- **School and district grades** based on student achievement of the standards and other indicators of school and district quality as well as school improvement ratings based on student learning growth.³
- **School recognition** funds that award schools for improving or achieving high levels of performance.⁴
- **Performance evaluation criteria** for teachers and administrators based in part on student achievement of the standards.⁵
- **Public reporting** of school, district, and teacher performance.⁶
- **School improvement** requirements to help struggling schools incorporate best practices and, when needed, to fundamentally restructure schools that continue to fail.⁷

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for English language arts (ELA) for grades 3-10 and mathematics for grades 3-8; end-of-course (EOC) assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment for grades 5 and 8.⁸ The assessments measure the extent to which students have mastered Florida's academic content standards, the Next-Generation Sunshine State Standards (NGSSS) and Florida Standards.⁹ The grade-level ELA and math assessments and Algebra I, Geometry, and Algebra II EOC assessments are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.¹⁰ Results from the assessments are used to calculate school grades and school improvement ratings¹¹ and determine student readiness for promotion to 4th grade and high school graduation.¹² In addition, school districts

¹ Section 1003.41, F.S.; rule 6a-1.09401, F.A.C.

² Section 1008.22(3), F.S.

³ Section 1008.34, F.S.; alternative schools may receive a school improvement rating pursuant to s. 1008.341, F.S.; exceptional student education centers may receive a school improvement rating pursuant to s. 1008.3415, F.S.

⁴ Section 1008.36, F.S.

⁵ Section 1012.34, F.S.

⁶ See ss. 1001.42(18), 1002.20(16), 1008.22(11), 1008.341(1), and 1012.34(1)(c), F.S.

⁷ Section 1008.33, F.S.; rule 6A-1.099811, F.A.C.

⁸ Sections 1008.22(3), 1003.4156, and 1003.4282, F.S. Retake administrations are offered for the Grade 10 FSA ELA and Algebra I EOC assessment. Florida Department of Education, Division of Public Schools, *2016-17 Statewide Assessment Schedule Revisions and 2017-18 Preliminary Schedule Release*, Memorandum (August 1, 2016), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7699/dps-2016-125.pdf>.

⁹ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf> [hereinafter referred to as *ESEA Flexibility Request*].

¹⁰ Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

¹¹ See ss. 1008.34 and 1008.341, F.S.

¹² See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.¹³

By August of each year, the Commissioner of Education must publish a uniform assessment calendar on the Department of Education (DOE) website that includes assessment and reporting schedules for the next 2 school years.¹⁴ Results for all statewide, standardized assessments, including EOC assessments, must be made available no later than the week of June 8. School districts must administer the assessments in accordance with the assessment schedule established by the commissioner.¹⁵

The assessment calendar consists of testing windows, or the range of dates during which districts and schools may choose to administer a given assessment.¹⁶ Inside of the state window, districts establish their own windows during which the district will administer a given assessment.

Spring 2017 Assessments (Regular Administration)¹⁷	
February 27-March 3, 2017	Grades 4-7 English Language Arts – Writing
February 27-March 10, 2017	Grades 8-10 English Language Arts – Writing
March 27-April 7, 2017	Grade 3 English Language Arts – Reading
April 10-May 12, 2017	Grades 4-10 English Language Arts – Reading Grades 3-8 Mathematics
April 17-May 12, 2017	Algebra I, Geometry, Algebra II EOC Assessments
April 17-May 19, 2017	Biology I, Civics, U.S. History EOC Assessments
May 1-5, 2017	Grades 5 & 8 Science

The law has required the gradual transition to computer-based assessments beginning with the 2015-2016 school year.¹⁸ Currently, all assessments, except the 3rd grade ELA assessment, and the writing portion of the ELA assessment for grades 4 through 7 are administered on computers. The 3rd grade ELA assessment will be administered as a computer-based test beginning with the 2017-2018 school year.¹⁹ A student may take a paper-based assessment if indicated by his or her individual education plan as a necessary accommodation.²⁰ Windows for EOC assessments are longer than windows for comprehensive, grade-level tests to allow more flexibility for middle schools and high schools to administer the assessments.²¹

Use of computer-based testing provides for a shorter scoring process but requires a longer testing window based on the available facilities and testing devices at each participating school. The writing portion of the ELA assessment includes hand scoring by human graders. This requires the window to open earlier than other assessment windows so that scores can be calculated in time to meet statutory deadlines.²² The 3rd grade ELA assessment is also administered earlier so that decisions related to 4th grade promotion can be made prior to the completion of the school year.

To graduate from high school with a standard high school diploma, a student must successfully complete 24 course credits, participate in EOC assessments for Algebra I, Geometry, Biology, and U.S. History. Students must also participate in 9th and 10th grade statewide, standardized assessments for

¹³ See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

¹⁴ Section 1008.22(7)(b), F.S.

¹⁵ Section 1008.22(7)(a), F.S.

¹⁶ Florida Department of Education, *2016-2017 Uniform Statewide Assessment Calendar* (2016), available at <http://fldoe.org/core/fileparse.php/5663/urlt/K12UniformAssessmentCalendar16-17.doc>.

¹⁷ Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule* (2016), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

¹⁸ See s. 1008.22(3)(d)1., F.S. See also Florida Department of Education, *Florida's Transition to Computer-Based Testing for Statewide Assessments 2014-18* (2016), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-7048/dps-2014-81b.pdf>.

¹⁹ See *id.* The grade 3 ELA assessment does not include a separate writing component.

²⁰ Florida Department of Education, *Computer-based Testing*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/computer-based-testing.shtml> (last visited Mar. 13, 2017).

²¹ Email, Florida Department of Education, Bureau of K-12 Student Assessment (Nov. 3, 2016).

²² *Id.*

ELA. Students must pass the Algebra I EOC assessment and the 10th grade statewide, standardized ELA assessment, or earn a concordant or comparative score on the SAT, ACT, or PERT, as applicable, to graduate.

Student Performance

A student's performance on a statewide, standardized assessment is determined using a scaled score based on total points earned and an achievement level ranging from Level 1 (lowest level) through Level 5 (highest level). A Level 3 score is considered satisfactory, or passing.²³ Passing scores for each assessment are set by the State Board of Education.²⁴ The DOE defines each level as follows:²⁵

Level 1	Level 2	Level 3	Level 4	Level 5
Inadequate: Highly likely to need substantial support for the next grade	Below Satisfactory: Likely to need substantial support for the next grade	Satisfactory: May need additional support for the next grade	Proficient: Likely to excel in the next grade	Mastery: Highly likely to excel in the next grade

Florida's, achievement levels are established through a multi-step process of setting cut scores based on industry standards. The process has been utilized six times since 1998 and involves:

- input from over 300 educators based on test content;
- input from a reactor panel comprising K-12 and postsecondary educators and leaders, business leaders, and community leaders; and
- input of the public through three rule-development workshops.²⁶

While Florida's assessment system establishes five achievement levels, other systems may include fewer levels. The National Assessment of Educational Progress (NAEP), or "America's Report Card," has three defined achievement levels: "Basic," "Proficient," and "Advanced." "Proficient" means "demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real-world situations, and analytical skills appropriate to the subject matter."²⁷ Several other states use four achievement levels, setting the cut point, or the point where students meet expectations for the assessment, at the third-highest level.²⁸

Whether "Proficient" as defined for the NAEP means grade-level performance has been heavily debated. Proponents for alignment of grade level expectations to the "Proficient" level have argued that it is important to continue to push higher expectations for students in order to catch up to countries that have higher scores on international assessments, such as Singapore, and to promote a consistent concept of grade-level performance among states. Opponents of the alignment have argued that "Proficient" is aspirational and unreasonably high to be considered a legitimate grade-level expectation and that NAEP assessments and state assessments measure different skills and standards.²⁹

To illustrate, 75 percent of 4th grade students in Florida who took the 2015 NAEP Reading assessment achieved a "Basic" rating while 39 percent achieved a "Proficient" rating. In 2016, 52 percent of

²³ Section 1008.22(3)(e)1., F.S.; rule 6A-1.09981(2)(c), F.A.C.

²⁴ Section 1008.22(3)(e)2., F.S.

²⁵ Florida Department of Education, Bureau of K-12 Student Assessment, *2015-16 FSA ELA and Mathematics Fact Sheet* (2016), available at www.fldoe.org/core/fileparse.php/5663/urlt/ELA-MathFSAFS1516.pdf.

²⁶ Florida Department of Education, *State Board Analysis on Other States' Cut Points as Compared to NAEP Performance* (2015), available at <http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf>.

²⁷ The National Center for Education Statistics, *NAEP Achievement Levels*, <https://nces.ed.gov/nationsreportcard/achievement.aspx> (last visited Mar. 12, 2017).

²⁸ Florida Department of Education, *State Board Analysis on Other States' Cut Points as Compared to NAEP Performance* (2015), available at <http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf>.

²⁹ See e.g., Tom Loveless, *The NAEP Proficiency Myth*, <https://www.brookings.edu/blog/brown-center-chalkboard/2016/06/13/the-naep-proficiency-myth/> (last visited Mar. 12, 2017); Center for Public Education, *The Proficiency Debate: At a Glance*, <http://www.centerforpubliceducation.org/Main-Menu/Evaluating-performance/The-proficiency-debate-At-a-glance> (last visited Mar. 12, 2017).

Florida's 4th grade students achieved a Level 3 on the statewide, standardized ELA assessment, while 26 percent achieved a Level 4.

2015 FL 4 th Grade NAEP Reading ³⁰	% Basic	75%
	% Proficient	39%
2016 4 th FL Grade ELA Assessment ³¹	% Level 3	52%
	% Level 4	26%

These data suggest that Florida's Level 3 and Level 4 standards are more rigorous than the NAEP "Basic" and "Proficient" levels, respectively. Currently, School Public Accountability Reports indicate the percentage of students who achieve each level of performance (1-5) at the school, district, and state levels on a given state assessment.³² Thus a student performing at a proficient level (Level 4) can easily be determined.

Data show little correlation between NAEP performance and state cut scores. Among the 10 highest performing states based on the Quality Counts ranking, the differential between the state cut points and the "Proficient" standard on the 2015 NAEP Grade 8 Mathematics standard varies widely. The third-highest performing state, New Jersey, had more students meet the NAEP "Proficient" mark than achieve the "Met Expectations" cut score on its state assessment by 22 percentage points. By contrast, the 6th highest performing state, Minnesota, had fewer students meet the NAEP "Proficient" mark than achieve the "Meets Standards" cut point on its state assessment by 10 percentage points.

Effect of Proposed Changes

The bill requires that beginning with the 2017-2018 school year the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8 to be administered no earlier than the last 3 weeks of the school year. The bill specifies that the testing window for these assessments may be no longer than 3 weeks and exempts the 3rd grade "Reading" assessment from the requirements of the bill. The bill does not expressly include state EOC assessments under these requirements.

The bill requires any new contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, the assessments are administered quarterly for students who have been identified through competency-based education as having mastered the content and who are prepared to take the applicable assessment.

The bill also requires that, beginning with any contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, "achievement level 3 shall be defined as proficient for each new assessment." It is unclear whether the effect of the provision is to nominally equate "proficient" with "satisfactory" or to require that a Level 3 score signify the attainment of higher achievement standards.

According to the Department of Education, if the Level 3 cut point is aligned to the NAEP "Proficient" level, the percentage of students passing assessments required for graduation would decrease from 51 percent to 36 percent.³³

³⁰ National Center for Education Statistics, *State Profiles*, <https://nces.ed.gov/nationsreportcard/states/> (last visited Mar. 13, 2017) (review based on the state profile for Florida).

³¹ Florida Department of Education, *Florida PK-20 Education Information Portal*, <https://edstats.fl DOE.org/SASPortal/public> (last visited Mar. 13, 2017) (review based on 2016 ELA assessment data for 4th grade students).

³² See e.g., Florida Department of Education, *School, District, and State Public Accountability Report for A.L. Mebane Middle School 2014-15*, available at http://doeweb-prd.doe.state.fl.us/eds/nclbpar/year1415/nclb1415.cfm?dist_schl=1_221.

³³ Florida Department of Education, *State Board Analysis on Other States' Cut Points as Compared to NAEP Performance* (2015), available at <http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf>.

Reporting Assessment Results

Present Situation

The law requires that state assessment contracts entered into or renewed after April 14, 2015, must provide for a student's performance on state assessments to be provided to the student's teachers and parents by the end of the school year, unless the Commissioner of Education determines that extenuating circumstances exist and reports the circumstances to the State Board of Education.³⁴ The law also requires that assessment and reporting schedules must provide the earliest possible reporting of student assessment results to school districts.³⁵

The law does not specify what information must be included when assessment results are provided to teachers or parents; however, sample reports are currently provided on the Department of Education (DOE) website.³⁶ The report for the 3rd grade ELA assessment includes the achievement level the student earned on the assessment, the number of points possible and points earned in each "reporting category," and the percentage of students in the school, district, and state at each achievement level for the assessment.³⁷

The law also requires school districts to provide a student's performance results on a district-required local assessment to the student's teachers and parents no later than 30 days after administering the assessment. This requirement does not apply if the superintendent determines that extenuating circumstances exist and reports the circumstances to the district school board.

Effect of Proposed Changes

The bill requires that the results of the statewide, standardized ELA and mathematics assessments be reported in an "easy-to read and understandable" format to each student's current teacher of record and to each student's teacher of record for the subsequent school year before the start of the school year. The report must include, at a minimum:

- a clear explanation of the student's performance on the applicable assessments;
- information identifying the student's areas of strength and areas in need of improvement;
- specific actions that may be taken, and the available resources that may be used, by the student's parent to assist the student based on his or her areas of strength and areas in need of improvement;
- longitudinal information, if available, on the student's progress in each subject area based on previous statewide, standardized assessment data;
- comparative information showing the student's score compared to other students in the school district, in the state or, if available, in other states; and
- predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

The bill also requires that a student's performance on a district-required local assessment be provided to the student's teacher within 7 days after the assessment was administered.

High School State Assessments

³⁴ See ss. 7 and 15, ch. 2015-6, L.O.F., codified at s. 1008.22(3)(g)2., F.S.

³⁵ Section 1008.22(7)(a), F.S.

³⁶ Florida Department of Education, *Understanding the New Score Report*, <http://fldoe.org/accountability/assessments/fsa-report.stml> (last visited Mar. 13, 2017).

³⁷ See e.g., Florida Department of Education, *The Florida Standards Assessment English Language Arts Grade 3 Score Report* (2016), available at <http://fldoe.org/core/fileparse.php/5651/urlt/3ELATemplate.pdf>.

The *Every Student Succeeds Act* (ESSA)³⁸ is a federal law that reauthorized and substantially revised the *Elementary and Secondary Education Act of 1965* (ESEA). ESSA is the successor to the *No Child Left Behind Act of 2001* (NCLB).³⁹ Like its predecessors NCLB and ESEA, the goal of ESSA is to improve elementary and secondary education in public schools by conditioning the receipt of federal funds on the implementation of federal requirements. In order to receive Title I funds under ESSA, states must implement a statewide accountability system for K-12 public schools. ESSA also offers competitive and noncompetitive grant funds for teacher and school leader development, family engagement, student support, weighted per-pupil funding, and the development of innovative student progression systems and assessment formats.

ESSA requires each state receiving Title I funds to submit a plan that includes:

- **challenging academic standards** for reading or language arts (ELA) and math;⁴⁰
 - **high quality assessments** in ELA, math, and science;⁴¹
 - **long-term goals** for all students and student subgroups⁴² in the state, including measurements of interim progress toward meeting the goals;⁴³
 - **multiple indicators** of student success and school quality,⁴⁴ including:
 - academic achievement as measured by statewide assessments in ELA and math;
 - a 4-year graduation rate for high schools;
 - for elementary and middle schools, student growth or another academic indicator;
 - progress of English learners⁴⁵ (EL) toward English proficiency; and
 - an additional indicator of school quality or student success;
 - **annual meaningful differentiation** (i.e., levels of performance) based on the system's indicators;⁴⁶ and
 - **identification of schools**, based on annual meaningful differentiation, that require comprehensive support and improvement or targeted support for specific student subgroups.⁴⁷
- ESSA also requires each state and each local school district to annually publish a report card that provides information on student success, school quality, per-pupil funding, the progress of ELs toward English proficiency, and, for the state, progress toward its long-term goals.⁴⁸

These states must also implement high quality standardized assessments for all students, including:

- annual ELA and math assessments for all students in grades 3-8;
- at least one ELA and one math assessment in high school; and
- at least one science assessment during grades 3 through 5, 6 through 9, and 10 through 12.⁴⁹

With respect to high school assessments, ESSA states that “[n]othing in this paragraph shall be construed to prohibit a local education agency [at the state’s discretion and upon state approval] from administering a locally selected assessment in lieu of the State-designated” high school ELA, math, or science assessments.⁵⁰ However, any such assessment must:⁵¹

- be approved by the state;

³⁸ Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.*

³⁹ Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

⁴⁰ 20 U.S.C. s. 6311(b)(1).

⁴¹ 20 U.S.C. s. 6311(b)(2).

⁴² For purposes of statewide accountability systems, student subgroups include economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners. 20 U.S.C. s. 6311(c)(2).

⁴³ 20 U.S.C. s. 6311(c)(4)(A).

⁴⁴ 20 U.S.C. s. 6311(c)(4)(B).

⁴⁵ An English learner is between 3 to 21 years old; is enrolled or preparing to enroll in an elementary or secondary school; was not born in the U.S. or has a native language other than English; and has difficulties in speaking, reading, writing, or understanding the English language such that the student cannot meet the state’s academic standards, cannot achieve in a classroom with instruction in English, or does not have the opportunity to participate fully in society. *See* 20 U.S.C. s. 7801(20).

⁴⁶ 20 U.S.C. s. 6311(c)(4)(C).

⁴⁷ 20 U.S.C. s. 6311(c)(4)(D).

⁴⁸ *See* 20 U.S.C. s. 6311(h)(1) and (2).

⁴⁹ 20 U.S.C. s. 6311(b)(2).

⁵⁰ *See* 20 U.S.C. s. 6311(b)(2)(H).

⁵¹ 20 U.S.C. s. 6311(b)(2)(H)(i)-(v).

- be nationally recognized;
- be aligned to the state's academic standards;
- address the depth and breadth of such standards;
- be equivalent in its content coverage, difficulty, and quality to the state assessments;
- provide comparable, valid, and reliable data on academic achievement, as compared to the state assessment, for all students and for each subgroup of students, with results expressed in terms consistent with the state's academic achievement standards (i.e., Level 1, Level 2, etc.);
- meet the same technical requirements as the state assessments; and provide unbiased, rational, and consistent differentiation between schools within the state in order to meet the requirements of the state accountability system.

Some states, including Wisconsin and Wyoming, have submitted plans to use the ACT as the high school assessment for accountability purposes.⁵² However, the U.S. Department of Education, as part of the peer review process for approving state plans, notified both states that they cannot receive approval to use the assessment until they submit substantial additional evidence, including documentation of independent alignment studies to show the assessments are aligned to the states' standards, to support its use.⁵³ The U.S. Department of Education also asked for additional evidence to show that different student subgroups would not be disadvantaged in taking the ACT and that accommodations for students with disabilities are appropriate, effective, do not alter the construct being assessed, and allow meaningful interpretations of results and comparison of scores.⁵⁴

Effect of Proposed Changes

The bill requires the commissioner to review the SAT and ACT to determine their alignment with the core curricular content for high school-level ELA and mathematics established in the Next Generation Sunshine State Standards. The commissioner must submit a report with the results of the review to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education by December 1, 2017.

B. SECTION DIRECTORY:

Section 1. Requires the Commissioner of Education to review specified college entrance examinations to determine their alignment with the core curricular content for high school-level English Language Arts and mathematics established in state standards; requiring the commissioner to submit a report on the results of such review to the Governor, Legislature, and State Board of Education by a specified date.

Section 2. Amends s. 1008.22, F.S.; conforming a cross-reference; revising provisions relating to achievement levels for certain statewide, standardized assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in specified grades; revising provisions relating to reporting requirements for school district-required local assessments; providing reporting requirements for certain student assessment results.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

⁵² Catherine Gewertz, *Approval Deferred on ACT for Accountability in Wyo., Wis.*, EDUCATION WEEK (Feb. 7, 2017), available at <https://www.edweek.org/ew/articles/2017/02/08/approval-deferred-on-act-for-accountability-in.html>.

⁵³ See Letter from Ary Amerikaner, Deputy Assistant Secretary U.S. Department of Education, to Jillian Balow, State Superintendent of Public Instruction, Wyoming Department of Education (Dec. 2, 2016), available at <https://www2.ed.gov/admins/lead/account/nclbfinalassess/wy5.pdf>; Letter from Ann Whalen, Senior Advisor to the Secretary, U.S. Department of Education, to Tony Evers, State Superintendent, Wisconsin Department of Public Instruction (Jan. 13, 2017), available at <https://www2.ed.gov/admins/lead/account/nclbfinalassess/wi6.pdf>.

⁵⁴ *Id.*

1. Revenues:

None.

2. Expenditures:

This bill has a fiscal impact of \$339,611 in nonrecurring General Revenue funds to implement the provisions of Section 1 and \$1,247,251 in recurring General Revenue funds to implement the provisions of Section 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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires the 3rd grade English language arts (ELA) assessment to be administered during the last 3 weeks of school. The bill then exempts the grade 3 "Reading" assessment from the 3-week requirement. It is unclear what portion of the 3rd grade assessment is exempted, however, because the 3rd grade ELA assessment does not have a separate reading or writing component.

The bill requires statewide, standardized ELA and mathematics assessments to be administered during the final 3 weeks of the school year. It also requires that the assessment window be no longer than 3 weeks. However, because the last day of school is separately established by each school district, it is unlikely the Department of Education could establish a 3-week state assessment window. The latest school district close date for the 2016-2017 school year is in Dade (June 8) and the earliest date is in Hamilton (May 19), which leaves only a one-day overlap for purposes of a 3-week testing window.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to K-12 student assessments; requiring
 3 the Commissioner of Education to review specified
 4 college entrance examinations to determine their
 5 alignment with the core curricular content for high
 6 school-level English Language Arts and mathematics
 7 established in state standards; requiring the
 8 commissioner to submit a report on the results of such
 9 review to the Governor, Legislature, and State Board
 10 of Education by a specified date; amending s. 1008.22,
 11 F.S.; conforming a cross-reference; revising
 12 provisions relating to achievement levels for certain
 13 statewide, standardized assessments; providing
 14 requirements for administration of the statewide,
 15 standardized English Language Arts and mathematics
 16 assessments in specified grades; revising provisions
 17 relating to reporting requirements for school
 18 district-required local assessments; providing
 19 reporting requirements for certain student assessment
 20 results; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. The Commissioner of Education shall review the
 25 SAT and ACT to determine their alignment with the core

26 curricular content for high school-level English Language Arts
 27 and mathematics established in the Next Generation Sunshine
 28 State Standards pursuant to s. 1003.41, Florida Statutes. The
 29 commissioner shall submit a report containing the results of
 30 such review to the Governor, the President of the Senate, the
 31 Speaker of the House of Representatives, and the State Board of
 32 Education by December 1, 2017.

33 Section 2. Paragraphs (c) through (f) and paragraph (g) of
 34 subsection (7) of section 1008.22, Florida Statutes, are
 35 redesignated as paragraphs (e) through (h) and paragraph (j),
 36 respectively, paragraph (e) of subsection (3) and present
 37 paragraphs (b) and (f) of subsection (7) are amended, and new
 38 paragraphs (c), (d), and (i) are added to subsection (7) of that
 39 section, to read:

40 1008.22 Student assessment program for public schools.—

41 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 42 Commissioner of Education shall design and implement a
 43 statewide, standardized assessment program aligned to the core
 44 curricular content established in the Next Generation Sunshine
 45 State Standards. The commissioner also must develop or select
 46 and implement a common battery of assessment tools that will be
 47 used in all juvenile justice education programs in the state.
 48 These tools must accurately measure the core curricular content
 49 established in the Next Generation Sunshine State Standards.
 50 Participation in the assessment program is mandatory for all

51 school districts and all students attending public schools,
 52 including adult students seeking a standard high school diploma
 53 under s. 1003.4282 and students in Department of Juvenile
 54 Justice education programs, except as otherwise provided by law.
 55 If a student does not participate in the assessment program, the
 56 school district must notify the student's parent and provide the
 57 parent with information regarding the implications of such
 58 nonparticipation. The statewide, standardized assessment program
 59 shall be designed and implemented as follows:

60 (e) Assessment scores and achievement levels.—

61 1. All statewide, standardized EOC assessments and ELA,
 62 mathematics, and Science assessments shall use scaled scores and
 63 achievement levels. Achievement levels shall range from 1
 64 through 5, with level 1 being the lowest achievement level,
 65 level 5 being the highest achievement level, and level 3
 66 indicating satisfactory performance on an assessment. Beginning
 67 with any new contract for the ELA assessment and the mathematics
 68 assessment entered into after July 1, 2017, achievement level 3
 69 shall be defined as proficient for each new assessment.

70 2. The state board shall designate by rule a passing score
 71 for each statewide, standardized assessment.

72 3. If the commissioner seeks to revise a statewide,
 73 standardized assessment and the revisions require the state
 74 board to modify performance level scores, including the passing
 75 score, the commissioner shall provide a copy of the proposed

76 | scores and implementation plan to the President of the Senate
 77 | and the Speaker of the House of Representatives at least 90 days
 78 | before submission to the state board for review. Until the state
 79 | board adopts the modifications by rule, the commissioner shall
 80 | use calculations for scoring the assessment that adjust student
 81 | scores on the revised assessment for statistical equivalence to
 82 | student scores on the former assessment. The state board shall
 83 | adopt by rule the passing score for the revised assessment that
 84 | is statistically equivalent to the passing score on the
 85 | discontinued assessment for a student who is required to attain
 86 | a passing score on the discontinued assessment. The commissioner
 87 | may, with approval of the state board, discontinue
 88 | administration of the former assessment upon the graduation,
 89 | based on normal student progression, of students participating
 90 | in the final regular administration of the former assessment. If
 91 | the commissioner revises a statewide, standardized assessment
 92 | and the revisions require the state board to modify the passing
 93 | score, only students taking the assessment for the first time
 94 | after the rule is adopted are affected.

95 | (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

96 | (b) By August of each year, beginning in 2016, the
 97 | commissioner shall publish on the department's website a uniform
 98 | calendar that includes the assessment and reporting schedules
 99 | for, at a minimum, the next 2 school years. The uniform calendar
 100 | must be provided to school districts in an electronic format

101 that allows each school district and public school to populate
 102 the calendar with, at minimum, the following information for
 103 reporting the district assessment schedules under paragraph (e)
 104 ~~(e)~~:

- 105 1. Whether the assessment is a district-required
 106 assessment or a state-required assessment.
- 107 2. The specific date or dates that each assessment will be
 108 administered.
- 109 3. The time allotted to administer each assessment.
- 110 4. Whether the assessment is a computer-based assessment
 111 or a paper-based assessment.
- 112 5. The grade level or subject area associated with the
 113 assessment.
- 114 6. The date that the assessment results are expected to be
 115 available to teachers and parents.
- 116 7. The type of assessment, the purpose of the assessment,
 117 and the use of the assessment results.
- 118 8. A glossary of assessment terminology.
- 119 9. Estimates of average time for administering state-
 120 required and district-required assessments, by grade level.

121 (c) Beginning with the 2017-2018 school year, the ELA
 122 assessment in grades 3 through 10 and the mathematics assessment
 123 in grades 3 through 8 shall be administered:

- 124 1. With the exception of the grade 3 Reading assessment,
 125 no earlier than during the last 3 weeks of the school year as

126 determined by a district school board's policy pursuant to s.
 127 1001.42(4)(f).

128 2. Within a testing window not to exceed 3 weeks.

129 (d) Beginning with any new contract for the ELA assessment
 130 in grades 3 through 10 and the mathematics assessment in grades
 131 3 through 8 entered into after July 1, 2017, each new assessment
 132 shall be made available once per quarter for students who the
 133 school district has identified through competency-based
 134 education as having mastered the content and who are prepared to
 135 take the applicable assessment.

136 (h)~~(f)~~ A school district must provide a student's
 137 performance results on district-required local assessments to
 138 the student's teachers within 1 week and to the student's
 139 parents no later than 30 days after administering such
 140 assessments, unless the superintendent determines in writing
 141 that extenuating circumstances exist and reports the extenuating
 142 circumstances to the district school board.

143 (i) The results of statewide, standardized ELA and
 144 mathematics assessments shall be reported in an easy-to-read and
 145 understandable format to each student's current teacher of
 146 record and to each student's teacher of record for the
 147 subsequent school year before the start of that school year. A
 148 report of student assessment results must, at a minimum,
 149 contain:

150 1. A clear explanation of the student's performance on the

151 applicable statewide, standardized assessments.

152 2. Information identifying the student's areas of strength
 153 and areas in need of improvement.

154 3. Specific actions that may be taken, and the available
 155 resources that may be used, by the student's parent to assist
 156 his or her child based on the student's areas of strength and
 157 areas in need of improvement.

158 4. Longitudinal information, if available, on the
 159 student's progress in each subject area based on previous
 160 statewide, standardized assessment data.

161 5. Comparative information showing the student's score
 162 compared to other students in the school district, in the state,
 163 or, if available, in other states.

164 6. Predictive information, if available, showing the
 165 linkage between the scores attained by the student on the
 166 statewide, standardized assessments and the scores he or she may
 167 potentially attain on nationally recognized college entrance
 168 examinations.

169 Section 3. This act shall take effect July 1, 2017.

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: PreK-12 Appropriations

2 Subcommittee

3 Representative Sullivan offered the following:

4

5 **Amendment**

6 Remove lines 93-96 and insert:
7 through online and blended learning.



8 (b) A district school board or a charter school governing
9 board, as applicable, may allow a student ~~offer students the~~
10 ~~following options~~ to satisfy the online and blended course
11 requirements of this subsection by completing+

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 833 Student Eligibility for K-12 Virtual Instruction

SPONSOR(S): Sullivan and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 0 N	Dehmer	Healy
2) PreK-12 Appropriations Subcommittee		Seifert 	Potvin 
3) Education Committee			

SUMMARY ANALYSIS

Florida has a variety of virtual instruction options for K-12 students. However, students in 2nd through 5th grades are not eligible for enrollment in part-time virtual instruction unless they were enrolled in public school in the prior year, are dependent children of military personnel or have a sibling currently enrolled in a virtual instruction program and the sibling was enrolled at the end of the prior year. As a result, many 2nd through 5th grade students are not eligible for enrollment in part-time virtual instruction.

The bill removes the prior year in public school requirement and provides that all K-12 students, including home education and private school students, are eligible for both full-time and part-time virtual instruction options.

The bill removes passage of an online content assessment, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes, as an option to fulfill the online course requirement.

The fiscal impact of the bill will be absorbed within the funding distribution of the Florida Education Finance Program (FEFP).

The bill takes effect July 1, 2017.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0833b.PKA.DOCX

DATE: 3/7/2017

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Student Eligibility for Virtual Instruction

Present Situation

Florida law establishes a variety of options to make virtual instruction accessible to K-12 students. These options include:

- full-time or part-time enrollment in a school district virtual instruction program (VIP);¹
- full-time enrollment in a virtual charter school;²
- enrollment in individual virtual courses offered by school districts and approved by the Florida Department of Education (DOE);³ and
- full-time or part-time enrollment in the Florida Virtual School (FLVS) or school district FLVS franchises⁴

Student enrollment in a full-time or part-time school district VIP, a full-time virtual charter school or a school district virtual course offering is open to any student residing in the district who:⁵

- attended a Florida public school during the prior year and was enrolled and reported for funding during the October and February Florida Education Finance Program (FEFP) surveys;
- is the dependent child of a member of the U.S. military who, within 12 months of the parent's permanent change of station order, transferred to Florida from another state or from a foreign country;
- was enrolled in a school district VIP or a full-time FLVS program during the prior school year;
- has a sibling who is currently enrolled in a school district VIP and the sibling was enrolled in such program at the end of the prior school year;
- is eligible to enter kindergarten or first grade; or
- is eligible to enter grades 2 through 5 and is enrolled full-time in a school district VIP, virtual charter school or FLVS.⁶

FLVS or a district FLVS franchise may provide full-time and part-time instruction for K-12 students. However, students in kindergarten through grade 5 must meet at least one of the eligibility criteria listed above to access part-time instruction in such programs.⁷

Eligibility for Virtual Instruction		
Students Not Enrolled in Public School During the Previous School Year		
Grade	Full-Time	Part-Time

¹ Section 1002.45, F.S.

² Sections 1002.33(1) and 1002.45(1)(d), F.S.

³ Section 1003.498, F.S.

⁴ Sections 1002.37 and 1002.45(1)(a)1. and (c)1., F.S.

⁵ Sections 1002.45(5) and 1002.455(2), F.S.

⁶ Section 1002.455(2), F.S.

⁷ Section 1002.37(8)(a), F.S.

Level	FLVS	District VIP	District FLVS Franchise	FLVS	District VIP	District FLVS Franchise	District Virtual Course
K							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
KEY							
	Student is Eligible						
	Student must meet prior public school requirement						
	No part-time virtual options for students who were not enrolled in public school during the prior year						

Consequently, students in 2nd through 5th grades are not eligible for enrollment in part-time virtual instruction unless they were enrolled in public school in the prior year or are dependent children of military personnel, or have a sibling currently enrolled in a VIP and the sibling was enrolled at the end of the prior year.⁸

Effect of Proposed Changes

The bill provides that all K-12 students, including home education and private school students, are eligible for full-time and part-time virtual instruction programs including:

- full-time or part-time enrollment in a school district VIP;
- full-time enrollment in a virtual charter school;
- enrollment in individual virtual courses offered by school districts and approved by the DOE; and,
- full-time or part-time enrollment in the FLVS or school district FLVS franchises.

This change will open various virtual education options that are not currently available to students who did not attend public school in the prior year, as follows:

- Students in 6th through 12th grades may enroll in full-time school district VIP programs.
- Students in 2nd through 5th grades may enroll in part-time FLVS or district FLVS franchises.
- Students in 2nd through 12th grades may enroll in part-time school district VIP.
- Students in 2nd through 12th grades may enroll in school district virtual course offerings.

Most notably, this change gives students in 2nd through 5th grades who did not attend public school in the prior year the ability to enroll in part-time virtual instruction, whereas under current law, these students have no such options.

The bill also deletes obsolete language regarding a one-time Florida Virtual School operational audit.

Requirements for High School Diploma

⁸ Section 1002.455(2), F.S.
 STORAGE NAME: h0833b.PKA.DOCX
 DATE: 3/7/2017

Present Situation

Receipt of a standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum or an Advanced International Certificate of Education curriculum.⁹ At least one course must be completed through online learning.¹⁰ An online course provided by the FLVS, a virtual education provider approved by the State Board of Education, a high school or an online dual enrollment course taken in 6th, 7th or 8th grade fulfill the online course requirement.¹¹ A school board or charter school governing board may offer the following options to satisfy the online course requirement:

- Completion of a course where the student earns a nationally recognized industry certification in information technology or passage of the information technology certification exam without enrolling in the corresponding course.
- Passage of an online content assessment, without enrollment in or completion of the corresponding course, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes.

Effect of Proposed Changes

The bill removes passage of an online content assessment, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes, as an option to fulfill the online course requirement.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.37, F.S., relating to the Florida Virtual School.

Section 2. Amends s. 1002.455, F.S., relating to student eligibility for K12 virtual instruction.

Section 3. Amends s. 1003.4282, F.S., relating to requirements for high school diplomas.

Section 4. Amends s. 1002.33, F.S., relating to charter schools.

Section 5. Amends s. 1002.45, F.S., relating to virtual instruction programs.

Section 6. Amends s. 1003.498, F.S., relating to school district virtual course offerings.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill revises s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction. These changes will open various virtual education options that are not currently available to students who did not attend public school in the prior year. The estimated fiscal impact to the Florida Education Finance Program (FEFP) to fund the expansion of student eligibility for public virtual education is expected to be incorporated within the FEFP calculation, and is estimated at \$4,363,075.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

⁹ Section 1003.4282(1)(a), F.S.

¹⁰ Section 1003.4282(4), F.S.

¹¹ Section 1003.4282(4)(a), F.S.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to student eligibility for K-12
 3 virtual instruction; amending s. 1002.37, F.S.;
 4 revising eligibility requirements for specified
 5 students to receive part-time instruction at the
 6 Florida Virtual School; removing provisions requiring
 7 the Auditor General to conduct an operational audit of
 8 the Florida Virtual School; amending s. 1002.455,
 9 F.S.; authorizing all students, including home
 10 education and private school students, to participate
 11 in specified virtual instruction options; deleting the
 12 eligibility criteria for a student to participate in
 13 virtual instruction; amending s. 1003.4282, F.S.;
 14 revising the options that a district school board or
 15 charter school governing board may offer for a student
 16 to satisfy certain online course requirements;
 17 amending ss. 1002.33, 1002.45, 1003.498, and 1011.62,
 18 F.S.; conforming provisions and cross-references to
 19 changes made by the act; providing an effective date.

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

22
 23 Section 1. Paragraph (a) of subsection (8) and subsection
 24 (11) of section 1002.37, Florida Statutes, are amended to read:
 25 1002.37 The Florida Virtual School.—

26 (8) (a) The Florida Virtual School may provide full-time
 27 and part-time instruction for students in kindergarten through
 28 grade 12. ~~To receive part-time instruction in kindergarten~~
 29 ~~through grade 5, a student must meet at least one of the~~
 30 ~~eligibility criteria in s. 1002.455(2).~~

31 ~~(11) The Auditor General shall conduct an operational~~
 32 ~~audit of the Florida Virtual School, including Florida Virtual~~
 33 ~~School Global. The scope of the audit shall include, but not be~~
 34 ~~limited to, the administration of responsibilities relating to~~
 35 ~~personnel; procurement and contracting; revenue production;~~
 36 ~~school funds, including internal funds; student enrollment~~
 37 ~~records; franchise agreements; information technology~~
 38 ~~utilization, assets, and security; performance measures and~~
 39 ~~standards; and accountability. The final report on the audit~~
 40 ~~shall be submitted to the President of the Senate and the~~
 41 ~~Speaker of the House of Representatives no later than January~~
 42 ~~31, 2014.~~

43 Section 2. Section 1002.455, Florida Statutes, is amended
 44 to read:

45 1002.455 Student eligibility for K-12 virtual
 46 instruction.—

47 ~~(1)~~ All students, including home education and private
 48 school students, are eligible to participate in any of the
 49 following ~~A student may participate in virtual instruction in~~
 50 ~~the school district in which he or she resides if the student~~

51 ~~meets the eligibility criteria in subsection (2).~~

52 ~~(2) A student is eligible to participate in virtual~~
53 ~~instruction if:~~

54 ~~(a) The student spent the prior school year in attendance~~
55 ~~at a public school in the state and was enrolled and reported by~~
56 ~~the school district for funding during October and February for~~
57 ~~purposes of the Florida Education Finance Program surveys;~~

58 ~~(b) The student is a dependent child of a member of the~~
59 ~~United States Armed Forces who was transferred within the last~~
60 ~~12 months to this state from another state or from a foreign~~
61 ~~country pursuant to a permanent change of station order;~~

62 ~~(c) The student was enrolled during the prior school year~~
63 ~~in a virtual instruction program under s. 1002.45 or a full-time~~
64 ~~Florida Virtual School program under s. 1002.37(8) (a);~~

65 ~~(d) The student has a sibling who is currently enrolled in~~
66 ~~a virtual instruction program and the sibling was enrolled in~~
67 ~~that program at the end of the prior school year;~~

68 ~~(e) The student is eligible to enter kindergarten or first~~
69 ~~grade; or~~

70 ~~(f) The student is eligible to enter grades 2 through 5~~
71 ~~and is enrolled full-time in a school district virtual~~
72 ~~instruction program, virtual charter school, or the Florida~~
73 ~~Virtual School.~~

74 ~~(3) The virtual instruction options for which this~~
75 ~~eligibility section applies include:~~

76 (1)~~(a)~~ School district operated part-time or full-time
 77 kindergarten through grade 12 virtual instruction programs under
 78 s. 1002.45(1) (b) for students enrolled in the school district.

79 (2)~~(b)~~ Full-time virtual charter school instruction
 80 authorized under s. 1002.33.

81 (3)~~(e)~~ Virtual courses offered in the course code
 82 directory to students within the school district or to students
 83 in other school districts throughout the state pursuant to s.
 84 1003.498.

85 (4) Florida Virtual School instructional services
 86 authorized under s. 1002.37.

87 Section 3. Paragraph (b) of subsection (4) of section
 88 1003.4282, Florida Statutes, is amended to read:

89 1003.4282 Requirements for a standard high school
 90 diploma.—

91 (4) ONLINE COURSE REQUIREMENT.—At least one course within
 92 the 24 credits required under this section must be completed
 93 through online learning.

94 (b) A district school board or a charter school governing
 95 board, as applicable, may allow a student ~~offer students the~~
 96 ~~following options~~ to satisfy the online course requirements of
 97 this subsection by completing+

98 ~~1. Completion of~~ a course in which the a student earns a
 99 nationally recognized industry certification in information
 100 technology that is identified on the CAPE Industry Certification

101 Funding List pursuant to s. 1008.44 or passing ~~passage~~ of the
 102 information technology certification examination without
 103 enrolling ~~enrollment~~ in or completing ~~completion~~ of the
 104 corresponding course or courses, as applicable.

105 ~~2. Passage of an online content assessment, without~~
 106 ~~enrollment in or completion of the corresponding course or~~
 107 ~~courses, as applicable, by which the student demonstrates skills~~
 108 ~~and competency in locating information and applying technology~~
 109 ~~for instructional purposes.~~

110

111 For purposes of this subsection, a school district may not
 112 require a student to take the online course outside the school
 113 day or in addition to a student's courses for a given semester.
 114 This subsection does not apply to a student who has an
 115 individual education plan under s. 1003.57 which indicates that
 116 an online course would be inappropriate or to an out-of-state
 117 transfer student who is enrolled in a Florida high school and
 118 has 1 academic year or less remaining in high school.

119 Section 4. Subsection (1) of section 1002.33, Florida
 120 Statutes, is amended to read:

121 1002.33 Charter schools.—

122 (1) AUTHORIZATION.—Charter schools shall be part of the
 123 state's program of public education. All charter schools in
 124 Florida are public schools. A charter school may be formed by
 125 creating a new school or converting an existing public school to

126 charter status. A charter school may operate a virtual charter
 127 school pursuant to s. 1002.45(1)(d) to provide full-time online
 128 instruction to ~~eligible~~ students, pursuant to s. 1002.455, in
 129 kindergarten through grade 12. An existing charter school that
 130 is seeking to become a virtual charter school must amend its
 131 charter or submit a new application pursuant to subsection (6)
 132 to become a virtual charter school. A virtual charter school is
 133 subject to the requirements of this section; however, a virtual
 134 charter school is exempt from subsections (18) and (19),
 135 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
 136 s. 1003.03. A public school may not use the term charter in its
 137 name unless it has been approved under this section.

138 Section 5. Subsection (5) of section 1002.45, Florida
 139 Statutes, is amended to read:

140 1002.45 Virtual instruction programs.—

141 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
 142 instruction program provided by the school district or by a
 143 virtual charter school operated in the district in which he or
 144 she resides ~~if the student meets eligibility requirements for~~
 145 ~~virtual instruction~~ pursuant to s. 1002.455.

146 Section 6. Subsection (2) of section 1003.498, Florida
 147 Statutes, is amended to read:

148 1003.498 School district virtual course offerings.—

149 (2) School districts may offer virtual courses for
 150 students enrolled in the school district. These courses must be

151 identified in the course code directory. Students ~~who meet the~~
 152 ~~eligibility requirements of s. 1002.455~~ may participate in these
 153 virtual course offerings pursuant to s. 1002.455.

154 (a) Any ~~eligible~~ student who is enrolled in a school
 155 district may register and enroll in an online course offered by
 156 his or her school district.

157 (b)1. Any ~~eligible~~ student who is enrolled in a school
 158 district may register and enroll in an online course offered by
 159 any other school district in the state. The school district in
 160 which the student completes the course shall report the
 161 student's completion of that course for funding pursuant to s.
 162 1011.61(1)(c)1.b.(VI), and the home school district shall not
 163 report the student for funding for that course.

164 2. The full-time equivalent student membership calculated
 165 under this subsection is subject to the requirements in s.
 166 1011.61(4). The Department of Education shall establish
 167 procedures to enable interdistrict coordination for the delivery
 168 and funding of this online option.

169 Section 7. Subsection (11) of section 1011.62, Florida
 170 Statutes, is amended to read:

171 1011.62 Funds for operation of schools.—If the annual
 172 allocation from the Florida Education Finance Program to each
 173 district for operation of schools is not determined in the
 174 annual appropriations act or the substantive bill implementing
 175 the annual appropriations act, it shall be determined as



176 follows:

177 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
 178 annually provide in the Florida Education Finance Program a
 179 virtual education contribution. The amount of the virtual
 180 education contribution shall be the difference between the
 181 amount per FTE established in the General Appropriations Act for
 182 virtual education and the amount per FTE for each district and
 183 the Florida Virtual School, which may be calculated by taking
 184 the sum of the base FEFP allocation, the discretionary local
 185 effort, the state-funded discretionary contribution, the
 186 discretionary millage compression supplement, the research-based
 187 reading instruction allocation, and the instructional materials
 188 allocation, and then dividing by the total unweighted FTE. This
 189 difference shall be multiplied by the virtual education
 190 unweighted FTE for programs and options identified in s.
 191 1002.455 ~~s. 1002.455(3)~~ and the Florida Virtual School and its
 192 franchises to equal the virtual education contribution and shall
 193 be included as a separate allocation in the funding formula.

194 Section 8. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1111 Teacher Certification
SPONSOR(S): Plasencia
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1474

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	14 Y, 0 N	Brink	Duncan
2) PreK-12 Appropriations Subcommittee		Seifert 	Potvin 
3) Education Committee			

SUMMARY ANALYSIS

The bill revises the requirements for a district professional development certification and educator competence program. Under the bill, a temporary certificate holder who completes a Florida Department of Education (DOE) approved program and earns a highly effective rating will qualify for a renewable professional certificate without having to complete additional classwork or pass the Professional Education Test.

The bill allows charter schools and charter management organizations to offer a professional development certification and educator competence program and requires the mentorship and induction component of the program to, at a minimum, provide weekly opportunities for mentoring and induction activities, including:

- common planning time;
- ongoing professional development targeted to the teacher's needs;
- opportunities to observe other teachers;
- co-teaching experiences; and
- reflection and follow-up discussions.

The mentorship and induction activities must be provided for a teacher's first year in the program and may be provided until the teacher attains his or her professional certificate.

The bill requires the DOE to adopt standards for approving a professional development certification and educator competence program, including the mentorship and induction component.

With respect to professional development, the bill allows mentoring activities, including serving as a mentor, to count towards a teacher's inservice requirements for certification renewal. The bill requires professional development activities to provide training to mentors. The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the DOE. The bill requires model professional development programs disseminated by the DOE to include effective mentorship activities to new teachers and training to mentors.

The bill also streamlines the temporary certificate application process.

The bill has no state fiscal impact.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).¹ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.² The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”³

The DOE issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida’s highest type of full-time educator certification.⁴ The professional certificate is valid for five years and is renewable.⁵
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.⁶ The temporary certificate is valid for three years and is nonrenewable.⁷
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach.⁸ DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once.⁹ The five-year certificate requires satisfaction of certain specialization requirements established in rule.¹⁰

In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.¹¹

To be eligible for an educator certificate, a person must:¹²

- be at least 18 years of age;

¹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

² Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

³ Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

⁴ Rule 6A-4.004(2), F.A.C.

⁵ Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). DOE also issues a nonrenewable 5-year professional certificate that allows an applicant with a bachelor’s degree in the area of speech-language impairment to complete a master’s degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(3), F.A.C.

⁶ Rule 6A-4.004(1)(a)2., F.A.C.

⁷ Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; rule 6A-4.001(1), F.A.C.

⁸ Section 1012.55(2), F.S.

⁹ Rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

¹⁰ See rule 6A-4.0282, F.A.C.

¹¹ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

¹² Section 1012.56(2)(a)-(f), F.S.

- sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- earn a bachelor's or higher degree from an accredited institution of higher learning¹³ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;¹⁴
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.¹⁵ Although most of the application process is conducted electronically, certain portions of the process, like notifications of deficiencies in an application and supporting documentation, are sent through conventional postal delivery services which can delay the process. These notices are expected to be fully electronic by November of 2017.¹⁶

To receive a temporary certificate, an applicant must:

- meet the basic eligibility requirements for certification;¹⁷
- obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;¹⁸ and
- do one of the following:
 - demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);¹⁹ or
 - complete the required degree or content courses specified in state board rule for subject area specialization²⁰ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.²¹

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.²² If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.²³ A temporary certificate is valid for 3 years and is nonrenewable.²⁴

An applicant seeking a professional certificate must:

- meet the basic eligibility requirements for certification;²⁵
- demonstrate mastery of general knowledge;²⁶

¹³ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Mar. 9, 2017) (list of accrediting agencies approved by the U.S. Department of Education).

¹⁴ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

¹⁵ Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

¹⁶ Telephone interview with Bureau Chief, Florida Department of Education, Bureau of Educator Certification (Feb. 23, 2017).

¹⁷ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

¹⁸ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

¹⁹ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited April 28, 2016).

²⁰ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

²¹ Section 1012.56(2)(c), F.S.; *see* Florida Department of Education, *Certificate Types and Requirements*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/index.shtml> (last visited Mar. 9, 2017).

²² Section 1012.56(7), F.S. (flush-left provisions at end of subsection).

²³ *Id.*

²⁴ *Id.*

²⁵ Section 1012.56(2)(a)-(f), F.S.; *see supra* text accompanying notes 12-15.

- demonstrate mastery of subject area knowledge;²⁷ and
- demonstrate mastery of professional preparation and education competence.²⁸

A professional certificate is valid for five years and is renewable.²⁹

Pathways to a professional certificate include:

- successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida or a teacher preparation program from an out-of-state accredited or DOE-approved institution and achieving a passing score on the Professional Education Test (PET), Subject Area Examination (SAE), and General Knowledge Test (GKT) required by state board rule;³⁰
- successfully completing a competency-based professional development certification program offered by a school district or an educator preparation institute (EPI) and passing the PET, SAE, and GKT;³¹
- completing 15 semester hours in professional preparation courses specified in state board rule³² or completing the Professional Training Option for Content Majors;³³ completing requirements for practical experience in teaching;³⁴ completing an approved professional education competence demonstration program;³⁵ and passing the PET, SAE, and GKT;³⁶
- providing documentation of a valid professional standard teaching certificate issued by another U.S. state or by the National Board Professional Teaching Standards (NBPTS);³⁷
- providing documentation of a valid professional standard teaching certificate issued by the American Board for Certification of Teacher Excellence (ABCTE) and completing an approved professional education competence demonstration program;³⁸ or
- completing two semesters of part-time or full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by the DOE as having a quality program and passing the SAE and PET.³⁹

²⁶ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Mar. 9, 2017).

²⁷ Section 1012.56(2)(h) and (5), F.S.

²⁸ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Mar. 9, 2017) [hereinafter *Professional Preparation and Education Competence*].

²⁹ Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C. See *supra* text accompanying note 5.

³⁰ Section 1012.56(6)(a) and (b), F.S.; see s. 1004.04, F.S.; rule 6A-4.003(1) and (4), F.A.C. (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.A.C.

³¹ Section 1012.56(6)(g)-(h), F.S.; see ss. 1004.85 and 1012.56(8), F.S.; rule 6A-5.066(2)(b)1.d. and (c)1.d., F.A.C.

³² Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

³³ The Professional Training Option for Content Majors authorizes an approved teacher preparation program at a postsecondary institution in Florida to allow students who do not major in education but do major or minor in a content area (e.g., English major) to satisfy professional preparation course requirements. Rule 6A-5.066(3), F.A.C.

³⁴ *Professional Preparation and Education Competence*, *supra* note 28; see rules 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.

³⁵ Section 1012.56(6)(f), F.S. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional preparation and education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. See s. 1012.56(8)(b), F.S.

³⁶ Section 1012.56(6)(f), F.S.

³⁷ Section 1012.56(6)(c)-(d), F.S.; see rule 6A-4.002(1)(i)-(j), F.A.C.

³⁸ Section 1012.56(6)(d), F.S.; rule 6A-4.002(1)(j), F.A.C.; *Professional Preparation and Education Competence*, *supra* note 27; see *supra* notes 34 (American Board for Certification of Teacher Excellence certificate satisfies all requirements for a professional certificate, except the professional education competence demonstration requirement) and 48 (description of professional education competence demonstration program).

³⁹ Section 1012.56(6)(e), F.S. A non-accredited institution of higher learning is approved as having a quality program if the institution meets one of the following criteria: is accepted for certification purposes by the state department of education where the institution is located; holds a certificate of exemption pursuant to s. 1005.06, F.S.; is a newly created Florida public college or university that offers a bachelor's or higher degree program; is located outside the U.S. and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the U.S.; or the degree from the institution was accepted by an accredited

In 2016, the law was amended to allow an individual to earn a professional certificate covering grades 6 through 12 in a Science, Technology, Engineering, or Mathematics (STEM) subject without having to complete coursework associated with professional preparation and education competence, if the individual:

- meets the basic eligibility requirements for certification;
- demonstrates mastery of general knowledge;
- holds a master's or higher degree in science, technology, engineering, or mathematics;
- passes the PET and the SAE for the correlated educator certificate;
- teaches a high school course in the subject area of the advanced degree; and
- is rated highly effective under the school district's performance evaluation system based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advance International Certificate of Education, or International Baccalaureate examination.⁴⁰

Several of the pathways allow a temporary certificate holder to complete the general knowledge and professional preparation and education competence requirements for a professional certificate while serving as a classroom teacher. These include the college coursework option, EPIs, district professional development certification and education competency programs (professional development certification program), professional training option programs, and the STEM secondary certification pathway. Data from the DOE show that 35 percent of temporary certificate holders do not complete the requirements for a professional certificate by the end of their 3-year temporary certificate.⁴¹

A professional certificate must be renewed every five years.⁴² An educator must submit an application,⁴³ pay a fee,⁴⁴ and earn at least six college credits or 120 inservice points to renew professional certification.⁴⁵ At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.⁴⁶ The renewal period may be extended to include two successive renewal periods up to 10 years to enable educators who are certified in three or more subject areas to earn the required credits or inservice points in each subject area.⁴⁷ In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.⁴⁸

State board rule includes special provisions for teachers of limited English proficient students, teachers of students with disabilities and teachers of reading.⁴⁹ The law allows a professional certificate holder to use college credits or inservice points earned through training in teaching students of limited English

or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree. Rule 6A-4.003(2), F.A.C.

⁴⁰ Chapter 2016-117, L.O.F.

⁴¹ Florida Department of Education, *Pathways to the Professional Certificate: hearing before the House PreK-12 Quality Subcommittee* (Feb. 15, 2017), available at

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

⁴² Section 1012.585(2)(a), F.S.

⁴³ Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

⁴⁴ The fee for a certification renewal is \$75. Rules 6A-4.0051(3)(b), F.A.C. and 6A-4.0012(1)(a)1.

⁴⁵ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; see rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

⁴⁶ Section 1012.585(3)(a), F.S.

⁴⁷ Section 1012.585(3)(c), F.S.; rule 6A-4.0051(2)(c), F.A.C.

⁴⁸ Section 1012.585(3)(a), F.S.

⁴⁹ Rule 6A-4.0051(5), F.S.

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proficiency or students with disabilities and training in teaching reading in excess of six semester hours during one certificate validity period toward renewal of the professional certificate during the subsequent validity periods.⁵⁰ Temporary certificate holders may use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in teaching reading toward renewal of the teacher's first professional certificate; however, the training must not have been included within the degree program, and the temporary and professional certificates must be issued for consecutive school years.⁵¹

Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.⁵²

Certification in subject areas may also be renewed by earning a passing score on the corresponding Florida-developed subject area test or standardized examination specified in state board rule.⁵³ Certification by NBPTS is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.⁵⁴

Teacher Preparation

There are various teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:⁵⁵

- **Initial Teacher Preparation programs** are “traditional” teacher preparation programs that require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Such programs result in qualification for a professional educator certificate.⁵⁶
- **Educator Preparation Institutes** are alternative certification programs offered by postsecondary institutions and private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge and mastery of professional preparation and education competence.
- **District Professional Development Certification and Education Competency Programs** are cohesive, competency-based professional preparation certification programs offered by Florida public school districts, by which a school district’s instructional staff can satisfy the mastery of professional preparation and education competence requirements. In addition to completing the district program, candidates must demonstrate mastery of general knowledge and subject area knowledge.

Professional Development

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

⁵⁰ Section 1012.585(3)(d)1., F.S.

⁵¹ Section 1012.585(3)(d)2., F.S.

⁵² Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

⁵³ Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

⁵⁴ Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

⁵⁵ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Mar. 9, 2017). *See also* rule 6A-5.066, F.A.C.

⁵⁶ Rule 6A-5.066, F.A.C.

instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.⁵⁷

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.⁵⁸ 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.⁵⁹ 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.⁶⁰ 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.⁶¹

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.⁶² 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 in-service activities with follow-up support appropriate to accomplish district-level and school-level improvement goals and standards;
- 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 systematic 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;
- 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; and
- for middle grades, emphasize:
 - interdisciplinary planning, collaboration, and instruction;
 - alignment of curriculum and instructional materials to the state academic standards; and
 - 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.⁶³

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.⁶⁴

⁵⁷ Section 1012.98(1), F.S.

⁵⁸ Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.

⁵⁹ *Id.*

⁶⁰ Section 1012.98(11), F.S.

⁶¹ Section 1012.98(7), F.S.

⁶² Section 1012.98(4)(b), F.S.

⁶³ Section 1012.98(4)(b), F.S.

⁶⁴ Section 1012.98(9), F.S.

Teacher Mentoring and Induction

Teacher induction programs “aim to improve the performance and retention of new hires and to enhance the skills and prevent the loss of new teachers with the ultimate goal of improving student’s growth and learning.”⁶⁵ Data show that recent concerns over staffing shortages are primarily related to retaining new teachers rather than recruiting them, as beginning teachers leave the profession at a higher clip than experienced ones or teachers who retire.⁶⁶ Beginning teachers who leave the profession often report a lack of adequate administrative support as a motivating factor.⁶⁷ This has led to a significant portion of the teacher workforce consisting more of beginning teachers as well as an increase in participation in teacher induction programs.⁶⁸ However, there is great variation in the quality of induction opportunities offered to new teachers between states and school districts.⁶⁹

Generally, teacher induction has a positive effect on retaining new teachers. Further, participation in certain activities is correlated with higher rates of retention, including having a peer mentor in the subject area and having common planning time.⁷⁰

Florida law has no provisions related to new teacher induction other than requiring the assignment of a peer mentor as part of a district program.⁷¹ Although a peer mentor must hold a valid professional certificate, have at least 3 years of teaching experience in prekindergarten through grade 12, and have a rating of effective or highly effective on the prior year’s performance evaluation,⁷² the law does not expressly establish mentor training and mentoring activities requirements.

Effect of Proposed Changes

To help districts recruit and retain new teachers, the bill enhances requirements for the peer mentor component of a district program and establishes a mentorship and induction-based pathway to a professional educator certificate. Under the bill, a temporary certificate holder who completes a DOE-approved district program and who has a highly effective district performance evaluation rating will receive a professional certificate without having to sit for additional coursework or take the Professional Education Test (PET).

The bill requires that the mentorship and induction component of a district’s professional development certification program, at a minimum, provide weekly opportunities for mentoring and induction activities, including:

- common planning time;
- ongoing professional development targeted to a mentee teacher’s needs;
- opportunities to observe other teachers;
- co-teaching experiences; and
- reflection and follow-up discussions.

The bill requires that the mentorship and induction activities must be provided for the teacher’s first year in the program and may be provided until the teacher attains his or her professional certificate. The bill requires that a principal who is rated highly effective must be provided flexibility in selecting

⁶⁵ RICHARD INGERSOLL, *Beginning Teacher Induction: What the Data Tell Us*, http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

⁶⁶ *See id.*

⁶⁷ *Id.*

⁶⁸ *See id.*

⁶⁹ *See id.* See also The New Teacher Center, *Support from the Start: A 50-State Review of Policies on New Educator Induction and Mentoring* (2016) at iii-iv, available at <https://newteachercenter.org/wp-content/uploads/2016ExecSummaryStatePolicies.pdf>.

⁷⁰ *See* RICHARD INGERSOLL, *Beginning Teacher Induction: What the Data Tell Us*, http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

⁷¹ *See* s. 1012.56(8)(a)3., F.S.

⁷² *Id.* School district personnel evaluation systems differentiate among four levels of performance: Highly Effective; Effective; Needs improvement (or Developing for instructional personnel in their first 3 years of employment who need improvement); and Unsatisfactory. Section 1012.34(2)(e), F.S.

professional development activities for the mentorship and induction component so long as they are approved by the DOE.

The bill allows charter schools and charter management organizations to offer a DOE-approved professional development certification program.

The bill requires the DOE to adopt standards for the approval of professional development certification programs, including standards for the teacher mentorship and induction component, by December 31, 2017. The standards for the teacher mentorship and induction component must include:

- program administration and evaluation;
- mentor roles, selection, and training;
- beginning teacher assessment and professional development; and
- teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices.

Each school district, charter school, or charter management organization, wishing to provide a professional development certification program must submit its program, including the teacher mentorship and induction component, to the DOE for approval no later than June 30, 2018. Beginning January 1, 2019, a teacher may not satisfy requirements for a professional certificate through a professional development certification program unless the program has been approved by the DOE. As a result, teachers can complete the requirements for a professional certificate based on current program requirements through December 31, 2018, at the latest.

The bill allows participation in a district program as a mentor or a mentee to count toward a teacher's inservice specialization requirements for renewal of a professional certificate. The bill also requires each district professional development system to provide inservice activities and support targeted to the individual needs of teachers participating in the district program.

The bill requires professional development activities designed to implement the School Community Professional Development Act to provide training to mentors as part of the district program. The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the DOE. The bill requires model professional development programs disseminated by the DOE to include effective mentorship activities to new teachers and training to mentors.

The bill also streamlines the temporary certificate application process by requiring the DOE to electronically issue a temporary certificate to a qualifying applicant within 14 calendar days after it receives a request from the applicant's employing school district or private school. The DOE must also electronically provide an official statement of status of eligibility at the time the certificate is issued. The statement must include each method by which an applicant can complete the qualifications for a professional certificate.

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.56, F.S.; requiring the Department of Education to issue a temporary educator certificate within a specified period; requiring the department to provide electronic notice of the issuance of a temporary certificate to specified entities; requiring the department to provide the applicant an official statement of status of eligibility upon issuance of a temporary certificate; providing content requirements for the statement of status of eligibility; revising the criteria instructional personnel must meet to be issued a professional certificate; providing that an applicant for professional certification is not required to take or pass a specified examination under certain circumstances; authorizing charter schools and charter management organizations to develop a professional development certification and education competency program; revising program requirements; requiring the department to adopt standards for the approval of such programs by a specified date; providing requirements for such standards; requiring each school district and charter school to submit its program for approval by a specified date; providing that certification requirements may not be met in a program that is not approved by the department after a specified date.

Section 2. Amends s. 1012.585, F.S.; revising college credit and inservice hour requirements for renewal of a professional certificate to include participation in specified activities.

Section 3. Amends s. 1012.98, F.S.; revising the activities designed to implement the school community professional development act to include specified training relating to a professional development certification and education competency program; revising requirements for school district professional development systems; requiring the department to disseminate professional development programs that meet specified criteria.

Section 4. 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:

The bill may result in cost savings to teachers who participate in a professional development certification program because they would not be required to enroll in additional college coursework or take the Professional Education Test to earn their professional certificate.

D. FISCAL COMMENTS:

While the Department of Education indicated an additional FTE would be required to review and approve districts' professional development certification programs, insufficient data was provided to substantiate the request.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

26 program that is not approved by the department after a
 27 specified date; amending s. 1012.585, F.S.; revising
 28 college credit and inservice hour requirements for
 29 renewal of a professional certificate to include
 30 participation in specified activities; amending s.
 31 1012.98, F.S.; revising the activities designed to
 32 implement the school community professional
 33 development act to include specified training relating
 34 to a professional development certification and
 35 education competency program; revising requirements
 36 for school district professional development systems;
 37 requiring the department to disseminate professional
 38 development programs that meet specified criteria;
 39 providing an effective date.

40

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

42

43 Section 1. Paragraph (c) of subsection (8) of section
 44 1012.56, Florida Statutes, is redesignated as paragraph (d),
 45 subsection (1), paragraph (a) of subsection (7), and paragraph
 46 (a) of subsection (8) are amended, and a new paragraph (c) is
 47 added to subsection (8) of that section, to read:

48 1012.56 Educator certification requirements.—

49 (1) APPLICATION.—Each person seeking certification
 50 pursuant to this chapter shall submit a completed application

51 containing the applicant's social security number to the
 52 Department of Education and remit the fee required pursuant to
 53 s. 1012.59 and rules of the State Board of Education. Pursuant
 54 to the federal Personal Responsibility and Work Opportunity
 55 Reconciliation Act of 1996, each party is required to provide
 56 his or her social security number in accordance with this
 57 section. Disclosure of social security numbers obtained through
 58 this requirement is limited to the purpose of administration of
 59 the Title IV-D program of the Social Security Act for child
 60 support enforcement.

61 (a) Pursuant to s. 120.60, the department shall issue
 62 within 90 calendar days after the stamped receipted date of the
 63 completed application.

64 ~~(a) If the applicant meets the requirements,~~ a professional
 65 certificate to a qualifying applicant covering the
 66 classification, level, and area for which the applicant is
 67 deemed qualified and a document explaining the requirements for
 68 renewal of the professional certificate.

69 (b) The department shall issue a temporary certificate to
 70 a qualifying applicant within 14 calendar days after receipt of
 71 a request from ~~if the applicant meets the requirements and if~~
 72 ~~requested by~~ an employing school district or an employing
 73 private school with a professional education competence
 74 demonstration program pursuant to paragraphs (6) (f) and (8) (b).
 75 The ~~a~~ temporary certificate must cover ~~covering~~ the

76 classification, level, and area for which the applicant is
 77 deemed qualified. The department shall electronically notify the
 78 applicant's employing school district or employing private
 79 school that the temporary certificate has been issued and
 80 provide the applicant an official statement of status of
 81 eligibility at the time the certificate is issued. ~~and an~~
 82 official statement of status of eligibility; or

83 (c) Pursuant to s. 120.60, the department shall issue
 84 within 90 calendar days after the stamped receipted date of the
 85 completed application, if an applicant does not meet the
 86 requirements for either certificate, an official statement of
 87 status of eligibility.

88
 89 The statement of status of eligibility must be provided
 90 electronically and must advise the applicant of any
 91 qualifications that must be completed to qualify for
 92 certification. Each method by which an applicant can complete
 93 the qualifications for a professional certificate must be
 94 included in the statement of status of eligibility. Each
 95 statement of status of eligibility is valid for 3 years after
 96 its date of issuance, except as provided in paragraph (2)(d).

97 (7) TYPES AND TERMS OF CERTIFICATION.—

98 (a) The Department of Education shall issue a professional
 99 certificate for a period not to exceed 5 years to any applicant
 100 who fulfills one of the following:

101 1. Meets all the requirements outlined in subsection (2).
 102 2. ~~or~~ For a professional certificate covering grades 6
 103 through 12, ~~any applicant who:~~
 104 a.1. Meets the requirements of paragraphs (2)(a)-(h).
 105 b.2. Holds a master's or higher degree in the area of
 106 science, technology, engineering, or mathematics.
 107 c.3. Teaches a high school course in the subject of the
 108 advanced degree.
 109 d.4. Is rated highly effective as determined by the
 110 teacher's performance evaluation under s. 1012.34, based in part
 111 on student performance as measured by a statewide, standardized
 112 assessment or an Advanced Placement, Advanced International
 113 Certificate of Education, or International Baccalaureate
 114 examination.
 115 e.5. Achieves a passing score on the Florida professional
 116 education competency examination required by state board rule.
 117 3. Meets the requirements of paragraphs (2)(a)-(h) and
 118 completes a professional preparation and education competence
 119 program approved by the department pursuant to paragraph (8)(c).
 120 An applicant who completes the program and is rated highly
 121 effective as determined by his or her performance evaluation
 122 under s. 1012.34 is not required to take or achieve a passing
 123 score on the professional education competency examination in
 124 order to be awarded a professional certificate.
 125

126 Each temporary certificate is valid for 3 school fiscal years
 127 and is nonrenewable. However, the requirement in paragraph
 128 (2) (g) must be met within 1 calendar year of the date of
 129 employment under the temporary certificate. Individuals who are
 130 employed under contract at the end of the 1 calendar year time
 131 period may continue to be employed through the end of the school
 132 year in which they have been contracted. A school district shall
 133 not employ, or continue the employment of, an individual in a
 134 position for which a temporary certificate is required beyond
 135 this time period if the individual has not met the requirement
 136 of paragraph (2) (g). The State Board of Education shall adopt
 137 rules to allow the department to extend the validity period of a
 138 temporary certificate for 2 years when the requirements for the
 139 professional certificate, not including the requirement in
 140 paragraph (2) (g), were not completed due to the serious illness
 141 or injury of the applicant or other extraordinary extenuating
 142 circumstances. The department shall reissue the temporary
 143 certificate for 2 additional years upon approval by the
 144 Commissioner of Education. A written request for reissuance of
 145 the certificate shall be submitted by the district school
 146 superintendent, the governing authority of a university lab
 147 school, the governing authority of a state-supported school, or
 148 the governing authority of a private school.

149 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 150 COMPETENCY PROGRAM.—

151 (a) The Department of Education shall develop and each
 152 school district, charter school, and charter management
 153 organization may provide a cohesive competency-based
 154 professional development certification and education competency
 155 program by which ~~members of a school district's~~ instructional
 156 staff may satisfy the mastery of professional preparation and
 157 education competence requirements specified in subsection (6)
 158 and rules of the State Board of Education. Participants must
 159 hold a state-issued temporary certificate. A school district,
 160 charter school, or charter management organization that
 161 implements the program shall provide a competency-based
 162 certification program developed by the Department of Education
 163 or developed by the district, charter school, or charter
 164 management organization and approved by the Department of
 165 Education. The program shall include the following:

166 1. A minimum period of initial preparation before assuming
 167 duties as the teacher of record.

168 2. An option for collaboration with ~~between school~~
 169 ~~districts and~~ other supporting agencies or educational entities
 170 for implementation.

171 3. A teacher mentorship and induction ~~An experienced peer-~~
 172 ~~mentor~~ component.

173 a. Each individual selected by the district as a ~~peer~~
 174 mentor:

175 I. Must hold a valid professional certificate issued

176 pursuant to this section;~~;~~

177 II. Must have earned at least 3 years of teaching
 178 experience in prekindergarten through grade 12;~~;~~~~and~~

179 III. Must have completed specialized training in clinical
 180 supervision and participate in ongoing mentor training provided
 181 through the coordinated system of professional development under
 182 s. 1012.98(3)(e);

183 IV. Must have earned an effective or highly effective
 184 rating on the prior year's performance evaluation under s.
 185 1012.34; and

186 V. May ~~or~~ be a peer evaluator under the district's
 187 evaluation system approved under s. 1012.34.

188 b. The teacher mentorship and induction component must, at
 189 a minimum, provide weekly opportunities for mentoring and
 190 induction activities, including common planning time, ongoing
 191 professional development targeted to a teacher's needs,
 192 opportunities for a teacher to observe other teachers, co-
 193 teaching experiences, and reflection and followup discussions.
 194 Mentorship and induction activities must be provided for an
 195 applicant's first year in the program and may be provided until
 196 the applicant attains his or her professional certificate in
 197 accordance with this section. A principal who is rated highly
 198 effective as determined by his or her performance evaluation
 199 under s. 1012.34 must be provided flexibility in selecting
 200 professional development activities under this paragraph;

201 however, the activities must be approved by the department as
 202 part of the district's, charter school's, or charter management
 203 organization's program.

204 4. An assessment of teaching performance aligned to the
 205 district's system for personnel evaluation under s. 1012.34
 206 which provides for:

207 a. An initial evaluation of each educator's competencies
 208 to determine an appropriate individualized professional
 209 development plan.

210 b. A summative evaluation to assure successful completion
 211 of the program.

212 5. Professional education preparation content knowledge,
 213 which must be included in the mentoring and induction activities
 214 under subparagraph 3., that includes, but is not limited to, the
 215 following:

216 a. The state standards provided under s. 1003.41,
 217 including scientifically based reading instruction, content
 218 literacy, and mathematical practices, for each subject
 219 identified on the temporary certificate.

220 b. The educator-accomplished practices approved by the
 221 state board.

222 c. A variety of data indicators for monitoring student
 223 progress.

224 d. Methodologies for teaching students with disabilities.

225 e. Methodologies for teaching students of limited English

226 proficiency appropriate for each subject area identified on the
 227 temporary certificate.

228 f. Techniques and strategies for operationalizing the role
 229 of the teacher in assuring a safe learning environment for
 230 students.

231 6. Required achievement of passing scores on the subject
 232 area and professional education competency examination required
 233 by State Board of Education rule. Mastery of general knowledge
 234 must be demonstrated as described in subsection (3).

235 (c) No later than December 31, 2017, the department shall
 236 adopt standards for the approval of professional development
 237 certification and education competency programs, including
 238 standards for the teacher mentorship and induction component,
 239 under paragraph (a). Standards for the teacher mentorship and
 240 induction component must include program administration and
 241 evaluation; mentor roles, selection, and training; beginning
 242 teacher assessment and professional development; and teacher
 243 content knowledge and practices aligned to the Florida Educator
 244 Accomplished Practices. Each school district or charter school
 245 with a program under this subsection must submit its program,
 246 including the teacher mentorship and induction component, to the
 247 department for approval no later than June 30, 2018. After
 248 December 31, 2018, a teacher may not satisfy requirements for a
 249 professional certificate through a professional development
 250 certification and education competency program under paragraph

251 (a) unless the program has been approved by the department
 252 pursuant to this paragraph.

253 Section 2. Paragraph (a) of subsection (3) of section
 254 1012.585, Florida Statutes, is amended to read:

255 1012.585 Process for renewal of professional
 256 certificates.—

257 (3) For the renewal of a professional certificate, the
 258 following requirements must be met:

259 (a) The applicant must earn a minimum of 6 college credits
 260 or 120 inservice points or a combination thereof. For each area
 261 of specialization to be retained on a certificate, the applicant
 262 must earn at least 3 of the required credit hours or equivalent
 263 inservice points in the specialization area. Education in
 264 "clinical educator" training pursuant to s. 1004.04(5)(b);
 265 participation in mentorship and induction activities, including
 266 as a mentor, pursuant to s. 1012.56(8)(a); and credits or points
 267 that provide training in the area of scientifically researched,
 268 knowledge-based reading literacy and computational skills
 269 acquisition, exceptional student education, normal child
 270 development, and the disorders of development may be applied
 271 toward any specialization area. Credits or points that provide
 272 training in the areas of drug abuse, child abuse and neglect,
 273 strategies in teaching students having limited proficiency in
 274 English, or dropout prevention, or training in areas identified
 275 in the educational goals and performance standards adopted

276 pursuant to ss. 1000.03(5) and 1008.345 may be applied toward
 277 any specialization area. Credits or points earned through
 278 approved summer institutes may be applied toward the fulfillment
 279 of these requirements. Inservice points may also be earned by
 280 participation in professional growth components approved by the
 281 State Board of Education and specified pursuant to s. 1012.98 in
 282 the district's approved master plan for inservice educational
 283 training, including, but not limited to, serving as a trainer in
 284 an approved teacher training activity, serving on an
 285 instructional materials committee or a state board or commission
 286 that deals with educational issues, or serving on an advisory
 287 council created pursuant to s. 1001.452.

288 Section 3. Paragraph (e) is added to subsection (3) of
 289 section 1012.98, Florida Statutes, and paragraph (b) of
 290 subsection (4) and subsections (10) and (11) are amended, to
 291 read:

292 1012.98 School Community Professional Development Act.—

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

295 (e) Provide training to teacher mentors as part of the
 296 professional development certification and education competency
 297 program under s. 1012.56(8)(a). The training must include
 298 components on teacher development, peer coaching, time
 299 management, and other related topics as determined by the
 300 Department of Education.

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

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

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

315 2. Be based on analyses of student achievement data and
 316 instructional strategies and methods that support rigorous,
 317 relevant, and challenging curricula for all students. Schools
 318 and districts, in developing and refining the professional
 319 development system, shall also review and monitor school
 320 discipline data; school environment surveys; assessments of
 321 parental satisfaction; performance appraisal data of teachers,
 322 managers, and administrative personnel; and other performance
 323 indicators to identify school and student needs that can be met
 324 by improved professional performance.

325 3. Provide inservice activities coupled with followup

326 support appropriate to accomplish district-level and school-
 327 level improvement goals and standards. The inservice activities
 328 for instructional personnel shall focus on analysis of student
 329 achievement data, ongoing formal and informal assessments of
 330 student achievement, identification and use of enhanced and
 331 differentiated instructional strategies that emphasize rigor,
 332 relevance, and reading in the content areas, enhancement of
 333 subject content expertise, integrated use of classroom
 334 technology that enhances teaching and learning, classroom
 335 management, parent involvement, and school safety.

336 4. Provide inservice activities and support targeted to
 337 the individual needs of new teachers participating in the
 338 professional development certification and education competency
 339 program under s. 1012.56(8) (a).

340 5.4. Include a master plan for inservice activities,
 341 pursuant to rules of the State Board of Education, for all
 342 district employees from all fund sources. The master plan shall
 343 be updated annually by September 1, must be based on input from
 344 teachers and district and school instructional leaders, and must
 345 use the latest available student achievement data and research
 346 to enhance rigor and relevance in the classroom. Each district
 347 inservice plan must be aligned to and support the school-based
 348 inservice plans and school improvement plans pursuant to s.
 349 1001.42(18). Each district inservice plan must provide a
 350 description of the training that middle grades instructional

351 | personnel and school administrators receive on the district's
 352 | code of student conduct adopted pursuant to s. 1006.07;
 353 | integrated digital instruction and competency-based instruction
 354 | and CAPE Digital Tool certificates and CAPE industry
 355 | certifications; classroom management; student behavior and
 356 | interaction; extended learning opportunities for students; and
 357 | instructional leadership. District plans must be approved by the
 358 | district school board annually in order to ensure compliance
 359 | with subsection (1) and to allow for dissemination of research-
 360 | based best practices to other districts. District school boards
 361 | must submit verification of their approval to the Commissioner
 362 | of Education no later than October 1, annually. Each school
 363 | principal may establish and maintain an individual professional
 364 | development plan for each instructional employee assigned to the
 365 | school as a seamless component to the school improvement plans
 366 | developed pursuant to s. 1001.42(18). An individual professional
 367 | development plan must be related to specific performance data
 368 | for the students to whom the teacher is assigned, define the
 369 | inservice objectives and specific measurable improvements
 370 | expected in student performance as a result of the inservice
 371 | activity, and include an evaluation component that determines
 372 | the effectiveness of the professional development plan.

373 | ~~6.5.~~ Include inservice activities for school
 374 | administrative personnel that address updated skills necessary
 375 | for instructional leadership and effective school management

376 | pursuant to s. 1012.986.

377 | ~~7.6-~~ Provide for systematic consultation with regional and
 378 | state personnel designated to provide technical assistance and
 379 | evaluation of local professional development programs.

380 | ~~8.7-~~ Provide for delivery of professional development by
 381 | distance learning and other technology-based delivery systems to
 382 | reach more educators at lower costs.

383 | ~~9.8-~~ Provide for the continuous evaluation of the quality
 384 | and effectiveness of professional development programs in order
 385 | to eliminate ineffective programs and strategies and to expand
 386 | effective ones. Evaluations must consider the impact of such
 387 | activities on the performance of participating educators and
 388 | their students' achievement and behavior.

389 | ~~10.9-~~ For middle grades, emphasize:

390 | a. Interdisciplinary planning, collaboration, and
 391 | instruction.

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

394 | c. Use of small learning communities; problem-solving,
 395 | inquiry-driven research and analytical approaches for students;
 396 | strategies and tools based on student needs; competency-based
 397 | instruction; integrated digital instruction; and project-based
 398 | instruction.

399 |

400 | Each school that includes any of grades 6, 7, or 8 must include

401 | in its school improvement plan, required under s. 1001.42(18), a
 402 | description of the specific strategies used by the school to
 403 | implement each item listed in this subparagraph.

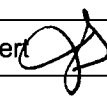
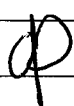
404 | (10) For instructional personnel and administrative
 405 | personnel who have been evaluated as less than effective, a
 406 | district school board shall require participation in specific
 407 | professional development programs as provided in subparagraph
 408 | (4) (b) 5. ~~(4) (b) 4.~~ as part of the improvement prescription.

409 | (11) The department shall disseminate to the school
 410 | community proven model professional development programs that
 411 | have demonstrated success in increasing rigorous and relevant
 412 | content, increasing student achievement and engagement, ~~and~~
 413 | meeting identified student needs, and providing effective
 414 | mentorship activities to new teachers and training to teacher
 415 | mentors. The methods of dissemination must include a web-based
 416 | statewide performance-support system including a database of
 417 | exemplary professional development activities, a listing of
 418 | available professional development resources, training programs,
 419 | and available technical assistance.

420 | Section 4. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1331 Education
SPONSOR(S): PreK-12 Quality Subcommittee and Grall
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1598

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	14 Y, 0 N, As CS	Brink	Duncan
2) PreK-12 Appropriations Subcommittee		Seifer 	Potvin 
3) Education Committee			

SUMMARY ANALYSIS

The bill establishes the Schools of Excellence Program to provide administrative flexibility to the state’s highest performing schools. The bill requires the State Board of Education to designate a school as a School of Excellence if it has a school grades score in the 80th percentile or higher, statewide, for schools of its type (elementary, middle, high, or combination) for 2 of the last 3 school years. A school retains its designation for 3 years unless it earns a school grade lower than a “B” during that span. A school may renew its designation if it remains in the 80th percentile or higher for 2 of the 3 years and does not receive a grade lower than a “B.” The bill provides the following administrative flexibilities to a School of Excellence:

- Exemption from any provision in law or rule that expressly requires a minimum period of daily or weekly instruction in reading.
- The same autonomy over personnel and budgetary decisions for the school’s principal as provided to principals participating in the Principal Autonomy Pilot Project Initiative.
- Exemption from district-set starting and stopping times for the school day.
- Allowing a teacher to substitute 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of their professional certificate, up to 60 inservice points.
- Calculation for compliance with maximum class size at the school level rather than the classroom level.

Under the bill, a temporary certificate holder who completes an approved professional development certification program and earns a highly effective rating will qualify for a renewable professional certificate without having to complete additional classwork or pass the Professional Education Test.

The bill allows charter schools and charter management organizations to offer a professional development certification and educator competence program and requires the mentorship and induction component of a program to, at a minimum, provide weekly opportunities for specified mentoring and induction activities. The mentorship and induction activities must be provided for a teacher’s first year in the program and may be provided until the teacher attains his or her professional certificate. The bill requires the DOE to adopt standards for approving a professional development certification and educator competence program, including the mentorship and induction component.

The bill allows mentoring activities, including serving as a mentor, to count towards a teacher’s inservice requirements for certification renewal. The bill requires professional development activities to provide training to mentors. The bill requires model professional development programs disseminated by the DOE to include effective mentorship activities to new teachers and training to mentors.

The bill also streamlines the temporary certificate application process.

This bill does not appear to have a fiscal impact. See Fiscal Comments.

The bill takes effect July 1, 2017

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Schools of Excellence

Present Situation

Recognizing High-Performing Schools: School Grades and School Recognition

One function of Florida's statewide accountability system is to identify and recognize schools that perform well based on school quality metrics established in law. Initially implemented in 1999 as the A+ Plan for Education,¹ Florida's system has evolved and increased accountability for schools and educators by using student achievement and learning gains data from statewide, standardized assessments and other measures of school quality to assign schools grades on an A through F scale. The School Recognition Program was established to financially reward high-performing schools as indicated by the school grades.²

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.³ School grades are also used to determine whether a school must select or implement a turnaround option⁴ or whether a school is eligible for school recognition funds as appropriated by the Legislature.⁵

The annual reports must identify schools as having one of the following grades:

- "A," for schools making excellent progress – 62% or higher of total points
- "B," for schools making above average progress – 54% to 61% of total points
- "C," for schools making satisfactory progress – 41% to 53% of total points
- "D," for schools making less than satisfactory progress – 32% to 40% of total points
- "F," for schools failing to make adequate progress – 31% or less of total points⁶

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁷ Combination school models include the additional components for the grades served (e.g., a school serving grades K through 12 would include the additional components for the middle and high school models).

¹ See ch. 1999-398, L.O.F.; Florida Department of Education, *Evaluation and Reporting, Florida School Recognition Program*, Frequently Asked Questions, <http://www.fldoe.org/accountability/accountability-reporting/fl-school-recognition-program/FAQ.shtml> (last visited Mar. 13, 2017).

² Section 3, ch. 1997-212, L.O.F.

³ Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

⁴ See s. 1008.33(4), F.S.

⁵ See s. 1008.26, F.S.

⁶ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

⁷ See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

School Grades Models

English Language Arts	Mathematics	Science	Civics EOC Assessment	Acceleration Success	U.S. History EOC Assessment	Graduation Rate	Acceleration Success
Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Percentage of students who pass high school EOC assessments & industry certifications	Achievement (0% to 100%)	Overall, 4-year graduation rate	Percent of students eligible to earn college credit through AP, IB, AICE, dual enrollment, or earn industry certification
Learning Gains (0% to 100%)	Learning Gains (0% to 100%)					(0% to 100%)	
Learning Gains of Low 25% (0% to 100%)	Learning Gains of Low 25% (0% to 100%)			(0% to 100%)			(0% to 100%) ⁸

Schools with a combination of grade groups (combination schools), such as K-8 or 6-12, have a school grades calculation that is based on the components that are applicable based on the grade groups served by the school. By example, a school that serves students in K-8 would have a school grade calculation based on the basic model plus the middle grades components but not the high school components, for a total of 900 possible points.

A school's grade must include only those components for which at least 10 students have complete data. If a school does not meet the 10-student threshold for a component, it will receive a school grade based only on the remaining components.⁹

School Recognition

The Florida School Recognition Program was created in 1997 to recognize the "outstanding faculty and staff in highly productive [public] schools."¹⁰ The program provides public recognition and financial awards to schools sustaining high student performance or schools that demonstrate exemplary improvement in student performance.¹¹ Funds were first awarded to eligible schools in the 1999-2000 school year.¹²

Public schools, including charter schools, that receive a school grade of "A," improve at least one letter grade from the prior year, or improve more than one letter grade and sustain the improvement the following year are eligible for awards.¹³ In addition, alternative schools that maintain a "commendable" rating or improve at least one improvement-rating level are also eligible for awards.¹⁴

Financial awards may be used for:

- Nonrecurring bonuses for faculty and staff;

⁸ Other assessments used to measure college readiness, such as the Postsecondary Education Readiness Test and the College Level Examination Program, are not included in the Acceleration Success component of the school grading formula.

⁹ See s. 1008.34(3)(a), F.S.

¹⁰ Section 3, ch. 1997-212, L.O.F., initially codified at s. 231.2905 (1), F.S., redesignated in 2002 as s. 1008.36 (1), F.S.

¹¹ Section 1008.36(2), F.S.; Florida Department of Education, Accountability Reporting, *Florida School Recognition Program: Frequently Asked Questions*, <http://www.fldoe.org/how-do-i/evaluation-reporting.shtml> (last visited Mar. 13, 2017).

¹² *Id.*

¹³ Section 1008.36(2) and (3), F.S. A school that serves any combination of students in kindergarten through grade 3 that does not receive a school grade because its students are not tested and not included in the school grading system receives the school grade designation of a K-3 feeder pattern school, if at least 60 percent of the students in the K-3 school are scheduled to be assigned to the graded school. Section 1008.34(3)(a)2., F.S.

¹⁴ Section 1008.341(2), F.S. Alternative schools have the option of receiving a school improvement rating. There are 3 ratings: commendable, maintaining, and unsatisfactory. *Id.*

- Nonrecurring expenditures for educational equipment or materials; or
- Temporary personnel to assist in maintaining and improving student performance.¹⁵

Although the law provides recognition in the form of publicly reported school grades and financial incentives through the School Recognition Program, the law does not provide consistently, highly successful schools any relief from prescriptive state- or district-level regulations that may hinder a school from implementing additional, effective practices that further improve student outcomes.

Principal Autonomy Pilot Program Initiative

In 2016, the Legislature established the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide the principal of a participating school with increased autonomy and authority regarding allocation of resources and staffing to improve student achievement and school management.¹⁶ School district participation in PAPPI is voluntary, and only open to school districts in Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties. School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. A participating school must have received at least two school grades of “D” or “F” during the previous three school years, and a participating principal must have earned a highly effective rating on the prior year’s performance evaluation.¹⁷

The program exempts participating schools from the K-20 Education Code and state board rules implementing such provisions, with some exceptions.¹⁸ In addition, a principal at a participating school may select qualified instructional personnel for placement at the school and refuse placement or transfer of instructional personnel by the district school superintendent, in any case.¹⁹ The principal also has greater budgeting authority to allocate resources to help improve student achievement.²⁰

Professional Certification Renewal

Instructional personnel with a professional educator certificate must apply to renew their certificate every five years.²¹ In order to qualify for renewal, the applicant must earn at least six college credits or 120 inservice (professional development) points during the 5-year cycle.²² At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.²³ In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.²⁴

Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.²⁵

¹⁵ Section 1008.36(5), F.S.

¹⁶ Chapter 2016-223, L.O.F. *Codified at* ss. 1012.28(8), and 1011.6202, F.S.

¹⁷ Section 1011.6202(2)(a)1. and 2., F.S.

¹⁸ *See* s. 1011.6202(3), F.S.

¹⁹ Section 1012.28(8)(a), F.S.

²⁰ Section 1012.28(8)(b), F.S.

²¹ Section 1012.585(2)(a), F.S.

²² Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; *see* rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

²³ Section 1012.585(3)(a), F.S.

²⁴ *Id.*

²⁵ Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

Effect of Proposed Changes

The bill establishes the Schools of Excellence Program to provide administrative flexibility to the state's highest performing schools.

The bill requires the State Board of Education to designate a school as a School of Excellence when the school's percentage of possible points earned in its school grades calculation is in the 80th percentile or higher for schools within the same grade group (elementary schools, middle schools, high schools, or combination schools) for 2 of the last 3 school years. In order to qualify, the school must have data for each school grades component for its grade group.

Under the bill, a school retains its designation as a School of Excellence for 3 years so long as it does not receive a school grade lower than a "B" during that span. The school may renew its designation for another 3 years if it remains in the 80th percentile or higher for 2 of the 3 years and does not receive a grade lower than a "B" in any of the years. The bill provides that a School of Excellence that receives a grade lower than "B" may not continue to be designated as a School of Excellence and loses its administrative flexibility during the remainder of the 3-year period.

The bill provides the following administrative flexibilities to a School of Excellence:

- Exemption from any provision in law or rule that expressly requires a minimum period of daily or weekly instruction in reading.
- The same autonomy over personnel and budgetary decisions for the school's principal as provided to principals participating in the Principal Autonomy Pilot Project Initiative.
- Exemption from district-set starting and stopping times for the school day.
- Calculation for compliance with maximum class size at the school level rather than the classroom level.

In addition, the bill allows a teacher to substitute 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of their professional certificate. The provision allows the teacher to earn up to 60 inservice points out of the 120 points required to renew a professional educator certificate at the end of the 5-year certification cycle. The bill provides that the principal of a School of Excellence may still require instructional personnel to participate in professional development implemented by the school.

Educator Certification

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).²⁶ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.²⁷ The purpose of certification is to require school-based personnel to "possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools."²⁸

The DOE issues three types of educator certificates:

²⁶ Sections 1012.55(1) and 1002.33(12)(f), F.S.

²⁷ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

²⁸ Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

- **Professional Certificate.** The professional certificate is Florida's highest type of full-time educator certification.²⁹ The professional certificate is valid for five years and is renewable.³⁰
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.³¹ The temporary certificate is valid for three years and is nonrenewable.³²
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.³³ DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once.³⁴ The five-year certificate requires satisfaction of certain specialization requirements established in rule.³⁵

In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.³⁶

To be eligible for an educator certificate, a person must:³⁷

- be at least 18 years of age;
- sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- earn a bachelor's or higher degree from an accredited institution of higher learning³⁸ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;³⁹
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.⁴⁰ Although most of the application process is conducted electronically, certain portions of the process, like notifications of deficiencies in an application and supporting documentation, are sent through

²⁹ Rule 6A-4.004(2), F.A.C.

³⁰ Section 1012.56(7)(a), F.S.; *see* rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). DOE also issues a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(3), F.A.C.

³¹ Rule 6A-4.004(1)(a)2., F.A.C.

³² Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; rule 6A-4.001(1), F.A.C.

³³ Section 1012.55(2), F.S.

³⁴ Rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

³⁵ *See* rule 6A-4.0282, F.A.C.

³⁶ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

³⁷ Section 1012.56(2)(a)-(f), F.S.

³⁸ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, https://www2.ed.gov/adms/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Mar. 9, 2017) (list of accrediting agencies approved by the U.S. Department of Education).

³⁹ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

⁴⁰ Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

conventional postal delivery services which can delay the process. These notices are expected to be fully electronic by November of 2017.⁴¹

To receive a temporary certificate, an applicant must:

- meet the basic eligibility requirements for certification;⁴²
- obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;⁴³ and
- do one of the following:
 - demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);⁴⁴ or
 - complete the required degree or content courses specified in state board rule for subject area specialization⁴⁵ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.⁴⁶

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.⁴⁷ If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.⁴⁸ A temporary certificate is valid for 3 years and is nonrenewable.⁴⁹

An applicant seeking a professional certificate must:

- meet the basic eligibility requirements for certification;⁵⁰
- demonstrate mastery of general knowledge;⁵¹
- demonstrate mastery of subject area knowledge;⁵² and
- demonstrate mastery of professional preparation and education competence.⁵³

A professional certificate is valid for five years and is renewable.⁵⁴

Pathways to a professional certificate include:

- successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida or a teacher preparation program from an out-of-state accredited or DOE-approved institution and achieving a passing score on the Professional

⁴¹ Telephone interview with Bureau Chief, Florida Department of Education, Bureau of Educator Certification (Feb. 23, 2017).

⁴² Section 1012.56(2)(a)-(f) and (7)(b), F.S.

⁴³ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

⁴⁴ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited April 28, 2016).

⁴⁵ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

⁴⁶ Section 1012.56(2)(c), F.S.; see Florida Department of Education, *Certificate Types and Requirements*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/index.shtml> (last visited Mar. 9, 2017).

⁴⁷ Section 1012.56(7), F.S. (flush-left provisions at end of subsection).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Section 1012.56(2)(a)-(f), F.S.; see *supra* text accompanying notes 37-40.

⁵¹ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Mar. 9, 2017).

⁵² Section 1012.56(2)(h) and (5), F.S.

⁵³ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Mar. 9, 2017) [hereinafter *Professional Preparation and Education Competence*].

⁵⁴ Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C. See *supra* note 30.

Education Test (PET), Subject Area Examination (SAE), and General Knowledge Test (GKT) required by state board rule;⁵⁵

- successfully completing a competency-based professional development certification program offered by a school district or an educator preparation institute (EPI) and passing the PET, SAE, and GKT;⁵⁶
- completing 15 semester hours in professional preparation courses specified in state board rule⁵⁷ or completing the Professional Training Option for Content Majors;⁵⁸ completing requirements for practical experience in teaching;⁵⁹ completing an approved professional education competence demonstration program;⁶⁰ and passing the PET, SAE, and GKT;⁶¹
- providing documentation of a valid professional standard teaching certificate issued by another U.S. state or by the National Board Professional Teaching Standards (NBPTS);⁶²
- providing documentation of a valid professional standard teaching certificate issued by the American Board for Certification of Teacher Excellence (ABCTE) and completing an approved professional education competence demonstration program;⁶³ or
- completing two semesters of part-time or full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by the DOE as having a quality program and passing the SAE and PET.⁶⁴

In 2016, the law was amended to allow an individual to earn a professional certificate covering grades 6 through 12 in a Science, Technology, Engineering, or Mathematics (STEM) subject without having to complete coursework associated with professional preparation and education competence, if the individual:

- meets the basic eligibility requirements for certification;
- demonstrates mastery of general knowledge;
- holds a master's or higher degree in science, technology, engineering, or mathematics;
- passes the PET and the SAE for the correlated educator certificate;
- teaches a high school course in the subject area of the advanced degree; and
- is rated highly effective under the school district's performance evaluation system based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advance International Certificate of Education, or International Baccalaureate examination.⁶⁵

⁵⁵ Section 1012.56(6)(a) and (b), F.S.; see s. 1004.04, F.S.; rule 6A-4.003(1) and (4), F.A.C. (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.A.C.

⁵⁶ Section 1012.56(6)(g)-(h), F.S.; see ss. 1004.85 and 1012.56(8), F.S.; rule 6A-5.066(2)(b)1.d. and (c)1.d., F.A.C.

⁵⁷ Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

⁵⁸ The Professional Training Option for Content Majors authorizes an approved teacher preparation program at a postsecondary institution in Florida to allow students who do not major in education but do major or minor in a content area (e.g., English major) to satisfy professional preparation course requirements. Rule 6A-5.066(3), F.A.C.

⁵⁹ *Professional Preparation and Education Competence*, supra note 53; see rules 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.

⁶⁰ Section 1012.56(6)(f), F.S. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional preparation and education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. See s. 1012.56(8)(b), F.S.

⁶¹ Section 1012.56(6)(f), F.S.

⁶² Section 1012.56(6)(c)-(d), F.S.; see rule 6A-4.002(1)(i)-(j), F.A.C.

⁶³ Section 1012.56(6)(d), F.S.; rule 6A-4.002(1)(j), F.A.C.; *Professional Preparation and Education Competence*, supra note 53.

⁶⁴ Section 1012.56(6)(e), F.S. A non-accredited institution of higher learning is approved as having a quality program if the institution meets one of the following criteria: is accepted for certification purposes by the state department of education where the institution is located; holds a certificate of exemption pursuant to s. 1005.06, F.S.; is a newly created Florida public college or university that offers a bachelor's or higher degree program; is located outside the U.S. and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the U.S.; or the degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree. Rule 6A-4.003(2), F.A.C.

⁶⁵ Chapter 2016-117, L.O.F.

Several of the pathways allow a temporary certificate holder to complete the general knowledge and professional preparation and education competence requirements for a professional certificate while serving as a classroom teacher. These include the college coursework option, EPIs, district professional development certification and education competency programs (professional development certification program), professional training option programs, and the STEM secondary certification pathway. Data from the DOE show that 35 percent of temporary certificate holders do not complete the requirements for a professional certificate by the end of their 3-year temporary certificate.⁶⁶

A professional certificate must be renewed every five years.⁶⁷ An educator must submit an application,⁶⁸ pay a fee,⁶⁹ and earn at least six college credits or 120 inservice points to renew professional certification.⁷⁰ At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.⁷¹ The renewal period may be extended to include two successive renewal periods up to 10 years to enable educators who are certified in three or more subject areas to earn the required credits or inservice points in each subject area.⁷² In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.⁷³

State board rule includes special provisions for teachers of limited English proficient students, teachers of students with disabilities and teachers of reading.⁷⁴ The law allows a professional certificate holder to use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in teaching reading in excess of six semester hours during one certificate validity period toward renewal of the professional certificate during the subsequent validity periods.⁷⁵ Temporary certificate holders may use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in teaching reading toward renewal of the teacher's first professional certificate; however, the training must not have been included within the degree program, and the temporary and professional certificates must be issued for consecutive school years.⁷⁶

Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.⁷⁷

⁶⁶ Florida Department of Education, *Pathways to the Professional Certificate: hearing before the House PreK-12 Quality Subcommittee* (Feb. 15, 2017), available at

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

⁶⁷ Section 1012.585(2)(a), F.S.

⁶⁸ Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

⁶⁹ The fee for a certification renewal is \$75. Rules 6A-4.0051(3)(b), F.A.C. and 6A-4.0012(1)(a)1.

⁷⁰ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; see rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

⁷¹ Section 1012.585(3)(a), F.S.

⁷² Section 1012.585(3)(c), F.S.; rule 6A-4.0051(2)(c), F.A.C.

⁷³ Section 1012.585(3)(a), F.S.

⁷⁴ Rule 6A-4.0051(5), F.S.

⁷⁵ Section 1012.585(3)(d)1., F.S.

⁷⁶ Section 1012.585(3)(d)2., F.S.

⁷⁷ Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

Certification in subject areas may also be renewed by earning a passing score on the corresponding Florida-developed subject area test or standardized examination specified in state board rule.⁷⁸ Certification by NBPTS is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.⁷⁹

Teacher Preparation

There are various teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:⁸⁰

- **Initial Teacher Preparation programs** are “traditional” teacher preparation programs that require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Such programs result in qualification for a professional educator certificate.⁸¹
- **Educator Preparation Institutes** are alternative certification programs offered by postsecondary institutions and private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge and mastery of professional preparation and education competence.
- **District Professional Development Certification and Education Competency Programs** are cohesive, competency-based professional preparation certification programs offered by Florida public school districts, by which a school district’s instructional staff can satisfy the mastery of professional preparation and education competence requirements. In addition to completing the district program, candidates must demonstrate mastery of general knowledge and subject area knowledge.

Professional Development

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.⁸²

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.⁸³ 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.⁸⁴ 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

⁷⁸ Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

⁷⁹ Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

⁸⁰ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Mar. 9, 2017). See also rule 6A-5.066, F.A.C.

⁸¹ Rule 6A-5.066, F.A.C.

⁸² Section 1012.98(1), F.S.

⁸³ Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.

⁸⁴ *Id.*

engagement, and meeting identified school needs.⁸⁵ 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.⁸⁶

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.⁸⁷ 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 in-service activities with follow-up support appropriate to accomplish district-level and school-level improvement goals and standards;
- 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 systematic 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;
- 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; and
- for middle grades, emphasize:
 - interdisciplinary planning, collaboration, and instruction;
 - alignment of curriculum and instructional materials to the state academic standards; and
 - 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.⁸⁸

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.⁸⁹

Teacher Mentoring and Induction

Teacher induction programs “aim to improve the performance and retention of new hires and to enhance the skills and prevent the loss of new teachers with the ultimate goal of improving students’ growth and learning.”⁹⁰ Data show that recent concerns over staffing shortages are primarily related to retaining new teachers rather than recruiting them, as beginning teachers leave the profession at a higher clip than experienced ones or teachers who retire.⁹¹ Beginning teachers who leave the profession often report a lack of adequate administrative support as a motivating factor.⁹² This has led

⁸⁵ Section 1012.98(11), F.S.

⁸⁶ Section 1012.98(7), F.S.

⁸⁷ Section 1012.98(4)(b), F.S.

⁸⁸ Section 1012.98(4)(b), F.S.

⁸⁹ Section 1012.98(9), F.S.

⁹⁰ RICHARD INGERSOLL, *Beginning Teacher Induction: What the Data Tell Us*,

http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

⁹¹ *See id.*

⁹² *Id.*

to a significant portion of the teacher workforce consisting more of beginning teachers as well as an increase in participation in teacher induction programs.⁹³ However, there is great variation in the quality of induction opportunities offered to new teachers between states and school districts.⁹⁴

Generally, teacher induction has a positive effect on retaining new teachers. Further, participation in certain activities is correlated with higher rates of retention, including having a peer mentor in the subject area and having common planning time.⁹⁵

Florida law has no provisions related to new teacher induction other than requiring the assignment of a peer mentor as part of a district program.⁹⁶ Although a peer mentor must hold a valid professional certificate, have at least 3 years of teaching experience in prekindergarten through grade 12, and have a rating of effective or highly effective on the prior year's performance evaluation,⁹⁷ the law does not expressly establish mentor training and mentoring activities requirements.

Effect of Proposed Changes

To help districts recruit and retain new teachers, the bill enhances requirements for the peer mentor component of a district program and establishes a mentorship and induction-based pathway to a professional educator certificate. Under the bill, a temporary certificate holder who completes a DOE-approved district program and who has a highly effective district performance evaluation rating will receive a professional certificate without having to sit for additional coursework or take the Professional Education Test (PET).

The bill requires that the mentorship and induction component of a district's professional development certification program, at a minimum, provide weekly opportunities for mentoring and induction activities, including:

- common planning time;
- ongoing professional development targeted to a mentee teacher's needs;
- opportunities to observe other teachers;
- co-teaching experiences; and
- reflection and follow-up discussions.

The bill requires that the mentorship and induction activities must be provided for the teacher's first year in the program and may be provided until the teacher attains his or her professional certificate. The bill requires that a principal who is rated highly effective must be provided flexibility in selecting professional development activities for the mentorship and induction component so long as they are approved by the DOE.

The bill allows charter schools and charter management organizations to offer a DOE-approved professional development certification program.

The bill requires the DOE to adopt standards for the approval of professional development certification programs, including standards for the teacher mentorship and induction component, by December 31, 2017. The standards for the teacher mentorship and induction component must include:

- program administration and evaluation;

⁹³ *See id.*

⁹⁴ *See id.* See also The New Teacher Center, *Support from the Start: A 50-State Review of Policies on New Educator Induction and Mentoring* (2016) at iii-iv, available at <https://newteachercenter.org/wp-content/uploads/2016ExecSummaryStatePolicies.pdf>.

⁹⁵ See RICHARD INGERSOLL, *Beginning Teacher Induction: What the Data Tell Us*, http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

⁹⁶ See s. 1012.56(8)(a)3., F.S.

⁹⁷ *Id.* School district personnel evaluation systems differentiate among four levels of performance: Highly Effective; Effective; Needs improvement (or Developing for instructional personnel in their first 3 years of employment who need improvement); and Unsatisfactory. Section 1012.34(2)(e), F.S.

- mentor roles, selection, and training;
- beginning teacher assessment and professional development; and
- teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices.

Each school district, charter school, or charter management organization, wishing to provide a professional development certification program must submit its program, including the teacher mentorship and induction component, to the DOE for approval no later than June 30, 2018. Beginning January 1, 2019, a teacher may not satisfy requirements for a professional certificate through a professional development certification program unless the program has been approved by the DOE. As a result, teachers can complete the requirements for a professional certificate based on current program requirements through December 31, 2018, at the latest.

The bill allows participation in a district program as a mentor or a mentee to count toward a teacher's inservice specialization requirements for renewal of a professional certificate. The bill also requires each district professional development system to provide inservice activities and support targeted to the individual needs of teachers participating in the district program.

The bill requires professional development activities designed to implement the School Community Professional Development Act to provide training to mentors as part of the district program. The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the DOE. The bill requires model professional development programs disseminated by the DOE to include effective mentorship activities to new teachers and training to mentors.

The bill also streamlines the temporary certificate application process by requiring the DOE to electronically issue a temporary certificate to a qualifying applicant within 14 calendar days after it receives a request from the applicant's employing school district or private school. The DOE must also electronically provide an official statement of status of eligibility at the time the certificate is issued. The statement must include each method by which an applicant can complete the qualifications for a professional certificate.

B. SECTION DIRECTORY:

Section 1. Creates s. 1003.631, F.S.; creating the Schools of Excellence Program; providing for designation as a School of Excellence; providing requirements for a School of Excellence; providing for redesignation; authorizing Schools of Excellence to have specified administrative flexibilities; authorizing certain teachers to earn a professional certificate by completing a specified program.

Section 2. Amends s. 1012.56, F.S.; requiring the Department of Education to issue a temporary educator certificate within a specified period; requiring the department to provide electronic notice of the issuance of a temporary certificate to specified entities; requiring the department to provide the applicant an official statement of status of eligibility upon issuance of a temporary certificate; providing content requirements for the statement of status of eligibility; revising the criteria instructional personnel must meet to be issued a professional certificate; providing that an applicant for professional certification is not required to take or pass a specified examination under certain circumstances; authorizing charter schools and charter management organizations to develop a professional development certification and education competency program; revising program requirements; requiring the department to adopt standards for the approval of such programs by a specified date; providing requirements for such standards; requiring each school district and charter school to submit its program for approval by a specified date; providing that certification requirements may not be met in a program that is not approved by the department after a specified date.

Section 3. Amends s. 1012.585, F.S.; revising college credit and inservice hour requirements for renewal of a professional certificate to include participation in specified activities.

Section 4. Amends s. 1012.98, F.S.; revising the activities designed to implement the school community professional development act to include specified training relating to a professional development certification and education competency program; revising requirements for school district professional development systems; requiring the department to disseminate professional development programs that meet specified criteria.

Section 5. 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:

The bill may result in cost savings to teachers who participate in a professional development certification program because they would not be required to enroll in additional college coursework or take the Professional Education Test to earn their professional certificate.

D. FISCAL COMMENTS:

While the Department of Education indicated an additional FTE would be required to review and approve districts' professional development certification programs, insufficient data was provided to substantiate the request.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 14, 2017, the bill was amended and reported favorably by the PreK-12 Quality Subcommittee as a committee substitute. The two amendments:

- include calculation of class size at the school level, rather than classroom level, as an additional flexibility for a School of Excellence;
- clarify that the exemption from a minimum period of instruction applies only to reading; and
- delete a provision granting autonomy to principals newly assigned to a "D" or "F" school.

The bill analysis is drafted to the bill as amended.

26 development certification and education competency
 27 program; revising program requirements; requiring the
 28 department to adopt standards for the approval of such
 29 programs by a specified date; providing requirements
 30 for such standards; requiring each school district and
 31 charter school to submit its program for approval by a
 32 specified date; providing that certification
 33 requirements may not be met in a program that is not
 34 approved by the department after a specified date;
 35 amending s. 1012.585, F.S.; revising college credit
 36 and inservice hour requirements for renewal of a
 37 professional certificate to include participation in
 38 specified activities; amending s. 1012.98, F.S.;
 39 revising the activities designed to implement the
 40 school community professional development act to
 41 include specified training relating to a professional
 42 development certification and education competency
 43 program; revising requirements for school district
 44 professional development systems; requiring the
 45 department to disseminate professional development
 46 programs that meet specified criteria; providing an
 47 effective date.

48
 49 Be It Enacted by the Legislature of the State of Florida:
 50

51 Section 1. Section 1003.631, Florida Statutes, is created
 52 to read:

53 1003.631 Schools of Excellence.—The Schools of Excellence
 54 Program is established to provide administrative flexibility to
 55 the state's top schools so that the instructional personnel and
 56 administrative staff at such schools can continue to serve their
 57 communities and increase student learning to the best of their
 58 professional ability.

59 (1) DESIGNATION.—

60 (a) The State Board of Education shall designate a school
 61 as a School of Excellence if the school's percentage of possible
 62 points earned in its school grade calculation is in the 80th
 63 percentile or higher for schools comprised of the same grade
 64 groupings, including elementary schools, middle schools, high
 65 schools, and schools with a combination of grade levels, for at
 66 least 2 of the last 3 school years. The school must have data
 67 for each applicable school grade component pursuant to s.
 68 1008.34(3) to be eligible for designation as a School of
 69 Excellence. A qualifying school shall retain the designation as
 70 a School of Excellence for up to 3 years, at the end of which
 71 time the school may renew the designation, if:

72 1. The school was in the 80th percentile or higher
 73 pursuant to this subsection for 2 of the previous 3 years; and

74 2. The school did not receive a school grade lower than
 75 "B" pursuant to s. 1008.34 during any of the previous 3 years.

76 (b) A school that earns a school grade lower than "B"
 77 pursuant to s. 1008.34 during the 3-year period may not continue
 78 to be designated as a School of Excellence during the remainder
 79 of that 3-year period and loses the administrative flexibilities
 80 provided in subsection (2).

81 (2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence
 82 must be provided the following administrative flexibilities:

83 (a) Exemption from any provision of law or rule that
 84 expressly requires a minimum period of daily or weekly
 85 instruction in reading.

86 (b) Principal autonomy as provided under s. 1012.28(8).

87 (c) For instructional personnel, the substitution of 1
 88 school year of employment at a School of Excellence for 20
 89 inservice points toward the renewal of a professional
 90 certificate, up to 60 inservice points in a 5-year cycle,
 91 pursuant to s. 1012.585(3).

92 (d) Exemption from compliance with district policies or
 93 procedures that establish times for the start and completion of
 94 the school day.

95 (e) Calculation for compliance with maximum class size
 96 pursuant to s. 1003.03(4) based on the average number of
 97 students at the school level.

98 (3) TEACHER CERTIFICATION.—A temporary certificateholder
 99 under s. 1012.56(7)(b) who is employed by a School of Excellence
 100 may earn a professional certificate by meeting the requirements

101 | of s. 1012.56(7)(a)3.

102 | Section 2. Paragraph (c) of subsection (8) of section
 103 | 1012.56, Florida Statutes, is redesignated as paragraph (d),
 104 | subsection (1), paragraph (a) of subsection (7), and paragraph
 105 | (a) of subsection (8) are amended, and a new paragraph (c) is
 106 | added to subsection (8) of that section, to read:

107 | 1012.56 Educator certification requirements.—

108 | (1) APPLICATION.—Each person seeking certification
 109 | pursuant to this chapter shall submit a completed application
 110 | containing the applicant's social security number to the
 111 | Department of Education and remit the fee required pursuant to
 112 | s. 1012.59 and rules of the State Board of Education. Pursuant
 113 | to the federal Personal Responsibility and Work Opportunity
 114 | Reconciliation Act of 1996, each party is required to provide
 115 | his or her social security number in accordance with this
 116 | section. Disclosure of social security numbers obtained through
 117 | this requirement is limited to the purpose of administration of
 118 | the Title IV-D program of the Social Security Act for child
 119 | support enforcement.

120 | (a) Pursuant to s. 120.60, the department shall issue
 121 | within 90 calendar days after the stamped receipted date of the
 122 | completed application+.

123 | ~~(a) If the applicant meets the requirements,~~ a professional
 124 | certificate to a qualifying applicant covering the
 125 | classification, level, and area for which the applicant is

126 deemed qualified and a document explaining the requirements for
 127 renewal of the professional certificate.

128 (b) The department shall issue a temporary certificate to
 129 a qualifying applicant within 14 calendar days after receipt of
 130 a request from ~~if the applicant meets the requirements and if~~
 131 ~~requested by~~ an employing school district or an employing
 132 private school with a professional education competence
 133 demonstration program pursuant to paragraphs (6) (f) and (8) (b).
 134 The, ~~a~~ temporary certificate must cover ~~covering~~ the
 135 classification, level, and area for which the applicant is
 136 deemed qualified. The department shall electronically notify the
 137 applicant's employing school district or employing private
 138 school that the temporary certificate has been issued and
 139 provide the applicant an official statement of status of
 140 eligibility at the time the certificate is issued. ~~and an~~
 141 ~~official statement of status of eligibility; or~~

142 (c) Pursuant to s. 120.60, the department shall issue
 143 within 90 calendar days after the stamped receipted date of the
 144 completed application, if an applicant does not meet the
 145 requirements for either certificate, an official statement of
 146 status of eligibility.

147
 148 The statement of status of eligibility must be provided
 149 electronically and must advise the applicant of any
 150 qualifications that must be completed to qualify for

151 | certification. Each method by which an applicant can complete
 152 | the qualifications for a professional certificate must be
 153 | included in the statement of status of eligibility. Each
 154 | statement of status of eligibility is valid for 3 years after
 155 | its date of issuance, except as provided in paragraph (2)(d).

156 | (7) TYPES AND TERMS OF CERTIFICATION.—

157 | (a) The Department of Education shall issue a professional
 158 | certificate for a period not to exceed 5 years to any applicant
 159 | who fulfills one of the following:

160 | 1. Meets all the requirements outlined in subsection (2).

161 | 2. ~~or~~ For a professional certificate covering grades 6
 162 | through 12, ~~any applicant who:~~

163 | a.1. Meets the requirements of paragraphs (2)(a)-(h).

164 | b.2. Holds a master's or higher degree in the area of
 165 | science, technology, engineering, or mathematics.

166 | c.3. Teaches a high school course in the subject of the
 167 | advanced degree.

168 | d.4. Is rated highly effective as determined by the
 169 | teacher's performance evaluation under s. 1012.34, based in part
 170 | on student performance as measured by a statewide, standardized
 171 | assessment or an Advanced Placement, Advanced International
 172 | Certificate of Education, or International Baccalaureate
 173 | examination.

174 | e.5. Achieves a passing score on the Florida professional
 175 | education competency examination required by state board rule.

176 3. Meets the requirements of paragraphs (2) (a)-(h) and
 177 completes a professional preparation and education competence
 178 program approved by the department pursuant to paragraph (8) (c).
 179 An applicant who completes the program and is rated highly
 180 effective as determined by his or her performance evaluation
 181 under s. 1012.34 is not required to take or achieve a passing
 182 score on the professional education competency examination in
 183 order to be awarded a professional certificate.

184
 185 Each temporary certificate is valid for 3 school fiscal years
 186 and is nonrenewable. However, the requirement in paragraph
 187 (2) (g) must be met within 1 calendar year of the date of
 188 employment under the temporary certificate. Individuals who are
 189 employed under contract at the end of the 1 calendar year time
 190 period may continue to be employed through the end of the school
 191 year in which they have been contracted. A school district shall
 192 not employ, or continue the employment of, an individual in a
 193 position for which a temporary certificate is required beyond
 194 this time period if the individual has not met the requirement
 195 of paragraph (2) (g). The State Board of Education shall adopt
 196 rules to allow the department to extend the validity period of a
 197 temporary certificate for 2 years when the requirements for the
 198 professional certificate, not including the requirement in
 199 paragraph (2) (g), were not completed due to the serious illness
 200 or injury of the applicant or other extraordinary extenuating

201 | circumstances. The department shall reissue the temporary
 202 | certificate for 2 additional years upon approval by the
 203 | Commissioner of Education. A written request for reissuance of
 204 | the certificate shall be submitted by the district school
 205 | superintendent, the governing authority of a university lab
 206 | school, the governing authority of a state-supported school, or
 207 | the governing authority of a private school.

208 | (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 209 | COMPETENCY PROGRAM.—

210 | (a) The Department of Education shall develop and each
 211 | school district, charter school, and charter management
 212 | organization may provide a cohesive competency-based
 213 | professional development certification and education competency
 214 | program by which ~~members of a school district's~~ instructional
 215 | staff may satisfy the mastery of professional preparation and
 216 | education competence requirements specified in subsection (6)
 217 | and rules of the State Board of Education. Participants must
 218 | hold a state-issued temporary certificate. A school district,
 219 | charter school, or charter management organization that
 220 | implements the program shall provide a competency-based
 221 | certification program developed by the Department of Education
 222 | or developed by the district, charter school, or charter
 223 | management organization and approved by the Department of
 224 | Education. The program shall include the following:

- 225 | 1. A minimum period of initial preparation before assuming

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

226 duties as the teacher of record.

227 2. An option for collaboration with ~~between school~~
 228 ~~districts and~~ other supporting agencies or educational entities
 229 for implementation.

230 3. A teacher mentorship and induction ~~An experienced peer-~~
 231 ~~mentor~~ component.

232 a. Each individual selected by the district as a ~~peer~~
 233 mentor:

234 I. Must hold a valid professional certificate issued
 235 pursuant to this section;;

236 II. Must have earned at least 3 years of teaching
 237 experience in prekindergarten through grade 12;;~~and~~

238 III. Must have completed specialized training in clinical
 239 supervision and participate in ongoing mentor training provided
 240 through the coordinated system of professional development under
 241 s. 1012.98(3)(e);

242 IV. Must have earned an effective or highly effective
 243 rating on the prior year's performance evaluation under s.
 244 1012.34; and

245 V. May ~~or~~ be a peer evaluator under the district's
 246 evaluation system approved under s. 1012.34.

247 b. The teacher mentorship and induction component must, at
 248 a minimum, provide weekly opportunities for mentoring and
 249 induction activities, including common planning time, ongoing
 250 professional development targeted to a teacher's needs,

251 opportunities for a teacher to observe other teachers, co-
 252 teaching experiences, and reflection and followup discussions.
 253 Mentorship and induction activities must be provided for an
 254 applicant's first year in the program and may be provided until
 255 the applicant attains his or her professional certificate in
 256 accordance with this section. A principal who is rated highly
 257 effective as determined by his or her performance evaluation
 258 under s. 1012.34 must be provided flexibility in selecting
 259 professional development activities under this paragraph;
 260 however, the activities must be approved by the department as
 261 part of the district's, charter school's, or charter management
 262 organization's program.

263 4. An assessment of teaching performance aligned to the
 264 district's system for personnel evaluation under s. 1012.34
 265 which provides for:

266 a. An initial evaluation of each educator's competencies
 267 to determine an appropriate individualized professional
 268 development plan.

269 b. A summative evaluation to assure successful completion
 270 of the program.

271 5. Professional education preparation content knowledge,
 272 which must be included in the mentoring and induction activities
 273 under subparagraph 3., that includes, but is not limited to, the
 274 following:

275 a. The state standards provided under s. 1003.41,

276 including scientifically based reading instruction, content
 277 literacy, and mathematical practices, for each subject
 278 identified on the temporary certificate.

279 b. The educator-accomplished practices approved by the
 280 state board.

281 c. A variety of data indicators for monitoring student
 282 progress.

283 d. Methodologies for teaching students with disabilities.

284 e. Methodologies for teaching students of limited English
 285 proficiency appropriate for each subject area identified on the
 286 temporary certificate.

287 f. Techniques and strategies for operationalizing the role
 288 of the teacher in assuring a safe learning environment for
 289 students.

290 6. Required achievement of passing scores on the subject
 291 area and professional education competency examination required
 292 by State Board of Education rule. Mastery of general knowledge
 293 must be demonstrated as described in subsection (3).

294 (c) No later than December 31, 2017, the department shall
 295 adopt standards for the approval of professional development
 296 certification and education competency programs, including
 297 standards for the teacher mentorship and induction component,
 298 under paragraph (a). Standards for the teacher mentorship and
 299 induction component must include program administration and
 300 evaluation; mentor roles, selection, and training; beginning

301 teacher assessment and professional development; and teacher
 302 content knowledge and practices aligned to the Florida Educator
 303 Accomplished Practices. Each school district or charter school
 304 with a program under this subsection must submit its program,
 305 including the teacher mentorship and induction component, to the
 306 department for approval no later than June 30, 2018. After
 307 December 31, 2018, a teacher may not satisfy requirements for a
 308 professional certificate through a professional development
 309 certification and education competency program under paragraph
 310 (a) unless the program has been approved by the department
 311 pursuant to this paragraph.

312 Section 3. Paragraph (a) of subsection (3) of section
 313 1012.585, Florida Statutes, is amended to read:

314 1012.585 Process for renewal of professional
 315 certificates.—

316 (3) For the renewal of a professional certificate, the
 317 following requirements must be met:

318 (a) The applicant must earn a minimum of 6 college credits
 319 or 120 inservice points or a combination thereof. For each area
 320 of specialization to be retained on a certificate, the applicant
 321 must earn at least 3 of the required credit hours or equivalent
 322 inservice points in the specialization area. Education in
 323 "clinical educator" training pursuant to s. 1004.04(5)(b);
 324 participation in mentorship and induction activities, including
 325 as a mentor, pursuant to s. 1012.56(8)(a); and credits or points

326 that provide training in the area of scientifically researched,
 327 knowledge-based reading literacy and computational skills
 328 acquisition, exceptional student education, normal child
 329 development, and the disorders of development may be applied
 330 toward any specialization area. Credits or points that provide
 331 training in the areas of drug abuse, child abuse and neglect,
 332 strategies in teaching students having limited proficiency in
 333 English, or dropout prevention, or training in areas identified
 334 in the educational goals and performance standards adopted
 335 pursuant to ss. 1000.03(5) and 1008.345 may be applied toward
 336 any specialization area. Credits or points earned through
 337 approved summer institutes may be applied toward the fulfillment
 338 of these requirements. Inservice points may also be earned by
 339 participation in professional growth components approved by the
 340 State Board of Education and specified pursuant to s. 1012.98 in
 341 the district's approved master plan for inservice educational
 342 training, including, but not limited to, serving as a trainer in
 343 an approved teacher training activity, serving on an
 344 instructional materials committee or a state board or commission
 345 that deals with educational issues, or serving on an advisory
 346 council created pursuant to s. 1001.452.

347 Section 4. Paragraph (e) is added to subsection (3) of
 348 section 1012.98, Florida Statutes, and paragraph (b) of
 349 subsection (4) and subsections (10) and (11) are amended, to
 350 read:

351 | 1012.98 School Community Professional Development Act.—

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

354 | (e) Provide training to teacher mentors as part of the
355 | professional development certification and education competency
356 | program under s. 1012.56(8) (a). The training must include
357 | components on teacher development, peer coaching, time
358 | management, and other related topics as determined by the
359 | Department of Education.

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

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

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

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

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

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

395 4. Provide inservice activities and support targeted to
 396 the individual needs of new teachers participating in the
 397 professional development certification and education competency
 398 program under s. 1012.56(8)(a).

399 5.4. Include a master plan for inservice activities,
 400 pursuant to rules of the State Board of Education, for all

401 | district employees from all fund sources. The master plan shall
 402 | be updated annually by September 1, must be based on input from
 403 | teachers and district and school instructional leaders, and must
 404 | use the latest available student achievement data and research
 405 | to enhance rigor and relevance in the classroom. Each district
 406 | inservice plan must be aligned to and support the school-based
 407 | inservice plans and school improvement plans pursuant to s.
 408 | 1001.42(18). Each district inservice plan must provide a
 409 | description of the training that middle grades instructional
 410 | personnel and school administrators receive on the district's
 411 | code of student conduct adopted pursuant to s. 1006.07;
 412 | integrated digital instruction and competency-based instruction
 413 | and CAPE Digital Tool certificates and CAPE industry
 414 | certifications; classroom management; student behavior and
 415 | interaction; extended learning opportunities for students; and
 416 | instructional leadership. District plans must be approved by the
 417 | district school board annually in order to ensure compliance
 418 | with subsection (1) and to allow for dissemination of research-
 419 | based best practices to other districts. District school boards
 420 | must submit verification of their approval to the Commissioner
 421 | of Education no later than October 1, annually. Each school
 422 | principal may establish and maintain an individual professional
 423 | development plan for each instructional employee assigned to the
 424 | school as a seamless component to the school improvement plans
 425 | developed pursuant to s. 1001.42(18). An individual professional

426 development plan must be related to specific performance data
 427 for the students to whom the teacher is assigned, define the
 428 inservice objectives and specific measurable improvements
 429 expected in student performance as a result of the inservice
 430 activity, and include an evaluation component that determines
 431 the effectiveness of the professional development plan.

432 ~~6.5.~~ Include inservice activities for school
 433 administrative personnel that address updated skills necessary
 434 for instructional leadership and effective school management
 435 pursuant to s. 1012.986.

436 ~~7.6.~~ Provide for systematic consultation with regional and
 437 state personnel designated to provide technical assistance and
 438 evaluation of local professional development programs.

439 ~~8.7.~~ Provide for delivery of professional development by
 440 distance learning and other technology-based delivery systems to
 441 reach more educators at lower costs.

442 ~~9.8.~~ Provide for the continuous evaluation of the quality
 443 and effectiveness of professional development programs in order
 444 to eliminate ineffective programs and strategies and to expand
 445 effective ones. Evaluations must consider the impact of such
 446 activities on the performance of participating educators and
 447 their students' achievement and behavior.

448 ~~10.9.~~ For middle grades, emphasize:

449 a. Interdisciplinary planning, collaboration, and
 450 instruction.

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

453 c. Use of small learning communities; problem-solving,
454 inquiry-driven research and analytical approaches for students;
455 strategies and tools based on student needs; competency-based
456 instruction; integrated digital instruction; and project-based
457 instruction.

458

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

463 (10) For instructional personnel and administrative
464 personnel who have been evaluated as less than effective, a
465 district school board shall require participation in specific
466 professional development programs as provided in subparagraph
467 (4) (b) 5. ~~(4) (b) 4.~~ as part of the improvement prescription.

468 (11) The department shall disseminate to the school
469 community proven model professional development programs that
470 have demonstrated success in increasing rigorous and relevant
471 content, increasing student achievement and engagement, ~~and~~
472 meeting identified student needs, and providing effective
473 mentorship activities to new teachers and training to teacher
474 mentors. The methods of dissemination must include a web-based
475 statewide performance-support system including a database of

476 | exemplary professional development activities, a listing of
477 | available professional development resources, training programs,
478 | and available technical assistance.

479 | Section 5. This act shall take effect July 1, 2017.

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: PreK-12 Appropriations
 2 Subcommittee

3 Representative Raburn offered the following:

4



5 **Amendment**

6 Remove lines 80-84 and insert:

7 competency in civic literacy through successful completion of a
 8 civic literacy course. The chair of the State

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7057 PCB PKQ 17-01 Civic Literacy
SPONSOR(S): PreK-12 Quality Subcommittee, Raburn
TIED BILLS: IDEN./SIM. **BILLS:** SB 1710

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Quality Subcommittee	15 Y, 0 N	Brink	Duncan
1) PreK-12 Appropriations Subcommittee		Seifert 	Potvin 
2) Education Committee			

SUMMARY ANALYSIS

Civic literacy is recognized as integral to the maintenance and improvement of constitutional democracy in the United States. Florida law incorporates several aspects of civic instruction into the public education system, including:

- academic standards for civics at all grade levels K-12;
- required instruction on the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government;
- civics and U.S. government course requirements in middle school and high school, respectively;
- a civics end-of-course assessment that constitutes 30 percent of a student's final grade for the middle grades civics course; and
- Celebrate Freedom Week, during which public school students must receive specified instruction on the Declaration of Independence and recite the Declaration at the beginning of each school day.

Currently, there are no civics education requirements for students enrolled in public postsecondary institutions in Florida.

To bolster civics instruction in Florida and prepare students to be civically engaged, knowledgeable adults, the bill:

- designates the month of September as "American Founders' Month" and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month;
- encourages all public schools to coordinate instruction on the founding fathers with "American Founders' Month;"
- requires the Just Read, Florida! Office to develop sequenced, content-rich programming to help elementary schools incorporate social studies, science, and fine arts content into literacy skills instruction;
- provides that it is a priority of the K-20 public education system to prepare students to become civically engaged and knowledgeable adults who make positive contributions to their community;
- requires students entering a Florida College System or State University System institution in 2018-2019 or thereafter to demonstrate competence in civic literacy either through a general education civics course or by passing an assessment adopted by the State Board of Education (SBE) or the Board of Governors (BOG); and
- requiring the chairs of the SBE and BOG to jointly appoint a faculty committee to:
 - develop a new course in civic literacy or revise an existing general education core course; and
 - establish competencies and identify outcomes for the course.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h7057.PKA.DOCX

DATE: 3/13/2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Required Instruction

Florida law requires each district school board to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government.¹ The law also requires districts to provide a character-development program in kindergarten through grade 12. Each school district must develop or adopt a curriculum for its K-12 character-development program and submit it to the Department of Education for approval.² The curriculum must “stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation.”³ For grades 9-12, the character-development program must include instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.⁴

Civics Instruction

Currently, Florida’s Next Generation Sunshine State Standards for social studies include civics content in kindergarten through grade 8 and in grades 9-12.⁵ The standards were initially adopted after a review process in 2008 and then revised in 2014 by the State Board of Education (SBE).⁶

Each middle grades student must successfully complete three middle school or higher courses in social studies in order to be promoted to high school.⁷ One semester of the three courses must be in civics. Students enrolled in the civics course must take the statewide Civics end-of-course (EOC) assessment. The Civics EOC assessment, which was administered initially in the 2012-2013 school year, counts toward 30 percent of the student’s course grade; however, students are not required to pass the assessment in order to be promoted. Results from the assessment are included in the school grades calculation for middle schools.⁸

The percentage of 7th grade students achieving a Level 3 (passing score) or a Level 4 on the Civics EOC assessment has steadily increased since the 2013-14 school year.⁹

¹ Section 1003.42(2)(a)-(d), F.S.

² Section 1003.42(2)(s), F.S.

³ *Id.*

⁴ *Id.*

⁵ See CPALMS, *Browse and Search Standards*, <http://www.cpalms.org/Public/search/Standard> (last visited Feb. 27, 2017) (providing the Next Generation Sunshine State Standards for each subject area, by grade level).

⁶ See rule 6A-1.09401, F.A.C. See also Lou Frey Institute, *Civic Education in Florida: hearing before the House PreK-12 Quality Subcommittee* (Feb. 15, 2017), available at

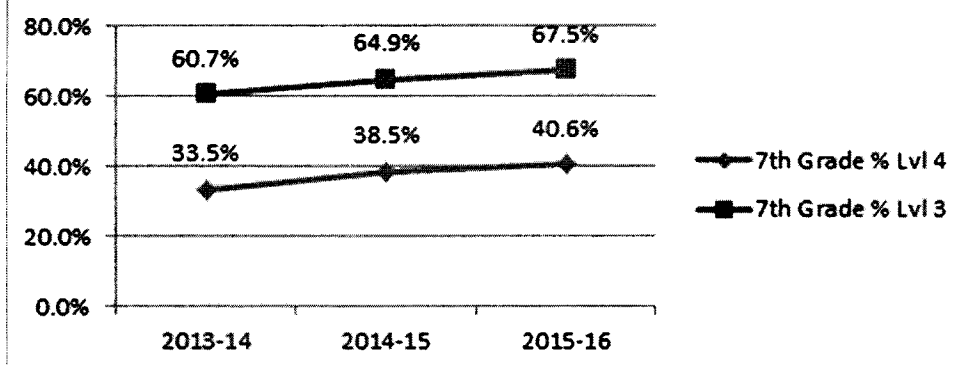
<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

⁷ Section 1003.4156(1)(c), F.S.

⁸ See ss. 1003.4156(1)(c), 1008.34(3)(b)1.i., F.S.

⁹ Florida Department of Education, PK-12 Education Information Portal: *Civics EOC*, <https://edstats.fldoe.org/SASPortal/public> (last visited Feb. 27, 2017).

7th Grade Civics EOC Assessment Performance



In addition to the middle grades civics requirement, each public high school student must earn a one-half course credit each in U.S. Government and economics, including financial literacy, and one credit each in World History and U.S. History.¹⁰ Like middle grades Civics, the U.S. History course includes an EOC assessment that counts as 30 percent of a student's final course grade.¹¹

Although the law provides for civics-related academic standards and promotion and graduation requirements, there is no postsecondary civics course requirement in Florida.¹² Currently, students entering postsecondary education at a Florida College System (FCS) or State University System (SUS) institution must complete at least one social sciences course as part of the general education core course requirement.¹³ The six courses that students can select to satisfy the social sciences requirement include:

- American History;
- Government;
- Economics;
- Anthropology;
- Sociology; and
- Psychology.¹⁴

Of the FCS and SUS students who took a general education core course in social sciences in the 2014-2015 school year, only 16 percent took Government. The most popular social sciences course was Psychology, in which 35 percent of the students enrolled.¹⁵ Currently, only nine states have postsecondary civics education requirements, including Texas, Oklahoma, Utah, Arkansas, California, Georgia, Massachusetts, Missouri, and Nevada.¹⁶

¹⁰ Section 1003.4282(3)(d), F.S.

¹¹ *Id.*

¹² Office of Program Policy Analysis and Government Accountability, *OPPAGA Research on Postsecondary Civics Education: hearing before the House PreK-12 Quality Subcommittee* (Feb. 15, 2017), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

¹³ See s. 1007.25(3), F.S.

¹⁴ See rule 6A-14.0303(1)(e), F.A.C. (establishing FCS general core course options for social sciences); Florida Board of Governors Regulation 8.005(1)(e) (establishing SUS general core course options for social sciences).

¹⁵ Office of Program Policy Analysis and Government Accountability, *OPPAGA Research on Postsecondary Civics Education: hearing before the House PreK-12 Quality Subcommittee* (Feb. 15, 2017), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

¹⁶ See *id.*

Without a postsecondary requirement for demonstrating competence in civics, little data exists on the effectiveness of K-12 civics instruction and accountability initiatives.

Background Knowledge

Research has shown that a student’s background knowledge—the prior knowledge students need to master new ideas—is positively correlated with his or her ability to comprehend text, remember new concepts, and solve problems.¹⁷ This is because a person with a broad depth of background knowledge and a knowledge-related vocabulary can successfully make the necessary inferences to understand texts, express viewpoints, and apply knowledge.¹⁸ Generally, the earlier children develop a large vocabulary, the greater their reading comprehension will be in later grades. Because developing a vocabulary is a gradual process, it must begin in early grades to put students in a position for reading success.¹⁹

Studies have shown that K-3 teachers spend only 16 minutes on social studies each day, with daily science instruction receiving 19 minutes. The difference in time spent on instruction in literacy skills as compared to science and social studies instruction has been associated with students’ decreased reading comprehension.²⁰

Average Number of Minutes per Day Spent Teaching Each Subject in Self-Contained Classes, by Grades		
	Grades K-3	Grades 4-6
Reading/Language Arts	89 mins.	83 mins.
Mathematics	54 mins.	61 mins.
Science	19 mins.	24 mins.
Social Studies	16 mins.	21 mins.

Only teachers who indicated they teach reading/language arts, mathematics, science and social studies to one class of students were included in these analyses.

21

Some districts, such as the Washington D.C. public school system, have adopted English language arts scope and sequence guides to help integrate information-rich texts covering social studies, science, and literary content in order to gradually develop a broad base of student knowledge.²² The State of New York has adopted a model Core Knowledge Language Arts curriculum to help local districts increase background knowledge and literacy skills for students in kindergarten through grade 2.²³ Students in New York classrooms that participated in a 3-year pilot program using the curriculum

¹⁷ Daniel Wilingham, *How Knowledge Helps*, <http://www.aft.org/periodical/american-educator/spring-2006/how-knowledge-helps> (last visited Feb. 28, 2017).

¹⁸ See Doug Lemov, *How Knowledge Powers Reading*, <http://www.ascd.org/publications/educational-leadership/feb17/vol74/num05/How-Knowledge-Powers-Reading.aspx> (last visited Feb. 28, 2017). See also E.D. Hirsch, Jr., *Building Knowledge: The Case for Bringing Content into the Language Arts Block and for a Knowledge-Rich Curriculum Core for all Children*, <http://www.aft.org/periodical/american-educator/spring-2006/building-knowledge> (last visited Feb. 28, 2017).

¹⁹ See *id.*

²⁰ Knowledge Matters Campaign, *Restoring Wonder and Excitement to the Classroom* (2012) at 5, available at <http://knowledgematterscampaign.org/wp-content/uploads/2016/03/WhyKnowledgeMatters-1.pdf>.

²¹ *Id.* at 5.

²² See, e.g., District of Columbia Public Schools, *Scope and Sequence: Fifth Grade* (2014), available at <http://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/SY14-15%20ELA%20Grade%205%20SAS.pdf>.

²³ New York State Education Department, *New York State ELA Curriculum*, <https://www.engageny.org/english-language-arts> (last visited Feb. 28, 2017).

were shown to have greater gains in reading, science, and social studies than students in comparison schools.²⁴

Just Read, Florida! Office

In 2001, Florida Governor Jeb Bush established the Just Read, Florida! initiative, which aimed at helping students become successful, independent readers.²⁵ The Legislature formally created the Just Read, Florida! Office within the Department of Education in 2006.²⁶

Among other things, the Office must:

- create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas;
- train K-12 teachers and school principals on effective content-area-specific reading strategies (these strategies must be developed for all content areas in the K-12 curriculum-- for secondary teachers, emphasis must be on technical text);
- provide parents with information and strategies for assisting their children in reading in the content area;
- work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies;
- periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas; and
- work with initial teacher preparation programs to integrate research-based reading instructional strategies and reading in the content area instructional strategies into teacher preparation programs.²⁷

Effect of Proposed Changes

The bill designates the month of September as “American Founders’ Month” and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month. The bill encourages all public schools in the state to coordinate instruction related to the nation’s founding fathers with “American Founders’ Month.”

The bill revises the statutory priorities for Florida’s K-20 education system under s. 1000.03, F.S., to expressly state that it is a priority of the system to prepare students to become “civically engaged and knowledgeable adults who make positive contributions to their community.”

To help increase background knowledge and literacy skills, the bill requires the Just Read, Florida! Office to develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students’ background knowledge and literacy skills, including attainment of the Next Generation Sunshine State Standards in social studies, science, and the arts.

The bill also requires that, beginning with the 2018-2019 school year, students who enter a FCS or SUS institution for the first time demonstrate competency in civic literacy. Competency may be demonstrated either by completion of a civic literacy course or by passing an assessment adopted in state board rule or in Board of Governors (BOG) regulation depending on the type of institution in which the student is enrolled. The chair of the SBE and the chair of the BOG, or their respective designees, must jointly appoint a faculty committee to:

²⁴ The Core Knowledge Foundation, *The NYC Core Knowledge Early Literacy Pilot* (2012) at 13, available at http://www.coreknowledge.org/mimik/mimik_uploads/documents/712/CK%20Early%20Literacy%20Pilot%203%2012%2012.pdf.

²⁵ Exec. Order No. 01-260 (2001).

²⁶ Section 8, ch. 2006-74, L.O.F.

²⁷ Section 1001.215, F.S.

- develop a new course in civic literacy or revise an existing general education core course; and
- establish course competencies and identify outcomes that include, at a minimum:
 - an understanding of the basic principles of American democracy and how they are applied in our nation’s republican form of government;
 - an understanding of the U.S. Constitution;
 - knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance; and
 - an understanding of landmark Supreme Court cases and their impact on law and society.

B. SECTION DIRECTORY:

Section 1. Creates s. 683.1455, F.S., designating the month of September as American Founders’ Month.”

Section 2. Amends s. 1000.03, F.S., revising the priorities of Florida’s K-20 education system.

Section 3. Amends s. 1001.215, F.S., revising the duties of the Just Read, Florida! Office to including developing and providing access to certain resources for elementary schools.

Section 4. Amends s. 1003.44, F.S., encouraging districts to provide instruction on founding fathers during “American Founders’ Month.”

Section 5. Amends s. 1007.25, F.S., providing that postsecondary students must demonstrate competency in civic literacy; providing requirements for demonstrating competency in civic literacy; providing for the development of a new course or revision of an existing course in civic literacy; providing for the establishment of course competencies.

Section 6. Amends s. 943.22, F.S., conforming a cross reference.

Section 7. Amends s. 1001.64, F.S., conforming cross references.

Section 8. 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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE and the BOG to identify in rule and regulation, as applicable, one or more assessments that students can pass in order to demonstrate competency in civic literacy.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to civic literacy; creating s.
 3 683.1455, F.S.; designating the month of September
 4 annually as "American Founders' Month"; authorizing
 5 the Governor to annually issue a proclamation
 6 containing specified information; amending s. 1000.03,
 7 F.S.; revising the priorities of Florida's K-20
 8 education system to include civic literacy; amending
 9 s. 1001.215, F.S.; revising the duties of the Just
 10 Read, Florida! Office to include developing and
 11 providing access to certain resources for elementary
 12 schools; amending s. 1003.44, F.S.; encouraging public
 13 schools to coordinate certain instruction with
 14 American Founders' Month; amending s. 1007.25, F.S.;
 15 requiring postsecondary students to demonstrate
 16 competency in civic literacy and providing
 17 requirements therefor; providing for the appointment
 18 of a faculty committee; requiring the committee to
 19 develop or revise certain courses and establish
 20 specified course competencies; amending ss. 943.22 and
 21 1001.64, F.S.; conforming cross-references; providing
 22 an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
 25

26 Section 1. Section 683.1455, Florida Statutes, is created
27 to read:

28 683.1455 American Founders' Month.-

29 (1) The month of September of each year is designated as
30 "American Founders' Month."

31 (2) The Governor may annually issue a proclamation
32 designating the month of September as "American Founders' Month"
33 and urging all civic, fraternal, and religious organizations and
34 public and private educational institutions to recognize and
35 observe this occasion through appropriate programs, meetings,
36 services, or celebrations in which state, county, and local
37 governmental officials are invited to participate.

38 Section 2. Paragraphs (c) through (g) of subsection (5) of
39 section 1000.03, Florida Statutes, are redesignated as
40 paragraphs (d) through (h), respectively, and a new paragraph
41 (c) is added to that subsection to read:

42 1000.03 Function, mission, and goals of the Florida K-20
43 education system.-

44 (5) The priorities of Florida's K-20 education system
45 include:

46 (c) Civic literacy.-Students are prepared to become
47 civically engaged and knowledgeable adults who make positive
48 contributions to their communities.

49 Section 3. Subsections (4) through (11) of section
50 1001.215, Florida Statutes, are renumbered as subsections (5)

51 through (12), respectively, and a new subsection (4) is added to
 52 that section to read:

53 1001.215 Just Read, Florida! Office.—There is created in
 54 the Department of Education the Just Read, Florida! Office. The
 55 office shall be fully accountable to the Commissioner of
 56 Education and shall:

57 (4) Develop and provide access to sequenced, content-rich
 58 curriculum programming, instructional practices, and resources
 59 that help elementary schools use state-adopted instructional
 60 materials to increase students' background knowledge and
 61 literacy skills, including student attainment of the Next
 62 Generation Sunshine State Standards for social studies, science,
 63 and the arts.

64 Section 4. Subsection (3) is added to section 1003.44,
 65 Florida Statutes, to read:

66 1003.44 Patriotic programs; rules.—

67 (3) All public schools in the state, including charter
 68 schools, are encouraged to coordinate, at all grade levels,
 69 instruction related to our nation's founding fathers with
 70 "American Founders' Month" pursuant to s. 683.1455.

71 Section 5. Subsections (4) through (11) of section
 72 1007.25, Florida Statutes, are renumbered as subsections (5)
 73 through (12), respectively, and a new subsection (4) is added to
 74 that section to read:

75 1007.25 General education courses; common prerequisites;

76 other degree requirements.—

77 (4) Beginning with students initially entering a Florida
 78 College System institution or state university in the 2018-2019
 79 school year and thereafter, each student must demonstrate
 80 competency in civic literacy. Students must have the option to
 81 demonstrate competency through successful completion of a civic
 82 literacy course or by achieving a passing score on an assessment
 83 adopted in rule by the State Board of Education or in regulation
 84 by the Board of Governors, as applicable. The chair of the State
 85 Board of Education and the chair of the Board of Governors, or
 86 their respective designees, shall jointly appoint a faculty
 87 committee to:

88 (a) Develop a new course in civic literacy or revise an
 89 existing general education core course to include civic
 90 literacy.

91 (b) Establish course competencies and identify outcomes
 92 that include, at a minimum, an understanding of the basic
 93 principles of American democracy and how they are applied in our
 94 republican form of government, an understanding of the United
 95 States Constitution, knowledge of the founding documents and how
 96 they have shaped the nature and functions of our institutions of
 97 self-governance, and an understanding of landmark Supreme Court
 98 cases and their impact on law and society.

99 Section 6. Paragraph (c) of subsection (1) of section
 100 943.22, Florida Statutes, is amended to read:

101 943.22 Salary incentive program for full-time officers.—

102 (1) For the purpose of this section, the term:

103 (c) "Community college degree or equivalent" means
 104 graduation from an accredited community college or having been
 105 granted a degree pursuant to s. 1007.25(11) ~~s. 1007.25(10)~~ or
 106 successful completion of 60 semester hours or 90 quarter hours
 107 and eligibility to receive an associate degree from an
 108 accredited college, university, or community college.

109 Section 7. Subsection (7) and paragraph (d) of subsection
 110 (8) of section 1001.64, Florida Statutes, are amended to read:

111 1001.64 Florida College System institution boards of
 112 trustees; powers and duties.—

113 (7) Each board of trustees has responsibility for:
 114 ensuring that students have access to general education courses
 115 as identified in rule; requiring no more than 60 semester hours
 116 of degree program coursework, including 36 semester hours of
 117 general education coursework, for an associate in arts degree;
 118 notifying students that earned hours in excess of 60 semester
 119 hours may not be accepted by state universities; notifying
 120 students of unique program prerequisites; and ensuring that
 121 degree program coursework beyond general education coursework is
 122 consistent with degree program prerequisite requirements adopted
 123 pursuant to s. 1007.25(6) ~~s. 1007.25(5)~~.

124 (8) Each board of trustees has authority for policies
 125 related to students, enrollment of students, student records,

126 student activities, financial assistance, and other student
 127 services.

128 (d) Boards of trustees shall identify their general
 129 education curricula pursuant to s. 1007.25(7) ~~s. 1007.25(6)~~.

130 Section 8. This act shall take effect July 1, 2017.